CITY OF OREM
CITY COUNCIL MEETING
56 North State Street, Orem, Utah
October 08, 2019

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

3:30 P.M. SITE VISIT - LIBRARY HALL

4:00 P.M. WORK SESSION - CITY COUNCIL CONFERENCE ROOM

UPDATE - Library Hall and Fitness Center Projects (30 min)
Staff will present an update on capital projects.
Presenter: Ryan Clark, Method Studio, and Big-D

UPDATE - Design for 400 West 1200 South Roundabout (30 min)
Staff will present an update.
Presenter: Sam Kelly, Paul Goodrich, and Horrocks Engineering

1. AGENDA REVIEW & PREVIEW OF UPCOMING AGENDA ITEMS
The City Council will review the items on the agenda.

2. CITY COUNCIL REPORTS (BOARDS & COMMISSIONS, NEW BUSINESS, ETC.)
This is an opportunity for members of the City Council to raise issues of information or concern.

Presenter: Debby Lauret

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

3. CALL TO ORDER

4. INVOCATION/INSPIRATIONAL THOUGHT: BY INVITATION

5. PLEDGE OF ALLEGIANCE: BY INVITATION

6. MAYOR'S REPORT/ITEMS REFERRED BY COUNCIL

6.1. UPCOMING EVENTS
For Review
Upcoming Events 10.08.19.pdf

6.2. PRESENTATION - Recreation Volunteer of the Year Award - Kyle Bilbao

Recreation Director Karl Hirst will present the Recreation Volunteer of the Year Award to Kyle Bilbao.

6.3. REPORT - Orem Arts Council
The Orem Arts Council will present their annual commission report to the City Council.

7. PERSONAL APPEARANCES – 15 MINUTES

Time has been set aside for the public to express their ideas, concerns, and comments on items not scheduled as public hearings on the Agenda. Those wishing to speak are encouraged to show respect for those who serve the city. Comments should focus on issues concerning the city. Those wishing to speak should have signed in before the beginning of the meeting. (Please limit your comments to 3 minutes or less.)

8. CONSENT ITEMS

8.1. APPROVAL OF MEETING MINUTES
Minutes of City Council Meeting - September 17, 2019
09.17.2019.ccmin DRAFT.pdf

8.2. CITY MANAGER'S APPOINTMENTS
Mr. Davidson asks for the Council's advice and consent on the re-appointments of Bryant Christensen and James Williams to serve on the Board of Building & Fire Code Appeals.
Bryant Christensen.pdf
James Williams.pdf

8.3. OATH OF OFFICE - Orem Youth Council
The City Attorney will introduce the Orem Youth Council. The City Recorder will then lead the Orem Youth Council in the Oath of Office.

8.4. ORDINANCE - Amending Article 2-8 through Article 2-37 of the Orem City Code to reflect changes to various Orem boards, commission, and committees
Staff recommends that the Council adopt changes to the Orem City Code for City boards, commissions, and committees, which will allow these organizations greater flexibility and efficiency. Such changes include removing term limits, eliminating obsolete language, adjusting the number of members, length of terms, and frequency of meetings in some organizations, other minor changes for flexibility, and grammatical corrections.
ORD--Updates to Boards & Commissions.docx
Exhibit A--Updates to Boards & Commissions.docx

9. SCHEDULED ITEMS

9.1. PUBLIC HEARING

ORDINANCE – Amending Sections 22-24-1(H), 22-24-2(H), 22-24-3(H), 22-24-4(H), and 22-24-5(H) of the Orem City Code pertaining to parking requirements in the State Street District zones.

The Planning Commission recommends the City Council, by ordinance, amend Sections 22-24-1(H), 22-24-2(H), 22-24-3(H), 22-24-4(H), and 22-24-5(H) of the Orem City Code pertaining to parking requirements in the State Street District zones. Staff supports the Planning Commission recommendation.

Presenter: Jason Bench

Agenda-ParkingStandards.docx
Ordinance-ParkinginDistrictZones.pdf
Resolution-ParkingStandards.docx
Parking_Study_Final_Report.pdf
Existing_projects_Parking_Review.pdf
Parking Requirements PC Minutes 9.4.18.docx

9.2. PUBLIC HEARING

ORDINANCE – Amending Section 22-5-3(A) and the Zoning Map of the City of Orem by changing the zoning on approximately 2.42 acres of property located generally at 1000 East Center Street from the R8 zone to the PRD zone; and amending Appendix KK of Orem City Code by adding Cascade Court PRD concept plan and elevations.

The Planning Commission recommends the City Council, by ordinance, amend Section 22-5-3(A) and the Zoning Map of the City of Orem by changing the zoning on approximately 2.42 acres of property located generally at 1000 East Center Street from the R8 zone to the PRD zone; and amend Appendix KK of Orem City Code by adding Cascade Court PRD concept plan and elevations. Staff supports the Planning Commission recommendation.

Presenter: Jason Bench

Agenda-Rezone-PRD-CascadeCourt.docx
Vicinity_Map_Cascade_Court_2019.09.18.pdf
Map_Cascade_Court_2019.09.18.pdf
Cascade_Court_Landscape_Plan.pdf
Cascade_Court_Concept_Plan.pdf
Elevations.pdf
Elevations__2_.pdf
Elevations__3_.pdf
Neighborhood Meeting Info.pdf
Cascade Court_Subdivision layout.pdf
MailerFront_PC.pdf
20190909_2_MailerBack.pdf
20190909_2_Labels.docx
Cascade Court PC Minutes 9.18.19.docx
DRC Application Cascade Court.pdf
Resolution-Rezone-PRD-CascadeCourt.docx

10. COMMUNICATION ITEMS

10.1. MONTHLY FINANCIAL SUMMARY - August 2019

For Review

Monthly Financial Summary - Aug 2019.pdf

11. CITY MANAGER INFORMATION ITEMS

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.

12. ADJOURN

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 801-229-7000)

This agenda is also available on the City's webpage at orem.org

UPCOMING EVENTS

DATE	BUSINESS AND LOCATION	TYPE	
October 10	City of Orem Geneva Park	Futsal Court Ribbon Cutting & Police Picnic	5:30pm
October 12	City of Orem/Waste Management Timpanogos High School	Touch-a-Truck	10am-2pm
October 12	Utah Valley University UCCU Center	President's Scholarship Ball	5:30pm

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CITY OF OREM
CITY COUNCIL MEETING
56 North State Street Orem, Utah
September 17, 2019

3:00 P.M. WORK SESSION – CITY COUNCIL CONFERENCE ROOM

CONDUCTING	Mayor Richard F. Brunst
ELECTED OFFICIALS	Debby Lauret, Sam Lentz, Mark Seastrand, David Spencer, and Brent Sumner
APPOINTED STAFF	Jamie Davidson, City Manager; Brenn Bybee, Assistant City Manager; Steven Downs, Deputy City Manager; Greg Stephens, City Attorney; Scott Gurney, Fire Chief; Gary Giles, Police Chief; Ryan Clark, Development Services Director; Charlene Crozier, Library Director; Chris Tschirki, Public Works Director; Brandon Nelson, Finance Division Manager; Jason Bench, Planning Division Manager; Steve Earl, Deputy City Attorney; Paul Goodrich, Transportation Engineer; Jon Ditto, Assistant City Attorney; and Jackie Lambert, Deputy City Recorder
EXCUSED	Tom Macdonald

DISCUSSION – Boards & Commissions Follow-up

Mr. Downs reminded the City Council of previous discussions about the desire to modify code as it related to boards and commissions. He said the majority of changes were broad and applicable to all commissions, though a handful of the proposed changes would be more specific to individual bodies. He then asked Mr. Ditto to review the proposal.

Mr. Ditto said the boards and commissions that would not be affected by these changes would be the Planning Commission, Board of Adjustments, and Board of Building and Fire Code Appeals. He said the rationale behind the changes included more flexibility for commissions, removing unnecessary or inapplicable language, and having code reflect what they were already doing. Mr. Ditto reviewed the proposed changes:

- When a member is replaced, the new member starts a new term rather than completing the old member's remaining time;
- Remove term limits;
- Eliminate "staggered" terms for initial members of the CARE, Heritage, Natural Resources, Public Works, and Arts Council commissions;
- If a member misses more than 25% of meetings, they may be removed but are not automatically removed;
- Define a quorum as a majority of the appointed members, with a minimum of three;

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- Chairpersons are appointed annually, rather than specifically in the "first meeting in January"; and
- Adjusting the number of members, length of term, and frequency of meetings according to commission preference.

Mr. Ditto then reviewed the specific changes proposed, and said they planned to eliminate four boards whose duties had been absorbed by other boards, or were now obsolete. There was discussion about the elimination on term limits, and the way they would allow for new commission members and keeping fresh eyes on the discussion. Mr. Downs said they would bring an ordinance to the Council as a consent item at a future meeting.

DISCUSSION – Rental Properties

Mr. Downs said the City had been looking into ways to improve code enforcement and utility billing challenges that existed with rental properties throughout the City. He said he would present information on staff's research and asked the Council to consider the proposed changes. The goal was to strengthen neighborhoods, increase the accountability for landlords/property owners, and reduce the City's costs associated with rentals. Mr. Downs clarified that the term landlord included property owners as well as property management companies. He said these issues were prevalent in college towns, like Orem, Provo, Logan, and St. George.

Mr. Downs shared the desired outcomes for introducing a rental licensing program, which included:

- Improving neighborhood contact information so the Neighborhood Preservation Unit (NPU) could proactively work with landlords pertaining to property issues;
- Giving the City "teeth" to prevent inattentive landlords from ignoring issues;
- Preventing the City from having to "absorb" uncollected utility bill costs on rental properties (approximately $50,000 per year); and
- Reducing the disproportionate amount of time staff dealt with rental properties (changing names on accounts, collections, verifying lease agreements, work orders, etc.)

Mr. Downs added that a rental property licensing program, in addition to creating a better database for contacting landlords, would make it easier to identify illegal rental properties. Mr. Davidson said they were taking the approach that these rentals were a business, and should have similar licensing requirements as businesses.

Sgt. Eric Ahlborn, NPU, said the proposed program would assist his unit in resolving neighborhood issues more quickly. In response to question about property management companies, Sgt. Ahlborn said they were particularly difficult to work through. He said most tenants did not realize their rental violated code, and the landlords were ultimately responsible. He added that rental property issues were not only an issue around UVU but throughout the city.

There was discussion on the proposed program, and the success of surrounding cities with existing rental licensing programs. Mr. Downs said as currently proposed, the rental license would include a "base fee" to be a licensed landlord. They also hoped to apply a "per unit fee" but first a municipal study would be required to show the impact of each unit. The licensing fees

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would go toward administering the licensing program, but the disproportionate costs study would need to be completed. After brief discussion on short-term rentals like Airbnb and VRBO, Mr. Downs asked for direction from the Council. The general consensus was to move forward with the study and continue to work on the licensing program.

DISCUSSION – Parking – State Street Districts

Mr. Bench led the discussion regarding State Street District parking standards in connection with the recently completed citywide parking study. He shared current parking requirements, and the recommendations from the parking study; he then shared the proposed parking changes. He clarified that this study was not in regards to student housing, but was for other residential developments. Mr. Bench said a common problem was that people given the choice of paying for a parking space or "opting out", they were opting out and parking along the streets or in neighborhoods. If the cost of the parking was lumped in with rent, however, it seemed to be less of a problem. He told the Council that the Planning Commission had recommended the amendments.

There was discussion on the proposed changes. Mr. Spencer expressed concerns about lowering the ratio for residential uses. Mayor Brunst added that some large developments may be coming in and it was critical that the parking be adequate. Mr. Clark said finding the perfect ratio was like trying to hit a moving target. General discussion ensued regarding mixed use developments and best practices for determining adequate parking.

City Council Reports (Boards and Commissions, New Business, Etc.)

Mr. Sumner gave a report on his assignments as a City Council liaison to the Historic Preservation Advisory Commission, the Orem Youth Council, and the Senior Citizen Advisory Commission. He said the Historic Preservation group was a work in progress, as it had not been active for some years. He commented that he worked with some of the youngest and oldest volunteers in the City, and he enjoyed participating with both groups.

