



AMENDED AGENDA  
CITY OF OREM  
CITY COUNCIL MEETING  
56 North State Street, Orem, Utah  
October 27, 2015

*This meeting may be held electronically  
to allow a Councilmember to participate.*

**4:45 P.M. WORK SESSION – PUBLIC SAFETY TRAINING ROOM**

1. **DISCUSSION – Sewer Base Rate (30 min)**

**5:30 P.M. STUDY SESSION – PUBLIC SAFETY TRAINING ROOM**

PREVIEW UPCOMING AGENDA ITEMS

2. **Staff will present to the City Council a preview of upcoming agenda items.**

AGENDA REVIEW

3. **The City Council will review the items on the agenda.**

CITY COUNCIL - NEW BUSINESS

4. **This is an opportunity for members of the City Council to raise issues of information or concern.**

**6:00 P.M. REGULAR SESSION - COUNCIL CHAMBERS**

CALL TO ORDER

INVOCATION/INSPIRATIONAL THOUGHT: By Invitation

PLEDGE OF ALLEGIANCE: By Invitation

APPROVAL OF MINUTES

5. **MINUTES of City Council Meeting – August 25, 2015**

MAYOR’S REPORT/ITEMS REFERRED BY COUNCIL

6. **UPCOMING EVENTS**

**THE PUBLIC IS INVITED TO PARTICIPATE IN ALL CITY COUNCIL MEETINGS.  
If you need a special accommodation to participate in the City Council Meetings and Study Sessions,  
please call the City Recorder’s Office at least 3 working days prior to the meeting.  
(Voice 229-7074)**

**This agenda is also available on the City’s Internet webpage at [orem.org](http://orem.org)**

7. **APPOINTMENTS TO BOARDS AND COMMISSIONS**
8. **RECOGNITION OF NEW NEIGHBORHOODS IN ACTION OFFICERS**
9. **REPORT – Recreation Advisory Commission**

CITY MANAGER’S APPOINTMENTS

10. **APPOINTMENTS TO BOARDS AND COMMISSIONS**

PERSONAL APPEARANCES – 15 MINUTES

11. **Time has been set aside for the public to express their ideas, concerns, and comments on items not on the Agenda. Those wishing to speak should have signed in before the beginning of the meeting. (Please limit your comments to 3 minutes or less.)**

CONSENT ITEMS

12. There are no consent items.

SCHEDULED ITEMS

13. There are no scheduled items.

COMMUNICATION ITEMS

14. **Monthly Financial Summary – September 2015**

CITY MANAGER INFORMATION ITEMS

15. **This is an opportunity for the City Manager to provide information to the City Council. These items are for information and do not require action by the City Council.**

ADJOURN TO WORK SESSION

**6:30 P.M. WORK SESSION – COUNCIL CHAMBERS**

16. **DISCUSSION – Draft State Street Master Plan (90 min)**

# DRAFT

CITY OF OREM  
CITY COUNCIL MEETING  
56 North State Street Orem, Utah  
August 25, 2015

## **3:30 P.M. WORK SESSION – PUBLIC SAFETY TRAINING ROOM**

CONDUCTING Mayor Richard F. Brunst

ELECTED OFFICIALS Councilmembers Hans Andersen, Margaret Black, Tom Macdonald, Mark E. Seastrand, David Spencer, and Brent Sumner

APPOINTED STAFF Brenn Bybee, Assistant City Manager; Steve Earl, Deputy City Attorney; Richard Manning, Administrative Services Director; Karl Hirst, Recreation Director; Chris Tschirki, Public Works Director; Brett Larsen, Fire Marshall; Gary Giles, Police Department Director; Charlene Crozier, Library Director; Jason Bench, Planning Division Manager; Paul Goodrich, Traffic Engineer; Sam Kelly, Engineer; Neal Winterton, Water Division Manager; Reed Price, Maintenance Division Manager; Ryan Clark, Economic Development Division Manager; Brandon Stocksdale, Long Range Planner; Steven Downs, Assistant to the City Manager; and Jackie Lambert, Deputy City Recorder

EXCUSED Jamie Davidson, City Manager

### UPDATE – Crime Analytics Program

Chief Giles introduced the City Council to the Crime Analytics program used by the Orem Police Department to track and monitor criminal activities throughout the city. The program could be accessed at [www.raidsonline.com](http://www.raidsonline.com) for public use, though for obvious reasons certain criminal activities were not available for the public to monitor. Icons on the map didn't identify specific addresses to avoid target or embarrass people. Chief Giles said "pelican" boxes placed at specific intersections could remotely monitor traffic while blending in at the site. That enabled officers to identify traffic conditions in specific areas for times of higher traffic speeds. It was a more efficient use of officers' time. He said these were especially helpful in school zones.

Mr. Andersen asked about the level of specificity the information could provide, for example if it detailed whether vehicular accidents were related to drugs or alcohol. Chief Giles said that would require a different level of inquiry from the system. He said he believed some vehicular accidents were drug- or alcohol-related, but not a majority.

Chief Giles said his goal was for officers to improve "problem areas" for traffic and reduce the number of traffic accidents in the city.

# DRAFT

1 Mr. Andersen asked how many traffic tickets were written a day, and Chief Giles said anywhere  
2 from 80 to 120 tickets a month, depending on the specific targeting the traffic unit was doing at  
3 the time. They were looking to solve problem behaviors to reduce the number of traffic  
4 accidents.

## 6 REPORT – Victim Advocates

7 Renee Flitton, Victim Advocate with the City of Orem Police Department, presented a report of  
8 the Victim Advocates program. She said Utah County was a fortunate place to live, as there were  
9 many resources available for victims of crime. The Children’s Justice Center (CJC), located in  
10 Provo, was a great resource for the crimes involving children and minors. She shared a video  
11 presentation titled “Help Stop Child Abuse in Utah County – Children’s Justice Center”. The  
12 video could be found on [www.youtube.com](http://www.youtube.com).

13  
14 Mrs. Crozier said Orem had a long history with the CJC and some CDBG funding went to them.  
15 She reiterated the point made in the video that the facility was the responsibility of the  
16 community. The CJC had many community events and were always appreciative of Orem’s  
17 contributions. She said the CJC was a quality, long-term agency in the community and she could  
18 not think of a better group of professionals to help children.

19  
20 Mayor Brunst asked where the CJC was located. Ms. Flitton said about 300 South 100 East in  
21 Provo, but made services available for the whole county. The Division of Family and Child  
22 Services (DCFS) also met with children at the CJC. There were many volunteers who helped at  
23 the CJC, and there were counseling groups that worked with children at night.

24  
25 Mr. Andersen asked how many children were there on a regular basis.

26  
27 Ms. Flitton said they were never there over-night; if DCFS deemed that a child’s situation was  
28 not acceptable, they set them up in foster care situations. Ms. Flitton said only a few weeks ago  
29 Orem’s sex crime unit had twelve referrals on one day. The unfortunate truth was that the crimes  
30 against children were present in the community, but there were great resources available to try  
31 and help these children gain some normalcy in their lives. Ms. Flitton said there were other  
32 grants similar to Orem’s Victim Advocates program that were federal grants allocated by the  
33 state.

## 34 35 UPDATE – Dog Park Location

36 Mr. Hirst said there was a lot of public interest in building a dog park in Orem, as Provo’s dog  
37 park was very popular. He received many phone calls a week from dog owners interested in  
38 having an Orem dog park. He said it would not be easy picking the right spot for what people  
39 were calling “Orem’s Bark Park”, because there were pros and cons to each location and many  
40 differing opinions. He said the Recreation Advisory Commission (RAC) had looked at many  
41 proposed locations and he was now presenting their top recommendations. The RAC looked  
42 specifically at not taking away any flat grass areas that could be used for baseball, soccer,  
43 lacrosse, etc. as well as looking for adequate parking and water connections for fountains. Mr.  
44 Hirst mentioned some of the RAC recommendations as follows:

- 45 ● Bonneville Park
  - 46 ○ Pros:
    - 47 ■ Not located near school

# DRAFT

- 1                   ▪ Bathrooms close
- 2                   ▪ Playground nearby
- 3           ○ Cons:
- 4                   ▪ Issues with retention pond flooding
- 5                   ▪ Limits open space for sports activities
- 6   • Sharon Park
- 7           ○ Pros:
- 8                   ▪ Central location
- 9                   ▪ Mature trees
- 10                  ▪ Park lighting in area
- 11           ○ Cons:
- 12                  ▪ Center of a trail
- 13                  ▪ Often used for soccer
- 14                  ▪ Not convenient for parking
- 15   • Windsor Park
- 16           ○ Pros:
- 17                  ▪ Adequate parking
- 18                  ▪ Interesting terrain and some mature trees
- 19                  ▪ Screened from school
- 20           ○ Cons:
- 21                  ▪ Often programmed for sports
- 22                  ▪ Hill would push park toward pavilion
- 23   • Cascade Park – highly recommended
- 24           ○ Pros:
- 25                  ▪ Bathrooms nearby as well as pavilion and playground
- 26                  ▪ Lent itself to culinary water connection
- 27                  ▪ Mature trees
- 28                  ▪ Lights in place
- 29                  ▪ More than adequate parking
- 30           ○ Cons:
- 31                  ▪ Proximity to eastside neighbors

32

33 Mr. Hirst said the shape of the identified dog park area at Cascade Park provided for small and  
34 large dog areas. He reiterated that each suggested location had pros and cons, but they were  
35 trying to look for a location that would be the most workable.

36

37 Mayor Brunst asked what would go into the dog park.

38

39 Mr. Hirst said it would include:

- 40   • A six-foot fence around the outside for the large dog area
- 41   • A four-foot fence around the small dog area
- 42   • Water fountains for both the owners and the dogs
- 43   • Entrances would have “double-double” doors to keep the dogs from getting out of the
- 44    fenced areas
- 45   • With further fundraising they could install benches and canine exercise equipment

46

# DRAFT

1 Mrs. Black asked about using the alternative space identified at Cascade Park and whether it  
2 would be possible to move the ball field into the other area. She expressed concern about the  
3 proximity to homes.

4  
5 Mr. Hirst said the alternative spot would move the ball field but the other area would be very  
6 tight to have a ball field in. The alternative spot would also be closer to the school. He  
7 understood the concerns about the homes but thought the lots were deep enough to provide some  
8 natural buffers, and most had their own landscaping screens. They could include more trees and  
9 hedges to shield the dog park on the east side.

10  
11 Mr. Seastrand asked if they would move the playground, and Mr. Hirst said they would not.

12  
13 Mr. Sumner asked about the budget to build and maintain this park.

14  
15 Mr. Hirst said they had allocated \$75,000 to build. The maintenance for that kind of park was a  
16 little more intensive than a park with a playground.

17  
18 Mayor Brunst asked about the timeline for the project. Mr. Hirst said he would first get direction  
19 from the Council as to the location. Once they had the greenlight from the Council, the City  
20 would send the project out to bid.

21  
22 Mr. Downs said much of the feedback about the dog park had been positive. He reiterated Mr.  
23 Hirst's point that no one park was an obvious location so some concerns had been voiced.

24  
25 Mayor Brunst asked about parking. Mr. Hirst said he anticipated a parking situation similar to  
26 Provo's dog park, which generally had between fifteen and twenty cars.

27  
28 Mr. Seastrand asked how the neighbors felt about this proposed location.

29  
30 Sid Sandberg, resident in the Cascade neighborhood, asked that the Council table the discussion  
31 to allow for input from the neighbors in the proposed dog park area. He said having a dog park  
32 against his backyard was not what he had in mind when he bought his home. He did not believe a  
33 dog park would be a favorable amenity to the neighborhood.

34  
35 Mr. Hirst said they were looking for the Council to narrow down the location possibilities, and  
36 then they would move forward with notifying the neighbors and getting necessary feedback.

37  
38 Mr. Sumner asked about Palisade Park as a potential location.

39  
40 Mr. Hirst said they planned to build the splash pad at Palisade Park, and a dog park would take  
41 up a lot of area there. He also advised it would not be wise to put too many attractions into one  
42 park. He said he would provide the Council with the finer points of the RAC discussion and  
43 would look to them for further guidance.

## 44 DISCUSSION – Utility Service Plan

45  
46 Mr. Downs said the agreements were still being finalized, but when they were ready they would  
47 bring the agreement to the Council at the September 8, 2015 City Council meeting.

# DRAFT

1 Mayor Brunst said he spoke to the CEO of Utility Service Partners, Inc. and learned that they  
2 were partnered with cities like Atlanta, Phoenix, and San Diego to name a few. The CEO  
3 mentioned they typically had about ten to fifteen percent sign up in a City. The Macquarie Group  
4 was an investor in their company, but had no say in any of their operations. Mayor Brunst said he  
5 was not certain if Utility Service Partners, Inc. had a reinsurance group. He said they sent out  
6 only four mailers/fliers a year but helped educate residents as to what responsibilities they had  
7 with their utility connections. He thought this was a good program where people could sign up if  
8 they wanted and could cancel service at any time to seek out other options.

9  
10 Mrs. Black said there was an RFP done by the City looking for this kind of service, and she  
11 asked how many respondents there were to that RFP.

12  
13 Mr. Downs said there had been three respondents to the RFP. The City used BidSync to advertise  
14 the RFP, as well as listing the notice in the newspaper. He said there were a few specialized  
15 groups that offered these services for this magnitude. The partnership with Utility Service  
16 Partners, Inc. would ensure that any mailers being sent with the Orem logo were approved first  
17 by the City. He said the education to the residents was invaluable for the City and working  
18 together they could potentially solve specific concerns for Orem residents.

## 19 20 DISCUSSION – Southwest Annexation

21 Mr. Bench reviewed with the Council the process for the evening session’s discussion about the  
22 proposed Southwest Annexation. He provided an outline explaining the sequence of events for  
23 the items on the agenda.

24  
25 Mr. Macdonald asked about further discussions with the developers about potential options that  
26 would work for their proposed projects.

27  
28 Mr. Bench said the PD zones would take away available ERUs in the remaining area. General  
29 Plan approval was a guideline, but a PD zone could still be adopted. He said there would be  
30 development agreements between the City and the developers, as well as a pioneering  
31 agreement, that would require them to install the necessary infrastructure.

32  
33 Mayor Brunst asked for clarification on the pioneering agreement. He also asked if Jeff Mansell,  
34 developer for the proposed PD-43 zone, was willing to pay for the initial infrastructure and then  
35 be reimbursed through impact fees.

36  
37 Mr. Bench said the pioneering agreement would reflect one or both of the developers depending  
38 on the Council’s decisions on previous items. The pioneering agreement would also speak to the  
39 developer’s responsibilities about installation of infrastructure and how the reimbursement  
40 through impact fees would work.

41  
42 Mr. Andersen said he wanted to address a statement from the culinary water report that Lewis  
43 and Young put out. “Orem City analyzed the water storage system and determined that there is  
44 no excess capacity which can be utilized by the annexation area. A new storage tank could be  
45 built to service the area, but the state storage requirements can also be met by constructing a new  
46 well in the area. The new well would be more cost effective and would still satisfy the state

# DRAFT

1 requirements. The City has chosen to pursue this course of action.” He said a well would need to  
2 be built, and he thought that cost should also be covered by the developers.

3  
4 Mr. Winterton said a well in that area would serve existing Orem area needs as well as the  
5 Southwest Annexation area. The two wells listed in the Master Plan were not required solely for  
6 the annexation area.

7  
8 Fred Philpot, with Lewis and Young, said the Impact Fee Analysis did include well construction,  
9 with the well in the annexation area estimated for \$1.25 million with additional distribution to  
10 get the total of approximately \$3 million of infrastructure costs. Storage was being accounted for  
11 through the acquisition and construction of a well. If there was an agreement in place that the  
12 developer fund that cost, that would be a separate agreement and the impact fee in that case  
13 would be a reimbursement mechanism.

14  
15 Mr. Mansell said the construction of a well was not factored in to what the developers would  
16 pay. The proposal was that developers would put in the infrastructure to bring sewer, water, and  
17 storm drain down to the area and if there was an overage on that cost versus the impact fees, the  
18 additional impact fees would go toward additional improvements to the overall system. It would  
19 be paid for long-term through the impact fees, but it was not specifically identified in the number  
20 the developers had.

21  
22 Mr. Bench said these developers were not exclusively responsible for the build out of  
23 infrastructure in the area, but the infrastructure would be built out over time.

24  
25 Mr. Andersen said the storage and the water issue needed to be addressed and the \$3 million  
26 would need to be added into the costs. Mr. Winterton said the City needed the well either way for  
27 strategic operational needs, and Mayor Brunst added that impact fees would pay for the capacity  
28 as units came online.

29  
30 Mr. Philpot said it may be a matter of borrowing capacity. The impact fee was about  
31 proportionality, making sure the new developments paid their fair share for infrastructure costs.  
32 With an annexation area there was the potential to use existing resources to get the area  
33 “started”, but the impact fees were still proportionate to allow new development. This had excess  
34 capacity; it was not being given to the annexation area. In the short-term some of the excess  
35 capacity may be utilized for the development to come online and as infrastructure was built  
36 through impact fees that infrastructure then replaced the borrowing of excess capacity. For the  
37 purpose of the calculation of impact fees they were including the 100 percent cost of all new  
38 infrastructure, rather than taking an average of excess capacity versus future facility costs.

39  
40 Mayor Brunst said the report was not saying the City did not have excess capacity. It was saying  
41 that the capacity was not planned long-term for this facility, and the impact fees would pay for it.

42  
43 Mr. Bybee said the excess capacity could not subsidize the rate of the impact fee because a level  
44 of service had to be maintained for the new growth areas.

45  
46 Mr. Philpot said the impact fee included costs of \$1.25 million for a well in the annexation area.  
47 If that cost was actually \$3 million for just the well, then the impact fee would need to be

# DRAFT

1 updated. He believed that amount accounted for total construction costs for distribution lines and  
2 fire hydrants. The \$1.25 million was included in the impact fees; they were not borrowing or  
3 utilizing any excess capacity to offset the cost. The City needed to be aware that as development  
4 and capital cost realities came to fruition the impact fees might need to be adjusted to capture  
5 accurate costs.

6  
7 Mayor Brunst said the City adjusted fees every year in the budget according to need. He said the  
8 City would not be stuck with the cost of the well, but it would be paid for through impact fees as  
9 development occurred.

10  
11 Mr. Winterton reiterated that the City needed the well, and with the impact fees in the annexation  
12 area coming online current residents would not have to help pay for the well, but new  
13 development would pay for it.

14  
15 Mr. Seastrand said the City was trying to utilize capacity effectively, utilize water shares  
16 effectively, and manage the resource effectively.

17  
18 Mayor Brunst said the storage tank only covered 22 million gallons, and during summer months  
19 the City went through 60 million gallons a day. There was storage by the hour. In the winter, 10  
20 million gallons were used. Regardless of anything going on in the annexation area, there was  
21 great need to build another storage tank.

22  
23 Mrs. Black stated that the well was needed in the area, even if the area was not annexed. This  
24 was a means to receive help in paying for needs in the area.

25  
26 Ken Olsen, working with the McDougal project, said the McDougal property was an integral part  
27 in looping the sixteen inch water line through the area. The major expense would be on the  
28 developers and not the City.

## 29 30 **5:00 P.M. STUDY SESSION – PUBLIC SAFETY TRAINING ROOM**

### 31 32 CONDUCTING

Mayor Richard F. Brunst

### 33 34 ELECTED OFFICIALS

Councilmembers Hans Andersen, Margaret Black, Tom  
Macdonald, Mark E. Seastrand, David Spencer, and Brent  
Sumner

### 35 36 37 38 APPOINTED STAFF

Brenn Bybee, Assistant City Manager; Steve Earl, Deputy  
City Attorney; Richard Manning, Administrative Services  
Director; Bill Bell, Development Services Director; Karl  
Hirst, Recreation Director; Chris Tschirki, Public Works  
Director; Brett Hansen, Fire Marshall; Gary Giles, Police  
Department Director; Charlene Crozier, Library Director;  
Jason Bench, Planning Division Manager; Sam Kelly,  
Engineer; Neal Winterton, Water Division Manager; Reed  
Price, Maintenance Division Manager; Brandon  
Stocksdale, Long Range Planner; Steven Downs, Assistant

# DRAFT

1 to the City Manager; and Jackie Lambert, Deputy City  
2 Recorder

3  
4 **EXCUSED** Jamie Davidson, City Manager

5  
6 Preview Upcoming Agenda Items

7 Staff presented a preview of upcoming agenda items.  
8

9 Agenda Review

10 The City Council and staff reviewed the items on the agenda.  
11

12 City Council New Business

13 Mr. Bybee said they had improved the application process for those interested in serving on an  
14 advisory board or commission. He shared the updated application with the Council.  
15

16 Mayor Brunst said a flier recently distributed by Mr. Andersen was not from the City, but from  
17 Mr. Andersen alone. The Mayor also referred Mr. Andersen to consult the Candidates Guide as  
18 far as parking his campaign van in front of the City Center.  
19

20 Mr. Earl said the City's sign ordinance said a vehicle sign was allowed unless it was used for the  
21 purpose of displaying advertising. He said using a vehicle with signs on it during the ordinary  
22 course of one's business was fine, but parking at busy intersection with no other purpose than to  
23 advertise was illegal.  
24

25 Mayor Brunst gave a brief update about meetings with the Utah County Clerk's Office and the  
26 City about the special election November 2015 and using the Vote By Mail system for Orem.  
27

28 Mr. Andersen asked if anyone was interested in discussing a change of government for the City.  
29 Mayor Brunst said he thought there would be better times to discuss that.  
30

31 The Council adjourned at 5:51 p.m. to the City Council Chambers for the regular meeting.  
32

33 **6:00 P.M. REGULAR SESSION – COUNCIL CHAMBERS**

34  
35 **CONDUCTING** Mayor Richard F. Brunst, Jr.

36  
37 **ELECTED OFFICIALS** Councilmembers Hans Andersen, Margaret Black, Tom  
38 Macdonald, Mark E. Seastrand, David Spencer, and Brent  
39 Sumner  
40

41 **APPOINTED STAFF** Brenn Bybee, Assistant City Manager; Steve Earl, Deputy  
42 City Attorney; Richard Manning, Administrative Services  
43 Director; Bill Bell, Development Services Director; Karl  
44 Hirst, Recreation Director; Chris Tschirki, Public Works  
45 Director; Scott Gurney, Fire Department Director; Gary  
46 Giles, Police Department Director; Charlene Crozier,  
47 Library Director; Jason Bench, Planning Division Manager;

# DRAFT

1 Sam Kelly, Engineer; Neal Winterton, Water Division  
2 Manager; Reed Price, Maintenance Division Manager;  
3 Heather Schriever, Deputy City Attorney; Brandon  
4 Stocksdale, Long Range Planner; Steven Downs, Assistant  
5 to the City Manager; and Jackie Lambert, Deputy City  
6 Recorder

7  
8 EXCUSED Jamie Davidson, City Manager

## 9 INVOCATION /

10 INSPIRATIONAL THOUGHT Paul Mulliner

11 PLEDGE OF ALLEGIANCE Noah Leafgren

## 12 13 14 APPROVAL OF MINUTES

15  
16 Mr. Sumner **moved** to approve the June 24, 2015, Joint City Council/Alpine School District  
17 meeting minutes. Mr. Seastrand **seconded** the motion. Those voting aye: Hans Andersen,  
18 Margaret Black, Richard F. Brunst, Tom Macdonald, Mark E. Seastrand, David Spencer, Brent  
19 Sumner. The motion **passed** unanimously.

## 20 21 MAYOR'S REPORT/ITEMS REFERRED BY COUNCIL

### 22 Upcoming Events

23 The Mayor referred the Council to the upcoming events listed in the agenda packet.

### 24 Appointments to Boards and Commissions

25  
26 Mrs. Black **moved** to appoint Barry Merrell and John Reinhard to the Arts Council. Mr.  
27 Seastrand **seconded** the motion. Those voting aye: Hans Andersen, Margaret Black, Richard F.  
28 Brunst, Tom Macdonald, Mark E. Seastrand, David Spencer, Brent Sumner. The motion **passed**  
29 unanimously.

30  
31  
32 Mrs. Black **moved** to appoint Sheralyn Bennett and Chelsie Young to the Beautification  
33 Advisory Commission. Mr. Seastrand **seconded** the motion. Those voting aye: Hans Andersen,  
34 Margaret Black, Richard F. Brunst, Tom Macdonald, Mark E. Seastrand, David Spencer, Brent  
35 Sumner. The motion **passed** unanimously.

36  
37 Mrs. Black **moved** to reappoint Paul Crossett to the Recreation Advisory Commission. Mr.  
38 Seastrand **seconded** the motion. Those voting aye: Hans Andersen, Margaret Black, Richard F.  
39 Brunst, Tom Macdonald, Mark E. Seastrand, David Spencer, Brent Sumner. The motion **passed**  
40 unanimously.

### 41 Recognition of New Neighborhoods in Action Officers

42 Mr. Seastrand **moved** to appoint Lance King as the Lakeridge neighborhood chair. Mrs. Black  
43 **seconded** the motion. Those voting aye: Hans Andersen, Margaret Black, Richard F. Brunst,  
44 Tom Macdonald, Mark E. Seastrand, David Spencer, Brent Sumner. The motion **passed**  
45 unanimously.

1 **CITY MANAGER’S APPOINTMENTS**

2  
3 Appointments to Boards and Commissions

4 There were no appointments to boards and commissions.

5  
6 **PERSONAL APPEARANCES**

7  
8 Time was allotted for the public to express their ideas, concerns, and comments on items not on  
9 the agenda. Those wishing to speak should have signed in prior to the meeting, and comments  
10 were limited to three minutes or less.

11  
12 May Gossard, resident, expressed concern about declining conditions in her neighborhood due to  
13 many rentals. She said there should be business license requirements for rentals. She said this  
14 was not the first time she had come before the City on this issue. She felt the Neighborhood  
15 Preservation Unit officers needed additional help as well.

16  
17 Curtis Wood, resident, said he wanted to address the proposed e-cigarette ban. He said two  
18 phone calls were creating a new ordinance banning e-cigarettes, which exhaled vapor. Vapor was  
19 water in a mist form. He said he had many suggestions for other new laws, because apparently it  
20 only took two phone calls to get the ball rolling. His opinion was that this proposed law was  
21 stupid.

22  
23 Sharon Anderson, resident, said she attended the utility open house about the proposed utility fee  
24 increases and use of smart meters. She distributed a flier to the Council detailing some of her  
25 concerns. She voiced concern about one Council member who became angry over her flier. She  
26 said some of her information came from numbers in the City’s newsletter, so if her information  
27 was wrong so was the City’s. She urged the Council to learn more about the matter and consider  
28 how to treat residents.

29  
30 Kathy Young, resident, spoke in opposition to a utility fee increase. She shared some neighbors’  
31 comments on the matter. It would be a great hardship on the families of the City because they  
32 could not afford the increases.

33  
34 Barbara Petty, resident, said she wanted consideration for the people who needed mercy the  
35 most. She asked if the utility fee increases were adding to or easing financial burdens on the  
36 Orem residents. She shared statistics about the poverty level in Orem, saying more than one in  
37 six was living below the poverty line. She said scriptures reminded us of the need to protect the  
38 needs of the poor and appealed to the compassionate side of the Council to think of the people  
39 who would be burdened by the increases.

40  
41 **CONSENT ITEMS**

42  
43 There were no Consent Items.

44  
45 **SCHEDULED ITEMS**

46  
47 MOTION – Canvass and Certification – 2015 Municipal Primary Election Results

# DRAFT

1 Donna Weaver, City Recorder, presented a staff recommendation that the City Council complete  
2 the canvass and, by motion, certify the 2015 Municipal Primary Election results. Pursuant to  
3 State law, it is necessary for the City Council, as the Board of Canvassers, to canvass the election  
4 no sooner than fourteen days after the completion of the ballot. After the canvassing has been  
5 completed, it will be necessary for the Council to officially certify the results of the Canvass.

6  
7 Mrs. Weaver said the Vote By Mail (VBM) effort was a phenomenal success, with  
8 approximately 25% voter turnout. Voter turnout was better than even the 2013 General Election  
9 turnout which had a mayoral race and two money issues on the ballot. She said the post office  
10 assured her that they had done everything they could to help the ballots be returned in a timely  
11 manner. She noted that there was some push to canvass earlier, and she while she recognized the  
12 tough situation it was for candidates to wait for the canvass there were state law requirements  
13 that a canvass could not be conducted prior to thirteen days after the election. The idea was to  
14 allow for military and overseas voters enough time to postmark and return their ballots so those  
15 voters were not disenfranchised. Mrs. Weaver noted that the manner of counting the ballots was  
16 the same method used in previous years with optical scanners. One thing done in the canvass was  
17 reviewing the preliminary figures, and it was found that the Excel spreadsheet that was used to  
18 input figures had a small error where Mr. Grierson's numbers were duplicated in one precinct. A  
19 few input typos were found and corrected, and the Excel formula was corrected. She said they  
20 were able to count 1,383 additional ballots, including provisional ballots cast by in-person voters  
21 that may not have received a mailed ballot or needed to correct their address information.

22  
23 Mrs. Black **moved** that the City Council:

24 1. Ratify the following changes to the preliminary results:

- 25 • Lorne Grierson from 2593 to 2215
- 26 • Jessica Joy Street from 980 to 969
- 27 • Tai Riser from 3083 to 3084
- 28 • Claude C. Richards from 2312 to 2311

29  
30 2. Certify the election results with the following changes:

31		
32	Mark Seastrand .....	4678..... 5433
33	Hans V. Andersen .....	3761..... 4445
34	Debby Lauret .....	3630..... 4257
35	Tai Riser.....	3084..... 3635
36	Sam Lentz .....	2768..... 3279
37	Claude C. Richards .....	2311..... 2778
38	Lorne Grierson .....	2215..... 2684
39	Curtis Wood.....	1369..... 1580
40	Jessica Joy Street.....	969..... 1084
41	Shirl Joseph Finch.....	855..... 965
42		

43 3. Declare 4-year term City Council candidates Mark Seastrand, Hans V. Andersen, Debby  
44 Lauret, Tai Riser, Sam Lentz, and Claude C. Richards to be nominated to the General  
45 Municipal Election on November 3, 2015.

# DRAFT

1 Mayor Brunst **seconded** the motion. Those voting aye: Hans Andersen, Margaret Black,  
2 Richard F. Brunst, Tom Macdonald, Mark E. Seastrand, David Spencer, Brent Sumner. The  
3 motion **passed** unanimously.

4  
5 ORDINANCE – Amend Section 13-1-1 of the Orem City Code to define electronic  
6 cigarette and to prohibit the use of electronic cigarettes on City-owned property or at mass  
7 gatherings

8  
9 Mr. Hirst, Recreation Director, recommended that the City Council, by ordinance, amend  
10 Section 13-1-1 of the Orem City Code to define electronic cigarette and prohibit the use of  
11 electronic cigarettes on City-owned property or at mass gatherings.

12  
13 The City currently prohibited the use or smoking of any lighted pipe, cigar, or cigarette of any  
14 kind, or any other lighted smoking equipment on City-owned property and at mass gatherings. In  
15 recent years, there had been a dramatic increase in the use and sale of electronic cigarettes or e-  
16 cigarettes. An electronic cigarette was a battery-powered device that atomized a nicotine-  
17 containing solution that the consumer inhaled similar to a conventional cigarette.

18  
19 During the 2015 legislation session, the Utah State Legislature enacted laws that regulated the  
20 manufacturing of e-juice (the nicotine-containing solution that was vaporized when an electronic  
21 cigarette was inhaled) and the sale of electronic cigarettes, equipment, and supplies.  
22 Additionally, the Utah State Legislature had banned the use of electronic cigarettes in the same  
23 indoor areas where smoking was prohibited. See Utah Indoor Clean Air Act, title 26, chapter 38  
24 of the Utah Code.

25  
26 Like the smoking of traditional cigarettes, the use of electronic cigarettes may pose significant  
27 health threats to those using the electronic cigarettes and those in close proximity. In recent  
28 months, the Director of Recreation had received a number of complaints about the use of  
29 electronic cigarettes on City-owned property or during mass gatherings.

30  
31 To protect the health and safety of residents and those who visit City-owned property and  
32 participate in mass gatherings, the Director of Recreation recommended that the Orem City  
33 Council prohibit the use of electronic cigarettes on City-owned property and at mass gatherings  
34 to the same extent those prohibitions apply to traditional cigarettes. Mr. Hirst gave some time to  
35 Jackie Larson with the Utah County Department of Public Health.

36  
37 Ms. Larson shared some concerns and recommendations from the County about e-cigarettes. It  
38 could send a confusing message to have smoking banned but using e-cigarettes, or vaping,  
39 allowed in certain areas. Police were beginning to warn of people using e-cigarettes to smoke  
40 other things, like marijuana, cocaine, alcohol, forms of LSD, etc., in the public eye. Teen usage  
41 of e-cigarettes in Utah had tripled from 2011 to 2013, and it was a reasonable assumption that  
42 number had gone up since 2013. The key ingredient in an e-cigarette was nicotine, which had  
43 been proven to be toxic and could change the physical chemistry of a brain. Youth were more  
44 sensitive to nicotine, and tended to become more dependent more quickly. According to the  
45 Journal of American Medical Association, e-cigarettes were a gateway to regular cigarettes. The  
46 vapor being exhaled from an e-cigarette was not water vapor, but an aerosol. When the products  
47 were combusted it could change the chemistry of the compounds and research had found

# DRAFT

1 formaldehyde and other harmful chemicals like lead in the aerosol. Nicotine could still be  
2 absorbed from second-hand vapor. While some people used e-cigarettes as a tool to quit  
3 smoking, research found that the majority of e-cigarette users were also smoking regular  
4 cigarettes, making them dual users. The Utah County Department of Public Health was  
5 recommending the ban of e-cigarettes for these reasons.

6  
7 Mayor Brunst said he was aware of the issue of other drugs being used in e-cigarettes, and  
8 thought this was an important issue. He asked if there was a standard by which compounds used  
9 in e-cigarettes were regulated.

10  
11 Ms. Larson said there was very little, if any, regulation on the manufacturing of the chemical  
12 compounds. In a study the Salt Lake County Health Department had conducted, they found that  
13 60 percent of labels were incorrect as to how much nicotine was in a given product. The various  
14 “flavors” available were also considered respiratory irritants in many cases.

15  
16 Mrs. Schriever said the ordinance before the Council was to adopt the State’s definition of an  
17 electronic cigarette into Chapter 13 of the Orem City Code, and to include e-cigarettes as one of  
18 the means of smoking that would be prohibited on city property and at mass gatherings.

19  
20 Mr. Sumner asked for clarification on whether having cigarettes or e-cigarettes in one’s  
21 possession were banned. Mrs. Schriever said cigarettes or e-cigarettes were banned if they were  
22 lit or combustible.

23  
24 Mayor Brunst **moved**, by ordinance, to amend Section 13-1-1 of the Orem City Code to define  
25 electronic cigarette and to prohibit the use of electronic cigarettes on City-owned property or at  
26 mass gatherings. Mr. Sumner **seconded** the motion. Those voting aye: Margaret Black, Richard  
27 F. Brunst, Tom Macdonald, Mark E. Seastrand, David Spencer, Brent Sumner. Those voting  
28 nay: Hans Andersen. The motion **passed, 6-1**.

29  
30 6:00 P.M. PUBLIC HEARING – Storm Water Utility

31 ORDINANCE – Rename and amend Chapter 23 of the Orem City Code – Storm Water  
32 Utility Ordinance and amend Chapters 17 and 22 to implement amendments to Chapter 23  
33

34 Mr. Price recommended that the City Council, by ordinance, amend and rename Chapter 23 of  
35 the Orem City Code – Storm Water Utility and make correlative changes to Chapters 17 and 22  
36 of the Orem City Code.

37  
38 In 1996, the Orem City Council enacted Chapter 23 of the Orem City Code establishing a Storm  
39 Sewer Utility. Chapter 23 established a Storm Sewer Utility and outlined storm water  
40 management practices to be used in operating and managing the City’s storm water system. The  
41 City’s storm water management system was designed pursuant to requirements mandated by  
42 Section 402 of the Federal Clean Water Act. Utah’s Department of Environmental Quality –  
43 Division of Water Quality administered the Utah Pollution Discharge Elimination System  
44 (UPDES) which was a component of the National Pollutant Discharge Elimination System  
45 (NPDES). The City was required to obtain a UPDES permit before it could lawfully discharge  
46 storm water into the waters of the United States and the State of Utah. The City’s current UPDES  
47 permit expired on July 31, 2015.

# DRAFT

1 In 1999, the Environmental Protection Agency (EPA) published the National Pollutant Discharge  
2 Elimination System – Regulations for Revision of the Water Pollution Control Program  
3 Addressing Storm Water Discharges. (Federal Register, Vol. 64, No. 235, pages 68722-68852).  
4 These regulations had since been updated, and it was now necessary for the City Council to  
5 consider amending the City’s Code to comply with state and federal rules and regulations.  
6

## 7 **Summary Of Proposed Amendments:**

8 The following types of amendments to Chapters 17, 22, and 23 were being proposed:

- 9 1. Renaming, renumbering, and relocating existing provisions (general housekeeping);
- 10 2. Adding new regulatory provisions to comply with changes in state and federal rules and  
11 regulations; and
- 12 3. Including new storm water system management practices into the City’s zoning and  
13 subdivision requirements.

14  
15 Storm water management and the associated rules and regulations implementing management  
16 practices had evolved since the City ordinance was first adopted and that evolution was reflected  
17 in the requirements the City must meet to obtain its UPDES permit. The Public Works Director  
18 had determined that renaming the Storm Sewer Utility to the Storm Water Utility more  
19 accurately reflected the nature of the system and complied with what had become the industry  
20 standard and norm. The same reasons were the basis for renaming the Storm Water Construction  
21 Activity Permit to a Land Use Disturbance Permit.  
22

23 The current ordinance had separate enforcement procedures that were found throughout the  
24 ordinance. The suggested amendments moved all of the enforcement provisions to Article 23-5  
25 for ease of application and reference. The ordinance had been renumbered to reflect these  
26 relocations.  
27

28 The bulk of the proposed amendments implemented new state and federal rules and regulations  
29 that required the City to manage and oversee the implementation of Long Term Storm Water  
30 Management in new developments and in redeveloped areas. The City was now required to  
31 “develop, implement and enforce a program to address post-construction storm water runoff to  
32 the MS4 [City’s storm water system] from new development and redevelopment construction  
33 sites disturbing greater than or equal to one acre...” See Small MS4 General UPDES Permit,  
34 Permit No. UTR090000. The addition of Section 23-4-8 to the ordinance fulfilled this  
35 requirement. Additionally, changes to general performance criteria for storm water management  
36 and facilities were proposed in order to incorporate low impact designs (LIDs) and green  
37 infrastructure, and to encourage and require developers to develop and design projects that  
38 mirror the land’s pre-construction hydrology.  
39

40 Changes to the illegal and prohibited discharge portions of the ordinance were suggested. The  
41 content and structure of these sections should be reorganized and the types of prohibited acts  
42 should be enlarged to address new concerns. Minor changes were being proposed to the illicit  
43 discharge portion of the ordinance, and this section had also been relocated for ease of reference.  
44

45 The proposed changes to Chapters 17 and 22 merely implemented the new LID and post-  
46 construction management requirements found in Chapter 23 and updated any references in those  
47 chapters to Chapter 23.

# DRAFT

1 Mr. Price shared a presentation with the Council about storm water utilities and Orem's storm  
2 water utility history and codes. He reviewed the definition of storm water and the need for storm  
3 water in the city. He said similar to fire codes, storm water codes were to control and manage the  
4 potential storm water disasters and manage their impact. Managing storm water was a mandate  
5 from the federal government that was passed down through the state government to the  
6 municipalities to have storm water utilities. Storm water codes were to ensure good water quality  
7 and to protect the health and safety of the public. He said Orem's storm water system was  
8 considered an MS4, or Municipal Separate Storm Sewer System. The MS4 distinction could  
9 refer to the infrastructure used to convey storm water runoff such as the pipes and sumps, or it  
10 could refer to the City or organization that owned the infrastructure. He reviewed the history of  
11 Orem's storm water utility. He said similar to how fire codes had changed over the years, storm  
12 water codes needed to change to adapt for best practices. The philosophical approach for storm  
13 water had changed and storm water was treated as a resource rather than a waste product. In  
14 2010 Orem's permit was updated and renewed, and the ordinance before the Council was to  
15 reflect necessary changes in the code and begin the renewal process for the City's permit. The  
16 summary of proposed changes to City Code Sections 23 and 22 and 17 included:

- 17 • Section 23 – Storm Water Utility
  - 18 ○ General housekeeping
  - 19 ○ Changes made required by Division of Water Quality (DWQ)
    - 20 ▪ Strengthen BMPs
    - 21 ▪ Ensure long-term storm water runoff control
    - 22 ▪ Require post-construction maintenance
    - 23 ▪ Clarifies violations and penalties
- 24 • Sections 17 & 22
  - 25 ○ Ensure long-term storm water runoff control
  - 26 ○ Requirements to retain water on-site

27  
28 Mr. Price further enumerated the various proposed changes to the specified code sections.

29  
30 Mr. Sumner asked why the change about landscaping of front yards from one year to six months,  
31 and if that was only for residential or if that applied to commercial as well. He concern was that  
32 some residents purchased homes in late fall or winter months where landscaping was difficult.

33  
34 Mrs. Schriever said that particular provision would only apply to residential. Mr. Price said the  
35 sooner a landscaped yard was in place it handled storm water better. That was the thought behind  
36 the change.

37  
38 Mr. Seastrand asked if the six month timeframe was state recommendation. Mrs. Schriever said  
39 it was an attempt to put the low impact design (LID) requirements into place. It was a somewhat  
40 arbitrary number, and if the Council preferred to enlarge the timeframe that would not affect the  
41 permit in any way.

42  
43 Mayor Brunst thought six months was not enough time, and if they wanted to move away from a  
44 one year timeframe then nine months was more reasonable.

45  
46 Mr. Andersen preferred to leave the timeframe at one year.

# DRAFT

1 Mayor Brunst opened the public hearing. There were no public comments, so Mayor Brunst  
2 closed the public hearing.

3  
4 Mayor Brunst **moved**, by ordinance, to rename and amend Chapter 23 of the Orem City Code –  
5 Storm Water Utility Ordinance and amend Chapters 17 and 22 to implement amendments to  
6 Chapter 23 leaving Section 22-14-7(B) unchanged. Mr. Andersen **seconded** the motion. Those  
7 voting aye: Hans Andersen, Margaret Black, Richard F. Brunst, Tom Macdonald, Mark E.  
8 Seastrand, David Spencer, Brent Sumner. The motion **passed** unanimously.

9  
10 6:00 P.M. PUBLIC HEARING – PD-45 – 12x12 NW Crossing Rezone – 1187 North 1200  
11 West  
12 ORDINANCE – Enacting Section 22-11-58 (PD-45 zone) and Appendix MM, and  
13 amending Section 22-5-1 and Section 22-5-3(A) and the zoning map of Orem City to  
14 change the zone on 4.77 acres generally at 1187 North 1200 West from the Highway  
15 Services (HS) zone to the PD-45 zone

16  
17 Mr. Bench reviewed with the Council the applicant’s request that the City enact Section 22-11-  
18 58 (PD-45 zone) and Appendix MM, and amend Section 22-5-1 and Section 22-5-3(A) and the  
19 zoning map of the City of Orem to change the zone on 4.77 acres located generally at 1187  
20 North 1200 West from the Highway Services (HS) zone to the PD-45 zone.

21  
22 The applicant would like to construct a new development consisting of two 140 foot tall office  
23 buildings on the west side of 1200 West at 1187 North 1200 West. In order to allow this type of  
24 development, the applicant requested that the City Council approve the creation of the PD-45  
25 zone.

26  
27 The proposed PD-45 zone would incorporate most of the standards of the HS zone (which is the  
28 current zoning on the subject property) with a few modifications. For example, the PD-45 zone  
29 would allow a building height of 180 feet whereas the HS zone only allowed a building height of  
30 60 feet. The PD-45 zone would also expand the list of acceptable exterior finishing materials to  
31 include stone, glass fiber reinforced concrete, composite metal panel and architectural formed  
32 concrete. Lastly, the PD-45 zone would require three accesses from 1200 West to meet the needs  
33 of this particular property. All other development standards would be the same as the HS zone.

34  
35 The applicant’s concept plan showed underground parking in both buildings. The concept plan  
36 also required a six (6) foot sidewalk buffered by an eight foot landscaped strip along the length  
37 of the applicant’s property.

38  
39 As part of this project, 1200 West would be widened to five lanes from 1200 North to the  
40 southern boundary of the subject property. Although the full five lanes would be paved in this  
41 area, only three lanes will be striped until traffic levels justify the need for all five lanes. Longer  
42 term, it was anticipated that 1200 West would be widened to five lanes between 800 North and  
43 1600 North as funding allowed or as re-development occurred.

44  
45 A neighborhood meeting was held on May 7, 2015. Fourteen people were in attendance  
46 including the applicants and City staff. Those in attendance brought up concerns regarding

# DRAFT

1 traffic and improvements on 1200 West to accommodate the additional traffic as well as making  
2 sure there was adequate parking on site.

3  
4 The Planning Commission recommended the City Council enact Section 22-11-58 (PD-45 zone)  
5 and Appendix MM, and amend Section 22-5-1 and Article 22-5-3(A) and the zoning map of the  
6 City of Orem to rezone property located generally at 1187 North 1200 West from the HS zone to  
7 the PD-45 zone. City staff supported the Planning Commission recommendation.

8  
9 Mr. Bench said the proposal included the following elements: 1 – Height; 180 feet maximum;  
10 current buildings being proposed were 140 feet (HS currently allowed for 60 feet). 2 – Finishing  
11 materials: glass, stucco, stone, glass fiber reinforced concrete, composite metal panel,  
12 architectural formed concrete, and brick (HS allowed for brick, fluted block, colored textured  
13 block, glass, stucco, wood). 3 – Widening 1200 West to five lanes. He said the proposed concept  
14 plan had phases. Phase one was for a 140 foot office building with surface parking and some  
15 underground parking, and the second phase would be a mirror-image building in the same  
16 location with more underground parking. If the area was rezoned, the applicant would come back  
17 to the Planning Commission for site plan approval.