The Youth Council had attended a day at the legislature as well as conducting a mock trial, which had been interesting learning experiences. Mr. Sumner said the seniors had been adjusting to the sharing of the Senior Center with Fitness Center patrons, and he felt that accommodation was going well.

Preview Upcoming Agenda Items

The City Council briefly reviewed items that would be coming before the Council in future meetings. Mr. Bench shared a number of planning items that would be considered at the August 27, 2019 meeting. The Council discussed the upcoming items and related issues of concern.

Agenda Review

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The City Council and staff reviewed items on the evening's agenda. There was brief discussion with an applicant of a scheduled item that would be heard during the regular meeting.

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

CONDUCTING	Mayor Richard F. Brunst
ELECTED OFFICIALS	Debby Lauret, Sam Lentz, Tom Macdonald (participated electronically), Mark Seastrand, David Spencer, and Brent Sumner
APPOINTED STAFF	Jamie Davidson, City Manager; Brenn Bybee, Assistant City Manager; Steven Downs, Deputy City Manager; Greg Stephens, City Attorney; Scott Gurney, Fire Chief; Gary Giles, Police Chief; Ryan Clark, Development Services Director; Charlene Crozier, Library Director; Chris Tschirki, Public Works Director; Brandon Nelson, Finance Division Manager; Jason Bench, Planning Division Manager; Steve Earl, Deputy City Attorney; Ernesto Lazalde, IT Division Manager; Sam Kelly, City Engineer; Paul Goodrich, Transportation Engineer; and Jackie Lambert, Deputy City Recorder
INVOCATION / INSPIRATIONAL THOUGHT	Mark Tippets
PLEDGE OF ALLEGIANCE	Steve Earl

MAYOR'S REPORT/ITEMS REFERRED BY COUNCIL

UPCOMING EVENTS

Mayor Brunst reviewed the upcoming events, as listed in the agenda packet.

REPORT – Library Advisory Commission

The Library Advisory Commission (LAC) provided an annual update of the Commission and Library activities for 2019. Mrs. Crozier introduced the commission members in attendance: Vice Chair Marsha Cerny, Ken Bonney, Courtney Burns, James Jones, and Mary Stovall Richards. She mentioned absent members Chair Suzanne Stratton and Terri Potts Smith, and specifically thanked Ms. Smith who had completed her second term and was retiring from the commission.

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Mr. Bonney began, saying that when libraries succeed so does the community. They highlighted a few programs from the past year, including the summer reading program for school aged children, and various teen initiatives. They discussed library trends and the most popular programs, particularly the increased use of Makerspace and the popularity of e-books and e-audio. Another exciting highlight for the LAC was the beginning construction of the Library Hall. One commission member pointed out that the library was much more than books, but was a place to become culturally literate. They appreciated the support the Library received from the City and from the residents.

PERSONAL APPEARANCES

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

Mark Tippets said the citizens demand safety and security, but that always comes at a cost. His concern was about Orem first responders and in particular the low morale in the police and fire departments. In speaking to a Provo Fire Captain, Mr. Tippets said he learned that Orem had once required paramedic certifications for each fire fighter, but believed that was no longer the requirement. Mr. Tippets also believed that Orem's reputation as a fire department had changed drastically, and people were warned not to apply there. He hoped the Council would consider making changes to bring Orem back to where they had been.

Eric Wilkey said he too was addressing issues with the Fire Department. He said many classes were unavailable for fire fighters hoping to qualify for raises with additional training. He felt like they were being told one thing, and yet another thing would happen. It seemed like the career ladder steps were just metaphorical carrots being dangled in front of them that they could never get. Mr. Wilkey said they should look at the pay scale system used in Salt Lake Valley that avoided some of the problems Orem was having. He also said his son Kevin Wilkey, former Orem fire fighter, had his equipment stripped from him during his final shift with Orem, which left that station "a man down" in the case of an emergency. He said this was wrong, and left the city unnecessarily vulnerable.

CONSENT ITEMS

- Approval of August 27, 2019 and September 3, 2019 City Council Meeting Minutes
- City Manager's Appointment of Haysam Sakar to Planning Commission and Reappointment of Stephen Frisby to Board of Building and Fire Code Appeals
- ORDINANCE – Amending City Code to reflect the change from "Department of Administrative Services" to the "Finance Department"
- Staff Appointment – City Manager's recommendation appointing Brandon M. Nelson as Finance Department Director

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Mayor Brunst moved to approve the Consent Agenda as listed. **Mr. Lentz seconded** the motion. Those voting aye: Richard Brunst, Debby Lauret, Sam Lentz, Tom Macdonald, Mark Seastrand, David Spencer, and Brent Sumner. The motion **passed.**

Ms. Lambert, Deputy Recorder, administered the Oath of Office for Mr. Nelson.

SCHEDULES ITEMS

PUBLIC HEARING
ORDINANCE – Amending Appendix U of the Orem City Code by updating the tree requirements in all zones

Mr. Bench said developers reached out to the City expressing concerns regarding the availability of tree species required in Appendix U of Orem's Code. Orem staff worked with the Public Works department and the City Arborist to review changes to the State Street approved tree lists. Groups A through G were evaluated. Staff worked collaboratively to select trees that were readily available, compatible with our region's climate, and aesthetically pleasing. Additionally, staff took the City Arborists recommendation to remove certain tree species from the entirety of Appendix U which did not survive well in the area. This included the Ash trees and the Red Maple. The Planning Commission held a public hearing on August 21, 2019 and recommended approval of the proposed amendment.

Mayor Brunst opened the public hearing at 6:31 p.m. No one came forward, so he then closed the public hearing.

Mr. Seastrand said he enjoyed the variety and beauty of trees within the city. Then **Mr. Seastrand moved**, by ordinance, to amend Appendix U of the Orem City Code by updating the tree requirements in all zones. **Mr. Sumner seconded** the motion. Those voting aye: Richard Brunst, Debby Lauret, Sam Lentz, Tom Macdonald, Mark Seastrand, David Spencer, and Brent Sumner. The motion **passed.**

PUBLIC HEARING
ORDINANCE – Amending Section 22-6-10(I) and Standard Land Use Code 4832 Water Storage Tanks in Appendix A of the Orem City Code pertaining to water storage tanks

Mr. Bench said as part of the City's water infrastructure improvements outlined in the Water Master Plan, the City would be constructing a new municipal water storage tank. The proposed location was still being determined, however, the ordinance needed to be modified to allow the new tank to be located below the elevation of 4910 feet above mean sea level as outlined in the current ordinance. Any new water tank would be required to comply with the standards outlined in the proposed ordinance. In addition, the Standard Land Use Code 4832 Water Storage Tanks would also need to be amended to allow a municipal water storage tank in the R7.5 and R8 zones.

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The Planning Commission recommended that the City Council, by ordinance, amend Section 22-6-10(I) and Standard Land Use Code 4832 of the Orem City Code pertaining to water storage tanks. Staff supported the Planning Commission recommendation.

Mayor Brunst opened the public hearing at 6:34 p.m. No one came forward, so he then closed the public hearing.

Mr. Lentz moved, by ordinance, to amend Section 22-6-10(I) and Standard Land Use Code 4832 Water Storage Tanks in Appendix A of the Orem City Code pertaining to water storage tanks. **Mrs. Lauret seconded** the motion. Those voting aye: Richard Brunst, Debby Lauret, Sam Lentz, Tom Macdonald, Mark Seastrand, David Spencer, and Brent Sumner. The motion **passed.**

PUBLIC HEARING
ORDINANCE – Rezoning the property located at 355 West University Parkway from the R8 zone to the PD-5 zone and amend the PD-5 zone to include Standard Land Use Code 5530 Gasoline Service Station With or Without Store as a permitted use

Mr. Bench said applicant Wright Group Development was seeking to rezone the current property to the PD-5 zone with a proposed hotel, retaining the existing office building and proposing a convenience store and gas station on the corner of 400 West and University Parkway. The proposed text amendment to the PD-5 zone would allow gas stations not only at this site but anywhere along the University Parkway corridor where it was zoned PD-5. One of the main purposes of the PD-5 zone was to promote planned commercial, retail developments along the University Parkway corridor. Since the PD-5 zone was created the University Parkway corridor had developed into a valued commercial corridor. Staff concluded that a gasoline Service Station did not meet the intent of the PD-5 zone and would not be in the best interest of the City.

With the UVX Bus Rapid Transit stop directly in front of this development, an office use or other commercial development with a high employment opportunity which took advantage of the direct transit benefit would be a better use for the property. Additional office or retail uses currently permitted in the PD-5 zone would be in the best interest of the city and meet the long-term vision for the corridor. Therefore, staff supported the Planning Commission recommendation to the City Council to deny the request to add Standard Land Use (SLU) Code 5530 as a permitted use to the PD-5 zone.

Mr. Bench invited Leslie Mascaro with Wright Development Group and Kevin Croshaw with Horrocks Engineers to come forward as representatives for the applicant. Mr. Bench said this was an important property along University Parkway and the UVX transit line, and he shared recommendations from the Provo Orem BRT/TOD Study about the potential for the property's future uses. It was because of the great potential of the property that staff recommended denying the request to add a gas station/convenience store; they felt there could be better uses.

Ms. Mascaro shared the Wright Development Group's vision for the property, which included the utilization of the existing office space and the addition of a hotel and Maverik convenience store. She said they also intended to retain the existing amphitheater and gardens, possibly creating a small pocket park on the property. Employees, guests of the hotel, and passengers of the UVX line could purchase amenities at the convenience store and enjoy the park and gardens.

Ms. Mascaro discussed the "science" behind selecting locations for Maverik convenience stores and in particular the best locations for access. She added that the convenience store would have an excellent security system. She said many riders of the UVX line were between 18-24 years old, and likely did not work the kinds of jobs that would be in offices along University Parkway. It did not make financial sense to build additional office space.

The Council and staff discussed the ingress and egress of the property, and access on University Parkway. Mr. Goodrich spoke to the concerns of traffic and the synchronized intersections. He said he could not imagine a scenario where UDOT would alter the synchronized patterns for an office building, hotel, and Maverik. He said the access to a high-volume Maverik with many cars coming and going throughout the day was a concern, and could potentially cause queuing issues with the access to Krispy Kreme and the intersection. Mr. Goodrich felt the office building and hotel would accommodate one another, and parking would not likely be an issue. The proximity to the UVX bus line was appealing for a business/office location as employees could utilize transit to and from work.

Ms. Mascaro said typically a convenience store was not a destination location but captured existing traffic. The Wright Development Group felt the three uses were complimentary of each other. She said they could be open to providing a secondary access; Mr. Croshaw said the analysis showed little conflict with the access. Mr. Davidson said he was surprised to see Mr. Croshaw advocating for this project, in light of the work he was currently doing with Orem to improve the roundabout on 800 West to University Parkway, and the in-depth work he and Horrocks Engineers had done working with the City for the Transportation Master Plan. He felt they were opposing mindsets.

Mrs. Lauret said there was little or no support for a convenience store from the Planning Commission. This was a prime piece of real estate and they hoped for more.

Mr. Lentz said this was not what he would want next to a UVX station, but was confident they could find a best use. He was not opposed to the PD-5 designation, but did not want to add SLU 5530 to that zone. He noted that convenience stores required more service calls from public safety than most businesses, so Maverik's need for an excellent security system was not necessarily a virtue. Mr. Lentz also disagreed with the comment that 18-24 year olds would not be working along University Parkway, and said many UVU students worked and chose to ride transit to work.

Mayor Brunst opened the public hearing at 7:25 p.m.

Linda Brown was concerned about the access to the property, and said that cars coming up University Parkway on a blind hill with a curve needing to make a quick right turn into a Maverik would be a hazard coming from the south.

Rae Georgie said she lived near the project property and hoped the zoning decision the Council made would consider the impact on the neighbors. She appreciated how well the Wright Development Group had worked with the neighbors. Ms. Georgie said she thought it unlikely that 18-24 year olds would give up their car to ride transit, especially when there were few other bus lines to connect to UVX across the city.