18  
19 Mr. Seastrand asked if the elevations showed an accurate height reflection for the nearby power  
20 line. Mr. Bench said he believed it was.

21  
22 Rondo Fehlberg, representing the applicant, said the proposed office building was intended to be  
23 a headquarters for Jive Communications. They planned to occupy six of the proposed nine floors.  
24 Mr. Fehlberg said Jive was a growing company that had outgrown their current office space.  
25 They hoped to have this building as a significant statement for their business and raise awareness  
26 for their company with a prominent location near the freeway.

27  
28 Mr. Sumner asked for clarification about the height at 180 feet.

29  
30 Mr. Fehlberg said they were asking for approval at 180 feet but were not intending to build the  
31 phase one building to that height. They wanted the flexibility with the height maximum as there  
32 had been discussions about having the phase two building be potentially taller to create a more  
33 interesting skyline. That flexibility could also lend itself to some interesting architecture.

34  
35 Mr. Sumner asked about the height of the University Mall office building. Mr. Bench said the  
36 first building would be approximately seventy feet, with about five stories. He further clarified  
37 that the University Mall office buildings were approved for 180 feet.

38  
39 Mr. Seastrand asked about parking and traffic impact.

40  
41 Mr. Fehlberg said the first building would have a large parking lot covering the available space,  
42 with approximately 170 parking spaces underneath the first building. Jive encouraged employees  
43 to feel free to commute to work in various ways, including public transit or riding a bike to work.  
44 He said his understanding was that part of Orem's urban planning was to push concentrated road  
45 uses closer to traffic arterials and away from residential areas. He said with the expansion of  
46 1200 West they expected traffic to flow normally, and anticipated it would keep as much traffic  
47 as was reasonable out of the neighborhoods.

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Mr. Seastrand asked about the plan for widening 1200 West into the future.

Mr. Bench said the developers were widening the street for the full width of a five-lane corridor, but it would be striped for the existing three-lane alignment. In time when the road was widened the full striping would take place. He said 1200 West would be widened as development continued down the road, and the master plan anticipated the widening from 800 North to 1600 North.

Mr. Seastrand clarified that the developer was doing their portion of the widening of 1200 West with the proposed project. Mr. Bench added it was in coordination with the City in accordance to the master plan

Mr. Seastrand asked how many employees phase one would accommodate, and Mr. Fehlberg said between 550 to 600 employees in the first building, occupying about six of the proposed nine floors.

Mr. Seastrand asked about the process the developers had gone through and how the neighborhood discussions had gone.

Mr. Fehlberg said his group was involved in two projects along the corridor and had had a number of neighborhood meetings. He said generally speaking the input they received was positive. There had been some concerns about how this project would affect people's view, but he had also heard from people who were pleased that the area would see some revitalization and property values could go up. They had reached out to the neighborhood chairs in hopes to get feedback, but only a handful of neighbors had come.

Mr. Seastrand said a big concern he had heard from neighbors was the height of the building. He asked about the height differential from the telephone pole to the top of the building as shown in the concept drawing for the proposed building elevations.

Mr. Bench said it was approximately a thirty foot differential from the top of the telephone pole to the top of the proposed building.

Mrs. Black asked about the unique architecture that may have voids in the building. Mr. Fehlberg said they had looked at some design techniques that would have open spaces or voids within the building.

Mrs. Black said she had spoken to the neighbors about the height. She noticed the building plans were to have the building sit at an angle to lessen some of the view obstruction.

Mr. Sumner asked about the underground parking configuration. Mr. Fehlberg said the under-building parking would be the bottom floor; it would be open to the back and could be seen from the freeway.

Mr. Sumner asked about the City's responsibilities in the widening of 1200 West. Mr. Bench said the City was in negotiations as to the City's participation would be.

# DRAFT

1  
2 \*\*Ryan Clark, Orem Economic Development Division Manager, said they were still in  
3 negotiations and this road widening was a little different than other roads. Jive Communications  
4 qualified for incentives from the Governor's Office of Economic Development (GOED) to stay  
5 in the area, and part of that qualification required a local incentive. The City saw contributing to  
6 the road width expansion as a good incentive that would be mutually beneficial.

7  
8 Mayor Brunst asked if it was part of the City's plan to widen that road eventually. Mr. Clark said  
9 he heard from Mr. Goodrich that the Transportation Master Plan included the widening of 1200  
10 West.

11  
12 Mr. Andersen asked if there was anything else the City was looking at as far as participation. Mr.  
13 Clark said there may be some utility assistance with storm drain in the roadway. 1200 West had a  
14 storm drain pipeline that may not be adequate once the road was widened. There was a  
15 connection that could be made to the storm pipe that crossed I-15 near the site, and this could be  
16 an opportunity to team with a developer to install that pipe. The developer and the City would  
17 share the cost of the pipe.

18  
19 Mayor Brunst opened the public hearing.

20  
21 Dan Howlett, resident, said he was a retired public safety officer and had concerns about the  
22 additional traffic this would add to the area. He thought this was of particular concern for school  
23 children walking home. He was also concerned about adequate fire safety measures for a  
24 building of this height because fire truck ladders would not be able to reach. He said they knew  
25 there would be some commercial development in the area when they purchased their home, but  
26 thought zoning would prohibit too much commercial development. He and the neighbors he  
27 spoke with were concerned about the size of the project and were opposed to it.

28  
29 Chris Spencer, resident, said he felt the noticing to the neighborhood about this project was  
30 inadequate, as he had only heard about the project a few days prior to this meeting. He  
31 understood development for buildings even up to sixty feet, but was concerned about a building  
32 with allowances for 180 feet. The south view had already been lost, at one point they were told  
33 rooflines would not extend above the current housing line, but they had gone above. He saw no  
34 advantage to the City with this project, for property value or otherwise. He echoed Mr. Howlett's  
35 concern about fire safety for a building that height, as well as concerns about the additional  
36 traffic that would come with the proposed development and the widening of 1200 West. He was  
37 concerned about the cost of roads and upkeep.

38  
39 Isaac Northland, resident, wanted to echo some of the sentiments already shared, particularly in  
40 regards to neighborhood notice and view obstruction. He did not see how this would raise  
41 property values, and was concerned about the equity of his home going down. He was also  
42 concerned about the height, stating that the Joseph Smith Memorial Building in Salt Lake City  
43 was 182 feet. He thought 180 feet in this area was excessive. He said in winter months the roads  
44 in the area were very slick and potentially dangerous, especially with added traffic. He was not  
45 opposed to development but did not feel the project was in keeping with Orem's "Family City  
46 USA" moniker.

# DRAFT

1 Al Spencer, resident, said his view of the mountains and the lake would disappear. He said the  
2 area developed by where the old City garages used to be were not supposed to be any higher than  
3 the existing rooflines of residential. Now the first thing he saw when he walked out of his home  
4 was a large apartment building with its accompanying noise and traffic. The area already had  
5 traffic concerns, especially around the larger intersections like 1200 West and 800 North. He said  
6 he had been waiting for 1200 West to be widened for ten years, but funding had not allowed. He  
7 was concerned that it would take ten or fifteen more years to finish the widening. Mr. Spencer  
8 was concerned that the area had not gotten the development they were promised, but had seen  
9 many changes to the zoning to allow for different developments.

10  
11 Lance Helsten, resident, reiterated some of the concerns about view obstruction and  
12 neighborhood noticing, which he felt had not been handled properly. He said he had done the  
13 math for the top of the building, and said 180 feet was above the high tension lines. He was not  
14 against development in the area, but he was concerned about a building that height. He said he  
15 was not sure how this project would affect property values, but the increased traffic was a  
16 concern. He had seen lots of traffic on 1200 West from people getting off the freeway to avoid  
17 the accidents on I-15. He said these buildings would be the third and fourth tallest buildings in  
18 the county.

19  
20 Gene Harris, resident, said he shared many of the same concerns about increased traffic and  
21 neighborhood noticing. He felt notice of the project should have been brought to neighborhood  
22 doors. He wondered the percentage of property tax the City collected from small businesses  
23 versus large business developments. He was concerned that the City had given up on small  
24 businesses. It was difficult to find a reasonably priced space to rent for a small startup business.  
25 He worried about “exacting money” from small businesses along 1200 West to help with the  
26 road widening, especially those that had already paid to move telephone poles. He was not sure  
27 the disadvantages of the project were thought through, and was opposed to the project.

28  
29 Charles Schultheiss, resident, asked Mr. Fehlberg some questions about phases one and two of  
30 the proposed development. His first question was about available parking, and how that parking  
31 dynamic would change if/when phase two moved forward. Secondly he asked about the current  
32 profile of Jive’s workforce and what type of jobs they brought in, especially relating to traffic  
33 flow. Were they 9 to 5 type jobs, or around the clock? Lastly he asked if Jive was a direct  
34 competitor with Adobe, or with Convergys.

35  
36 Mr. Fehlberg said there were about 1,200 parking spaces that would be available during phase  
37 one, which would accommodate the 550-600 expected employees. Phase two would go to  
38 structural parking, but that would not go to phase two unless they could attract a tenant that could  
39 assist in providing that structural parking. He said they would have flex hours for their  
40 employees, so it would not all be 9 to 5 type hours. He was not sure of the breakdown for jobs in  
41 support, customer service, IT, etc. and could not speak to who Jive’s direct competitors were, but  
42 knew Jive had been an attractive employer for “Gen-X” applicants.

43  
44 Natalie Nordland, resident, said she was not as concerned about the view but her main concern  
45 was the safety of her child and children in the neighborhood. She did not have a problem with  
46 Jive specifically, but also did not think a building that height belonged that close to a young  
47 residential neighborhood. She has loved the neighborhood, but this project had caused some

# DRAFT

1 concern about whether she or her neighbors would stay. She thought the area should be  
2 developed but she was concerned about the additional traffic it would bring to an already  
3 congested and speedy area. She also wondered how they could widen 1200 North without getting  
4 rid of houses along the road.

5  
6 Debby Fletcher, resident, said the road construction on 1200 North had caused some issues with  
7 stress fractures in her ceiling from the pounding to compact the sand. She was worried about  
8 more construction and its aftermath. She was concerned about the fire and police being able to  
9 respond in the neighborhood, because there were already so many cars there. Traffic was a big  
10 concern, as it was already difficult for her to back out of her driveway, and would be worse in  
11 the winter months with additional traffic. She thought the area needed to be developed, but  
12 thought it should stay within the guidelines.

13  
14 Stefanie Price, resident, said the Planning Commission had worried about shade and glare issues  
15 off the building for freeway drivers. There would be the same issues in the neighborhood in the  
16 shadow of the building. She felt traffic in the area was already bad, and this project would make  
17 it worse. She thought it would be good to have some nice businesses in the area, but felt this was  
18 too much.

19  
20 Brian Kelly, resident and Timpview neighborhood chair, said he was never notified about the  
21 project except for one email about the meeting agenda. He and his children worked very hard to  
22 let the neighbors know about this item. He wanted to commend the City for recognizing his  
23 friend Gladeeh Begaye a few months back. He said the bedrock of this city was the stable  
24 residents like Ms. Begaye and his neighbors who volunteered their time to serve their  
25 community. He loved Orem, and had his business in Orem. He believed the height of the  
26 building was the primary issue for most neighbors, and urged them to look at that issue1019.

27  
28 Doug Moore, resident, shared the same concerns as his neighbors and wanted to add his voice.  
29 He felt a project like this would kill the neighborhood, and he was appreciative of those who  
30 cared about their community and voiced their concerns. His house backed to 1200 North and he  
31 could not imagine the increase of exhaust in his backyard from the additional traffic. He too was  
32 concerned about school children walking along these already busy roads. He thought big  
33 buildings like this needed to be with other big buildings in big building areas, not in  
34 neighborhoods. He did not think this would increase property values, but would affect many  
35 homes.

36  
37 Dan Gonzalez, resident, wanted to echo the same concerns and add his voice. He said they were  
38 not notified until the neighbors alerted him. He felt many more neighbors would be there if they  
39 had more notice. He felt the project was right on the edge of the neighborhood, and he thought it  
40 would be better to move the project across the freeway where it would affect fewer homes.

41  
42 Dave Jeddo, resident, said there had been nothing said about the infrastructure problems this  
43 would cause. Orem was building all over town, especially apartments. He felt 1200 West smelled  
44 bad, because everything settled at 1200 West. There had been talk about widening the road, but  
45 he had heard nothing about what would be done to improve the smell throughout the town. He  
46 had not seen any new sewer pipes in many years, and thought this was a serious issue. A big  
47 building along 1200 West would add to those issues.

# DRAFT

1  
2 Terry Morgan, resident, said she was up the street but was concerned for her neighbors that  
3 would be affected. She read the whole proposal which said neighbors within 500 feet were  
4 notified, but she did not think neighbors were notified properly. She had spoken to three city  
5 council members the night before the meeting and was promised that the neighborhood  
6 comments that were made would be taken into consideration, and she hoped that was true. She  
7 concurred with every comment that had been made.

8  
9 Mayor Brunst closed the public hearing.

10  
11 Mayor Brunst asked Mr. Bench if notice was sent within 500 feet of the proposed project area.  
12 Mr. Bench said a mailing notice was sent to properties within that 500 foot radius.

13  
14 Mayor Brunst said if homes were damaged during construction he was sure the developers would  
15 address that. Jive was a company that started and had grown in Orem, not a large outside  
16 company. He said a few years ago over 2,000 jobs left the area, and keeping jobs in Orem was a  
17 concern. He felt property owners had the right to develop their properties, and any height of  
18 building would affect the view in some way. He agreed that traffic was tough in that area, but  
19 thought they were working to resolve some of those issues with widening roads, new striping,  
20 etc. He said there had been discussions about the City potentially buying a new fire engine to  
21 accommodate taller buildings. There were also fire control standards and fire codes in place that  
22 would address fire safety issues. They had kept this area zoned for commercial, and he thought  
23 the project would buffer some of the freeway noise. He felt the development would help the area  
24 and would benefit the ever-evolving community in preserving jobs.

25  
26 Mr. Macdonald asked about traffic studies that may have been done in the project area. Mr.  
27 Goodrich said Hales Engineering did a detailed traffic analysis on 1200 West from 1600 North to  
28 800 South and included intersections and different access points. He said the current  
29 Transportation Master Plan had 1200 West designated as a minor arterial, which for years had  
30 been identified as a road that might need to go as wide as five lanes. Horrocks Engineering, the  
31 consulting firm working with the City for the Transportation Master Plan, had confirmed the  
32 City would need to widen the road in the future.

33  
34 Mr. Sumner asked if there was a timeline for the road widening. Mr. Goodrich said they did not  
35 have a specified timeline yet. They had some federal funds for improvements to 1600 North in  
36 about two years, which would widen the intersection at 1600 North and 1200 West and do a  
37 study for how to widen 1600 North from three lanes to five. He hoped 1200 West would be high  
38 on the priority list for federal funding in the future. Part of the idea behind the Transportation  
39 Master Plan update was to help convince those who made funding determinations of the need for  
40 these road expansions.

41  
42 Mr. Macdonald thanked the neighbors for their efforts and for coming to add their voices. He  
43 thought there should be development in the area, whether it was this particular project or another.  
44 He was concerned about the notification issues and wondered if it would make sense to continue  
45 the item to allow the neighbors to meet with the applicants and discuss some of their concerns.  
46 He was not certain there was a resolution where all parties were happy, but thought it might be  
47 worth exploring.

# DRAFT

1  
2 Mr. Fehlberg said Jive believed they would grow in a relatively short time and hoped to provide  
3 jobs for the children of this community. He said he too was concerned about the noticing and  
4 wished there had been more dialogue before this point. He said Jive felt there had already been  
5 some compromise with the project, and he was not sure what more could be done.  
6

7 Mr. Seastrand thanked the neighbors for coming to the meeting, and he felt it was important to  
8 sort through all the issues. He asked Mr. Fehlberg how they intended to address issues of  
9 stability and liquefaction.  
10

11 Mr. Fehlberg said the codes had required extensive geotechnical surveys done prior to  
12 development. Deep borings were taken to determine the stability of the soil and what kind of  
13 structural engineering needed to be considered for the building. He said there were some  
14 dumpings found in the borings, but they believed it would be stable enough to build without the  
15 big driving piles and the structure would be adequate to support the building.  
16

17 Mr. Seastrand asked Mr. Kelly if he had a suggestion about the height aspect. Mr. Kelly said he  
18 felt it would be worth meeting with the applicants about the development, as that had been  
19 successful for other projects. He said Midtown 360 was ninety-six feet, which was high. They  
20 felt sixty feet was high, but a better compromise.  
21

22 Mr. Seastrand had wanted to see if neighbors would be flexible about the development. He  
23 agreed with Mr. Macdonald that there would be development in that area in the future, even if it  
24 was not this project. He asked if the building would be level with 1200 South or if it would drop  
25 down. Mr. Fehlberg said it would drop down and have parking, and the building would go up  
26 over that.  
27

28 Mayor Brunst asked if developers would be able to complete the project with a lower height that  
29 what was proposed. Mr. Fehlberg said he was not certain if the project could be completed or if  
30 the company would stay in the area. Jive had looked at several sites along the I-15 corridor but  
31 hoped to stay in Orem where they began and provide jobs for residents. It would change  
32 everything about the project to change the height, and he felt the difference between 140 feet and  
33 180 feet was minimal in terms of blocking the view. He said that making decisions about these  
34 complex neighborhood issues could not be easy.  
35

36 Mrs. Black asked if the building was limited to 140 feet if the project could still move forward.  
37 Mr. Fehlberg said there was a specific way buildings were measured. He thought they would  
38 need to go back to the drawing board if the building was limited in height. Jive was hoping to  
39 make an impressive statement for their company and for the City with a prominent building  
40 along the I-15 corridor with a beautiful building, not just a monolithic block.  
41

42 Mayor Brunst said there were areas of the city that needed to be redeveloped, and he felt this  
43 area would benefit from a development like this project.  
44

45 Mr. Spencer asked about the attendance for the neighborhood meetings. He said a compromise of  
46 limiting to 140 feet would still be tall, and would include the electrical equipment on top of the  
47 building.

# DRAFT

1  
2 Mr. Andersen said in light of the neighborhood noticing issue he thought it was best to continue  
3 the item and come up with a compromise. He did not think moving forward at this point was a  
4 good idea.

5  
6 Mr. Seastrand thought there were some questions with no answers. He thought valuable  
7 discussions could be had between neighbors and the developers and applicants about the height  
8 issue.

9  
10 Mr. Fehlberg said he knew how long this project had been in the works. He thought it interesting  
11 that there had been comments about building this project in Lehi where the big buildings  
12 belonged, when that had not been the case years ago. He thought the company would likely go  
13 where they found a friendly environment. He felt if Jive was going to be “beaten up” over and  
14 over again they would likely move on, but he would be happy to meet with neighbors for  
15 productive and open discussions about their concerns.

16  
17 Mr. Sumner asked for clarification on the state incentives. He said there was only so much  
18 money that could be allocated for road improvements. Mr. Clark said Jive qualified for GOED  
19 incentives if there was some incentive from the City. The costs of the road widening would be  
20 negotiated between the parties.

21  
22 Mrs. Black said she wanted to find a way to make this a workable project. She thought there  
23 would be a more successful outcome in discussing the project rather than drawing a line in the  
24 sand. She felt economic development was important for improving the city and balancing Orem  
25 as a place to live, play, and work.

26  
27 Mayor Brunst **moved** to postpone the item for two weeks until the City Council meeting on  
28 September 8, 2015. Mr. Andersen **seconded** the motion. Those voting aye: Hans Andersen,  
29 Margaret Black, Richard F. Brunst, Tom Macdonald, Mark E. Seastrand, David Spencer, Brent  
30 Sumner. The motion **passed** unanimously.

31  
32 6:00 P.M. PUBLIC HEARING – PD-41 Amendment – Fence Height 1042 West Center  
33 Street

34 ORDINANCE – Amending Section 22-11-54(F)(10) pertaining to fence heights in the PD-  
35 41 zone located generally at 1042 West Center Street

36  
37 Mr. Bench reviewed the applicant’s request that the City amend Section 22-11-54(F)(10)  
38 pertaining to fence heights in the PD-41 zone located generally at 1042 West Center Street.

39  
40 The applicant requested that the PD-41 zone be amended to allow an eight foot fence around the  
41 perimeter of the zone. The applicant’s site plan, which was approved in February, 2015, showed  
42 a seven (7) foot fence between the project and adjacent residential property and the PD-41 zone  
43 allows a maximum fence height of seven feet.

44  
45 The applicant would like to use a pre-manufactured fence made by SimTek. However, upon  
46 reviewing the fencing material provided by SimTek, the applicant discovered that their pre-  
47 manufactured fence was only sold in six (6) and eight (8) foot heights. The applicant considered

# DRAFT

1 purchasing the eight foot fence panels and then burying these panels to a depth of one foot, but  
2 burying any portion of the fence would void the warranty on the fencing material.

3  
4 The applicant was proposing to modify the PD-41 zone to allow a perimeter fence height of eight  
5 feet as a more practical solution.

6  
7 The applicant had contacted the neighbors that would be affected by the change and no  
8 objections were received.

9  
10 The Planning Commission recommended the City Council amend Section 22-11-54(F)(10)  
11 pertaining to fence heights in the PD-41 zone located generally at 1042 West Center Street. City  
12 staff supported the Planning Commission recommendation.

13  
14 Mayor Brunst opened the public hearing. There were no public comments so Mayor Brunst  
15 closed the public hearing.

16  
17 Mr. Seastrand asked if the eight-foot fence caused a greater wind issue.

18  
19 Mr. Bench said he was not aware of any wind issues caused by the slight additional height.

20  
21 Mr. Macdonald **moved**, by ordinance, to amend Section 22-11-54(F)(10) pertaining to fence  
22 heights in the PD-41 zone located generally at 1042 West Center Street. Mayor Brunst **seconded**  
23 the motion. Those voting aye: Hans Andersen, Margaret Black, Richard F. Brunst, Tom  
24 Macdonald, Mark E. Seastrand, David Spencer, Brent Sumner. The motion **passed** unanimously.

25  
26 6:00 P.M. PUBLIC HEARING – Amend SLU Codes – Churches in PO zone

27 ORDINANCE – Amending Appendix “A” of the Orem City code by changing Standard  
28 Land Use code 6911 – Churches, Synagogues & Temples from “not permitted” to  
29 “permitted” in the Professional Office (PO) zone

30  
31 Mr. Bench reviewed the applicant’s request that the City amend Appendix “A” of the Orem City  
32 code by changing Standard Land Use code 6911 – Churches, Synagogues & Temples from “not  
33 permitted” to “permitted” in the Professional Office (PO) zone.

34  
35 The City was recently approached by a church that wanted to move to a location at  
36 approximately 1145 East 800 North. This location was in the PO zone which did not currently  
37 allow churches as a permitted use. After consideration of the request, staff felt that allowing  
38 churches in the PO zone would be reasonable as there were already other churches on 800 North  
39 and churches appeared to be compatible with existing and allowed uses in the PO zone. The PO  
40 zone consisted of approximately twenty (20) acres located along 800 North east of 400 East.  
41 Churches (SLU 6911) were currently allowed in the R6, R6.5, R7.5, R8, R12, C2 and HS zones.

42  
43 The Planning Commission recommended the City Council amend Appendix “A” of the Orem  
44 City code changing Standard Land Use code 6911 – Churches, Synagogues & Temples from  
45 “not permitted” to “permitted” in the PO zone. City staff supported the Planning Commission  
46 recommendation.

# DRAFT

1 Mayor Brunst asked if churches or synagogues were required to be built to the same standards as  
2 other buildings in the PO zone.

3  
4 Mr. Bench said they would need to meet the same building standards as far as height, building  
5 materials, etc.

6  
7 Mayor Brunst opened the public hearing. There were no public comments so Mayor Brunst  
8 closed the public hearing.

9  
10 Mr. Spencer asked if there was a specific definition for “church” to be allowed in the PO zone.

11  
12 Mr. Bench said they needed a specific affiliation with a religious group.

13  
14 Mayor Brunst **moved**, by ordinance, to amend Appendix “A” of the Orem City code by changing  
15 Standard Land Use code 6911 – Churches, Synagogues & Temples from “not permitted” to  
16 “permitted” in the Professional Office (PO) zone. Mr. Macdonald **seconded** the motion. Those  
17 voting aye: Hans Andersen, Margaret Black, Richard F. Brunst, Tom Macdonald, Mark E.  
18 Seastrand, David Spencer, Brent Sumner. The motion **passed** unanimously.

19  
20 6:00 P.M. PUBLIC HEARING – Amend SLU Codes – Family and Behavioral Counseling  
21 ORDINANCE – Amending Appendix A of the Orem City Code as it pertains to permitted  
22 uses in the CM zone

23  
24 Mr. Bench reviewed Lisa Breitenstein’s request that the City Council, by ordinance, amend  
25 Appendix A of the Orem City Code to permit SLU 6597, Family and Behavioral Counseling, as  
26 a permitted use in the CM zone.

27  
28 Orem City Code Section 22-9-4 stated “The CM zone is established to provide areas where  
29 planned manufacturing parks may be developed. The zone is designed to provide for such uses  
30 on well-landscaped sites such that they can be located in proximity to residential uses.” Uses  
31 beyond manufacturing were permitted in the CM zone. The closest permitted use to that of the  
32 applicant was SLU 6513, Medical Clinics – Outpatient. The nature of counseling and outpatient  
33 services may be viewed as similar. For this reason, the applicant requested the Code be amended  
34 to allow counseling services as a permitted use in the CM zone.

35  
36 The CM zone was located in two areas in the City – 221 acres in the southwest area west of  
37 Geneva Road (Orem Center Business Park) and 68 acres at the mouth of Provo Canyon.

38  
39 The Planning Commission recommended the City Council, by ordinance, amend Appendix A to  
40 permit SLU 6597, Family and Behavioral Counseling, as a permitted use in the CM zone. Staff  
41 supported the recommendation of the Planning Commission.

42  
43 Mayor Brunst opened the public hearing. There were no public comments so Mayor Brunst  
44 closed the public hearing.

45  
46 Mrs. Black **moved**, by ordinance, to amend Appendix A of the Orem City Code as it pertains to  
47 permitted uses in the CM zone. Mr. Seastrand **seconded** the motion. Those voting aye: Hans

# DRAFT

1 Andersen, Margaret Black, Richard F. Brunst, Tom Macdonald, Mark E. Seastrand, David  
2 Spencer, Brent Sumner. The motion **passed** unanimously.

3  
4 6:00 P.M. PUBLIC HEARING – PD-19 Amendment – 1766 S 750 E from R5 to R7.5  
5 ORDINANCE – Amending Section 22-11-31, PD-19 zone, Appendix “M” and Section 22-  
6 5-3(A) and the zoning map of the Orem City Code by changing the zone on 0.57 acres  
7 located at 1766 South 750 East from the R5 zone and the R7.5 zone to the PD-19 zone  
8

9 Mayor Brunst indicated for the record that Mr. Sumner recused himself from the discussion and  
10 vote.

11  
12 Mr. Bench presented Kim O’Neill’s request that the City amend Section 22-11-31, PD-19 zone,  
13 Appendix “M” and Section 22-5-3(A) and the zoning map of the Orem City Code by changing  
14 the zone on 0.57 acres located at 1766 South 750 East from the R5 zone and the R7.5 zone to the  
15 PD-19 zone.

16  
17 The applicant owned two lots at approximately 1766 South 750 East. One of the lots was vacant  
18 and the other had an existing home. The lot with the home was zoned R7.5 and the vacant parcel  
19 is zoned R5.

20  
21 The applicant would like to rezone his two lots to the PD-19 zone. The PD-19 zone, also known  
22 as South Rim, was located just across the street from the applicant’s property. The PD-19 zone  
23 allowed for townhouses at an overall density not to exceed nine units per acre. The PD-19 zone  
24 currently had 24 townhouse units on approximately three acres.

25  
26 If the applicant’s request was approved, the applicant proposed to construct six townhouse units  
27 on the combined two lots as shown in the amended concept plan. The units would have a height  
28 of 28 feet and exterior finish materials consisting of stone, hardiplank siding, and stucco. The  
29 applicant’s concept plan showed 15 parking stalls which met the requirement of 2.5 stalls per  
30 unit.

31  
32 To enable the applicant to construct the type of development he desired, the applicant also  
33 requested that the City Council make certain amendments to the PD-19 zone. The PD-19 zone  
34 currently incorporated all of the standards of the PRD zone except for density and the only  
35 difference between the two zones was that the PD-19 zone allowed a density of nine units per  
36 acre versus the seven units per acre allowed in the PRD zone.

37  
38 The applicant was requesting that the PD-19 zone be amended to eliminate any restriction as to  
39 second story square footage or basements because the PRD zone limited the second story of a  
40 unit to 60% of the main floor square footage. The applicant also proposed to allow a building  
41 height of 30 feet in the PD-19 zone versus the 27 foot height limit in the PRD zone. The  
42 applicant also proposed to modify the PD-19 zone to require setbacks to conform to those shown  
43 in the concept plan rather than the specified distances required in the PRD ordinance.

44  
45 The existing density of the South Rim development was 8.05 units per acre and with the addition  
46 of the six proposed units of the applicant, the overall density would increase to 8.47 units per  
47 acre. The density of just the applicant’s proposed development would be 10.5 units per acre.

# DRAFT

1  
2 If the applicant's request was approved, the 750 East cul-de-sac would be widened with the  
3 proposed project. The current City standard was a cul-de-sac with a minimum diameter of 96  
4 feet to meet fire code requirements. The current dimension of the 750 East cul-de-sac was 65  
5 feet. Should property be redeveloped in the cul-de-sac, the diameter will be increased on each  
6 respective property. The transportation engineer did not require a transportation study because of  
7 the unit count and the lack of any other potential access point to the property.

8  
9 With regard to traffic, the national average of trip generation for townhome developments was  
10 5.86 trips per day. Single family detached dwellings averaged 9.57 trips per day. If the property  
11 were developed as two single family homes, 19 trips per day would be the expected traffic  
12 impact. Six townhome units would be expected to generate approximately 35 trips per day.  
13 Spread out over the course of a day with most trips between 7:00 AM and 10:00 PM, an  
14 additional 16 trips per day was insignificant.

15  
16 The subject property was adjacent to existing multi-family, single-family, and commercial uses.  
17 Five four-plexes were located to the immediate north while three single-family units remained in  
18 the cul-de-sac. A commercial vehicle salvage yard was adjacent to the west and an office parking  
19 lot was located along a portion of the south property line. The distance from the nearest proposed  
20 unit to the front door of the nearest detached single family home was approximately 120 feet.

21  
22 A neighborhood meeting was held on February 5, 2015, with ten residents in attendance.  
23 Concerns from those in attendance included an increase in overall traffic and parking to the area.  
24 A concern of student housing was also mentioned.

25  
26 The Planning Commission recommended the City Council, by ordinance, amend Section 22-11-  
27 31, PD-19 zone, Appendix "M" and Section 22-5-3(A) and the zoning map of the Orem City  
28 Code by changing the zone on 0.57 acres at 1766 South 750 East from the R5 zone and the R7.5  
29 zone to the PD-19 zone. The Planning staff supported the recommendation of the Planning  
30 Commission.

31  
32 Mr. Seastrand asked if under the current zoning they could feasibly put up to nine units per acre  
33 with the required setbacks. He asked for clarification about what was allowed under existing  
34 zoning.

35  
36 Mr. Bench said the overall zone itself had nine units per acre, but this particular portion of  
37 approximately 0.57 acres would have up to six units to meet parking requirements. The R5 zone  
38 allowed for two family homes with no accessory apartments allowed. The R7.5 zone could have  
39 two homes with the option for accessory apartments.

40  
41 Mr. O'Neill said the proposed changes would allow for the beautification of the area, as well as  
42 enlarging the cul-de-sac to allow better fire truck access to the area.

43  
44 Mayor Brunst opened the public hearing.

45  
46 Ms. Porter, resident, said she worried that traffic would increase and it would be more difficult to  
47 back out of her drive way than it already was. She was also concerned about the addition of so

# DRAFT

1 many new and expensive apartments in Orem. Her experience in having managed apartments in  
2 the area made her feel that many people would not be able to afford to live in these expensive  
3 units since some could barely make rent in lower-cost apartments.

4  
5 Mayor Brunst closed the public hearing.

6  
7 Mr. O'Neill clarified that the project was for townhomes, not apartments, and they would be for  
8 sale.

9  
10 Mayor Brunst **moved**, by ordinance, to amend Section 22-11-31, PD-19 zone, Appendix "M"  
11 and Section 22-5-3(A) and the zoning map of the Orem City Code by changing the zone on 0.57  
12 acres located at 1766 South 750 East from the R5 zone and the R7.5 zone to the PD-19 zone.  
13 Mr. Spencer **seconded** the motion. Those voting aye: Hans Andersen, Margaret Black,  
14 Richard F. Brunst, Tom Macdonald, Mark E. Seastrand, David Spencer. The motion **passed**  
15 unanimously, 6-0.

16  
17 6:00 P.M. PUBLIC HEARING – PD-21 Amendment – 1200 South Geneva Road  
18 ORDINANCE – Amending Section 22-11-33 and Appendix "O" pertaining to development  
19 standards in the PD-21 zone located at 1200 South Geneva Road

20  
21 Mr. Bench presented Keith Hansen's request that the City amend Section 22-11-33 and  
22 Appendix "O" of the Orem City Code pertaining to development standards in the PD-21 zone  
23 located at 1200 South Geneva Road.

24  
25 The PD-21 zone was enacted in 2000 to create a mixed-use student-oriented development. The  
26 original concept plan of 6,000 students and 1,789 apartments with multiple supporting  
27 commercial business has evolved into a less dense development consisting of apartments and  
28 limited commercial development.

29  
30 Instead of one owner as first envisioned, the PD-21 zone now encompasses seven property  
31 owners. The current PD-21 zone was also split into two areas known as Area 1 and Area 2. The  
32 applicant requested that Area 2 be further divided to create Area 3. Area 1 was the existing  
33 Wolverine Crossing with 266 apartments and Area 2 was the former Burton property, now  
34 Parkway Lofts, LLC, with 332 apartment units which received site plan approval in March 2015  
35 with construction now underway.

36  
37 The proposed Area 3 was the subject of this request and the owner of this property was  
38 proposing to amend the PD-21 zone and associated concept plan to allow a development known  
39 as University Downs which will consist of 316 residential units, a large parking garage and a  
40 hotel.

41  
42 The applicant's proposed development would be primarily oriented toward attracting both single  
43 and married students.

44  
45 The primary changes requested to the PD-21 zone were as follows:  
46

# DRAFT

1 1. The applicant proposed a maximum building height of 120 feet in Area 3 which was reduced  
2 from the original request of 150 feet. Area 1 and Area 2 had maximum building heights of 86  
3 feet or seven (7) stories, whichever was less, depending on the location. The Planning  
4 Commission recommended the maximum height of each building be limited to the height shown  
5 on the concept plan.

6  
7 2. The proposed amendment would reduce the required setback from outside property lines for  
8 any building over 20 feet high from 20 feet to 15 feet. This was to accommodate the proposed  
9 location of the parking structure/married units building.

10  
11 The first two amendments described above would allow a parking structure with a height of 91  
12 feet to be located 15 feet away from the north property line of Area 3 as shown on the revised  
13 concept plan. This structure would also house units on the top level wrapped around to the north  
14 side. The nearest Parkway Lofts building was approximately 75 feet from the property line of  
15 University Downs and 90 feet from the proposed parking structure. The existing Code permitted  
16 a 72-foot high parking structure to be constructed 20 feet from the property line. The proposed  
17 parking structure would have a significant visual impact on the Parkway Lofts development to  
18 the north. However, development near train stations was typically high density which was  
19 implemented by tall buildings. A cross section had been included showing the potential location  
20 of the parking structure in relation to the current Parkway Lofts building.

21  
22 3. The applicant proposed a parking standard of 0.65 parking stalls per occupancy unit which  
23 was the same standard applicable in Area 1 and slightly greater than the 0.62 per occupancy unit  
24 standard that applied in Area 2.

25  
26 4. The applicant requested that zinc metal panels be added to the list of approved architectural  
27 materials with the limitation that such panels would not exceed 15% of each respective elevation.

28  
29 5. Two monument signs were proposed to be allowed in Area 3 along 1250 West.

30  
31 A water model study was performed for the proposed project and determined that water service  
32 would be adequate for the proposed development in Area 3 with the possibility that some water  
33 lines may need to be upsized which would be determined with the final engineering for the  
34 project.

35  
36 The developer also provided a traffic analysis of the proposed project to determine if this site  
37 could handle the increased traffic that would be expected from the proposed amendment. The  
38 traffic study determined that the development will not cause unreasonable congestion or unsafe  
39 conditions on the local roadway network and will not adversely impact the public investment in  
40 roadway infrastructure in the adjacent area. The City Engineer reviewed and concurred with the  
41 findings of the study.

42  
43 The Planning Commission recommended the City Council, by ordinance, amend Section 22-11-  
44 33 and Appendix "O" of the Orem City Code pertaining to development standards in the PD-21  
45 zone located at 1200 South Geneva Road with a recommendation that the maximum height of  
46 each building be limited to the height shown on the concept plan. The Planning Staff supported  
47 the recommendation of the Planning Commission.

# DRAFT

1  
2 Mayor Brunst asked how many stories the 120 foot proposed building was, and Mr. Bench said it  
3 was the proposed hotel with twelve stories.  
4

5 Mr. Bench said the applicant was asking for the setbacks to be set at fifteen feet instead of  
6 twenty. They had received a letter from the property owner to the north of Building 2 which  
7 expressed the owner's concern about the change in setbacks, which Mr. Bench distributed to the  
8 Council. Mr. Bench said the applicant was also asking for the possibility of having some units in  
9 proposed Building 3 that would house up to eight occupants.  
10

11 Mayor Brunst asked about the change of the setback from twenty feet to fifteen. He asked if it  
12 would be possible to move their project forward keeping a twenty-foot setback.  
13

14 Keith Hansen, with AE Urbia Architects and Engineers, said the design was to allow for a  
15 courtyard with amenities on the outside so the units would look out onto a garden-type space.  
16 The extra five feet of landscaping would add to the aesthetics of the design. Mr. Hansen said  
17 keeping a twenty-foot setback would also affect the underground parking, but he thought they  
18 could revisit their designs if they had to. He felt the change to fifteen-foot setbacks was not  
19 unreasonable.  
20

21 Mayor Brunst asked if they would build student housing first, and which hotel they anticipated  
22 having as part of the project area. He also asked about the amenities package for the project.  
23

24 Mr. Hansen said the first phase of construction would start with Building 3 for housing with  
25 Building 2 for parking built simultaneously. He said the final phase would be for the hotel, and  
26 they did not know at this point which hotel brand/chain would be built there. He invited Patrick  
27 Nelson with Nelson Brothers Construction to describe the amenities package.  
28

29 Mr. Nelson said Nelson Brothers managed twenty-two student housing properties across fifteen  
30 different schools, with two in Orem. He said the extra five feet on the setbacks was also to  
31 encourage students to spend time in the interior courtyard instead of loitering on the surrounding  
32 property. He said the Building 4 amenities package was to make college living at University  
33 Downs the most attractive option. They anticipated having study areas with superfast Wi-Fi  
34 available, bowling alley, full-court collegiate gym, volleyball court, two pools, washer and dryer  
35 in every unit, etc. Outside they would put in a sand volleyball pit and a mini soccer field, and  
36 they hoped to use that area as an ice rink in the winter months. They wanted this property to put  
37 UVU on the map.  
38

39 Mr. Seastrand asked how many apartments they anticipated to have in Building 3. He was  
40 concerned about the request to have eight students per apartment and asked if that was all units  
41 in the building, or a specified number of units.  
42

43 Mr. Nelson said they planned for about 700 apartments in Building 3, but only twelve of those  
44 units would house eight occupants. Those twelve units were designed like townhouses, with two  
45 stories. Mr. Hansen added that the total units were 316 with 1,040 beds available in those units.  
46 There was a mix of units with two bedrooms, three bedrooms, some private rooms and some  
47 shared.

# DRAFT

1  
2 Mr. Seastrand said he would prefer to limit the number of eight-person units to the identified  
3 twelve units. He asked for clarification on the proposed parking with the student housing and the  
4 hotel. Parking was one of the biggest complaints he heard with housing units.

5  
6 Mr. Bench said they planned for 1,051 stalls, which was beyond one stall per bed. Mr. Hansen  
7 added that the parking configuration accommodated for the hotel.

8  
9 Mr. Earl said student housing was not based on per unit, but on per occupancy unit basis. The  
10 standard for hotel parking was one stall per room/unit, so they had planned for adequate parking.

11  
12 Mr. Nelson said they had designed the property to be flexible in accommodating for single and  
13 married student housing. Some of the parking design was to accommodate for young families.

14  
15 Mr. Macdonald asked for some clarification on the building's configuration of units, and which  
16 building would have the gym and other amenities.

17  
18 Mr. Nelson said there would be a mix of room numbers and beds in those rooms. They would be  
19 flexible on how the rooms were filled. He said the taller "tower" of Building 3 was anticipated to  
20 be specific for freshmen housing, but they would be flexible on that. He said there would be  
21 walkways over the overpass to allow students quicker and safer access to campus. He said the  
22 amenities would be in Building 4.

23  
24 Mr. Macdonald asked if it was common to have a hotel so near this kind of student housing  
25 project. Mr. Nelson said often there were hotels nearby, but it would be a unique opportunity to  
26 have a hotel so close for visitors to the university. He added that while they did not yet know  
27 which hotel would be built, Hilton was excited about the possibility.

28  
29 Mr. Seastrand asked Mr. Bench about the total people count they were anticipating when the  
30 initial PD-21 zone was created.

31  
32 Mr. Bench said initially up to 6,000 students. He said once Area 3 was developed they would  
33 have reached about half of that projection, with approximately 3,000 students.

34  
35 Mayor Brunst opened the public hearing.

36  
37 Ben Lowe, with Compass Developing Group, said he was not in opposition to the project and  
38 thought this would be a great addition. Their concern was principally with the parking garage,  
39 which was being increased by 26 percent beyond what the current zoning allowed, that would  
40 back up against their property. They understood the need for the parking with the proposed  
41 density, but worried about height increase for the parking garage only seventy-five feet from  
42 their property.

43  
44 Mayor Brunst asked if the parking garage was wrapped all the way around. Mr. Hansen said it  
45 would be wrapped around the back with attractive materials.

# DRAFT

1 Mr. Lowe said regardless of the materials used to wrap the structure, it would still be a parking  
2 garage. He hoped for further conversation with the owners and developers about this issue.

3  
4 Mayor Brunst closed the public hearing.

5  
6 Mrs. Black said she thought they had made an effort to avoid the structure looking like a run-of-  
7 the-mill or unattractive parking garage. She said the concept plans were encouraging, though the  
8 real building could look different.

9  
10 Mr. Sumner asked who the target audience was for this development.

11  
12 Mr. Nelson said UVU students specifically. Around 6,000 freshmen started at UVU each year,  
13 many of whom lived nearby in their parent's home. Studies showed that if a student started as a  
14 freshman living on campus, their retention rate was higher, their grades tended to be higher and  
15 they were more likely to graduate and complete their educational degree. When students lived  
16 away from their parents they learned valuable life skills and forged closer bonds with their peers,  
17 which was the "college experience" many parents wanted for their children.

18  
19 Kordel Braley, with RSG Consultants, said a traffic study was done to look at congestion and  
20 queuing. He summarized the findings, saying they had determined the traffic flow was  
21 acceptable with appropriate accesses.

22  
23 Mayor Brunst asked about the ingress and egress onto University Parkway.

24  
25 Mr. Goodrich said the University Parkway access would be the closest, but there were also split  
26 accesses onto Geneva Road and onto 1000 South. In the other direction there was access to 1000  
27 South, which connected to the intermodal center. There could potentially be a pedestrian  
28 overpass over I-15 connecting from the south end of the train station to campus. He thought this  
29 was a good location for high density student housing.

30  
31 Mr. Braley added that student housing did not typically generate the same traffic as family or  
32 young professionals-type housing.

33  
34 Mr. Seastrand asked where a pedestrian overpass or sky bridge might be built. Mr. Goodrich was  
35 not certain, but indicated it would be positioned to benefit those using public transit as well.  
36 UVU and the City would look to potentially get federal funding for this kind of overpass.

37  
38 Mayor Brunst **moved**, by ordinance, to amend Section 22-11-33 and Appendix "O" of the Orem  
39 City Code pertaining to development standards in the PD-21 zone located at 1200 South Geneva  
40 Road, with building heights tied to the concept plan and limiting the number of eight-occupant  
41 units to twelve units. Mrs. Black **seconded** the motion. Those voting aye: Hans Andersen,  
42 Margaret Black, Richard F. Brunst, Tom Macdonald, Mark E. Seastrand, David Spencer, Brent  
43 Sumner. The motion **passed** unanimously.

44  
45 *\*\*Mayor Brunst called for a break at 9:31 p.m.*

46  
47 *\*\*The meeting resumed at 9:46 p.m.*

# DRAFT

1  
2 6:00 P.M. PUBLIC HEARING – Southwest (SW) Annexation  
3 ORDINANCE – Adoption of the Lakeview Addition to Orem City Annexation Petition  
4

5 Mr. Bench reviewed Ryan McDougal’s request that the City approve the Lakeview Addition to  
6 Orem City Annexation Petition to annex 227.59 acres into the City of Orem.

7  
8 On June 6, 2014, Ryan McDougal filed an application to annex 227.59 acres into Orem. The  
9 petition met the minimum requirements outlined in the Utah State Code which required that the  
10 owners of at least 51% of the private land area and the owners of at least 33% of the total land  
11 value of all private property in the annexation area must be in favor of annexation. The owners of  
12 77% of the land area and the owners of 48% of the land value of all of the property in the  
13 annexation area had signed the annexation petition. The area proposed for annexation was  
14 outlined in the Lakeview Addition to Orem City Petition Signors map.