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Martin Wright said traffic was unpredictable, and University Parkway was a major road. He expressed concern about lights from a gas station being at a height that could "blind" drivers. Mr. Wright felt there were other ways to configure the property, and said he did not believe there was adequate space for a gas station at that location. This stretch of University Parkway was an entryway to the city, so the question was what they wanted the city to look like. He personally did not think a Maverik was the way to welcome people to Orem.

Mayor Brunst closed the public hearing at 7:31 p.m.

Ms. Mascaro addressed some of the concerns mentioned during the public hearing, and thanked the neighbors for their attendance throughout the process. There was continued discussion between Ms. Mascaro and the Council. Mr. Seastrand added that he was not in favor of residential units or quick-serve restaurants (QSR), but liked the idea of additional office space. Mayor Brunst shared some creative alternatives to a convenience store which he felt were better uses for the beautiful property, including an upscale hotel and/or restaurants, or a family-friendly attraction like a museum. Discussion ensued regarding the hotel chains that were being considered for the property, and alternative options to a convenience store.

Mayor Brunst was hopeful that a creative solution could be found that worked for all parties. He suggested that they continue the discussion regarding the rezone of the project property from R8 to PD-5, and vote separately on the issue of adding SLU Code 5530 to the PD-5 zone. Ms. Mascaro said they would be open to continuing the discussion for a later date.

Mayor Brunst moved to continue the applicant's request to rezone the property located at 355 West University Parkway from the R8 zone to the PD-5 zone to October 29, 2019 at 6:00 p.m. **Mrs. Lauret seconded** the motion. Those voting aye: Richard Brunst, Debby Lauret, Sam Lentz, Tom Macdonald, Mark Seastrand, David Spencer, and Brent Sumner. **The motion to continue passed.**

Mayor Brunst then moved to deny the applicant's request to amend the PD-5 zone to include Standard Land Use Code 5530 Gasoline Service Station With or Without Store as a permitted use. **Mr. Spencer seconded** the motion to deny the request. Those in favor of denial: Richard Brunst, Debby Lauret, Sam Lentz, Tom Macdonald, Mark Seastrand, David Spencer, and Brent Sumner. **The request was denied**.

PUBLIC HEARING
ORDINANCE – Amending the Orem City General Plan on approximately 16.72 acres of property located generally at 1577 South Geneva Road from the LDR (Low Density Residential) designation to the MDR (Medium Density Residential) designation

Mr. Bench reviewed the information in the full agenda packet regarding the request. He said based on the history of the area and the current plans that had been adopted by the City Council, staff recommended that the area stay low density as currently shown on the Orem General Plan map. Through a long public hearing process in 2015, the City Council determined that low-density residential and light industrial uses were the appropriate land use for the area. Although the area could be changed to a higher density subject to existing plans being updated, staff fully supports maintaining the area as low-density. The City Council could consider a PRD (Planned

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Residential Development) as an option for this property, however, staff would recommend that studies be completed prior to a future rezone to a PRD zone since the overall density of a PRD would be around seven (7) units per acre over the allotted 4.3 units per acre as outlined in the IFFA and IFA. The Planning Commission recommended that the City Council deny the applicant's request.

Mr. Bench reviewed the process by which the land was annexed into the City in 2015 and the zoning that was established. He invited applicant Ryan McDougal to speak to the request. Mr. McDougal said the proposed project was for attached units and single-family detached at approximately 11.6 units per acre. Some units would be 3 bedrooms and some 4 bedrooms, and each would have a 2-car garage. The price point they were targeting was around $300,000. Mr. Bench wanted to remind the Council the impact a zone change would have in this area, and said any increase in allowed density would affect the lift stations that were needed and the whole area would require updated plans so fees could be adjusted.

There was discussion on the impact to traffic on Geneva Road, and Mr. Bench clarified that the future access to the north and south of the proposal were dependent on development. Mr. Goodrich said the regional transportation master plan identified Lakeview Parkway as a need in the next 10 years, and it would run along the proposed development. It would be a high capacity road, and Mr. Goodrich said it was difficult to know what traffic would be like without grid network roads that were not yet in place. Mr. McDougal felt there were multiple ways the traffic could be addressed and access could be provided along Geneva Road.

Mr. Lentz asked about the possibility of adjusting to the density of a PRD. Mr. McDougal said they would only be able to do single family homes, and the cost for each home would go up to around $500,000. That was prohibitively expensive for people looking to move to Orem, and typically people did not want to spend that kind of money on a home near industrial developments and railroad tracks.

Mr. Macdonald said this was an issue of fairness. Impact fees were required of all, and granting this project more than its fair share of density was unfair to others looking at development in this area. It was not a small change but a phenomenal change for the area, and he did not want to go down that road. Mr. McDougal said between agricultural easements, charitable trusts, industrial zones, etc. only a handful of other parcels in the area even had the opportunity to develop, and it was unlikely any of them would develop at even the current density allowed. He felt this was a good location to create some more affordable housing in one of the least dense areas of the city.

Mr. Seastrand said it was not intended to be a high density area, and the zoning determined in 2015 had been to preserve low density and farm land. It was a unique area within the city, and they wanted to preserve the integrity of the rural nature of the area. Mr. McDougal said it was interesting to say that they wanted to preserve rural land, but had approved the Mansell development in 2015. Mr. Seastrand responded that the Mansell development had paid for the build out of infrastructure to get utilities to the area, and that it was still a lower density development. Mr. McDougal said he had made the same offer to pay for infrastructure. Mr. Seastrand said having rural land was not a negative, and he did not see the urgency to develop in the area.

Mayor Brunst opened the public hearing at 8:35 p.m.

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Byron Taylor said he had been against high density development in the southwest area in 2015 and was still against it, but was encouraged by the comments from the Council so far. Years back, the mindset for the southwest area had been, "let developers develop and let farmers farm", but there was a reason farms were established away from urban areas. Mr. Taylor did not understand why someone would purchase land for a purpose it was not zoned for. It made little sense to have large housing developments "shoehorned" in with family farms and agricultural easement areas.

Elaine Schofield said Mr. Seastrand's comments summarized the neighbors' feelings. She disagreed with the comment that no one wanted to live near railroad tracks, as there were several nice, permanent neighborhoods in Orem and Provo that were next to railroad tracks. She addressed the land owned by the Church of Jesus Christ of Latter-day Saints, and it would not be for residential development but meeting houses and recreation fields. Ms. Schofield said there were many rentals in the neighborhood that were intended to be owner-occupied but were not, and she did not want another development with the same problem.

Christian Clark said the current housing market made it difficult for people to purchase their own homes, and he agreed that building $500,000+ single family homes would be prohibitively expense. He hoped the Council would consider that when making zoning decisions.

Adele Leavitt said it was difficult for farms to operate as things developed around them. She worried that a large development would lead to more and more people coming onto farm land and using it as green space. She said listening to Mr. McDougal talk about why no one would build a large single family home in the area made her wonder why he thought building *any* housing there made sense. The proposal was not set up like a PRD with mixed uses for shopping and other amenities, but would be "packing them in like sardines".

Ken Olsen said it was not a bad place to live, but would be a different place in the future as Lakeview Parkway was completed. There would be noise, traffic, and pollution that accompanied growth. He agreed that it was not a good location for expensive homes, and felt Mr. McDougal's proposal was better for the expected growth in the area. Growth could not be stopped, but there were better ways to address it.

George Tucker said any time he was near the railroad tracks the train's horn scared him to death. Even if he knew the train was coming, it still gave him quite a scare. He was unsure how people would feel about living so near railroad tracks.

Mayor Brunst closed the public hearing at 8:49 p.m.

Mr. Lentz said he had been a candidate for City Council in 2015 when the density was originally established for the area, and he took issue with how it was handled. He did not see why the Mansell project was approved but not Mr. McDougal's project because it seemed like there were two different sets of principles that seemed to apply. He felt the proposal before them had too many question marks for him, and said he was more interested in something like a PRD development. Mr. Lentz asked about the possibility of a private sewer line, and Mr. Kelly said it was a complex situation to have a private sewer system running through the city to get to the plant. He only knew of one such private system in the city, and the reality of doing a private line

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would cost Mr. McDougal a great deal. Mr. Lentz continued that housing affordability had been identified as an area of focus for the Council, and they had the opportunity to make that happen in this area. Perhaps not the exact proposal before them, but he hoped a compromise could be found somewhere between cheap apartments and expensive mansions that would help people get into homes.

Mr. Spencer asked if there was adequate infrastructure for low density housing, and about the costs of a lift station to service the area. Mr. Kelly said inflation was hard to guess and it would cost more to build in the future, but they wanted to be sure they were building for the correct capacity. Mr. Spencer said he saw the value in building lift stations sooner rather than later, and wanted them to be done right. Mr. Kelly said the plans were right for now, but would need to be updated in the case of a density change.

Mr. Sumner expressed concerns about higher density developments and traffic in an already busy traffic area. He said he was comfortable with the current zoning, adding that the developer knew the zoning when the property was purchased.

Mayor Brunst said the annexation of the area was predicated on the developer taking the risk to invest in infrastructure, which Jeff Mansell had done in 2015 by investing $8 million in infrastructure, recouping those costs as lots sold and impact fees were collected. Mayor Brunst said it was a conscious decision on the part of the city not to take that risk, and he did not feel it was a good idea to change that course now.

There was continued discussion on adequate infrastructure and the process of building lift stations to accommodate the currently planned densities. Mr. McDougal asked why the impact fee studies would need to be redone if they already included multiple densities. Mr. Davidson said by law they were required to update the study at a certain point anyway, but a change in density would trigger the update sooner. He added that increased density would require the City to build an additional lift station and update the treatment plant, which would affect the impact fees of the area.

Mr. Seastrand reiterated his position, and asked to make a motion regarding the request.

Mr. Seastrand moved to deny the applicant's request to amend the Orem City General Plan on approximately 16.72 acres of property located generally at 1577 South Geneva Road from the LDR (Low Density Residential) designation to the MDR (Medium Density Residential) designation. **Mr. Sumner seconded** the motion to deny the request. Those in favor of denial: Richard Brunst, Debby Lauret, Sam Lentz, Tom Macdonald, Mark Seastrand, and Brent Sumner. Those opposed to denial: David Spencer. **The request was denied**.

CITY MANAGER INFORMATION ITEMS

Mr. Davidson said had no additional information to share.

ADJOURNMENT

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Mr. Spencer moved to adjourn the meeting. **Mr. Seastrand seconded** the motion. Those voting aye: Richard F. Brunst, Debby Lauret, Sam Lentz, Tom Macdonald, Mark Seastrand, David Spencer, and Brent Sumner. The motion **passed.**

The meeting adjourned at 9:27 p.m.