15  
16 The area included in the Lakeview annexation petition was included in the City’s current  
17 annexation policy plan which was a part of the City’s General Plan. The City’s annexation policy  
18 plan included the area north of 2000 South and west of I-15 to Utah Lake as area that the City  
19 anticipated annexing into the City at some point in the future. The proposed Lakeview  
20 annexation was in harmony with the City’s annexation policy plan.

21  
22 The Council accepted the petition for consideration on June 17, 2014. The petition was Certified  
23 by the City Recorder, City Attorney, County Clerk and Surveyor on July 11, 2014. This began  
24 the 30 day protest period for public protest against the annexation which closed on August 11,  
25 2014. The City of Provo filed a protest to the annexation which was based on their concern about  
26 control of 2000 South (Orem)/2000 North (Provo).

27  
28 An agreement was signed by both Orem and Provo in July 2015 that resolved Provo’s concerns.  
29 Under the agreement Orem will have control of 2000 South east of the railroad tracks and Provo  
30 will have control of 2000 South (Provo’s 2000 North) west of the tracks to the future intersection  
31 with the future Lakeview Parkway. The agreement allowed Orem to create new accesses to 2000  
32 South as development occurred on the Orem side of the street. The agreement also outlined a  
33 street cross section showing a three lane right-of-way configuration.

34  
35 Since Provo’s protest had now been resolved, the City Council may either approve or deny the  
36 proposed annexation. If the annexation was accepted, the City will work with the Utah County  
37 Surveyor’s Office to verify the annexation records and record the annexation with the Lieutenant  
38 Governor’s office.

39  
40 If the City Council approved the annexation, the City Council will need to approve a General  
41 Plan land use designation for the annexation area and will also need to apply a zoning  
42 designation for the property in the annexation area. The City Council may also want to consider  
43 adopting impact fees that will apply to all new development in the annexation area. Subsequent  
44 agenda items will address all of these issues.

45  
46 Development Services staff recommended the City Council consider the annexation petition for  
47 the Lakeview Addition to Orem City. Although the Planning Commission did not make a

# DRAFT

1 recommendation for the annexation, they did express the opinion that the area, if accepted,  
2 should be developed with the low density model or agricultural uses similar to what currently  
3 existed in the area.

4  
5 Mr. Bench reviewed the sequence of the annexation items on the agenda and how they led one to  
6 another. He showed a map of the petitioners and said they were well above the requirements for  
7 annexation with 77 percent of property acreage and 48 percent of property value included in the  
8 petition. He clarified the areas of conservation and agriculture easements that would not be  
9 included in the annexation.

10  
11 Mr. Andersen asked the size of the area, and how they had determined which areas to annex. Mr.  
12 Bench said it was 400+ acres, and clarified that the staff did not determine the annexation area  
13 but the petitioners had determined the area. He said for an agricultural easement area to be  
14 annexed they would need 100 percent approval, which they did not have, so that area was not  
15 included. The conservation easement within the petition area could be annexed but would not be  
16 developed. The petition outlined an area of approximately 227 acres for annexation, and the  
17 petition met all requirements to bring the item before the City Council.

18  
19 Mayor Brunst asked what the conservation easements were for. Mr. Bench said he believed it  
20 was an active farm.

21  
22 Mr. Seastrand asked if the owners in an agricultural easement area could eventually be annexed  
23 into Orem. Mr. Bench said they could, if they went through a petition process and had 100  
24 percent of land owners' approval for annexation.

25  
26 Mr. Macdonald said he had received many emails about this item. He asked for clarification on  
27 where development could take place versus areas that were kept as farms. He asked if the City  
28 would force them to develop.

29  
30 Mr. Bench said they could continue to farm, and if they wished the sell their land to developers  
31 they were welcome to do that also. He said conservation easements had no development rights so  
32 they would continue as farm land. The agricultural easement area was approximately 100 acres  
33 and the conservation easement areas were approximately forty acres.

34  
35 Mr. Seastrand asked about the tax rate differences between county and city, and if there would be  
36 a change in valuation as the area became part of the city. Mr. Bench said the current taxable rate  
37 in the county was 0.0122840 in 2014, and after annexation the rate would be 0.0114190. In some  
38 instances, the county tax was higher than the city tax, but most would be lower. He said the  
39 valuation of the property would not go up simply because land was annexed into the city; it  
40 would go up if the property was developed and improved.

41  
42 Mayor Brunst said City's Master Plan had always been to annex this area, and Provo had not  
43 moved toward annexation at all. Mr. Bench said if Provo annexed land in this area they would  
44 face the difficult task of servicing the area with utilities like sewer that they did not have the  
45 capacity for, and therefore had not shown serious interest in annexation.

# DRAFT

1 Mr. Andersen asked how many existing homes were in the annexation area, and how many  
2 would be forced to connect with city utility services and its cost. Mr. Bench said the only  
3 requirement was if the sewer line went within 300 feet of their homes.

4  
5 Mr. Stocksdale said there were about a dozen homes in the area, and they would review on an  
6 individual basis whether the homes were within 300 feet of the sewer line and were required to  
7 connect.

8  
9 Mr. Seastrand clarified that this discussion was only on the annexation issues itself, not on  
10 density, projects, fees, or otherwise.

11  
12 Mayor Brunst opened the public hearing.

13  
14 Byron Taylor, resident, said he had heard repeatedly that his family had sold off their  
15 development rights and he wanted to clarify that they had donated those rights. He felt ad hoc  
16 development driven by developers without long-term interests in the community generally did  
17 not make for nice areas where people wanted to live. He heard over and over that farming would  
18 still be an option, but he felt farms surrounded by high density development would have  
19 increased costs, liabilities, and risks. He was concerned about moving his farming equipment  
20 across Geneva Road with increased traffic. He said they were told they could negotiate a  
21 protection overlay, but felt they had no leverage for negotiation and staff had made that clear.  
22 Without an agricultural protection overlay, they would be subject to all kinds of harassment and  
23 even nuisance lawsuits.

24  
25 Dustin Palmer, resident, had questions about the increased cost to the City to annex the area. He  
26 knew there were associated costs for services and such, and hoped for some clarification.

27  
28 Mayor Brunst said as the area developed, those residing in area would pay the taxes for more  
29 services. The City was requiring the developer to front the costs for installing the infrastructure  
30 and impact fees would pay the developer back.

31  
32 Richard Wilkerson, resident, said he was opposed to the annexation petition because it was based  
33 on the requirement of high density developments in the area. He said without the high densities  
34 the developers could not pay for their projects or the infrastructure, so the issues of annexation  
35 and the proposed developments were intertwined.

36  
37 Kyle Bateman, resident, said his view was that under the status quo agricultural operations could  
38 continue but those who wanted to develop their land could not. Under the annexation, the  
39 agricultural operations could continue and those who wanted to develop would have the option.  
40 He said his parcel was not suited to agricultural operations. He felt it was important that the area  
41 become part of Orem at some point, and in this scenario they could do so without cost to city for  
42 infrastructure installation. He felt it was the right time, it was the right plan, and would offer the  
43 greatest amount of freedom for the individual land owners.

44  
45 Barry Brown, resident, said an advantage listed for the annexation was that there were no  
46 existing homes near the proposed development projects, but his home was located within forty  
47 feet of those projects. He also wanted to correct an address in the Planning Commission minutes.

# DRAFT

1 He had sent emails to the Mayor and Council and asked that they read it. He objected to the high  
2 density housing, the traffic problems, and other issues that would be caused by of annexation.  
3 The east boundary of his property would be the west boundary of the townhome project, and  
4 they would be highly affected. He thought traffic would be a disaster causing bottleneck issues to  
5 the southern entrance of the city.  
6

7 LaDawn Robbins Christensen, resident of Provo, said she owned land in the proposed  
8 annexation area, and she worked with the Provo City Sustainability and Natural Resources  
9 Committee. Provo had no concrete ideas in their 2030 plan to preserve agricultural land, and she  
10 doubted Orem did either. She was working with the Utah County Commissioners to preserve  
11 agricultural land in the area. She had concerns about the connector road that would cut through  
12 ecologically sensitive wetland. She advocated preserving natural green space and food producing  
13 land, and thought one strategy would be to purchase more conservation easements in the area.  
14

15 Dave Jeddo, resident, said he was asking that the Wilkerson Farm be left out of the annexation.  
16 He represented the Franklin 2<sup>nd</sup> ward, a Native American Indian ward, which used the southeast  
17 corner of the Wilkerson Farm property as a garden. The garden was a laboratory where children  
18 learned the value of agriculture and learn the skills to grow seedlings to maturity. The produce  
19 from the garden fed 375 ward members. He invited his son to share things he had learned about  
20 plants for his science fair project. His son said he discovered that plants could see and  
21 communicate with one another. They were able to react to the slightest touch and estimate time  
22 within extraordinary precision.  
23

24 Shawn Bunderson, resident, said he had been working with both the County and Orem City for  
25 the last three years trying to build some homes on his family-owned land. He said as a landowner  
26 it was frustrating that he could not develop his own land. He spoke with Sam Kelly about the  
27 processes of working toward development, and Mr. Kelly advised him to promote the idea of  
28 annexation. If Orem annexed the land, he would be able to develop. He said he learned that  
29 working with developers would help him, so he had been working with Mr. McDougal and Mr.  
30 Mansell. He said he understood the tough decision that was before the Council, but he hoped  
31 they could find a solution that would allow him to develop his land.  
32

33 Margaret Dayton, resident, said she wanted to thank the Council for staying to listen and for their  
34 service. She was hoping they would preserve open space and agricultural land in the area. She  
35 said she did not want to interfere with private property rights, but if the area was annexed she  
36 urged them to not zone it for high-density housing. She said the area had some unique soil that  
37 was ideal for fruits and vegetables and was a great treasure for Orem to maintain. She felt there  
38 was interest in farmer's markets and buying local produce. She said any land lost to urban  
39 development could never be replaced, and she hoped farmland would remain.  
40

41 Skip Dunn, resident, said he understood the emotion tied to the area. He said this had been long  
42 in development, and this area was the last stronghold. He felt farmers should be able to do what  
43 they do, and that landowners should be able to do what they would like to do. He said it was a  
44 tough deal to get utility connections in that area, and he thought people took water and sewer  
45 connections for granted. He saw the potential for good growth in the area, and he could see the  
46 good in the proposed projects from the developers. He said the densities they were proposing  
47 were to make their projects work and alleviate some of the City's responsibility in the area.

# DRAFT

1  
2 Mark Bowden, resident, said he was concerned about how the water, sewer, and other utilities  
3 would be brought to the area. He also wondered if the utilities could benefit the industrial park  
4 that was near but not part of the annexation area. He said people wanted to get the most out of  
5 their land, but as he looked into the future he saw the potential for the high-density housing to  
6 become low-income housing and for buildings to become run down. He also wanted to discuss a  
7 sign issue in the area and asked for someone from the City to follow up with him about it.

8  
9 Rachel Wilkerson, resident, said many community members had come to the meeting or sent  
10 emails to show support for local agriculture. She said these farms had been in operation for over  
11 a hundred years, and the area was special. She felt it would be difficult to operate a farm with  
12 apartments down the road. There were nuisance issues that came up in association with farming,  
13 but farming was not a nuisance. It was an industry that gave back to the community. She said  
14 everyone needed to be able to eat, and to produce food there needed to be farmland available.

15  
16 Alan Hamberlin, resident, said he and some of the landowners around him were hoping to be a  
17 part of this annexation petition, but would follow up with the City about that process in the  
18 future. He said he hoped to connect with City infrastructure once it was in place, because the  
19 County would not allow any development without water. He said he was tired of fighting with  
20 the County and paying taxes for “industrial uses” that he was not even able to do.

21  
22 Richard Wilkerson, resident, said he thought this would be the last time a group of farmers  
23 would be coming before the City Council, because they were the last ones left. Once farmable  
24 land was gone the farmers would be gone too. He hoped they valued what they did and what the  
25 land could do, and he hoped to be part of the effort to care for the community by providing food.  
26 Land was expensive, and it was very difficult for new farms to get started. He asked that they  
27 develop an agricultural plan and consider the needs for irrigation, wells, and other infrastructure.  
28 He felt it was important during tough times for an area to be able to produce its own food.

29  
30 Chris Foster, resident, said he came to oppose the development. He said he represented many  
31 who lived in the area that treasured the farms and the opportunity to have farm land, as well as  
32 the conservation and agricultural easements.

33  
34 Linda Brown, resident, quoted a country song, saying, “We don’t need the farmer anymore when  
35 we can just go and buy it at the store”.

36  
37 Don Barr, Provo resident, said it was inaccurate to say the proposals were not near existing  
38 homes, especially when the proposed projects would be near existing homes if they were  
39 approved. He said there were twelve homes close to the proposed development on the east side  
40 and would likely need to connect to City service lines, but even more that would be affected. He  
41 had been in the area a long time and he liked Orem, though his home had been annexed by  
42 Provo. He said this was a difficult decision that would take “the wisdom of Solomon to sort out”.

43  
44 Pat Johnson, resident, said she owned property in the annexation area for eighteen years. She had  
45 been trying to put in a nice storage unit business, but could not get around the County. She was  
46 in favor of the annexation for the purpose of being able to develop or sell her land.

47

# DRAFT

1 Gene Morris, resident, said he came to the meeting to ask the Council to do what the Planning  
2 Commission recommended and not annex the land but leave it for farming.

3  
4 Sandy Morgan, resident, said annexing the area was opening the door for developers and telling  
5 the farmers they could not farm. She said it was difficult to get farming equipment down or  
6 across Geneva Road, which was already a busy road and she knew of no plans to expand it. She  
7 said she had to plan when she could leave her home because of the traffic in the area. She said  
8 this would be turning what was left of Orem's green space and farmland into concrete like the  
9 rest of Orem. She asked if there could be at least one remaining open space for agricultural  
10 operations. She was concerned about the loss of her lane for the Lakeview Corridor.

11  
12 Jessica Street, resident, said this was an emotional and difficult decision. She felt the farmland  
13 was needed, but also recognized that the city was still growing. She thought it would be wise to  
14 keep the farmland and felt Orem needed to stay a tree city, not an apartment city. She wondered  
15 if it would be possible to consider lower density projects, both from a safety and aesthetic  
16 standpoint.

17  
18 Wanda Barr, Provo resident, said she moved forty-three years ago from a Provo suburb into the  
19 unincorporated community of Lakeview, which was the root of the Provo and Orem areas. She  
20 had hoped the community could stay together and be annexed into either Provo or Orem  
21 together, but that had not happened. She had seen development occur to the south and east of her  
22 home, most of which was high-density housing that was basically vacant. She wondered why  
23 there needed to be more housing developments if those were still vacant. She said the corner she  
24 lived on was dangerous and she often heard brakes squealing and worried about increased traffic  
25 in the area if they were annexed.

26  
27 Jenny Pine Yancy, resident, said her family owned an orchard in the area and felt that farmers  
28 were losing their rights every day. She said they could not drive their tractors on the road  
29 because they were not "road permitted" and the traffic was dangerous. They had been subject to  
30 tests on their manure because of the smell. She said they dealt with developers every day because  
31 their land was much more valuable for development than farming. She asked that they not take  
32 farmland away from these families.

33  
34 Jeff Mansell, petitioner, said he had been to every meeting about the annexation. He understood  
35 and sympathized with the emotions involved in this decision. He said people had a right to  
36 choose what they did with their property, be it for agricultural operations or land development.  
37 He said they were not insisting annexed land be taken away from farmers and developed  
38 immediately. He said the County would not let development move forward and so to allow all  
39 parties the right to use and develop their land he supported the annexation.

40  
41 Elaine Schofield, resident, thanked them for their time in studying the issue. She said she wanted  
42 the annexation denied for the following reasons: She felt there was an opportunity to leave a  
43 legacy for the City with a few acres dedicated for open space and agriculture. She said many  
44 runners and cyclists went through the area and enjoyed the beautiful open spaces and seeing the  
45 farm animals and wildlife. She felt these things benefitted the city.

# DRAFT

1 Stan Roberts, resident, owned land in the proposed annexation area. He said the maps showed  
2 the bulk of landowners in favor, but he thought those individuals outside of the annexation area  
3 should have a say as well.  
4

5 Kathryn Stone, resident, said she wanted to talk about the Wilkerson Farm. To her, the open  
6 space was priceless and it was being lost very quickly. She felt these gems of Orem should be  
7 preserved. She said the Wilkerson Farm was interactive, allowing children and adults alike the  
8 opportunity to spend time on the farm in the fields, pick their pumpkins, they even offered  
9 classes for children to learn about agriculture and plan life cycles and more. She thought progress  
10 should be knowing when to move forward and also when to pull back. She felt the progress in  
11 this case should be land preservation.  
12

13 Alan Sable, resident, said the concept of keeping an island of agricultural land was enticing. He  
14 felt the majority of landowners in the area would love the opportunity to keep their land for  
15 agricultural uses and see the same financial benefits as land development.  
16

17 Mike Faragher, resident, said he was not a farmer but grew up with his father doing real estate.  
18 He saw both sides when it came to property rights. He lived in an apartment building that was  
19 built in the 1970s. While he enjoyed some of the amenities that came with apartment living, he  
20 also dealt with some of the frustrations. He felt many were aging and in need of improvement,  
21 and not all apartment-dwellers made good neighbors. He thought that was something to consider  
22 when building more high-density housing developments. He said his wife loved going to  
23 farmer's markets and thought they should keep the quality of life here in Orem.  
24

25 Kent Olsen, partner with petitioner Ryan McDougal, said he agreed that the area was a gem and  
26 this was a tough decision as there were competing uses for the land. He said he had lived in  
27 South Jordan for twenty-six years and felt he had seen quite the variety of development there,  
28 from temples to townhomes, golf courses to commercial developments. He said there were side-  
29 by-side developments with farms and housing developments in the area. He said it was not  
30 perfect, but he felt it could work in this area too.  
31

32 Linda Wilkerson, resident, said development happened quickly and seemed spectacular, but as  
33 time would pass people would grow nostalgic for the things that used to be. She felt farm life  
34 was beautiful, especially being surrounded by natural wonders like Mt. Timpanogos. She said the  
35 Wilkerson Farm attracted visitors from around the state, and they did not want to lose the  
36 opportunities to cultivate the land and teach about agriculture. She said she was not opposed to  
37 development or to building housing but she felt there were plenty of those housing developments  
38 already. She thought there should be balance and preserved green space.  
39

40 Trevor Sniatynsky, resident, asked for an estimate of the number of apartments being built in  
41 Orem. He said projects were being built to accommodate UVU's growing student population and  
42 he felt in a saturated market developers would need to do something to stay competitive, and so  
43 rooms were built cheaper and sold/rented for cheaper and building owners would not be able to  
44 afford the upkeep of the complexes. He felt this would attract lower-income residents, and  
45 worried that upkeep and neighborhood improvement would not be a priority to those residents.  
46 He reiterated the point that farmland, once lost, could never be regained and said it would be  
47 beneficial to spend time fixing existing structures instead of building new ones.

# DRAFT

1  
2 Mayor Brunst answered that there were about 2,200 units.

3  
4 Ryan McDougal, applicant and petitioner, said the majority of property owners within the area  
5 were supportive of the annexation. He said they wanted to be able to develop their land how they  
6 wished. He said those seeking development were not looking to dictate how people would use  
7 their land, and the annexation would allow those who wanted to continue farming to do so but  
8 also allow for development. He said when he was told the developers would provide the utilities  
9 he went back to the drawing board for a new plan that would work. He said they had taken all the  
10 proper steps and had done everything the City had asked them to do. He asked if annexation took  
11 place that developers be allowed to do what was necessary to make their projects feasible,  
12 because there needed to be a means to install the infrastructure.

13  
14 Mayor Brunst closed the public hearing.

15  
16 Mr. Andersen said picking and choosing the annexation area would affect those that were not  
17 included as well. He felt everyone would be affected regardless of if they were in the specified  
18 annexation area or not. He thought some of the proposed utility rate increases were to support the  
19 annexation and he thought that would be a mistake.

20  
21 Mr. Macdonald said he was appreciative of the respectful way disagreements had been handled,  
22 and thanked those who had spoken. He said there was a majority that wanted to annex, and he  
23 felt that annexation allowed for landowners to farm or develop their properties. He appreciated  
24 the passionate public statements, but thought it was difficult not think about property rights on  
25 both sides.

26  
27 Mr. Seastrand echoed Mr. Macdonald's thanks to the audience. He said it was easy to have  
28 several perspectives on this issue, and he acknowledged that this was a big decision. He was  
29 trying to find win/win solutions. He said the annexation had been part of the City's Master Plan  
30 for a long time, and was often perceived as already part of Orem. He wondered if the Wilkerson  
31 Farm could be moved into a designated agricultural or conservation easement area. He said a  
32 major concern he had heard was the density and format of the proposed projects, and not  
33 necessarily the annexation itself. He wished he could step back and examine all the various  
34 aspects and discuss the issue further.

35  
36 Mrs. Black wanted to clarify that the Planning Commission had not made a recommendation  
37 regarding annexation because they had not considered it; this was a City Council responsibility.  
38 She said the bulk of the landowners were in favor of annexation and it provided choice for those  
39 landowners. She also wanted to clarify that the UVU population was significantly higher than  
40 had been previously mentioned.

41  
42 Mayor Brunst **moved**, by ordinance, to approve the Lakeview Addition to Orem City  
43 Annexation Petition to annex 227.59 acres into the City of Orem. Mr. Spencer **seconded** the  
44 motion. Those voting aye: Margaret Black, Richard F. Brunst, Tom Macdonald, David Spencer,  
45 Brent Sumner. Those voting nay: Hans Andersen, Mark E. Seastrand. The motion **passed, 5-2**.

# DRAFT

1 6:00 P.M. PUBLIC HEARING – SW Annexation General Plan Amendment and Zone  
2 Implementation

3 ORDINANCE – Amending the land use map of the Orem General Plan to apply a land use  
4 designation to approximately 227 acres of property described in the Lakeview Addition to  
5 Orem City Annexation Plat located generally at 1600 South Geneva Road

6 ORDINANCE – Amending Section 22-5-3(A) of the Orem City Code and the zoning map  
7 of the City of Orem by zoning approximately 176 acres of property described in the  
8 Lakeview Addition to Orem City Annexation Plat located generally at 1600 South Geneva  
9 Road to the OS5 zone

10  
11 Mr. Bench explained that this request had two parts and was only now applicable because the  
12 City Council had approved the “Lakeview Addition to Orem City Annexation Petition” in the  
13 previous item. Because the City Council had approved the annexation, it would now need to (1)  
14 apply a General Plan land use designation to the property in the annexation area and then (2)  
15 apply a zoning designation to property in the annexation area.

## 16 17 1. General Plan Designation.

18 The City Council expressed its intent in meetings in November 2014 and January 2015 not to  
19 expend any City funds to pay for installation of utility infrastructure in the southwest annexation  
20 area. In accordance with this direction, Staff had worked with potential developers to come up  
21 with a plan that would make it feasible for developers to install necessary utility infrastructure at  
22 their own cost.

23  
24 Because of the cost of installing water, sewer and storm drain facilities in the annexation area,  
25 the developers and staff initially determined that a mix of General Plan land use designations  
26 consisting primarily of high density residential, medium density residential and community  
27 commercial would most effectively allow the development of land in the annexation area and  
28 would support the cost of constructing necessary infrastructure.

29  
30 Two potential developers, Ryan McDougal and Jeff Mansell, had indicated that they would be  
31 willing to front the cost of installing water, sewer and storm drain facilities sufficient to bring  
32 these utility services to their respective properties if the original proposal was incorporated into  
33 the General Plan and if their proposed PD zones were approved by the City Council. However,  
34 their ability to install this backbone infrastructure was dependent upon obtaining the density they  
35 had requested in their respective PD zones.

36  
37 Option A called for light industrial uses adjacent to I-15 and west of the future Lakeview  
38 Parkway, commercial development at key intersections, and medium to high density residential  
39 development east of Lakeview Parkway and west of the railroad tracks. This plan would generate  
40 an average overall density of approximately seven units/acre throughout the southwest  
41 annexation area. This plan would also accommodate the development proposals submitted by  
42 Ryan McDougal and Jeff Mansell.

43  
44 The Planning Commission considered the proposed Option A on August 5, 2015 and ultimately  
45 recommended denial of this proposal. The Planning Commission recommended that the City  
46 Council consider a lower density plan.

# DRAFT

1 Based on the Planning Commission’s recommendation, Staff had proposed the following two  
2 alternatives for the City Council to consider for the General Plan land use designations: (1)  
3 Option B-Industrial Land Use and (2) Option C-Low Density.

4  
5 Option B proposed primarily light industrial General Plan land use designations and was based  
6 on recommendations outlined in the City’s Economic Development Strategic Plan which called  
7 for an expansion of the Orem Business Park. This plan would accommodate the existing  
8 conservation easement on the Cherry Hill Farm and adjacent Clear Horizons Academy and  
9 would support commercial development at the future intersection of 2000 South and the  
10 Lakeview Parkway.

11  
12 Option C proposed primarily low density residential and light industrial General Plan land use  
13 designations. This plan was developed based on the recommendation of the Planning  
14 Commission to explore land uses more compatible with the existing rural/agricultural nature of  
15 the Lakeside area. A plan was adopted by the City Council in 2001 which stated that, “the City  
16 will require excellence in development layout to preserve views, create pedestrian-friendly and  
17 attractive streets, and maintain the distinct rural character of the Lakeview Area. Development  
18 may be clustered in an effort to preserve open space and natural resources.” Option C was a  
19 hybrid between a low density residential plan and a light industrial plan option. A low density  
20 residential designation would apply between Geneva Road and the railroad right-of-way and  
21 light industrial and community commercial would be located west of Geneva Road.

## 22 23 2. Zoning Designation.

24 After the City Council adopted a General Plan land use designation for property in the  
25 annexation area, it would next need to consider and adopt an appropriate zoning designation for  
26 property in the annexation area. The two potential developers referenced above had contracts to  
27 purchase property totaling 51 acres in the annexation area and had requested that the City  
28 Council adopt and apply two separate planned development (PD) zones to their respective  
29 properties. The area included within the requests for these two PD zones was shown in the map  
30 below and these two requests would be considered in subsequent agenda items. However, the  
31 two developers did not have any specific request as to the zoning designation for the remaining  
32 176 acres in the annexation area that were not a part of their requests and Staff requested that the  
33 City Council amend Section 22-5-3(A) and the zoning map of the City of Orem to apply the OS5  
34 zone to these 176 acres as shown in the map below. Staff also recommended that the City  
35 Council continue the decision as to what zone to apply to the area of the proposed PD-42 zone  
36 and proposed PD-43 zone until those specific requests were considered in upcoming items.

37  
38 Mr. Bench said the City Council would decide a General Plan designation first, and then decide  
39 the zoning of the specified area, with the exception of the PD-42 and PD-43 zones which would  
40 be considered separately. The recommendation was to zone the area as OS5. He showed map  
41 representations of the three proposed density options for land use plans.

42  
43 Mr. Spencer asked to see the Option B map again for clarification.

44  
45 Mrs. Black and Mr. Seastrand asked Mr. Bench to give added clarification on the land use  
46 density options, particularly the light industrial overlay.

# DRAFT

1 Mr. Bench said light industrial would typically accommodate controlled manufacturing type uses  
2 with smaller office type components, not unlike the business park currently on University  
3 Parkway. He said Option A was medium density, containing about 1,508 units or about eight  
4 units per acre. High density was sixteen units per acre, and low density was about four units per  
5 acre.

6  
7 Mr. Macdonald asked if Option A was what the Planning Commission recommended the City  
8 Council not approve. Mr. Bench said that was correct, that they recommended a low-density  
9 option. Options B and C were created by staff based on recommendations from the Planning  
10 Commission.

11  
12 Mr. Spencer asked if Option B would allow the building of single-family homes.

13  
14 Mr. Bench said the light industrial did not support single-family homes, and those looking to  
15 build single-family homes would request a change in the land use designation. He said Option C  
16 would allow for low density residential in the areas identified. He further clarified that PD zones  
17 did not necessarily need to conform to the general plan so if the Council moved forward with  
18 Option B and someone wanted to build single-family homes they could apply for a PD zone in  
19 the light industrial area.

20  
21 Mr. Spencer asked what land use designation would likely be put in place if the area between the  
22 railroad tracks was annexed. Mr. Bench said they would recommend light industrial for that area.

23  
24 Mr. Andersen asked if the low-density options would mean nothing would happen because  
25 developers would not be able to make their plans feasible.

26  
27 Mr. Bench said the impact fees were adjusted for a low-density option, so infrastructure would  
28 be developer driven.

29  
30 Mr. Earl added if all property in the annexation area developed under low-density residential or  
31 light industrial, the impact fees would pay for all infrastructure. The same would hold true if  
32 development was all medium or high density. The general plan designation was a broad view  
33 plan for the wanted outcome, and as much as possible the zoning classifications should fit within  
34 general plan designations. He said the general plan designations were advisory, and the Council  
35 had discretion to modify the presented options as they saw fit.

36  
37 Mayor Brunst said he felt the low-density options made the most sense to allow for property to  
38 be used how landowners wished.

39  
40 Mayor Brunst opened the public hearing.

41  
42 Shawn Bunderson, resident, said he was concerned about the light industrial option and thought  
43 that might have higher fees in requesting a rezone. He thought the low-density recommendation  
44 from the Planning Commission was the best option. He said during his time working through his  
45 land issues with the County, Orem, and Provo he was able to connect to Provo City's water  
46 services. He had been told that after annexation he would no longer be able to connect to Provo,

# DRAFT

1 which concerned him. He said moving forward with Option C provided more options for  
2 landowners.

3  
4 Elaine Schofield, resident, said in 1999 the City Council put together a committee to work on a  
5 master plan for this area. She said the plan was adopted in 2002 by the Council and believed it  
6 was still in effect. She thought that plan needed to be considered in these discussions.

7  
8 Karen Eyring, resident, said she lived near the end of Sandhill Road and when that road was  
9 improved there was a dramatic uptick in the amount of traffic around her neighborhood. She was  
10 concerned about higher density projects that would increase traffic similarly. She was also  
11 concerned that there were no plans that she was aware of to improve 2000 South or Sandhill  
12 Road to accommodate the significant traffic increases. She knew the neighborhoods did not want  
13 the traffic that would be coming from the high-density residential developments in the area.

14  
15 Richard Wilkerson, resident, said maintaining farmland was his war cry. He lived close to the  
16 area and was also concerned about the traffic produced by high-density projects. He said the  
17 neighbors did not want high density in the area and felt it would ruin the neighborhood.

18  
19 Mayor Brunst closed the public hearing.

20  
21 Mr. Spencer asked if it was true that the light industrial Option B would have higher fees. Mr.  
22 Bench said it was the same fee to rezone the property regardless, which was about \$2,000.

23  
24 Mrs. Black said she generally liked Option C the best. She thought there could also be a fourth  
25 option allowing for low-density residential throughout the area.

26  
27 Mayor Brunst said the idea in having the light industrial designation was to accommodate the  
28 planned Lakeview Parkway and the development that may come with that. It could also be  
29 changed as needed.

30  
31 Mr. Bybee asked Mr. Stocksdale to speak to the 2001 plan mentioned earlier. Mr. Stocksdale  
32 said the Lakeview Area Plan was created by an ad hoc committee and some of the  
33 recommendations in the plan were for open space preservation, wetland preservation, historic  
34 preservation of the farm homes, etc. He said in that plan the predominant zones would be open  
35 space, residential that could be clustered to preserve open space, and agricultural uses.

36  
37 Mrs. Black said Option C alluded to that plan, saying that the City would “require excellence in  
38 development layout” and she felt that option was intended to address the points in the original  
39 Lakeview Area Plan.

40  
41 Mr. Macdonald asked if the low density designation would still allow developers to install  
42 infrastructure. Mr. Earl said the expectation was that whatever the general land use designation,  
43 the cost to install infrastructure was still on the developers and would be paid back by impact  
44 fees.

45  
46 Mayor Brunst **moved**, by ordinance, to amend the land use map of the Orem General Plan to  
47 apply a land use designation to approximately 227 acres of property described in the Lakeview

# DRAFT

1 Addition to Orem City Annexation Plat located generally at 1600 South Geneva Road, Option C  
2 – low density. Mrs. Black **seconded** the motion. Those voting aye: Margaret Black, Richard F.  
3 Brunst, Tom Macdonald, Mark E. Seastrand, David Spencer, Brent Sumner. Those voting nay:  
4 Hans Andersen. The motion **passed, 6-1**.

5  
6 Mayor Brunst **moved**, by ordinance, to amend Section 22-5-3(A) of the Orem City Code and the  
7 zoning map of the City of Orem by zoning approximately 176 acres of property described in the  
8 Lakeview Addition to Orem City Annexation Plat located generally at 1600 South Geneva Road  
9 to the OS5 zone. Mr. Seastrand **seconded** the motion. Those voting aye: Margaret Black,  
10 Richard F. Brunst, Tom Macdonald, Mark E. Seastrand, David Spencer, Brent Sumner. Those  
11 voting nay: Hans Andersen. The motion **passed, 6-1**.

12  
13 6:00 P.M. PUBLIC HEARING – SW Annexation – PD-42

14 ORDINANCE – Enacting Section 22-11-55 and Appendix KK, PD-42 zone, amending  
15 Section 22-5-1, Section 22-5-3(A) and the zoning map of the City of Orem by zoning  
16 property located generally at 700 West 2000 South to the PD-42 zone

17  
18 Mr. Bench presented Ryan McDougal’s request that the City enact Section 22-11-55 and  
19 Appendix KK, PD-42 zone, amend Section 22-5-1, Section 22-5-3(A) and the zoning map of the  
20 City of Orem by zoning the property located generally at 700 West 2000 South to the PD-42  
21 zone.

22  
23 The applicant had a contract to purchase approximately 14.19 acres of property located at  
24 approximately 700 West 2000 South. The subject property was located in the annexation area  
25 that was considered in a previous item.

26  
27 The applicant requested that the City Council adopt and apply the PD-42 zone to the subject  
28 property. The PD-42 zone would allow the applicant to develop side by side townhome units at a  
29 density of 13.7 units per acre with a total of 192 units. If approved, the concept plan and  
30 proposed building elevations would become part of the City Code as Appendix “KK.”

31  
32 The following were the major elements of the proposed PD-42 zone:

33  
34 The permitted density as proposed was up to 15 units per acre, which was similar to other PD  
35 zones developed or approved for higher density residential development in other areas of the  
36 City. The applicant’s concept plan showed 13.7 units per acre.

37  
38 The maximum residential structure height was proposed to be 30 feet.

39  
40 All buildings were required to be set back at least 20 feet from the west and north property lines  
41 and all public street(s). The setback to the east adjacent to the railroad track was not specified but  
42 will be regulated by the building code.

43  
44 The exterior finishing materials of the residential structures shall consist of brick, stone, stucco,  
45 concrete fiber-board siding or combination of these materials.

# DRAFT

1 At least 2.25 parking stalls per unit shall be provided, two of which must be covered. The extra  
2 .25 parking stall was reserved for guest parking.

3  
4 Along the west, north, and east property lines, a Rhino Rock® or equivalent material fence shall  
5 be installed. The minimum fence height shall be six feet and was not required along 2000 South.

6  
7 The proposed PD-42 text did not specify any amenities, but the concept plan did show some  
8 open space areas. The developer would be held to those open space areas and amenities that were  
9 shown on the concept plan.

10  
11 Two access points on 2000 South were provided. A stub access to adjacent property to the west  
12 would also be constructed to allow interior movement of vehicles and pedestrians should that  
13 property develop. Traffic as the result of this development was a concern of the Planning  
14 Commission. In the opinion of the Planning Commission, the design of 2000 South and Geneva  
15 Road was not currently wide enough to handle the increase of traffic. The opinion of the City  
16 traffic engineer was that the existing road could handle the increase of traffic. The developer  
17 would improve 2000 South along the development frontage and when additional properties  
18 developed, they would improve their share of 2000 South. The developer could not be asked to  
19 widen and improve all of 2000 South.

20  
21 The consensus of the Planning Commission was to deny the request for high density residential.  
22 They understood the property will develop in the future, but felt high density was not appropriate  
23 at that location and the impacts generated by the development including traffic was too much for  
24 the road design of Geneva Road and 2000 South. The Planning Commission felt that the area  
25 should be considered for a much lower density when developed.

26  
27 The Planning Commission recommended the City Council deny the request to enact Section 22-  
28 11-55 and Appendix KK, PD-42 zone, amend Section 22-5-1 and amend Section 22-5-3(A) and  
29 the zoning map of the City of Orem by zoning the property generally at 2296 West 2000 South to  
30 the PD-42 zone.

31  
32 Mr. McDougal thanked the Council for their consideration on this matter. As was presented, his  
33 proposed plan involved a townhome development. He said when they started the process, they  
34 knew they would be up against the issue of getting utilities to the property. When he met with  
35 Council he was told to develop with a plan that would pay for the installation of utilities  
36 infrastructure, which he had done because the idea was not to burden other taxpayers for the  
37 installation. He said his project was medium density, not high density, and this medium density  
38 plan had been developed after many neighborhood meetings as a means to keep the impact fees  
39 as low as possible but still be able to install the infrastructure. There were a number of challenges  
40 with the property finding a product that would be maintainable as well as marketable. He felt the  
41 project would be an asset to the city and would serve as a buffer between the many different uses  
42 in the area including I-15, Sandhill Road, the railroads, and other uses. He read from the General  
43 Plan regarding PD zones and the proper placement of high or medium density housing  
44 developments. He felt this project was an appropriate use in this area.

45  
46 Mayor Brunst asked who Mr. McDougal's contract was with to purchase the land.

# DRAFT

1 Mr. McDougal said the contract was with Stone Creek Properties. He said the land was used for  
2 the Wilkerson Farm currently, but it would be developed whether by this project or another. It  
3 could not remain farmland, and he felt this was a suitable project for the land. He shared some  
4 points from the Envision Utah survey, saying that 78 percent of Utahns preferred a residential  
5 scenario that included a variety of housing options and was designed for convenient walking,  
6 transit, and short drives. He said the variety of housing options would allow more people the  
7 chance to afford to live in nice neighborhoods. By grouping high-density housing developments,  
8 it allowed for better land usage and helped to avoid urban sprawl. He said the population growth  
9 in Utah was set to double by the year 2050 and he felt that this housing development was  
10 appropriate for this area to maintain a high standard for the community and meet the wants and  
11 needs of residents that were indicated in the Envision Utah survey.

12  
13 Mr. Macdonald asked Mr. Bench if the project was high or medium density. Mr. Bench said it  
14 was somewhat in between but by what was defined earlier this was closer to high density than to  
15 medium.

16  
17 Mrs. Black said she wanted to hear from the property owner.

18  
19 Richard McClouskey came forward. He said when he purchased the property in 2007 the intent  
20 was to build a school. That plan did not work out but during that time there were many  
21 discussions about the issue of bringing utilities to the property. The utilities issue made certain  
22 agreement possibilities unfeasible, and at one point they had discussed the option of annexation  
23 into Provo because Orem had no intent to bring utilities to the area at that time. He said some  
24 development needed to be done to try and recoup some losses when the school development fell  
25 through. He knew the Wilkersons would love to keep it long term as farmland but that was not  
26 an option for him because a lender was owed. He supported some kind of development and he  
27 did not know how the City could move forward with annexing without providing utilities in  
28 some way.

29  
30 Mayor Brunst asked what the Wilkersons paid to lease the land for farming. He asked about the  
31 property tax on the land. He also asked Mr. McClouskey what he believed the land was worth.

32  
33 Mr. McClouskey said they paid \$2,000 for the fourteen acres the past year. For several years  
34 they were not charged anything but there were some associated costs that needed to be covered.  
35 He said the property tax was low because it stayed in green belt while it was used for farming.  
36 He said the worth of the land had contributing variables, including zoning. He paid \$1.4 million  
37 for the land with a 12 percent interest rate, and the lender had been incredibly patient with him as  
38 far as payments on the land and had not required many large or even small payments for a  
39 number of years. He said he was looking for a solution that would work for all parties, and had  
40 had the land under contract four separate times. The utility issue had been the problem for the  
41 previous developments, and they had tried for years to work something out with either Provo or  
42 Orem. He said there was no way he could allow this to stay farmland because the lender needed  
43 to be repaid. The lender could seize the property at some point, which would also take away the  
44 possibility of keeping the land for farming.

45  
46 Mayor Brunst asked if the units would be for rent or for sale. He asked what the square footage  
47 was for the units.

# DRAFT

1  
2 Mr. McDougal said they had not removed any option from the table as far as rental or sale of the  
3 townhomes. They could have a portion for sale depending on the market. He said they would be  
4 approximately 1,500 square feet, with units including two bedrooms, two bathrooms, and a two-  
5 car garage and more than adequate parking. He said these were not typical townhomes, as they  
6 were designed to face the green open spaces with nice frontage. He thought this type of product  
7 was a category above some of the other apartment/condo type developments he had seen. He said  
8 they were open to feedback to ensure that the final product was an asset to the City.

9  
10 Mr. Andersen said he had been going through the proposed five-year budget and one thing listed  
11 was a storm water pipe going down 2000 South for about \$2.25 million. He asked Mr.  
12 McDougal what his responsibility was for that storm water pipe and how the difference would be  
13 made up.

14  
15 Mr. McDougal said his understanding was the developers would be responsible to install the  
16 initial backbone infrastructure and receive credits for that installation, and then be reimbursed by  
17 the appropriate impact fees. He was not sure what the developer's responsibility was toward the  
18 storm water pipe he was asking about, but understood they would pay their proportionate share  
19 for whatever burden was placed on that system.

20  
21 Mr. Bench said for 192 units the storm water would be \$1,944 per ERU.

22  
23 Mr. Earl said there was to be a pioneering agreement where the first developers in the area were  
24 going to install water, sewer, and storm water infrastructure. The agreement called for  
25 installation of storm water infrastructure on 2000 South. The City was asking the developers to  
26 install a storm water pipe that would be adequate to service all of the development in the  
27 Southwest Annexation area. In that area, all the installation costs for storm water would be  
28 covered by the developers. Because the area was at a low elevation for the city geographically,  
29 other city storm water flowed down through that area through existing city facilities. The new  
30 storm water drain infrastructure being talked about here was designed to replace a part of the  
31 Taylor drain. In the pioneering agreement it stipulated that the City had the right to require the  
32 developers to upsize the storm drain lines beyond what would be needed to handle the Southwest  
33 Annexation area's storm water and the City would pay for the existing cost over and above the  
34 base infrastructure.

35  
36 Sam Kelly, City Engineer, said they met with a consultant to discuss the storm drain master plan  
37 because it called for a forty-eight inch pipe to come through, but that was based on the fact that  
38 the city would not put any more storm water into the Lake Bottom Canal. There needed to be  
39 further discussion on the issue. As far as the project in the capital facilities plan, it was still a bit  
40 up in the air. They wanted to find the best solution that would work toward meeting the needs of  
41 other projects in the city as well. He said the storm water fee was different because it was based  
42 on acreage. The trunk lines that would be installed by the first developers would service the  
43 Southwest Annexation area at the same level that the City had. So if the City needed to upsize,  
44 they would need to find a way to participate.

45  
46 Mr. Andersen said his concern was who was going to pay for it.

# DRAFT

1 Mr. Earl said the storm water pipe being installed to handle the Southwest Annexation  
2 infrastructure would be paid for by the developers, which would be a significant cost to them. As  
3 part of the pioneering agreement they would need to have water, sewer, and storm water  
4 infrastructure.

5  
6 Mr. Kelly said if the City decided to run their storm drain through the McDougal property, then  
7 at that time the City would participate with his project and pay for the upsize of the pipe. The  
8 City's capital facilities plan included taking care of the opportunity costs to install the forty-eight  
9 inch pipe as a joint venture with the developer.

10  
11 Mr. Earl said the real burden was building the storm water infrastructure, and the developers  
12 would then get a credit against the storm water impact fees levied against their property. They  
13 would be paying much more for storm water improvements than the impact fees would be for  
14 storm water against their property. The first developers' hope would be that as other property in  
15 the area was developed and paid impact fees that they might get reimbursed for all or part of the  
16 cost that they would incur upfront.

17  
18 Mr. Andersen asked when the \$2.25 million would be spent.

19  
20 Mr. Earl said he was not certain how to answer that question, but said the developers would put  
21 storm water facilities adequate to handle the storm water needs generated by the annexation area.

22  
23 Mr. McDougal said his understanding of the agreement had the developers putting up the costs  
24 up front to install the infrastructure, and as others hooked in the developers would be reimbursed  
25 with impact fees.

26  
27 Mayor Brunst opened the public hearing.

28  
29 Jeff Mansell, petitioner, said it was important to understand that he and Mr. McDougal did not  
30 want the area to become like the area in Vineyard that was seeing such extreme growth. The  
31 annexation area, because of the agricultural protection overlay, only allowed for approximately  
32 100 acres that could be developed as residential. The low density designation has further limited  
33 the units that could be built. He said by allowing a large number of units in the two proposed PD  
34 zones it would reduce the number of units available in the remaining acreage. He also pointed  
35 out that the first developers in the area had made serious commitments to bring the utilities to the  
36 area, which would be beneficial to both the City and the area long term. He would prefer both  
37 projects to move forward to allow for better financing of the infrastructure installation.

38  
39 Rachel Wilkerson, resident, said she wished she could buy the land to keep it as a farm, because  
40 it was a business that continued to grow. She felt this project did not fit into the low-density land  
41 use plan that the Council had determined. She said having a large housing development right  
42 next to FrontRunner would be dangerous for children. She said the train stopped multiple times  
43 in the area and she did not believe it would be a place that young families would want to live.

44  
45 Dan Pulver, resident, said he wanted the Council to keep to low density. He said near his home  
46 along Sandhill Road there was a medium density project being built and he had already seen an

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1 increase in traffic. He was worried about even more traffic if high density projects were  
2 approved and hoped the Council would deny these projects.

3  
4 Dustin Palmer, resident, said he owned and operated businesses on Sandhill Road. He was  
5 concerned about the impact of the traffic on 2000 South specifically and the south end of  
6 Sandhill Road near the roundabout. He felt that most people in the developments would need to  
7 use 2000 South and Sandhill, neither of which was designed to handle that level of traffic. He  
8 felt that any development would add costs to the residents in both Orem and Provo to improve  
9 those roads.