Board, Commission & Committee Application

City of Orem

Submitted On:
September 20th, 2019 @ 3:51pm

Personal Information

Full Name	R Bryant Christensen
Full Address	[redacted] Orem UT 84097
Phone Number	[redacted]
Email	[redacted]

Boards & Commissions

What board or commission are you applying for?	Board of Building & Fire Code Appeals
If a position on your preferred board or commission isn't available, would you like to be considered for openings on other boards or commissions?	Yes
Summarize why you wish to serve on a city commission and if there are areas of concern that you would like to see addressed by a city commission.	Concern for overall welfare of the city of Orem
Please tell us a little about yourself. Also include a summary of the special skills and qualifications you have acquired from employment, previous appointments, previous volunteer work, or through other activities.	I have worked construction for over 30 years. I went into business with my brother as general contractors in 1995 and incorporated as CL Christensen Brothers, Inc. I have worked in all areas of building construction from infrastructure through finished project. I have also built, maintain and manage 100 apartments in Orem and Pleasant Grove. I have spent many years in volunteer work with the Boy Scouts of America and other youth programs. I currently serve on the Orem Fitness Center Board.
Please upload your resume.	https://seam.ly/0saxhzob

Signature Data	First Name: R Bryant Last Name: Christensen Email Address: [redacted]  Signed at: 09/20/2019 03:51PM

Board, Commission & Committee Application

City of Orem

Submitted On:
September 24th, 2019 @ 11:43am

Personal Information

Full Name	JAMES WILLIAMS
Full Address	[redacted] Orem UT 84097
Phone Number	[redacted]
Email	[redacted]

Boards & Commissions

What board or commission are you applying for?	Board of Building & Fire Code Appeals
If a position on your preferred board or commission isn't available, would you like to be considered for openings on other boards or commissions?	No
Summarize why you wish to serve on a city commission and if there are areas of concern that you would like to see addressed by a city commission.	I would like to help to protect the health, safety and welfare of the public. I would like to promote the proper use and interpretation of the building codes. I would like to serve the community.
Please tell us a little about yourself. Also include a summary of the special skills and qualifications you have acquired from employment, previous appointments, previous volunteer work, or through other activities.	I am a licensed structural engineer, and a licensed architect. I am currently serving on the AIA''s national codes and standards committee. I am a member of the 2018 ICC national General Code Development Committee. I am appointed by the governor of Utah to serve on the Uniform Building Code Commission Fire Protection Advisory Committee / Unified Code Analysis Council. I am president of AE URBIA and J.M. Williams and Associates, Inc. I served on the Orem City''s Board of Building and Fire Code Appeals from 2003 - 2010 representing engineers and then architects.
Please upload your resume.	https://seam.ly/d2nuQBkF

Signature Data	First Name: James Last Name: Williams Email Address: [redacted]  Signed at: 09/24/2019 11:43AM

D R A F T

ORDINANCE NO. _____

AN ORDINANCE BY THE OREM CITY COUNCIL AMENDING ARTICLE 2-8 THROUGH ARTICLE 2-37 OF THE OREM CITY CODE TO REFLECT CHANGES TO VARIOUS OREM BOARDS, COMMISSIONS, AND COMMITTEES

WHEREAS it is necessary for the City to amend the City Code to accurately reflect changes to various City boards, commissions, and committees; and

WHEREAS the City Council finds the proposed amendments to be in the best interest of the City and necessary to protect, preserve the health, welfare and safety of citizens in general; and

WHEREAS the City posted the City Council agenda in the Orem Public Library, the Orem City Webpage, and the City Offices at 56 N State Street; and

WHEREAS a public hearing considering the subject application was held by the City Council on April 14, 2015; and

WHEREAS the matter having been submitted and the City Council having fully considered the request as it relates to the health, safety and general welfare of the City;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OREM, UTAH, as follows:

1. The City Council hereby amends Article 2-8 through Article 2-37 of the Orem City Code pertaining to various City boards, commissions, and committees as shown in Exhibit "A" which is attached hereto and incorporated herein by reference.

2. If any parts of these ordinance amendments shall be declared invalid, such decision shall not affect the validity of the remainder of this ordinance.

3. All other ordinances, policies, and resolutions in conflict herewith are hereby repealed.

4. This ordinance shall take effect immediately upon passage and publication in a newspaper of general circulation in the City of Orem.

PASSED, APPROVED and ORDERED PUBLISHED this **8th** day of **October** 2019.

D R A F T

Richard F. Brunst, Jr., Mayor

ATTEST:

JoD'Ann Bates, City Recorder

COUNCILMEMBER	AYE	NAY	ABSTAIN
Mayor Richard F. Brunst	□	□	□
Debby Lauret	□	□	□
Sam Lentz	□	□	□
Tom Macdonald	□	□	□
Mark Seastrand	□	□	□
David Spencer	□	□	□
Brent Sumner	□	□	□

D R A F T

EXHIBIT A

CHAPTER 2. ADMINISTRATION

Contents:

- Article 2-1. Municipal Administrative Code
- Article 2-2. Council-Manager Form of Government
- Article 2-3. Mayor and Council
- Article 2-4. City Council Meetings
- Article 2-5. City Manager
- Article 2-6. City Operations
- Article 2-7. Purchasing Procedures and Disposal of City Property
- Article 2-8. Beautification Advisory Commission
- Article 2-9. Senior Citizen Advisory Commission
- Article 2-10. Library Advisory Commission
- Article 2-11. Recreation Advisory Commission
- Article 2-12. CDBG Advisory Commission
- Article 2-13. Orem Youth City Council
- Article 2-14. CARE Tax Advisory Commission
- Article 2-15. Planning Commission
- Article 2-16. Board of Adjustment
- Article 2-17. Board of Building and Fire Code Appeals
- Article 2-18. Alcoholic Beverage License Hearing Board
- Article 2-19. Historical Preservation Advisory Commission.
- Article 2-20. Summerfest Advisory Committee
- Article 2-21. Cultural Arts Council
- Article 2-22. Employee Appeal Board
- Article 2-23. Municipal Justice Court
- Article 2-24. Reserved
- Article 2-25. Private Property Protection Ordinance
- Article 2-26. Records Access and Management
- Article 2-27. Temporary Interim Succession
- Article 2-28. Heritage Commission
- Article 2-29. Transportation Advisory Commission
- Article 2-30. Public Works Advisory Commission
- Article 2-31. Municipal Ethics Commission
- Article 2-32. Orem Natural Resources Stewardship Committee
- Article 2-33. Orem Arts District Review Board

Article 2-8. Beautification Advisory Commission

Contents:

- 2-8-1. Commission Established.
- 2-8-2. Duties and Responsibilities.
- 2-8-3. Membership of Commission.
- 2-8-4. Appointment.
- 2-8-5. Term of Office.
- 2-8-6. Removal and Vacancy.
- 2-8-7. Voting.
- 2-8-8. Meetings.
- 2-8-9. Staff Assignments.
- 2-8-10. Compensation.
- 2-8-11. Recommendations.

2-8-1. Commission Established.

The Beautification Advisory Commission of the City of Orem is hereby established.

(Ord. No. 661, Revised, 04/10/1990)

2-8-2. Duties and Responsibilities.

The Commission shall act in an advisory capacity to the City Council and shall have the following duties and responsibilities:

A. To advise the City Council on the methods and means of enhancing the beauty of the City.

(Ord. No. 661, Revised, 04/10/1990)

B. To make recommendations concerning the abatement of noxious weeds and unsightly or deleterious objects.

(Ord. No. 661, Revised, 04/10/1990)

C. To assist the City Council in public relations concerning City beautification matters.

(Ord. No. 661, Revised, 04/10/1990)

D. To make recommendations to the City Council for programs such as Arbor Day, Clean-Up and Home Beautification contests.

(Ord. No. 661, Revised, 04/10/1990)

E. To undertake studies and make recommendations concerning the landscaping of homes and businesses.

(Ord. No. 661, Revised, 04/10/1990)

F. To sponsor contests for holiday decorations and, if appropriations therefore have been made by the City Council, make monetary awards to the winners.

(Ord. No. 661, Revised, 04/10/1990)

G. To encourage residents, businesses and property owners to participate in spring clean-up and fall clean-up activities.

(Ord. No. 661, Revised, 04/10/1990)

H. To recognize those residents and/or businesses which have made a significant contribution to the beautification of the neighborhood or surrounding area. Such recognition may include the payment of a financial award, if appropriation therefore is made by the City Council.

(Ord. No. 661, Revised, 04/10/1990)

I. To solicit gifts or bequests from any person or source, on behalf of the City, for the development or improvement of civic pride or for beautification projects. Such gifts or bequests shall be received by the City Treasurer and shall be put in a special fund for the purpose for which the money was received.

(Ord. No. 661, Revised, 04/10/1990)

J. To recommend changes in City ordinances, policies and practices to encourage and enhance the beautification of the City.

(Ord. No. 661, Revised, 04/10/1990)

K. To participate in the development of the Urban Forestry Program for the betterment, care, and maintenance of City and Non-City Trees.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-93-0019, Amended, 07/06/1993)

L. To participate in the development and periodic updating of a Street Tree Master Plan and an Arboretum Master Plan.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-93-0019, Amended, 07/06/1993)

M. To work with and give recommendations to the Urban Forester.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-93-0019, Amended, 07/06/1993)

N. To prepare and present periodic reports to the City Council on the progress and status of the Urban Forestry Program.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-93-0019, Amended, 07/06/1993)

2-8-3. Membership of Commission.

The Commission shall consist of seven (7) members. A member of the City Council shall be appointed to act as a liaison between the Commission and the City Council, but the City Council liaison shall not be considered a member of the Commission.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-02-0014, Amended, 04/09/2002)

2-8-4. Appointment.

A. Commission members shall be appointed by the Mayor, with the advice and consent of the City Council.

(Ord. No. 661, Revised, 04/10/1990)

B. Commission members shall be residents of the City of Orem.

(Ord. No. 661, Revised, 04/10/1990)

C. Commission members shall be selected without respect to political affiliation.

(Ord. No. 661, Revised, 04/10/1990)

2-8-5. Term of Office.

A. The term of office for Commission members shall be three (3) years even if the appointment was made to fill a vacancy created by a member who was unable to complete a full term.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-02-0014, Amended, 04/09/2002; Ord. No. O-04-0048, Amended, 12/14/2004)

B. Commission members may be appointed for additional terms.

)

C. The term of the City Council member serving as liaison to the Commission shall be determined by the Mayor.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-02-0014, Amended, 04/09/2002; Ord. No. O-04-0048, Amended, 12/14/2004)

D. Each term shall continue until a successor is chosen and qualified, except in the case of the member's death, resignation, removal or disqualification from holding office.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-02-0014, Amended, 04/09/2002; Ord. No. O-04-0048, Amended, 12/14/2004)

2-8-6. Removal and Vacancy.

A. Any member of the Commission may be removed from office by the Mayor, with the advice and consent of the City Council.

(Ord. No. 661, Revised, 04/10/1990)

B. A member's office automatically becomes vacant if the member establishes residence outside of the City, or lives outside of City boundaries for a continuous period of more than sixty (60) days.

(Ord. No. 661, Revised, 04/10/1990)

C. A member's office may become vacant if the member misses more than twenty-five percent (25%) of the Commission's scheduled meetings during any twelve (12) month period.

(Ord. No. 661, Revised, 04/10/1990)

D. Vacancies shall be filled for the unexpired term of any member whose office becomes vacant.

(Ord. No. 661, Revised, 04/10/1990)

E. Vacancies occurring other than through the expiration of a regular term shall be filled by appointment by the Mayor, with the advice and consent of the City Council.

(Ord. No. 661, Revised, 04/10/1990)

2-8-7. Voting.

A. Each member of the Commission shall have one (1) vote.

(Ord. No. 661, Revised, 04/10/1990)

B. A quorum shall consist of a majority of the appointed members of the Beautification Commission, with a minimum of three (3) members. No meeting is official unless a quorum of members is present.

(Ord. No. 661, Revised, 04/10/1990)

C. The minimum number of votes required to take any action shall be a majority of those present at the meeting, provided there is a quorum, but shall never be less than three (3).

(Ord. No. 661, Revised, 04/10/1990)

2-8-8. Meetings.

A. The Commission shall select one of its members to be Chairperson. The Chairperson shall conduct all meetings and shall serve for one (1) year. Elections for Chairperson shall be held annually. A Chairperson may serve consecutive terms.

(Ord. No. 661, Revised, 04/10/1990)

B. The Commission shall meet at least once each month and may meet more often at the direction of its Chairperson.

(Ord. No. 661, Revised, 04/10/1990)

C. Commission business and discussion shall be conducted in open public meetings in accordance with legal requirements and City policies.

(Ord. No. 661, Revised, 04/10/1990)

D. The Commission shall keep written minutes for each of its meetings. The minutes shall be reviewed for approval at the following Commission meeting.

(Ord. No. 661, Revised, 04/10/1990)

E. The Commission may adopt by-laws, rules or procedures for the transaction of its business.

(Ord. No. 661, Revised, 04/10/1990)

F. The Commission may establish sub-committees to help carry out its responsibilities.

(Ord. No. 661, Revised, 04/10/1990)

2-8-9. Staff Assignments.

The City Manager shall appoint appropriate staff support for the Commission.

(Ord. No. 661, Revised, 04/10/1990)

2-8-10. Compensation.

A. Members of the Commission shall serve without monetary compensation.

(Ord. No. 661, Revised, 04/10/1990)

B. Members may be compensated for reasonable expenses incurred for official responsibilities, if approved by the City Manager.

(Ord. No. 661, Revised, 04/10/1990)

2-8-11. Recommendations.

The Chairperson of the Commission shall, from time to time, present recommendations to the City Council which have been approved by the Commission.