10  
11 Linda Brown, resident, said the Council had decided for low density and this was not a low  
12 density project. She was also concerned about the traffic this project could generate. She felt the  
13 information from the Envision Utah survey was to have people out of their cars but this would  
14 put hundreds of more cars on the roads that were unprepared for that volume of traffic. She did  
15 not think the City Council was in the business of protecting developers' money, but in doing  
16 what was best for the people of the area.

17  
18 Ken Olsen, developer, said this project would not change the overall density in the area because  
19 they would cluster the units, and he felt that would also help with the traffic issues. He said this  
20 project would have the same feel as grouped single-family homes because these were  
21 townhomes that were no higher than two stories and had twenty-five foot setbacks. He felt if  
22 there was any place in the annexation area that could handle this kind of townhome development,  
23 this was it. It was a good transition and buffer from railroad and industrial to residential areas.  
24 He said the amenity package and the walkability would make this project an asset for the City.

25  
26 Richard Wilkerson, resident, said he did not believe a townhome project would be a good buffer  
27 for the railroad. He said people still lived in townhomes and would be affected by the railroad  
28 and industrial uses in the area. He said the best buffer would be farmland. He suggested the City  
29 purchase the land and designate the area as an agricultural easement, which would recoup about  
30 80 percent of the money the City would spend on the land. That way the neighborhood would be  
31 satisfied and the farmland could stay.

32  
33 Karen Eyring, resident, said she lived near the freeway and the rattle of the trains bounced her  
34 house, so they would definitely bounce the townhouses. She said the traffic would be an issue  
35 because there were 192 units proposed and each unit had a two-car garage. She felt the roads  
36 were not sufficient in the area to accommodate that increase in traffic. She said if a development  
37 like this was going to go in, then the roads needed to be improved first. People would speed in  
38 the area, especially around the curve at 2000 South and "Snake Hill Road", and there were  
39 already many accidents.

40  
41 Jessica Street, resident, asked if this development would have an HOA. She said she had lived  
42 near train tracks and said there was always noise from the railroad. She felt having families live  
43 right next to the railroad lines was a bad idea. She said she was part of an organization that  
44 helped low-income families with housing needs, which was a challenge as resources for low-  
45 income families became scarcer. She said eliminating farmland was taking away a resource, and  
46 she hoped there was a way to make the land a benefit to the whole community.

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1 Mr. McDougal said the development would be maintained by a private organization, not by  
2 individual residents.

3  
4 Wanda Barr, resident, she was concerned about the spirit of the neighborhood and she wanted to  
5 preserve the pioneer country spirit. She felt increased density in the Lakeview neighborhood  
6 would take away from the pioneer spirit the area had. She was concerned about the units with all  
7 the cars at the development in Provo, which would be on top of these developments. She said  
8 most of those units were still vacant and there was not a need for more housing. Her concern for  
9 years was the traffic problem and she did not feel that the roads could not handle the added  
10 traffic.

11  
12 Sam Lentz, resident, asked Mr. McDougal about the decision to proceed having the developer  
13 pay for the installation of the utility infrastructure in the annexation area. He was interested in  
14 the timing of the decision because of a flier Councilmember Andersen was distributing that said  
15 he had saved the City over \$5 million.

16  
17 Mr. McDougal said because of the late hour he could not say for certain when that decision was  
18 made, but it would have been at least six months prior to this meeting. Initially they asked about  
19 the possibility of a bond with the City, which they would have preferred, but they were advised  
20 that the City would not do a bond. It was decided that the developers would be obliged to come  
21 up with a plan to install the initial utility infrastructure. There would be an agreement that if the  
22 developers exceeded what the typical impact fees would be in the area they would eventually be  
23 reimbursed as development took place afterward. He said the developers would have preferred  
24 not to be responsible for installing the utility infrastructure for the whole area but he understood  
25 why the City would not want that burden.

26  
27 Barry Brown, resident, said after the Wilkersons, he would be the most affected by the  
28 development. It would be his property's east boundary and would landlock his pasture. He said  
29 the traffic problems would be inescapable. He agreed with Richard Wilkerson's suggestion for  
30 the City to buy the property and keep it as agricultural land.

31  
32 Jim Fawcett, resident, said his concern was regarding storage for culinary water. The culinary  
33 water study said, "Orem analyzed the water storage system and determined that there is no  
34 excess capacity which can be utilized by the annexation area." He said the City already had a  
35 culinary water storage deficit of 10 million gallons, and his concern was if a well was not put in  
36 immediately the City would have to pay for the development.

37  
38 Shawn Bunderson, resident, said this was a complex issue that would affect his neighbors and  
39 the developers and the City, and he had mixed emotions. He wanted neighbors and utilities, and  
40 these developments would help with that. He said the developers were required to widen the  
41 roads, which would benefit the area. He felt this would be a good buffer for the area. He had  
42 some concerns with the developments, but he knew the land would be developed whether it was  
43 this project or another. He worried about future proposals if these did not go through, as the area  
44 was near a growing university. He hoped whatever decision was made would benefit everyone.

45  
46 Chris Foster, resident, said 2000 South was already busy. The area lost a cherry orchard to the  
47 east for developments and he felt like this would make the area so much busier with traffic. He

# DRAFT

1 said the Planning Commission may not have weighed in on the annexation, but they  
2 recommended that if the area was annexed it should be for low-density uses and agriculture. He  
3 wanted to defend the Wilkerson Farm against development, but he understood the difficulty. He  
4 was not sure Richard Wilkerson's proposal was possible, but he would support a proposal like  
5 that.

6  
7 Mayor Brunst closed the public hearing.

8  
9 Mayor Brunst said he appreciated the good effort Mr. McDougal has put into this proposal. He  
10 had some concerns with the density, the location, and the rental aspects of the project and was  
11 not personally in favor.

12  
13 Mr. Seastrand said now the area was annexed the challenge was determining how to develop.  
14 The City had moved away from the option to bond for the utility infrastructure. These proposed  
15 developments relieved the City of having to install the trunk line utility infrastructure, but the  
16 density was a concern with the land use designation. Conversely, the developers needed a density  
17 that would make their installation costs worthwhile and the cluster aspect would leave the rest of  
18 the area for lower density development, but that was also a concern. Another option could be for  
19 the City to allow the utility infrastructure to be installed gradually as development occurred.  
20 There were many variables to consider, and it was difficult to know how things would  
21 development if only one or none of the proposed developments was approved. He asked some  
22 clarification on the density issue.

23  
24 Mr. Bybee said the zoning established a maximum density for the entire annexation area. If  
25 much of the density went into the proposed PD zones it limited the density allowed in the rest of  
26 the area. If not, the density would be spread through the area as development occurred. He said  
27 the estimate for the area was a maximum of approximately 852 total units or equivalent  
28 residential units.

29  
30 Mr. Bench if the proposed PD zones had higher density concentration the rest of the area would  
31 only allow for the net difference density in the rest of the area.

32  
33 Mr. McDougal asked that if the request was denied, that it be denied without prejudice. He felt a  
34 denial would cause undue hardship, and he would prefer feedback rather than a flat denial.

35  
36 Mr. Earl said City ordinance said if a request was denied the applicant would need to wait one  
37 year before bringing the request back to before the Council. There were two options for an  
38 applicant to be allowed to bring a request forward again before one year had passed. The first  
39 was if three Councilmembers who voted against the project requested that it be reheard within  
40 thirty days of the denial, or the applicant could come back with another request that was  
41 substantially different and would go through the application process again.

42  
43 Mrs. Black said this decision was a bigger struggle than she thought it would be. She wanted Mr.  
44 McDougal to know that she appreciated his efforts and his presentation this evening.

45  
46 Mayor Brunst **moved** to deny the request to enact Section 22-11-55 and Appendix KK, PD-42  
47 zone, amending Section 22-5-1, Section 22-5-3(A) and the zoning map of the City of Orem by

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1 zoning property located generally at 700 West 2000 South to the PD-42 zone. Mr. Seastrand  
2 **seconded** the motion. Those voting aye: Hans Andersen, Margaret Black, Richard F. Brunst,  
3 Mark E. Seastrand, David Spencer, Brent Sumner. Those voting nay: Tom Macdonald. The  
4 motion **passed, 6-1.**

5  
6 Mayor Brunst **moved**, by ordinance, to amend Section 22-5-1, Section 22-5-3(A) and the zoning  
7 map of the City of Orem by zoning property located generally at 700 West 2000 South to the  
8 OS5 zone. Mr. Macdonald **seconded** the motion. Those voting aye: Hans Andersen, Margaret  
9 Black, Richard F. Brunst, Tom Macdonald, Mark E. Seastrand, David Spencer, Brent Sumner.  
10 The motion **passed** unanimously.

## 11 6:00 P.M. PUBLIC HEARING – SW Annexation – PD-43

### 12 ORDINANCE – Enacting Section 22-11-56 and Appendix LL, PD-43 zone, amending 13 Section 22-5-1, Section 22-5-3(A) and the zoning map of the City of Orem by zoning 14 property located generally at 2000 South Geneva Road to the PD-43 zone 15

16  
17 Mr. Bench presented Jeff Mansell’s request that the City enact Section 22-11-56 and Appendix  
18 LL, PD-43 zone, amend Section 22-5-1, Section 22-5-3(A) and the zoning map of the City of  
19 Orem by zoning the property located generally at 2000 South Geneva Road to the PD-43 zone.

20  
21 The applicant had a contract to purchase approximately 37 acres located at approximately 2000  
22 South Geneva Road. The subject property was part of the southwest annexation area that was  
23 considered in a previous item.

24  
25 The applicant requested that the City Council adopt and apply the PD-43 zone to the subject  
26 property to enable the applicant to construct a medium density residential development  
27 consisting of townhouse type units with three distinct architectural styles. The applicant  
28 proposed to construct a total of 271 units with an overall density of 8.2 units per acre. If  
29 approved, the concept plan as well as the building elevations would become part of the Code as  
30 Appendix “LL.”

31  
32 The following were the major elements of the proposed PD-43 zone:

33  
34 Two areas of development were proposed; the larger of the two, containing 35.4 acres, would be  
35 for residential development and was referred to as Area “A”. Area “B” would have  
36 approximately 1.5 acres to be used for commercial development or an assisted living facility.

37  
38 The applicant proposed a density of up to 12 units per acre which was similar to other PD zones  
39 developed or approved for higher density residential development in other areas of the City.  
40 However, the concept plan showed a density of 8.2 units per acre.

41  
42 The maximum height of a residential structure in Area “A” was 35 feet while the maximum  
43 height in Area “B” was 45 feet.

44  
45 Area “A” shall have a setback of at least 20 feet from all exterior boundaries, private streets, and  
46 Area “B.” Any structure in Area “B” shall be set back from public streets and shared boundaries  
47 with Area “A” at least 20 feet or the height of the structure, whichever was greater.

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1  
2 Exterior finishing materials shall consist of brick, stone, stucco, concrete fiber-board siding or a  
3 combination of these materials.  
4

5 At least 2.5 parking stalls were required per unit, two of which must be covered. Some units in  
6 Area “A” would also have a driveway which may be used for parking. Each unit would provide  
7 0.5 parking stalls for guest parking, not including any parking stalls located on a driveway.  
8

9 Amenities were shown on the concept plan and included a clubhouse, open space, and play areas.  
10

11 The concept plan showed two access points along Geneva Road and a third to be located along  
12 2000 South if and when that road was constructed. If 2000 South was constructed, the south  
13 access along Geneva Road would be modified to only allow access to the corner parcel and no  
14 access to the housing units.  
15

16 The Planning Commission recommended denial of the request. The Planning Commission  
17 understood that the property would likely develop in the future, but felt that high density  
18 residential development was not appropriate at this location and that the traffic impact that would  
19 be generated by the development would be too much for the current configuration of Geneva  
20 Road and 2000 South. The Planning Commission felt that the area should be considered for a  
21 much lower density.  
22

23 The Planning Commission recommended the City Council deny the request to enact Section 22-  
24 11-55 and Appendix LL, PD-43 zone, amend Section 22-5-1, Section 22-5-3(A) and the zoning  
25 map of the City of Orem to zone the property generally at 2000 South Geneva Road to the PD-43  
26 zone.  
27

28 Mr. Bench said Mr. Mansell was proposing three different unit types and a small commercial  
29 component. He was also proposing improvements to Geneva Road.  
30

31 Mr. Mansell said the corner identified for the active adult 55 and older units may not be  
32 developed until long into the future. He also said it may be a neighborhood office or an assisted  
33 living center, so the overall number of units may be lower than the current proposal. He said he  
34 felt they had come up with a project that would be successful and would be a wonderful place to  
35 live. They had developed a similar project in Lindon that had been successful, particularly for  
36 those who may be looking to downsize to a smaller and more manageable residence and stay in  
37 the area. They would be partnering with Edge Homes for the garden-style townhomes. Each area  
38 would back open space with large setbacks, and there would be three designated play areas and a  
39 clubhouse. They were planning quality amenities and allowing for lots of open space. He said all  
40 the units would have two-car garages and met the standards for parking.  
41

42 Mayor Brunst asked for clarification about the wetlands and the Area “B”.  
43

44 Mr. Mansell said Area “B” would be a C2 designation that would be developed well into the  
45 future. They delineated some area for wetland and a storm water detention area, but that would  
46 dry out as the storm water in the area was retained. Once dry most of the area would be green  
47 space that was designated as wetlands and still maintain a storm water retention area.

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1  
2 Mr. Spencer asked how big the area was. Mr. Mansell said it was over an acre, possibly closer to  
3 two. Mr. Mansell invited Joe Perrin, traffic engineer consultant with A-Trans Engineering, to  
4 come forward and talk about his study of Geneva Road in conjunction with UDOT.

5  
6 Mr. Perrin said he worked with staff to evaluate the overall impact of added traffic to the area.  
7 He said units drove the traffic, and the clustering aspect would not change that. He said traffic  
8 was a relatively sensitive thing and if an area was not used to having any traffic then any  
9 additional traffic would make it seem much worse. His findings were that all the roads in  
10 question were under capacity according to national and local thresholds. He said 2000 South had  
11 been much talked about, but it was a road that had the capacity to carry about 15,000 cars a day  
12 but typically carried 2,000 cars a day. He said his job was to identify the capacity of the road for  
13 actual impact, not the relative feeling of those impacts. UDOT was requiring that the half-width  
14 improvements along Geneva Road be improved so there would be some widening and other  
15 upgrades the developers would be responsible for. The two access points on Geneva Road would  
16 satisfactorily accommodate the traffic there. He said it would add some traffic, but would  
17 certainly stay below capacity.

18  
19 Mr. Earl said the City had been working with Mr. Mansell on a development agreement in which  
20 he would agree to construct his half of the improvements for Geneva Road to meet the UDOT  
21 cross-section along the length of the property frontage on Geneva Road.

22  
23 Mr. Goodrich said Mr. Mansell would be providing the three lane section at his cost. He said  
24 going from a two lane road to a three lane road with a shoulder on a road like Geneva would  
25 increase capacity by 20-30 percent and would make the road safer. He said they were also  
26 preserving a corridor for the future Lakeview Parkway, which would be a major arterial going  
27 north/south.

28  
29 Mr. Macdonald asked about the “snake hill road” that had been referred to earlier. Mr. Goodrich  
30 said that section of “snake hill road” was classified as a collector street. Years ago the City  
31 Council downgraded that designation in anticipation of an intersection Provo was looking to  
32 build, and because of that downgrade the road was ineligible to receive federal funding. Because  
33 Provo was not actively looking to build that intersection, staff would be asking that the road  
34 classification be upgraded as part of the updated Transportation Master Plan.

35  
36 Mayor Brunst asked if they planned to build a fence between the property and Skip Dunn’s  
37 property.

38  
39 Mr. Mansell said there was a fencing requirement in the development agreement for a fence that  
40 was a mixture of concrete solid surface fencing and other products. The fence would be the  
41 standard seven feet. He said the Provo airport would be critical component to the growth of  
42 Orem and Provo, and the Lakeview corridor would be important with that growth.

43  
44 Mr. Seastrand asked how the light industrial areas on the side of Geneva Road mixed with the  
45 current proposal. He asked from a development standpoint if the light industrial areas would  
46 have a similar value.

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1 Mr. Mansell said it would fall into a general mixed use area. He had seen other local examples of  
2 active adult developments within a larger commercial center, and the development they had done  
3 in Lindon had light industrial directly east of the property which had not been a problem. He said  
4 the value of light industrial was into the future once the expanded roads and infrastructure was in  
5 place. In the intermediate term of the next ten years it would be a struggle for businesses in the  
6 light industrial to take root without utilities, though he said he was no expert.

7  
8 Mr. Andersen asked about the installation of the water and sewer and well, in light of the earlier  
9 considered McDougal project being denied. He asked if they would still be able to install the  
10 infrastructure and asked what he anticipated having to put up for that installation.

11  
12 Mr. Mansell said they would install what they had been asked to install, and thought some of the  
13 specific items Mr. Andersen was concerned with were part of the City's budget and plan and had  
14 nothing to do with his project. He said with the McDougal proposal being denied, it put a much  
15 greater risk and greater financial responsibility on him. In order to move forward with the  
16 responsibilities to install the initial infrastructure they would need to keep the density the project  
17 was requesting. He said the overall improvement plan under the impact fee study was bonded, all  
18 the improvement would be done at once. This situation was for an individual developer to install  
19 the water line, the sewer line and the pump station for it, and a storm water system that would  
20 allow this section of the annexation area to deal with its storm drain. As development continued,  
21 they would be paid back and additional impact fees would be coming into the City for other  
22 developments that would continue to make additional improvements to the overall infrastructure.  
23 He said they were anticipating somewhere in the \$3 million range, and the impact fee allotment  
24 was \$2 million so they would be making up that difference until they were paid back from  
25 additional impact fees. That \$3 million did not include the well and other things Mr. Andersen  
26 had alluded to because those were not necessary until the entire annexation area was developed;  
27 future impact fees would pay for future upgrades in the area.

28  
29 Mayor Brunst asked if the development was planning to connect with the future Lakeview  
30 Parkway. Mr. Mansell said they were anticipating that and they would stub to allow for that  
31 connection. They would also go into 2000 South when Provo decided to extend that.

32  
33 Mayor Brunst opened the public hearing.

34  
35 Ken Olsen, developer, said he did not think the Council had listened to the proposal from Mr.  
36 McDougal but had their minds made up before they came in. He said Mr. McDougal brought the  
37 annexation to the City. Then the City asked that he and Mr. Mansell provide the initial  
38 infrastructure but would not support a density that would allow them to do so. He was not happy  
39 with what happened with the McDougal proposal, and especially unhappy that Mr. Goodrich had  
40 not given any comment on the traffic studies done for the McDougal project. He felt the  
41 Council's mindset about development and land use in the area was inconsistent to say the least.

42  
43 Jim Fawcett, resident, wanted to return to the issue of "no excess capacity" that could be utilized  
44 in the annexation area. He wondered how anyone in the area could connect if there was no well  
45 in place. He said the impact fee study said they needed a well in the area and then people could  
46 building and connect. He thought they were ignoring the storage need in the impact fee study and

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1 analysis. He did not understand how they could allow development to begin without first having  
2 a well in place.

3  
4 Shawn Bunderson, resident, said he felt this project would benefit him personally and the  
5 community as well. He hoped Mr. McDougal's proposal could come back at some point in the  
6 future, but he urged the Council to approve Mr. Mansell's project at this baseline to allow  
7 improvements to begin. He felt homes were better neighbors than industrial businesses.

8  
9 Don Barr, resident, said he had his own well and was not dependent on connecting to Orem's  
10 water infrastructure but he had already been affected by wells dug by Orem. His property was  
11 right up against this proposed project, and he did not have a lot of dread about this project. He  
12 was not planning to move into the development or anything, but he thought this could be a  
13 decent development for the area. He wanted there to be access other than on Geneva Road.

14  
15 Mayor Brunst closed the public hearing.

16  
17 Mr. Mansell said under the original culinary water impact fee study based on over 1,900 units  
18 being built, there would be "no excess capacity" based on the complete buildout of the entire  
19 area.

20  
21 Mr. Spencer asked for a clarification on the number of units in the proposal. Mr. Bench said 271  
22 ERUs for the development at full buildout.

23  
24 Mayor Brunst said he understood Mr. McDougal's disappointment. He said each council  
25 member had the opportunity to review materials and ask questions throughout the process before  
26 determining what they felt was right. He liked the road upgrade aspect of the project, and felt  
27 that it would be a buffer for the area. He said the project would help pay for needed utility  
28 infrastructure, which would greatly benefit the City, without having to meet a high density. He  
29 said developments for active adults 55+ were needed, and he liked that the units would be for  
30 sale.

31  
32 Mrs. Black asked if the development agreement and pioneering agreement were part of enacting  
33 the PD-43 zone. Mr. Earl said a development agreement had been signed that indicated the  
34 developers would make the improvements to Geneva Road and on 2000 South. He said Mr.  
35 Mansell and the owner of Ridgeline Capital had signed a pioneering agreement indicating they  
36 would put in the necessary infrastructure.

37  
38 Mayor Brunst **moved**, by ordinance, to enact Section 22-11-56 and Appendix LL, PD-43 zone,  
39 amending Section 22-5-1, Section 22-5-3(A) and the zoning map of the City of Orem by zoning  
40 property located generally at 2000 South Geneva Road to the PD-43 zone. Mr. Macdonald  
41 **seconded** the motion. Those voting aye: Margaret Black, Richard F. Brunst, Tom Macdonald,  
42 David Spencer. Those voting nay: Hans Andersen, Mark E. Seastrand, Brent Sumner. The  
43 motion **passed, 4-3.**

44  
45 RESOLUTION – Authorizing the City Manager, or his designee, to execute a development  
46 agreement between the City and Jeff Mansell pertaining to the installation of utility

infrastructure in the Southwest Annexation Area and providing for impact fee credits and reimbursement to developers through collection of future impact fees

Mr. Bench presented Jeff Mansell’s request that the City Council approve a “pioneering” development agreement between the City, Jeff Mansell and Ryan McDougal pertaining to the installation of utility infrastructure in the Southwest Annexation Area and providing for impact fee credits and reimbursement to developers through collection of future impact fees.

In a previous agenda item, the City Council considered the Lakeview Addition to Orem City Annexation Petition to annex 227.59 acres into the City of Orem. The City Council also considered the enactment of impact fees on new development activity in the Southwest Annexation Area in an upcoming item.

Ryan McDougal and Jeff Mansell (hereinafter the “developers”) had contracts to purchase property in the annexation area and wanted to develop the properties that were the subject of the proposed PD-42 and PD-43 zones respectively. The developers were willing to install, at their own expense, the necessary infrastructure to connect to and provide City water, sewer and storm water services to their respective properties.

It was anticipated that the cost of installing this initial infrastructure would exceed the amount of impact fees that would be owed to the City by the developers for development of their respective projects. City staff had prepared a pioneering agreement that described the infrastructure to be installed by the developers and provided a procedure under which the developers could receive a credit for the cost of installing the infrastructure against the impact fees that would be incurred on their own developments. In the event that the cost of installing the infrastructure exceeded the amount of impact fees incurred by the developers, the pioneering agreement also provided that the developers could be reimbursed for this excess expense from impact fees that were collected from future developers if and when additional development occurred.

The principal terms contained in the pioneering agreement were:

1. Developers would be required to install, at their own cost, “backbone” infrastructure for water, sewer and storm water to connect to and provide City water, sewer and storm water services to their respective properties and to loop a water line.
2. The infrastructure improvements would have to be constructed in conformance with City construction standards and specifications and would be dedicated to the City upon completion and acceptance by the City.
3. After completion of the infrastructure improvements, developers would be entitled to a credit that could be used to offset impact fees that were imposed by the City on the developers’ property. A credit could only be given for the same kind of impact fee as the type of infrastructure constructed. For example, a credit for water impact fees could only be given to offset the cost of constructing water facilities.
4. If the cost of the infrastructure improvements exceeded the amount of impact fees imposed against development on the developers’ properties, developers could be reimbursed for the amount of the excess cost from additional impact fees that were collected by the City from other development in the Southwest Annexation Area. For example, if developers spent one million dollars on sewer facilities, they would be

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1 entitled to a credit for one million dollars of sewer impact fees. If the total of sewer  
2 impact fees on developers' projects were only \$500,000, they could be reimbursed that  
3 amount over time if and when additional development occurred in the annexation area  
4 and additional sewer impact fees were collected by the City.  
5

6 Development Services staff recommended the City Council authorize the City Manager, or his  
7 designee, to execute a pioneering development agreement between the City, Ryan McDougal and  
8 Jeff Mansell regarding the installation of infrastructure improvements in the Southwest  
9 Annexation Area and providing for impact fee credits and reimbursement to developers through  
10 collection of future impact fees.  
11

12 Mr. Earl said that the original plan was to have both developers sign the agreement and share the  
13 cost. However, based on what happened at the Planning Commission meeting, where they  
14 recommended the denial of the PD-42 and denial of the PD-43 but made some positive  
15 comments about Mr. Mansell's proposed development, City staff had prepared a contingent  
16 agreement between the City and only Mr. Mansell's property owners. Mr. Mansell had signed  
17 the agreement. That agreement provided that Mr. Mansell would put in the necessary water,  
18 sewer and storm drain improvements necessary to serve his property and loop the water line up  
19 to 2000 South and the west side of I-15. In exchange, Mr. Mansell would get a credit for the  
20 impact fees that would be imposed against his property.  
21

22 Mr. Earl said that each category of impact fee would be treated separately. Those credits would  
23 not be transferrable between utilities. The agreement also provided that if Mr. Mansell had an  
24 excess credit he could get reimbursed from future development when they paid impact fees. Mr.  
25 Mansell would assume the risk that he might never be fully reimbursed. He would only be  
26 reimbursed for what he had spent. Impact fees after paying him back would go to the City, to be  
27 used for other infrastructure in the area.  
28

29 Mayor Brunst **moved**, by resolution to authorize the City Manager, or his designee, to execute a  
30 development agreement between the City and Jeff Mansell pertaining to the installation of utility  
31 infrastructure in the Southwest Annexation Area and providing for impact fee credits and  
32 reimbursement to developers through collection of future impact fees. Mr. Seastrand **seconded**  
33 the motion. Those voting aye: Margaret Black, Richard F. Brunst, Tom Macdonald, Mark E.  
34 Seastrand, David Spencer, Brent Sumner. Those voting nay: Hans Andersen. The motion **passed,**  
35 **6-1.**  
36

37 6:00 P.M. PUBLIC HEARING – SW Annexation Impact Fees Plan and Analysis  
38 ORDINANCE – Adoption of Impact Fee Facilities Plans and Impact Fee Analyses,  
39 establishment of service areas and enacting impact fees for culinary water, sewer, storm  
40 water, parks, and fire facilities on development activity in the Southwest Annexation Area  
41

42 The Development Services Department requested the City Council adopt Impact Fee Facilities  
43 Plans and Impact Fee Analyses, establish service areas and enact impact fees for culinary water,  
44 sewer, storm water, parks, and fire facilities on development activity in the Southwest  
45 Annexation Area.  
46

# DRAFT

1 In a previous agenda item, the City Council considered the Lakeview Addition to Orem City  
2 Annexation Petition to annex 227.59 acres into the City of Orem. The Southwest Annexation  
3 Area was largely undeveloped and there was very little utility infrastructure in the area. The City  
4 Council had previously indicated that it did not intend to expend City funds to install utility  
5 infrastructure in the area and that owners or developers of property in the area would be required  
6 to install and pay for any utility infrastructure that would be needed for development.

7  
8 In order to provide a means to reimburse developers who installed more than their proportionate  
9 share of necessary infrastructure and to ensure that the cost of installing infrastructure was spread  
10 fairly among all development activity, City Staff recommended that the City Council enact  
11 impact fees for water, sewer, storm water, parks and fire facilities on all new development  
12 activity in the Southwest Annexation Area.

13  
14 The City Engineer had determined a service area for water, sewer, storm water, parks and fire  
15 services in the Southwest Annexation Area and the City had engaged the firm of Lewis Young to  
16 prepare an Impact Fee Facilities plan and an Impact Fee Analysis for water, sewer, storm water,  
17 parks and fire services. The amount of the impact fees depended on the level of density of  
18 development that was anticipated to occur in the Southwest Annexation Area. Generally, the  
19 higher the density, the lower the impact fees would be as there would be more development to  
20 share the costs.

21  
22 Lewis Young performed an Impact Fee Analysis based on both a medium density scenario and a  
23 low density scenario. The medium density scenario assumed an average overall density of 6.6  
24 equivalent residential units (ERUs) per acre and the low density scenario assumed an overall  
25 average density of 4.3 ERUs per acre.

26  
27 Because the Planning Commission recommended a low density general plan designation for the  
28 Southwest Annexation Area, Staff recommended that the City Council consider enacting impact  
29 fees based on the low density scenario. Impact fees based on the low density scenario would be  
30 consistent with either General Plan Option B (light industrial) or General Plan Option C (low  
31 density residential) that were presented to the City Council in a previous item.

32  
33 Impact fees calculated under the low density scenario assumed that the entire Southwest  
34 Annexation Area, when fully developed, could contain development equal to 1,250 ERUs. An  
35 ERU was basically a measure of development that had the same impact as one residential unit.  
36 For example, development under a light industrial classification would be anticipated to have a  
37 development impact equal to 4.3 residential units or 4.3 ERUs.

38  
39 The service area covered approximately 289 acres. Some impact fees (culinary water, sewer, fire,  
40 and parks) were based on a per ERU basis while others were calculated on a per acre basis.

41  
42 If the proposed impact fees were adopted, new developments would be required to pay the new  
43 impact fees as well as water right impact fees, but would not pay current City connection fees.  
44 The impact fees would typically be collected prior to the recording of a final plat or the issuance  
45 of a building permit for new development. State law provided that no impact fees could be  
46 collected until 90 days after enactment of an impact fee ordinance.

# DRAFT

1 In order to impose impact fees, state law required that the City Council (1) adopt an Impact Fee  
2 Facilities Plan, (2) adopt an Impact Fee Analysis, (3) establish a service area, and (4) approve an  
3 impact fee enactment that established the amount of the impact fees.  
4

5 The Development Services Department recommended the City Council adopt the Impact Fee  
6 Facilities Plans and Impact Fee Analyses, establish service areas and enact impact fees for  
7 culinary water, sewer, storm water, parks, and fire facilities on development activity in the  
8 Southwest Annexation Area. The Development Services Department recommended that the City  
9 Council adopt impact fees based on the low density scenario and in the following amounts:  
10

- 11 1. Culinary water: \$2,369 per ERU.
- 12 2. Sewer: \$3,643 per ERU.
- 13 3. Storm water: \$8,412 per acre (equates to \$1,944 per ERU).
- 14 4. Parks: \$1,595 per residential unit (no parks impact fee would be imposed for non-  
15 residential development).
- 16 5. Fire: \$219 per residential unit and \$5,251 per acre of nonresidential development.  
17  
18

19 Fred Philpot with Lewis Young said that they had completed the Impact Fee Facilities Plan and  
20 Impact Fee Analysis. He said those documents were combined into a single document for each  
21 of the following utilities: culinary water, sanitary sewer, storm drain, parks and recreation, and  
22 fire/public safety. He described the process used to prepare those documents, including looking  
23 at the service area and demand; level of service; existing facilities and excess capacity; future  
24 capital facility needs; and financing. He said that once new impact fees were adopted there  
25 would be a 90-day wait period before the fees would become effective.  
26

27 Mr. Philpot said the total maximum fee recommended was \$9,770 on a typical ERU. He  
28 provided some comparisons with other cities, including Eagle Mountain at \$8,156; Provo at  
29 \$6,347; and St. George at \$5,165. He said the recommended fee reflected the level of service and  
30 needs for an annexation area. He said it was typically more expensive to build on the periphery  
31 of a community.  
32

33 Mr. Macdonald clarified that the comparisons were from city-wide fees and the current proposal  
34 was just for the annexation area, so it was really not an apples-to-apples comparison. Mr. Philpot  
35 said that Mr. Macdonald was correct, but that there was some comparison when considering fee  
36 per unit. Impact fees were proportionate to a specific demand unit. He also explained that fees  
37 were based on original costs, so some fees were based on dollar amounts from decades ago and  
38 the proposed fees were based on future costs.  
39

40 Mr. Spencer asked Mr. Mansell to explain the timeline for the project. Mr. Mansell said they first  
41 needed to get site plan approval and they would work with staff on engineering for the  
42 infrastructure and the site plan probably next year.  
43

44 Mr. Philpot recommended that the Council not think of the fees as “set in stone”.  
45

# DRAFT

1 Mayor Brunst said that the fees were being set as they were viewed now, but things could  
2 change. He asked the process of changing the fees in the future, as he was concerned about  
3 inconsistency if fees were changed frequently.

4  
5 Mr. Earl said an updated impact fee study would be needed to justify a change in fees.

6  
7 Mayor Brunst opened the public hearing.

8  
9 Jim Fawcett, resident, said he had reviewed information about the Utility Master Plan on the  
10 Orem website. He was concerned about a noted existing water storage deficiency of 10 million  
11 gallons, and was not sure where the storage would be borrowed from. He said state storage  
12 requirements could be met for the annexation area by constructing a well. He did not see how  
13 any connection could happen without first building a well.

14  
15 Mayor Brunst suggested Mr. Fawcett contact the City's Public Works staff to address some of  
16 his concerns.

17  
18 Mr. Philpot said from an impact fee standpoint, the construction of assets did not exactly mirror  
19 the development pattern that would occur. In some cases infrastructure was built in advance of  
20 development and in other cases it was built as development came on to the system. He said  
21 where excess capacity was not available there could be a reduction in the level of service for a  
22 short time. Level of service went through ebbs and flows, peaks and troughs, with the intent to  
23 maintain a level of service over time. He said at any given day it would ebb and flow where  
24 development was, but they tried to proportion the impact fees to account for that level of service.  
25 The building of a well, for example, may happen down the road, but the impact fees covered the  
26 cost regardless of when it was built.

27  
28 Shawn Bunderson, resident, asked for clarification on the impact fees for parks and public safety.  
29 He thought those would be paid for through city taxes, which they would now pay as Orem  
30 residents. He was not clear on why the annexation area would be paying impact fees for a fire  
31 station that had been planned for long before the annexation. There was no other part of the City  
32 that would be paying an impact fee for that fire station, or for parks, but they paid through taxes.  
33 He was concerned about those expenses being covered by a small strip of land by impact fees  
34 instead of by citywide taxes.

35  
36 Jessica Street, resident, said she was concerned about basement flooding issues for the Mansell  
37 project units because of the proximity to Utah Lake. She wondered if that issue had been planned  
38 for.

39  
40 Mayor Brunst said those units did not have basements so basement flooding was not an issue.

41  
42 Mayor Brunst closed the public hearing.

43  
44 Mrs. Black asked for clarification about the parks and fire impact fee. She believed those were  
45 typical impact fees when impact fees were assessed.

# DRAFT

1 Mr. Bybee said they were typical impact fees, and they were assessed for the same reasons that  
2 utilities were assessed for impact fees. Ongoing utility fees would not pay for new capital  
3 infrastructure, and property taxes would not be paying for the new demand in the annexation  
4 area.

5  
6 Mayor Brunst said Orem was well known for having parks and the parks impact fee was for the  
7 area to support itself when a park was built in the future.

8  
9 Mr. Earl said the parks calculation was based on the amount of square footage of current city  
10 park space per resident. The park impact fee number was calculated in a similar way, based on  
11 anticipated park square footage per anticipated resident; this would provide the same parks level  
12 of service as the rest of the city. The idea was that existing residents who had already paid for  
13 existing parks would not have to pay for new parks that would serve the new residents.

14  
15 Mayor Brunst **moved**, by ordinance, to adopt Impact Fee Facilities Plans and Impact Fee  
16 Analyses, establishment of service areas and enacting impact fees for culinary water, sewer,  
17 storm water, parks, and fire facilities on development activity in the Southwest Annexation Area  
18 in the amounts as listed in the Impact Fee Analyses. Mr. Spencer **seconded** the motion. Those  
19 voting aye: Margaret Black, Richard F. Brunst, Tom Macdonald, Mark E. Seastrand, David  
20 Spencer, Brent Sumner. Those voting nay: Hans Andersen. The motion **passed, 6-1**.

## 21 22 23 **COMMUNICATION ITEMS**

### 24 25 MONTHLY FINANCIAL SUMMARY – June 2015

26 The Monthly Financial Summary was included in the packets distributed to the City Council.

### 27 28 MONTHLY FINANCIAL SUMMARY – July 2015

29 The Monthly Financial Summary was included in the packets distributed to the City Council.

## 30 31 32 **CITY MANAGER INFORMATION ITEMS**

33  
34 There were no city manager information items.

## 35 36 **ADJOURNMENT**

37  
38 Mr. Macdonald **moved** to adjourn the meeting. Mr. Andersen **seconded** the motion. Those  
39 voting aye: Hans Andersen, Margaret Black, Richard Brunst, Tom Macdonald, Mark E.  
40 Seastrand, David Spencer, Brent Sumner. The motion **passed** unanimously.

41  
42 The meeting adjourned at 2:23 a.m.

**CITY OF OREM**  
**BUDGET REPORT FOR THE MONTH ENDED SEPTEMBER 2015**

Percent of Year Expired: 25%

Fund	Current Appropriation	Monthly Total	Year-To-Date Total	Encumbrances	Balance	% To Date FY 2016	% To Date FY 2015	Notes
<b>10 GENERAL FUND</b>								
Revenues	47,010,962	3,411,244	6,894,273			15%		
Appr. Surplus - Prior Year	2,782,349		2,782,349			100%		
Std. Interfund Transactions	4,236,636		4,236,636			100%		
<b>Total Resources</b>	<b>54,029,947</b>	<b>3,411,244</b>	<b>13,913,258</b>		<b>40,116,689</b>	<b>26%</b>	<b>27%</b>	
Expenditures	54,029,947	2,929,390	14,268,292	1,436,571	38,325,084	29%	27%	
<b>20 ROAD FUND</b>								
Revenues	2,545,000	301,591	303,153			12%		
Appr. Surplus - Prior Year	853,229		853,229			100%		
<b>Total Resources</b>	<b>3,398,229</b>	<b>301,591</b>	<b>1,156,382</b>		<b>2,241,847</b>	<b>34%</b>	<b>37%</b>	
Expenditures	3,398,229	51,997	1,118,540	680,392	1,599,297	53%	53%	
<b>21 CARE TAX FUND</b>								
Revenues	1,850,000	154,778	157,471			9%		
Appr. Surplus - Prior Year	2,188,179		2,188,179			100%		
<b>Total Resources</b>	<b>4,038,179</b>	<b>154,778</b>	<b>2,345,650</b>		<b>1,692,529</b>	<b>58%</b>	<b>56%</b>	
Expenditures	4,038,179	130,239	1,056,902	52,405	2,928,872	27%	29%	
<b>30 DEBT SERVICE FUND</b>								
Revenues	7,256,314	41,972	76,281			1%		
Appr. Surplus - Prior Year	43,434		43,434			100%		
<b>Total Resources</b>	<b>7,299,748</b>	<b>41,972</b>	<b>119,715</b>		<b>7,180,033</b>	<b>2%</b>	<b>5%</b>	
Expenditures	7,299,748	44,317	49,919		7,249,829	1%	1%	
<b>45 CIP FUND</b>								
Revenues	260,000	88,356	87,918			34%		
Appr. Surplus - Prior Year	4,562,250		4,562,250			100%		
<b>Total Resources</b>	<b>4,822,250</b>	<b>88,356</b>	<b>4,650,168</b>		<b>172,082</b>	<b>96%</b>	<b>84%</b>	1
Expenditures	4,822,250	45,911	202,684	329,936	4,289,630	11%	85%	1
<b>51 WATER FUND</b>								
Revenues	12,468,440	1,254,241	4,608,958			37%		
Appr. Surplus - Prior Year	2,858,833		2,858,833			100%		
<b>Total Resources</b>	<b>15,327,273</b>	<b>1,254,241</b>	<b>7,467,791</b>		<b>7,859,482</b>	<b>49%</b>	<b>58%</b>	
Expenditures	15,327,273	745,277	4,807,883	567,831	9,951,559	35%	40%	
<b>52 WATER RECLAMATION FUND</b>								
Revenues	7,080,500	542,884	1,614,604			23%		
Appr. Surplus - Prior Year	1,132,177		1,132,177			100%		
<b>Total Resources</b>	<b>8,212,677</b>	<b>542,884</b>	<b>2,746,781</b>		<b>5,465,896</b>	<b>33%</b>	<b>43%</b>	
Expenditures	8,212,677	336,932	2,317,086	808,869	5,086,722	38%	39%	
<b>55 STORM SEWER FUND</b>								
Revenues	3,110,500	267,424	890,495			29%		
Appr. Surplus - Prior Year	661,108		661,108			100%		
<b>Total Resources</b>	<b>3,771,608</b>	<b>267,424</b>	<b>1,551,603</b>		<b>2,220,005</b>	<b>41%</b>	<b>35%</b>	
Expenditures	3,771,608	76,970	1,098,517	33,126	2,639,965	30%	41%	
<b>56 RECREATION FUND</b>								
Revenues	1,794,750	88,886	544,610			30%		
Appr. Surplus - Current Year	175,000		175,000			100%		
Appr. Surplus - Prior Year	1,775		1,775			100%		
<b>Total Resources</b>	<b>1,971,525</b>	<b>88,886</b>	<b>721,385</b>		<b>1,250,140</b>	<b>37%</b>	<b>41%</b>	
Expenditures	1,971,525	160,648	624,860	155,478	1,191,187	40%	41%	
<b>57 SOLID WASTE FUND</b>								
Revenues	3,406,000	299,133	895,353			26%		
Appr. Surplus - Prior Year	121,558		121,558			100%		
<b>Total Resources</b>	<b>3,527,558</b>	<b>299,133</b>	<b>1,016,911</b>		<b>2,510,647</b>	<b>29%</b>	<b>26%</b>	
Expenditures	3,527,558	250,905	830,460	786	2,696,312	24%	26%	

**CITY OF OREM**  
**BUDGET REPORT FOR THE MONTH ENDED SEPTEMBER 2015**

Percent of Year Expired: 25%

Fund	Current Appropriation	Monthly Total	Year-To-Date Total	Encumbrances	Balance	% To Date FY 2016	% To Date FY 2015	Notes
<b>58 STREET LIGHTING FUND</b>								
Revenues	1,555,000	75,545	900,852			58%		
Appr. Surplus - Prior Year	278,995		278,995			100%		
<b>Total Resources</b>	<b>1,833,995</b>	<b>75,545</b>	<b>1,179,847</b>		<b>654,148</b>	<b>64%</b>	<b>62%</b>	
Expenditures	1,833,995	101,380	262,572	262,837	1,308,586	29%	31%	
<b>61 FLEET MAINTENANCE FUND</b>								
Std. Interfund Transactions	640,000		640,000			100%		
<b>Total Resources</b>	<b>640,000</b>		<b>640,000</b>			<b>100%</b>	<b>100%</b>	
Expenditures	640,000	38,552	253,603	14,102	372,295	42%	44%	
<b>62 PURCHASING/WAREHOUSING FUND</b>								
Revenues		15	45			100%		
Appr. Surplus - Current Year	50,000		50,000			100%		
Std. Interfund Transactions	310,000		310,000			100%		
<b>Total Resources</b>	<b>360,000</b>	<b>15</b>	<b>360,045</b>		<b>-45</b>	<b>100%</b>	<b>100%</b>	
Expenditures	360,000	21,262	156,288	3,613	200,099	44%	37%	
<b>63 SELF INSURANCE FUND</b>								
Revenues	500,000	41,155	124,262			25%		
Std. Interfund Transactions	1,225,000		1,225,000			100%		
<b>Total Resources</b>	<b>1,725,000</b>	<b>41,155</b>	<b>1,349,262</b>		<b>375,738</b>	<b>78%</b>	<b>77%</b>	
Expenditures	1,725,000	12,420	912,822	3,734	808,444	53%	57%	
<b>64 INFORMATION TECH FUND</b>								
Revenues		1,356	2,712			100%		
Appr. Surplus - Prior Year	52,096		52,096			100%		
Std. Interfund Transactions	2,178,000		2,178,000			100%		
<b>Total Resources</b>	<b>2,230,096</b>	<b>1,356</b>	<b>2,232,808</b>		<b>-2,712</b>	<b>100%</b>	<b>N/A</b>	
Expenditures	2,230,096	164,197	421,725	158,069	1,650,302	26%	N/A	
<b>74 CDBG FUND</b>								
Revenues	817,988	7,778	23,027			3%		
Appr. Surplus - Prior Year	94,877		94,877			100%		
<b>Total Resources</b>	<b>912,865</b>	<b>7,778</b>	<b>117,904</b>			<b>13%</b>	<b>39%</b>	2
Expenditures	912,865	38,658	225,467	17,021	670,377	27%	14%	
<b>CITY TOTAL RESOURCES</b>	<b>110,036,859</b>	<b>6,499,457</b>	<b>38,156,855</b>		<b>71,085,043</b>	<b>35%</b>	<b>36%</b>	
<b>CITY TOTAL EXPENDITURES</b>	<b>110,036,859</b>	<b>4,883,478</b>	<b>27,923,323</b>	<b>4,103,864</b>	<b>78,009,672</b>	<b>29%</b>	<b>31%</b>	

**NOTES TO THE BUDGET REPORT FOR THE MONTH ENDED SEPTEMBER 2015:**

- 1) Current year revenues are higher & current year expenditures are lower (as percentages) due to the almost \$2.8 million that was transferred into the fund in the prior fiscal year which was then carried over into the new fiscal year.
- 2) The current year revenues are lower in comparison to the prior year due to significantly less capital funds being carried over into the new fiscal year. The Beverly Subdivision capital project was primarily completed in the prior fiscal year.

Note: In earlier parts of a fiscal year, expenditures may be greater than the collected revenues in a fund. The City has accumulated sufficient reserves to service all obligations during such periods and does not need to issue tax anticipation notes or obtain funds in any similar manner. If you have questions about this report, please contact Richard Manning (229-7037) or Brandon Nelson (229-7010).