(Ord. No. 661, Revised, 04/10/1990)

Article 2-9. Senior Citizen Advisory Commission

Contents:

- 2-9-1. Senior Citizen Advisory Commission established.
- 2-9-2. Duties and Responsibilities.
- 2-9-3. Membership of Commission.
- 2-9-4. Appointment.
- 2-9-5. Term of Office.
- 2-9-6. Removal and Vacancy.
- 2-9-7. Voting.
- 2-9-8. Meetings.
- 2-9-9. Staff Assignments.
- 2-9-10. Compensation.
- 2-9-11. Recommendations.

2-9-1. Senior Citizen Advisory Commission established.

The Senior Citizen Advisory Commission of the City of Orem (referred to as the "Commission" in this Article) is hereby established.

(Ord. No. 661, Revised, 04/10/1990)

2-9-2. Duties and Responsibilities.

The Commission shall act in an advisory capacity to the City Council and shall have the following duties and responsibilities:

A. To promote and develop programs of interest for Senior Citizens residing in the City of Orem.

(Ord. No. 661, Revised, 04/10/1990)

B. To coordinate Senior programs and activities with the City of Orem, The Utah Council on Aging, the Mountainlands Association of Governments, and other companion agencies on the state and national levels.

(Ord. No. 661, Revised, 04/10/1990)

C. To inform, educate and act as a resource clearinghouse in providing for the welfare of Senior Citizens residing in the City of Orem.

(Ord. No. 661, Revised, 04/10/1990)

D. To evaluate on a continuing basis the needs of Senior Citizens residing in the City of Orem and to recommend to the City Council programs and activities to meet the needs of these citizens.

(Ord. No. 661, Revised, 04/10/1990)

2-9-3. Membership of Commission.

The Commission shall consist of seven (7) members. A member of the City Council shall be appointed to act as a liaison between the Commission and the City Council, but the City Council liaison shall not be considered a member of the Commission.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-02-0014, Amended, 04/09/2002)

2-9-4. Appointment.

A. Commission members shall be appointed by the Mayor, with the advice and consent of the City Council.

(Ord. No. 661, Revised, 04/10/1990)

B. Commission members shall be residents of the City of Orem.

(Ord. No. 661, Revised, 04/10/1990)

C. Commission members shall be selected without respect to political affiliation.

(Ord. No. 661, Revised, 04/10/1990)

2-9-5. Term of Office.

A. The term of office for Commission members shall be four (4) years even if the appointment was made to fill a vacancy created by a member who was unable to complete a full term.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-02-0014, Amended, 04/09/2002)

B. Commission members may be appointed for additional terms.

C. The term of the City Council representative serving as liaison to the Commission shall be determined by the Mayor.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-02-0014, Amended, 04/09/2002)

D. Each term shall continue until a successor is chosen and qualified, except in the case of the member's death, resignation, removal or disqualification from holding office.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-02-0014, Amended, 04/09/2002)

2-9-6. Removal and Vacancy.

A. Any member of the Commission may be removed from office by the Mayor, with the advice and consent of the City Council.

(Ord. No. 661, Revised, 04/10/1990)

B. A member's office automatically becomes vacant if the member establishes residence outside of the City, or lives outside of City boundaries for a continuous period of more than sixty (60) days.

(Ord. No. 661, Revised, 04/10/1990)

C. A member's office may become vacant if the member misses more than twenty-five percent (25%) of the Commission's scheduled meetings during any twelve (12) month period.

(Ord. No. 661, Revised, 04/10/1990)

D. Vacancies shall be filled for the unexpired term of any member whose office becomes vacant.

(Ord. No. 661, Revised, 04/10/1990)

E. Vacancies occurring other than through the expiration of a regular term shall be filled by appointment by the Mayor, with the advice and consent of the City Council.

(Ord. No. 661, Revised, 04/10/1990)

2-9-7. Voting.

A. Each member of the Commission shall have one (1) vote.

(Ord. No. 661, Revised, 04/10/1990)

B. A quorum shall consist of a majority of the appointed members of the Commission, with a minimum of three (3) members. No meeting is official unless a quorum of members is present.

(Ord. No. 661, Revised, 04/10/1990)

C. The minimum number of votes required to take any action shall be a majority of those present at the meeting, provided there is a quorum, but shall never be less than three (3).

(Ord. No. 661, Revised, 04/10/1990)

2-9-8. Meetings.

A. The Commission shall select one of its members to be Chairperson. The Chairperson shall conduct all meetings and shall serve for one (1) year. Elections for Chairperson shall be held annually. A Chairperson may serve consecutive terms.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-09-0016, Amended 07/14/2009)

B. The Commission shall meet at least bi-monthly and may meet more often at the direction of its Chairperson.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-09-0016, Amended 07/14/2009)

C. Commission business and discussion shall be conducted in open public meetings in accordance with legal requirements and City policies.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-09-0016, Amended 07/14/2009)

D. The Commission shall keep written minutes for each of its meetings. The minutes shall be reviewed for approval at the following Commission meeting.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-09-0016, Amended 07/14/2009)

E. The Commission may adopt by-laws, rules or procedures for the transaction of its business.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-09-0016, Amended 07/14/2009)

F. The Commission may establish sub-committees to help carry out its responsibilities.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-09-0016, Amended 07/14/2009)

2-9-9. Staff Assignments.

The City Manager shall appoint appropriate staff support for the Commission.

(Ord. No. 661, Revised, 04/10/1990)

2-9-10. Compensation.

A. Members of the Commission shall serve without monetary compensation.

(Ord. No. 661, Revised, 04/10/1990)

B. Members may be compensated for reasonable expenses incurred for official responsibilities, if approved by the City Manager.

(Ord. No. 661, Revised, 04/10/1990)

2-9-11. Recommendations.

The Chairperson of the Commission shall, from time to time, present recommendations to the City Council which have been approved by the Commission.

(Ord. No. 661, Revised, 04/10/1990)

Article 2-10. Library Advisory Commission

Contents:

- 2-10-1. Commission established.
- 2-10-2. Duties and Responsibilities.
- 2-10-3. Membership of Commission.
- 2-10-4. Appointment.
- 2-10-5. Term of Office.
- 2-10-6. Removal and Vacancy.
- 2-10-7. Voting.
- 2-10-8. Meetings.
- 2-10-9. Staff Assignments.
- 2-10-10. Compensation.
- 2-10-11. Recommendations.

2-10-1. Commission established.

The Library Advisory Commission of the City of Orem (referred to as the "Commission" in this Article) is hereby established.

(Ord. No. 661, Revised, 04/10/1990)

2-10-2. Duties and Responsibilities.

The Commission shall act in an advisory capacity to the City Council and shall have the following duties and responsibilities:

A. To provide support, encouragement and citizen input into planning for the development and maintenance of a modern library system.

(Ord. No. 661, Revised, 04/10/1990)

B. To take such steps as it may deem feasible to encourage grants or gifts in support of the public library.

(Ord. No. 661, Revised, 04/10/1990)

C. To advise and give input on the development of a general philosophy and policies related to materials selection and use of resources.

(Ord. No. 661, Revised, 04/10/1990)

D. To hear complaints regarding materials selection when a matter is referred to the Commission from the Collection Development Committee of the Library.

(Ord. No. 661, Revised, 04/10/1990)

2-10-3. Membership of Commission.

The Commission shall consist of seven (7) members. A member of the City Council shall be appointed to act as a liaison between the Commission and the City Council, but the City Council liaison shall not be considered a member of the Commission.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-02-0014, Amended, 04/09/2002)

2-10-4. Appointment.

A. Commission members shall be appointed by the Mayor, with the advice and consent of the City Council.

(Ord. No. 661, Revised, 04/10/1990)

B. Commission members shall be residents of the City of Orem.

(Ord. No. 661, Revised, 04/10/1990)

2-10-5. Term of Office.

A. The term of office for Commission members shall be three (3) years even if the appointment was made to fill a vacancy created by a member who was unable to complete a full term.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-02-0014, Amended, 04/09/2002)

B. Commission members may be appointed for additional terms.

D. The term of the City Council representative serving as liaison to the Commission shall be determined by the Mayor.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-02-0014, Amended, 04/09/2002)

E. Each term shall continue until a successor is chosen and qualified, except in the case of the member's death, resignation, removal or disqualification from holding office.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-02-0014, Amended, 04/09/2002)

2-10-6. Removal and Vacancy.

A. Any member of the Commission may be removed from office by the Mayor, with the advice and consent of the City Council.

(Ord. No. 661, Revised, 04/10/1990)

B. A member's office automatically becomes vacant if the member establishes residence outside of the City, or lives outside of City boundaries for a continuous period of more than sixty (60) days.

(Ord. No. 661, Revised, 04/10/1990)

C. A member's office may become vacant if the member misses more than twenty-five percent (25%) of the Commission's scheduled meetings during any twelve (12) month period.

(Ord. No. 661, Revised, 04/10/1990)

D. Vacancies shall be filled for the unexpired term of any member whose office becomes vacant.

(Ord. No. 661, Revised, 04/10/1990)

E. Vacancies occurring other than through the expiration of a regular term shall be filled by appointment by the Mayor, with the advice and consent of the City Council.

(Ord. No. 661, Revised, 04/10/1990)

2-10-7. Voting.

A. Each member of the Commission shall have one (1) vote.

(Ord. No. 661, Revised, 04/10/1990)

B. A quorum shall consist of a majority of the appointed members of the Commission, with a minimum of three (3) members. No meeting is official unless a quorum of members is present.

(Ord. No. 661, Revised, 04/10/1990)

C. The minimum number of votes required to take any action shall be a majority of those present at the meeting, provided there is a quorum, but shall never be less than three (3).

(Ord. No. 661, Revised, 04/10/1990)

2-10-8. Meetings.

A. The Commission shall select one of its members to be Chairperson. The Chairperson shall conduct all meetings and shall serve for one (1) year. Elections for Chairperson shall be held annually . A Chairperson may serve consecutive terms.

(Ord. No. 661, Revised, 04/10/1990)

B. The Commission shall meet at least quarterly, and may meet more often if necessary.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-97-0009, Amended, 02/11/97)

C. Commission business and discussion shall be conducted in open public meetings in accordance with legal requirements and City policies.

(Ord. No. 661, Revised, 04/10/1990)

D. The Commission shall keep written minutes for each of its meetings. The minutes shall be reviewed for approval at the following Commission meeting.

(Ord. No. 661, Revised, 04/10/1990)

E. The Commission may adopt by-laws, rules or procedures for the transaction of its business.

(Ord. No. 661, Revised, 04/10/1990)

F. The Commission may establish sub-committees to help carry out its responsibilities.

(Ord. No. 661, Revised, 04/10/1990)

2-10-9. Staff Assignments.

The City Manager shall appoint appropriate staff support for the Commission.

(Ord. No. 661, Revised, 04/10/1990)

2-10-10. Compensation.

A. Members of the Commission shall serve without monetary compensation.

(Ord. No. 661, Revised, 04/10/1990)

B. Members may be compensated for reasonable expenses incurred for official responsibilities, if approved by the City Manager.

(Ord. No. 661, Revised, 04/10/1990)

2-10-11. Recommendations.

The Chairperson of the Commission shall, from time to time, present recommendations to the City Council which have been approved by the Commission.

(Ord. No. 661, Revised, 04/10/1990)

Article 2-11. Recreation Advisory Commission

Contents:

- 2-11-1. Commission Established.
- 2-11-2. Duties and Responsibilities.
- 2-11-3. Membership of Commission.
- 2-11-4. Appointment.
- 2-11-5. Term of Office.

- 2-11-6. Removal and Vacancy.
- 2-11-7. Voting.
- 2-11-8. Meetings.
- 2-11-9. Staff Assignments.
- 2-11-10. Compensation.
- 2-11-11. Recommendations.

2-11-1. Commission Established.

The Recreation Advisory Commission of the City of Orem is hereby established.

(Ord. No. 661, Revised, 04/10/1990)

2-11-2. Duties and Responsibilities.

The Commission shall act in an advisory capacity to the City Council and shall have the following duties and responsibilities:

A. To advise the City Council in all policy matters pertaining to recreation.

(Ord. No. 661, Revised, 04/10/1990)

B. To cooperate with the Alpine School District, other governmental agencies and civic groups for the advancement of sound recreation planning and programming.

(Ord. No. 661, Revised, 04/10/1990)

C. To make recommendations regarding the development of recreation programs.

(Ord. No. 661, Revised, 04/10/1990)

D. To assist in promoting public recreation programs and stimulate public interest in the established programs.

(Ord. No. 661, Revised, 04/10/1990)

E. To broaden citizen input by serving as a liaison for individuals and organizations having an interest in recreation programs.

(Ord. No. 661, Revised, 04/10/1990)

F. To prepare, review annually, and revise as necessary, a long range plan for recreation.

(Ord. No. 661, Revised, 04/10/1990)

2-11-3. Membership of Commission.

The Commission shall consist of seven (7) members. A member of the City Council shall be appointed to act as a liaison between the Commission and the City Council, but the City Council liaison shall not be considered a member of the Commission.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-02-0014, Amended, 04/09/2002)

2-11-4. Appointment.

A. Commission members shall be appointed by the Mayor, with the advice and consent of the City Council.

(Ord. No. 661, Revised, 04/10/1990)

B. Commission members shall be residents of the City of Orem.

(Ord. No. 661, Revised, 04/10/1990)

C. Commission members shall be selected without respect to political affiliation.

(Ord. No. 661, Revised, 04/10/1990)

2-11-5. Term of Office.

A. The term of office for Commission members shall be four (4) years even if the appointment was made to fill a vacancy by a member who was unable to complete a full term.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-02-0014, Amended, 04/09/2002)

B. Commission members may be appointed for additional terms.

C. The term of the City Council representative serving as liaison to the Commission shall be determined by the Mayor.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-02-0014, Amended, 04/09/2002)

D. Each term shall continue until a successor is chosen and qualified, except in the case of the member's death, resignation, removal or disqualification from holding office.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-02-0014, Amended, 04/09/2002)

2-11-6. Removal and Vacancy.

A. Any member of the Commission may be removed from office by the Mayor, with the advice and consent of the City Council.

(Ord. No. 661, Revised, 04/10/1990)

B. A member's office automatically becomes vacant if the member establishes residence outside of the City, or lives outside of City boundaries for a continuous period of more than sixty (60) days.

(Ord. No. 661, Revised, 04/10/1990)

C. A member's office may become vacant if the member misses more than twenty-five percent (25%) of the Commission's scheduled meetings during any twelve (12) month period.

(Ord. No. 661, Revised, 04/10/1990)

D. Vacancies shall be filled for the unexpired term of any member whose office becomes vacant.

(Ord. No. 661, Revised, 04/10/1990)

E. Vacancies occurring other than through the expiration of a regular term shall be filled by appointment by the Mayor, with the advice and consent of the City Council.

(Ord. No. 661, Revised, 04/10/1990)

2-11-7. Voting.

A. Each member of the Commission shall have one (1) vote.

(Ord. No. 661, Revised, 04/10/1990)

B. A quorum shall consist of a majority of the appointed members of the Commission, with a minimum of three (3) members. No meeting is official unless a quorum of members is present.

(Ord. No. 661, Revised, 04/10/1990)

C. The minimum number of votes required to take any action shall be a majority of those present at the meeting, provided there is a quorum, but shall never be less than three (3).

(Ord. No. 661, Revised, 04/10/1990)

2-11-8. Meetings.

A. The Commission shall select one of its members to be Chairperson. The Chairperson shall conduct all meetings and shall serve for one (1) year. Elections for Chairperson shall be held annually. A Chairperson may serve consecutive terms.

(Ord. No. 661, Revised, 04/10/1990)

B. The Commission shall meet at least quarterly, and more often if necessary.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-97-0043, Amended, 09/02/1997)

C. Commission business and discussion shall be conducted in open public meetings in accordance with legal requirements and City policies.

(Ord. No. 661, Revised, 04/10/1990)

D. The Commission shall keep written minutes for each of its meetings. The minutes shall be reviewed for approval at the following Commission meeting.

(Ord. No. 661, Revised, 04/10/1990)

E. The Commission may adopt by-laws, rules or procedures for the transaction of its business.

(Ord. No. 661, Revised, 04/10/1990)

F. The Commission may establish sub-committees to help carry out its responsibilities.

(Ord. No. 661, Revised, 04/10/1990)

2-11-9. Staff Assignments.

The City Manager shall appoint appropriate staff support for the Commission.

(Ord. No. 661, Revised, 04/10/1990)

2-11-10. Compensation.

A. Members of the Commission shall serve without monetary compensation.

(Ord. No. 661, Revised, 04/10/1990)

B. Members may be compensated for reasonable expenses incurred for official responsibilities, if approved by the City Manager.

(Ord. No. 661, Revised, 04/10/1990)

2-11-11. Recommendations.

The Chairperson of the Commission shall, from time to time, present recommendations to the City Council which have been approved by the Commission.

(Ord. No. 661, Revised, 04/10/1990)

Article 2-12. CDBG Advisory Commission

Contents:

- 2-12-1. Commission Established.
- 2-12-2. Duties and Responsibilities.
- 2-12-3. Membership of Commission.
- 2-12-4. Appointment.
- 2-12-5. Term of Office.
- 2-12-6. Removal and Vacancy.
- 2-12-7. Voting.
- 2-12-8. Meetings.
- 2-12-9. Staff Assignments.
- 2-12-10. Compensation.
- 2-12-11. Recommendations.

2-12-1. Commission Established.

The CDBG Advisory Commission of the City of Orem is hereby established.

(Ord. No. 661, Revised, 04/10/1990)

2-12-2. Duties and Responsibilities.

The Commission shall act in an advisory capacity to the City Council and shall have the following duties and responsibilities:

A. To review proposed projects for the use of CDBG funds received from the federal government.

(Ord. No. 661, Revised, 04/10/1990)

B. To make annual recommendations to the City Council for the use of the City's CDBG entitlement.

(Ord. No. 661, Revised, 04/10/1990)

C. To receive citizen input regarding proposed uses of those funds.

(Ord. No. 661, Revised, 04/10/1990)

2-12-3. Membership of Commission.

The Commission shall consist of seven (7) members.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-01-0041, Amended, 10/09/2001)

2-12-4. Appointment.

A. Commission members shall be appointed by the Mayor, with the advice and consent of the City Council.

(Ord. No. 661, Revised, 04/10/1990)

B. Commission members shall be residents of the City of Orem. Attempt shall be made to appoint members from a cross-section of socio-economic groups within the City.

(Ord. No. 661, Revised, 04/10/1990)

C. Members shall be selected without respect to political affiliation.

(Ord. No. 661, Revised, 04/10/1990)

2-12-5. Term of Office.

A. The term of office for Commission members shall be three (3) years even if the appointment was made to fill a vacancy created by a member who was unable to complete a full term.

(Ord. No. 661, Revised, 04/10/1990)

B. Commission members may be appointed for additional terms.

C. Each term shall continue until a successor is chosen and qualified, except in the case of the member's death, resignation, removal or disqualification from holding office.

(Ord. No. 661, Revised, 04/10/1990)

2-12-6. Removal and Vacancy.

A. Any member of the Commission may be removed from office by the Mayor, with the advice and consent of the City Council.

(Ord. No. 661, Revised, 04/10/1990)

B. A member's office automatically becomes vacant if the member establishes residence outside of the City, or lives outside of City boundaries for a continuous period of more than sixty (60) days.

(Ord. No. 661, Revised, 04/10/1990)

C. A member's office may become vacant if the member misses more than twenty-five percent (25%) of the Commission's scheduled meetings during any twelve (12) month period.

(Ord. No. 661, Revised, 04/10/1990)

D. Vacancies shall be filled for the unexpired term of any member whose office becomes vacant.

(Ord. No. 661, Revised, 04/10/1990)

E. Vacancies occurring other than through the expiration of a regular term shall be filled by appointment by the Mayor, with the advice and consent of the City Council.

(Ord. No. 661, Revised, 04/10/1990)

2-12-7. Voting.

A. Each member of the Commission shall have one (1) vote.

(Ord. No. 661, Revised, 04/10/1990)

B. A quorum shall consist of a majority of the appointed members of the Commission, with a minimum of three (3) members. No meeting is official unless a quorum of members is present.

(Ord. No. 661, Revised, 04/10/1990)

C. The minimum number of votes required to take any action shall be a majority of those present at the meeting, provided there is a quorum, but shall never be less than three (3).

(Ord. No. 661, Revised, 04/10/1990)

2-12-8. Meetings.

A. The Commission shall select one of its members to be Chairperson. The Chairperson shall conduct all meetings and shall serve for one (1) year. Elections for Chairperson shall be held annually. A Chairperson may serve consecutive terms.

(Ord. No. 661, Revised, 04/10/1990)

B. The Commission shall meet periodically, as needed and as directed by the Chairperson.

(Ord. No. 661, Revised, 04/10/1990)

C. Commission business and discussion shall be conducted in open, public meetings in accordance with legal requirements and City policies.

(Ord. No. 661, Revised, 04/10/1990)

D. The Commission shall keep written minutes for each of its meetings. The minutes shall be reviewed for approval at the following Commission meeting.

(Ord. No. 661, Revised, 04/10/1990)

E. The Commission may adopt By-laws, rules or procedures for the transaction of its business.

(Ord. No. 661, Revised, 04/10/1990)

F. The Commission may establish sub-committees to help carry out its responsibilities.

(Ord. No. 661, Revised, 04/10/1990)

2-12-9. Staff Assignments.

The City Manager shall appoint appropriate staff support for the Commission.

(Ord. No. 661, Revised, 04/10/1990)

2-12-10. Compensation.

A. Members of the Commission shall serve without monetary compensation.

(Ord. No. 661, Revised, 04/10/1990)

B. Members may be compensated for reasonable expenses incurred for official responsibilities, if approved by the City Manager.

(Ord. No. 661, Revised, 04/10/1990)

2-12-11. Recommendations.

The Chairperson of the Commission shall, on an annual basis, make recommendations to the City Council which have been approved by the Commission.

(Ord. No. 661, Revised, 04/10/1990)

Article 2-13. Orem Youth City Council

Contents:

- 2-13-1. Orem Youth City Council established.
- 2-13-2. Duties and Responsibilities.
- 2-13-3. Staff Service.

2-13-1. Orem Youth City Council established.

The Orem Youth City Council of the City of Orem is hereby established.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-98-0004, Amended, 01/06/1998; Ord. No. O-2014-0037, Amended 10/28/2014)

2-13-2. Duties and Responsibilities.

A. The Orem Youth City Council shall consist of representatives from Orem high schools. Representatives from students participating in "home school," private schools and other secondary educational programs shall also be invited to participate in the program.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-98-0004, Amended, 01/06/1998; Ord. No. O-2014-0037, Amended 10/28/2014)

B. The Orem Youth City Council shall create a mission statement and establish goals to guide the activities of the Council. The mission statement and goals shall focus on accomplishing the following:
   1. Providing leadership opportunities;
   2. Providing an understanding of local political systems;
   3. Identifying issues affecting the youth in the community;
   4. Solving community problems involving the youth;
   5. Developing social, educational, cultural, community service, and recreational opportunities for the youth; and
   6. Instilling a feeling of self-worth and esteem in the youth.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-98-0004, Amended, 01/06/1998; Ord. No. O-2014-0037, Amended 10/28/2014)

C. The Orem Youth City Council shall develop policies and procedures to establish the selection of Orem Youth City Council members, filling of vacancies, voting, attendance at meetings, and other issues identified by the Orem Youth City Council.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-98-0004, Amended, 01/06/1998; Ord. No. O-2014-0037, Amended 10/28/2014)

2-13-3. Staff Service.

The City Manager may appoint City staff to assist with the Youth City Council.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-98-0004, Amended, 01/06/1998; Ord. No. O-2014-0037, Amended 10/28/2014)

Article 2-14. CARE Tax Advisory Commission

Contents:

- 2-14-1. Commission Established.
- 2-14-2. Duties and Responsibilities.
- 2-14-3. Membership of Commission.
- 2-14-4. Appointment.
- 2-14-5. Term of Office.
- 2-14-6. Removal and Vacancy.
- 2-14-7. Staff Assignments.
- 2-14-8. Compensation.
- 2-14-9. Recommendation.

2-14-1. Commission Established.

The CARE Tax Advisory Commission of the City of Orem (the "Commission") is hereby established.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-2014-0037, Repealed 10/28/2014; Ord. No. O-2014-0041, Enacted 11/11/2014)

2-14-2. Duties and Responsibilities.

The Commission shall act in an advisory capacity to the City Council and shall have the following duties and responsibilities:

A. To review applications for CARE funding.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-2014-0037, Repealed 10/28/2014; Ord. No. O-2014-0041, Enacted 11/11/2014)

B. To consider priorities outlined in the Strategic Plans of the Recreation Advisory Commission and the Orem Arts Council.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-2014-0037, Repealed 10/28/2014; Ord. No. O-2014-0041, Enacted 11/11/2014)

C. To consult with and give opinions to the City Council, consistent with CARE policies established by the City Council, regarding how CARE funds should be allocated.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-2014-0037, Repealed 10/28/2014; Ord. No. O-2014-0041, Enacted 11/11/2014)

D. Other duties as assigned by the City Council.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-2014-0037, Repealed 10/28/2014; Ord. No. O-2014-0041, Enacted 11/11/2014)

2-14-3. Membership of Commission.

The Commission shall consist of five (5) members. Commission members should have an interest in arts and/or recreation in Orem and shall not be affiliated with an organization applying for a CARE grant. Recreational organizations do not receive CARE grants, but may benefit from CARE grants; therefore, Commission members may be affiliated with a recreational organization benefitting from a CARE grant, provided that the Commission member is not a decision maker in the recreational organization.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-2014-0037, Repealed 10/28/2014; Ord. No. O-2014-0041, Enacted 11/11/2014)

2-14-4. Appointment.

A. Commission members shall be appointed by the Mayor, with the advice and consent of the City Council.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-2014-0037, Repealed 10/28/2014; Ord. No. O-2014-0041, Enacted 11/11/2014)

B. Commission members shall be residents of the City of Orem.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-2014-0037, Repealed 10/28/2014; Ord. No. O-2014-0041, Enacted 11/11/2014)

C. Commission members shall be selected without respect to political affiliation.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-2014-0037, Repealed 10/28/2014; Ord. No. O-2014-0041, Enacted 11/11/2014)

2-14-5. Term of Office.

A. The term of office for Commission members shall be three (3) years even if the appointment was made to fill a vacancy created by a member who was unable to complete a full term.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-2014-0037, Repealed 10/28/2014; Ord. No. O-2014-0041, Enacted 11/11/2014)

B. Commission members may be appointed for additional terms.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-2014-0037, Repealed 10/28/2014; Ord. No. O-2014-0041, Enacted 11/11/2014)

C. Each term shall continue until a successor is chosen and qualified, except in the case of the member's death, resignation, removal or disqualification from holding office.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-2014-0037, Repealed 10/28/2014; Ord. No. O-2014-0041, Enacted 11/11/2014)

2-14-6. Removal and Vacancy.

A. Any member of the Commission may be removed from office by the Mayor, with the advice and consent of the City Council.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-2014-0037, Repealed 10/28/2014; Ord. No. O-2014-0041, Enacted 11/11/2014)

B. A member's office automatically becomes vacant if the member establishes residence outside of the City, or lives outside of City boundaries for a continuous period of more than sixty (60) days.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-2014-0037, Repealed 10/28/2014; Ord. No. O-2014-0041, Enacted 11/11/2014)

C. A member's office may become vacant if the member misses more than twenty-five percent (25%) of the Commission's scheduled meetings during any twelve (12) month period.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-2014-0037, Repealed 10/28/2014; Ord. No. O-2014-0041, Enacted 11/11/2014)

D. Vacancies shall be filled for the unexpired term of any member whose office becomes vacant.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-2014-0037, Repealed 10/28/2014; Ord. No. O-2014-0041, Enacted 11/11/2014)

E. Vacancies occurring, other than through the expiration of a regular term, shall be filled by appointment by the Mayor, with the advice and consent of the City Council.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-2014-0037, Repealed 10/28/2014; Ord. No. O-2014-0041, Enacted 11/11/2014)

2-14-7. Staff Assignments.

The City Manager shall appoint appropriate staff support for the Commission that will act as liaison to the Commission. The staff support shall prepare applications, compile and distribute information, schedule meetings, make recommendations for improving the CARE program and CARE processes, and perform other functions as needed to assist the Commission in carrying out its responsibilities.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-2014-0037, Repealed 10/28/2014; Ord. No. O-2014-0041, Enacted 11/11/2014)

2-14-8. Compensation.

A. Members of the Commission shall serve without monetary compensation.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-2014-0037, Repealed 10/28/2014; Ord. No. O-2014-0041, Enacted 11/11/2014)

B. Members of the Commission may be compensated for reasonable expenses incurred for official responsibilities, if approved by the City Manager.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-2014-0037, Repealed 10/28/2014; Ord. No. O-2014-0041, Enacted 11/11/2014)

2-14-9. Recommendation.

The Commission may make recommendations to the City Council regarding CARE policies and the operation of the CARE program.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-2014-0037, Repealed 10/28/2014; Ord. No. O-2014-0041, Enacted 11/11/2014

Article 2-15. Planning Commission

Contents:

- 2-15-1. Planning Commission established.
- 2-15-2. Power and Duties.
- 2-15-3. Membership of Commission.
- 2-15-4. Appointment.
- 2-15-5. Term of Office.
- 2-15-6. Removal and Vacancy.
- 2-15-7. Voting.
- 2-15-8. Conduct of Meetings.
- 2-15-9. Staff Assignments.
- 2-15-10. Compensation.

2-15-1. Planning Commission established.

The Planning Commission of the City of Orem (referred to as the "Commission" in this article) is hereby established.

(Ord. No. 661, Revised, 04/10/1990)

2-15-2. Power and Duties.

The Planning Commission shall have all powers granted by State statutes and City ordinances, plus those powers and duties delegated to it by the City Manager. The Commission shall act in an advisory capacity to the City Council with respect to planning and zoning matters which are reviewed or acted upon by the City Council.

(Ord. No. 661, Revised, 04/10/1990)

2-15-3. Membership of Commission.

The Planning Commission shall consist of seven (7) members.

(Ord. No. 661, Revised, 04/10/1990)

2-15-4. Appointment.

A. Commission members shall be appointed by the City Manager, with the advice and consent of the City Council.

(Ord. No. 661, Revised, 04/10/1990)

B. Commission members shall be residents of the City of Orem, and shall be selected in accordance with any policy adopted by the City Council. There shall be no City Council representative on the Commission.

(Ord. No. 661, Revised, 04/10/1990)

C. Commission members shall be selected without respect to political affiliation.

(Ord. No. 661, Revised, 04/10/1990)

2-15-5. Term of Office.

A. The term of office for Planning Commission members shall be three (3) years, even if the appointment was made to fill a vacancy created by a member who was unable to complete a full term.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-99-0002, Amended, 01/12/1999; Ord. No. O-2013-0034, Amended 12/11/2013)

B. No person shall serve more than two consecutive terms on the Planning Commission.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-99-0002, Amended, 01/12/1999; Ord. No. O-2013-0034, Amended 12/11/2013)

C. Each term shall continue until a successor is chosen and qualified, except in the case of the member's death, resignation, removal or disqualification from holding office.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-99-0002, Amended, 01/12/1999; Ord. No. O-2013-0034, Amended 12/11/2013)

2-15-6. Removal and Vacancy.

A. Any member of the Planning Commission may be removed from office by the City Manager, with the advice and consent of the City Council.

(Ord. No. 661, Revised, 04/10/1990)

B. A member's office automatically becomes vacant if the member establishes residence outside of the City, or lives outside of City boundaries for a continuous period of more than 60 days.

(Ord. No. 661, Revised, 04/10/1990)

C. A member's office automatically becomes vacant if the member misses more than twenty-five percent (25%) of the Planning Commission's scheduled meetings during any twelve (12) month period.

(Ord. No. 661, Revised, 04/10/1990)

D. Vacancies shall be filled for the unexpired term of any member whose office becomes vacant.

(Ord. No. 661, Revised, 04/10/1990)

E. Vacancies occurring other than through the expiration of a regular term shall be filled by appointment by the City Manager, with the advice and consent of the City Council.

(Ord. No. 661, Revised, 04/10/1990)

2-15-7. Voting.

A. Each member of the Planning Commission shall have one (1) vote.

(Ord. No. 661, Revised, 04/10/1990)

B. A quorum shall consist of any four (4) members of the Planning Commission. No meeting is official unless a quorum of members is present.

(Ord. No. 661, Revised, 04/10/1990)

C. The minimum number of votes required to approve or disapprove any action or proposal shall be a majority of those present at the meeting, provided there is a quorum, but shall never be less than four (4). In cases where the Planning Commission acts as a recommending body to the City Council, an item may be forwarded to the City Council without a majority vote, provided that a quorum voted on the item.

(Ord. No. 661, Revised, 04/10/1990)

2-15-8. Conduct of Meetings.

A. The Planning Commission shall select one of its members to be Chairperson. The Chairperson shall conduct all meetings and shall serve for one (1) year. A Chairperson may serve consecutive terms.

(Ord. No. 661, Revised, 04/10/1990)

B. The Planning Commission shall meet at the City Council Chamber on two (2) Wednesdays of every month, unless otherwise designated on the annual meeting schedule, or unless otherwise cancelled.

(Ord. No. 661, Revised, 04/10/1990)

C. The Planning Commission shall keep a public record of its proceedings and may adopt rules for its organization and for the transaction of its business.

(Ord. No. 661, Revised, 04/10/1990)

2-15-9. Staff Assignments.

The City Manager shall assign personnel, as deemed necessary, to assist the Planning Commission. Assigned personnel shall attend meetings, make studies of matters pending before the Commission, and give recommendations to the Commission.

(Ord. No. 661, Revised, 04/10/1990)

2-15-10. Compensation.

A. Members of the Commission shall serve without monetary compensation.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-96-0003, Amended, 01/09/1996; Ord. No. O-2013-0034, Amended 12/11/2013)

B. Commission members may be compensated for reasonable expenses incurred by official responsibilities, if approved by the City Manager.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-2013-0034, Amended 12/11/2013)

Article 2-16. Board of Adjustment

Contents:

- 2-16-1. Board of Adjustment established.
- 2-16-2. Powers of Board.
- 2-16-3. Membership of Board.

- 2-16-4. Appointment.
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- 2-16-7. Voting.
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- 2-16-11. Proceedings Pending Appeal.
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- 2-16-13. Decisions.
- 2-16-14. Authority Limited.
- 2-16-15. Appeals.
- 2-16-16. Special Exception for Relocation of Certain Billboards

2-16-1. Board of Adjustment established.

The Board of Adjustment of the City of Orem is hereby established.

(Ord. No. 661, Revised, 04/10/1990)

2-16-2. Powers of Board.

The Board of Adjustment shall have the following powers:

A. To hear and decide appeals where it is alleged that there is error in any order, requirement, decision or determination made by the administrative official in the enforcement of the City's zoning ordinance or subdivision ordinance, except in the case of matters designated to be appealed to other bodies.

(Ord. No. 661, Revised, 04/10/1990)

B. To hear and decide special exceptions to the terms of the ordinance upon which such board is required to pass under such ordinance.

(Ord. No. 661, Revised, 04/10/1990)

C. To authorize upon appeal such variance from the terms of the City's zoning ordinance or subdivision ordinance as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of the ordinance will result in unnecessary hardship; provided, that the spirit of the ordinance shall be observed and substantial justice done. Before any variance may be authorized, however, it shall be shown that:
   1. The variance will not substantially affect the comprehensive plan of zoning in the city and that adherence to the strict letter of the ordinance will cause difficulties and hardships, the imposition of which upon the petitioner is unnecessary in order to carry out the general purpose of the plan;
   2. Special circumstances attached to the property covered by the application which do not generally apply to the other property in the same district;

3. Because of said special circumstances, property covered by application is deprived of privileges possessed by other properties in the same district; and that the granting of the variance is essential to the enjoyment of a substantial property right possessed by other property in the same district.

(Ord. No. 661, Revised, 04/10/1990)

D. To perform any other function granted to the Board of Adjustment by State statutes or City ordinances.

(Ord. No. 661, Revised, 04/10/1990)

2-16-3. Membership of Board.

The Board of Adjustment shall consist of five (5) members.

(Ord. No. 661, Revised, 04/10/1990)

2-16-4. Appointment.

A. All members of the Board of Adjustment shall be appointed by the City Manager, with the advice and consent of the City Council.

(Ord. No. 661, Revised, 04/10/1990)

B. Board members shall be residents of the City of Orem.

(Ord. No. 661, Revised, 04/10/1990)

C. Board members shall be selected without respect to political affiliation.

(Ord. No. 661, Revised, 04/10/1990)

D. There shall be no member of the Planning Commission sitting on the Board of Adjustment.

(Ord. No. 661, Revised, 04/10/1990)

2-16-5. Term of Office.

A. The term of office for members of the Board of Adjustment shall be three (3) years.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-2013-0034, Amended & Renumbered 12/11/2013)

B. Each term shall continue until a successor is chosen and qualified, except in the case of the member's death, resignation, removal or disqualification from holding office.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-2013-0034, Amended & Renumbered 12/11/2013)

C. No person shall serve more than two (2) consecutive terms on the Board of Adjustment. Partial terms shall not be considered in determining whether a person has served two (2) consecutive terms.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-2013-0034, Amended & Renumbered 12/11/2013)

2-16-6. Removal and Vacancy.

A. Any member may be removed for cause by the City Manager upon written charges and after public hearing, if a public hearing is requested by the member.

(Ord. No. 661, Revised, 04/10/1990)

B. A member's office automatically becomes vacant if the member establishes residence outside of the City, or lives outside of City boundaries for a continuous period of more than 60 days.

(Ord. No. 661, Revised, 04/10/1990)

C. A member's office automatically becomes vacant if the member misses more than twenty-five percent (25%) of the Board's scheduled meetings during any twelve (12) month period.

(Ord. No. 661, Revised, 04/10/1990)

D. Vacancies shall be filled for the unexpired term of any regular or alternate member whose office becomes vacant.

(Ord. No. 661, Revised, 04/10/1990)

E. Vacancies occurring other than through the expiration of a regular term shall be filled by appointment by the City Manager, with the advice and consent of the City Council.

(Ord. No. 661, Revised, 04/10/1990)

2-16-7. Voting.

A. Each member of the Board shall have one (1) vote.

(Ord. No. 661, Revised, 04/10/1990)

B. A quorum shall consist of any three (3) members of the Board. No meeting is official unless a quorum of members is present.

(Ord. No. 661, Revised, 04/10/1990)

C. The concurring vote of at least three (3) members of the Board of Adjustment shall be necessary to take any action pursuant to this Article.

(Ord. No. 661, Revised, 04/10/1990)

2-16-8. Organization.

A. The Board of Adjustment shall organize and elect a chairman and may adopt rules for its organization and for the transaction of business.

(Ord. No. 661, Revised, 04/10/1990)

B. Meetings of the Board shall be held at the call of the Chairperson and at such other times as the Board may determine.

(Ord. No. 661, Revised, 04/10/1990)

C. The Chairperson, or in his or her absence the acting chairperson, may administer oaths and compel the attendance of witnesses.

(Ord. No. 661, Revised, 04/10/1990)

D. All meetings of the Board shall be open to the public.

(Ord. No. 661, Revised, 04/10/1990)

E. The Board of Adjustment may adopt rules for its organization and for the transaction of its business.

(Ord. No. 661, Revised, 04/10/1990)

F. The Board shall keep a public record of its proceedings and other official actions, all of which shall be on file in the office of the Development Services Department.

(Ord. No. 661, Revised, 04/10/1990)

G. The City Manager shall designate appropriate staff to serve the Board.

(Ord. No. 661, Revised, 04/10/1990)

2-16-9. Appeals to Administrative Decision.

A. Appeals of final zoning decisions may be taken to the Board of Adjustment as specified in State law and City ordinances. Appeals must be filed with the Department of Development Services within ten (10) days of the date of the final zoning decision.

(Ord. No. 661, Revised, 04/10/1990)

B. The appeal shall be filed in writing with the Department of Development Services, on forms furnished by the City, and the appellant shall pay a fee in an amount established by resolution of the City Council. No fee shall be required from the City or other public agencies.

(Ord. No. 661, Revised, 04/10/1990)

C. Upon the filing of the application and upon the furnishing of any information required by the rules and regulations of the Board, the Department of Development Services shall transmit any papers or other pertinent data constituting the record upon which the action appealed from was taken.

(Ord. No. 661, Revised, 04/10/1990)

2-16-10. Special Exception for Relocation of Certain Billboards

A. If an outdoor advertising structure needs to be moved away from a high voltage power line so that the sign can be reposted or maintenance performed without having to comply with the distance or notification requirements of Utah Code Section 54-8c-2, or in order to comply with distance or notification requirements imposed by the National Electrical Safety Code, International Building code, a regulation, standard or directive of the Occupational Safety and Health Administration, or any other similar applicable regulation, then the Board of Adjustment may grant a special exception from the City's ordinances to allow the owner to relocate and remodel the structure to another location within the City:

1. on the same property;
2. on adjacent property;
3. within 2,640 feet of the previous location on either side of the same highway; or
4. mutually agreed upon by the owner and the City.

(Ord. No. O-05-0027, Enacted 9/13/2005; Ord No. O-06-0011, Amended 6/27/2006)

B. The relocation under Subsection A shall be in a commercial or industrial zoned area or where outdoor advertising is permitted under Utah Code Section 72-7-501 et seq. (as amended).

(Ord. No. O-05-0027, Enacted 9/13/2005; Ord No. O-06-0011, Amended 6/27/2006)

C. The relocated and remodeled structure may be:

1. erected to a height and angle to make it clearly visible to traffic on the main-traveled way of the highway to which it is relocated or remodeled;

2. the same size and at least the same height as the previous structure, but the relocated structure may not exceed the size and height permitted under Utah Code Section 72-7-501 et seq. (as amended); and
3. relocated to a location with a comparable traffic vehicular count.

(Ord. No. O-05-0027, Enacted 9/13/2005; Ord No. O-06-0011, Amended 6/27/2006)

2-16-11. Proceedings Pending Appeal.

An appeal shall stay all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board of Adjustment after the notice of appeal shall have been filed with him that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case proceedings shall not be stayed otherwise than by restraining order which may be granted by the Board of Adjustment or by the district court on application and notice and on due cause shown.

(Ord. No. 661, Revised, 04/10/1990)

2-16-12. Notice of Hearing.

The Board of Adjustment shall fix a reasonable time for the hearing of the appeal or other matters upon which it is required to pass, and shall give public notice thereof, as well as due notice to the parties in interest, and shall decide the same within a reasonable time. Due notice shall consist of written notice delivered at least five (5) days prior to the date of the hearing.

(Ord. No. 661, Revised, 04/10/1990)

2-16-13. Decisions.

In the exercise of its duties and powers, the Board of Adjustment may reverse or affirm, wholly or in part, or may modify the order, requirement, decision, or determination of the Zoning Administrator or final decision maker and may make such order or requirement as ought to be made; provided, however, that in interpreting and applying the provisions of this Article, the requirements contained herein shall be deemed to be the minimum requirements for the purposes set forth. Unless otherwise specified in the decision, decisions of the Board shall be effective immediately. Decisions shall be deemed filed in the office of the Board of Adjustment when the Board's secretary's notes for the meeting are filed in the offices of the Department of Development Services, which filing shall take place immediately after the close of the meeting.

(Ord. No. 661, Revised, 04/10/1990)

2-16-14. Authority Limited.

A. The powers of the Board of Adjustment are limited to the powers as herein set forth, which shall be strictly construed.

(Ord. No. 661, Revised, 04/10/1990)

B. The Board of Adjustment shall not grant a request which would have the effect of amending this Article or the zoning map, or of correcting what it may consider to be an unwise requirement in the Zoning Ordinance, or to substitute its judgment in place of that of the City Council as to what is good or poor zoning.

(Ord. No. 661, Revised, 04/10/1990)

C. The Board shall not grant any use variance.

(Ord. No. 661, Revised, 04/10/1990)

D. Only minor variances of any other zoning regulation may be granted, and then, only upon the express findings by the Board of the unusual conditions existing and the hardships caused, as required by State law and Section 2-18-2(C) above. The Board shall not make such findings unless facts in support of the findings are presented to the Board and entered in the minutes of the Board meeting. Economic hardship is insufficient to warrant the granting of a variance.

(Ord. No. 661, Revised, 04/10/1990)

E. Lawful actions of the Board shall not be interpreted as unauthorized amendments to the Zoning Ordinance.

(Ord. No. 661, Revised, 04/10/1990)

2-16-15. Appeals.

The City or any person aggrieved by any decision of the Board of Adjustment may have and maintain a plenary action for relief therefrom in any court of competent jurisdiction. The petition for relief must be filed with the court within thirty (30) days of the date of the decision.

(Ord. No. 661, Revised, 04/10/1990)

2-16-16. Special Exception for Relocation of Certain Billboards

If an outdoor advertising structure needs to be moved so that the sign can be reposted or maintenance performed without having to comply with the distance or notification requirements of Utah Code Section 54-8c-2, or in order to comply with distance or notification requirements imposed by the National Electrical Safety Code or any other similar applicable regulation promulgated by a federal agency, then the Board of Adjustment may grant a special exception from the City's ordinances to allow the owner to relocate the same or similar type structure to the minimal number of feet necessary:

1. on the same property; or
2. if the same property is not available, on another property.

(Ord. No. O-05-0027, Enacted 9/13/2005)

Article 2-17. Board of Building and Fire Code Appeals

Contents:

- 2-17-1. Board of Building and Fire Code Appeals established.
- 2-17-2. Membership of Board.
- 2-17-3. Appointment.
- 2-17-4. Term of Office.
- 2-17-5. Removal and Vacancy.
- 2-17-6. Voting.
- 2-17-7. Organization.
- 2-17-8. Powers of Board.
- 2-17-9. Appeals.

- 2-17-10. Authority limited.
- 2-17-11. Decision.

2-17-1. Board of Building and Fire Code Appeals established.

The Board of Building and Fire Code Appeals for the City of Orem is hereby established.

(Ord. No. 661, Revised, 04/10/1990)

2-17-2. Membership of Board.

A. The Board shall consist of five (5) members.

(Ord. No. 661, Revised, 04/10/1990)

B. The five (5) members shall be qualified by experience and training to pass upon matters pertaining to building construction.

(Ord. No. 661, Revised, 04/10/1990)

C. The City Manager shall appoint appropriate members of the City staff to provide services to the Board. Staff members so appointed shall include the Chief Building Official and the Fire Marshall. These two City officials shall be considered ex officio members of the Board of Building and Fire Code Appeals for purposes of the law.

(Ord. No. 661, Revised, 04/10/1990)

D. The Chief Building Official and the Fire Marshall shall make recommendations to the Board, but shall not have any voting rights.

(Ord. No. 661, Revised, 04/10/1990)

2-17-3. Appointment.

A. All members of the Board shall be appointed by the City Manager, with the advice and consent of the City Council.

(Ord. No. 661, Revised, 04/10/1990)

B. Board members shall be residents of the City of Orem.

(Ord. No. 661, Revised, 04/10/1990)

2-17-4. Term of Office.

A. The term of office for Board members shall be three (3) years.

(Ord. No. 661, Revised, 04/10/1990)

B. Each term shall continue until a successor is chosen and qualified, except in the case of the member's death, resignation, removal or disqualification from holding office.

(Ord. No. 661, Revised, 04/10/1990)

C. No person shall serve more than two (2) consecutive terms on the Board. Partial terms shall not be considered in determining whether a person has served two (2) consecutive terms.

(Ord. No. 661, Revised, 04/10/1990)

2-17-5. Removal and Vacancy.

A. Any member may be removed by the City Manager, with the advice and consent of the City Council.

(Ord. No. 661, Revised, 04/10/1990)

B. A member's office automatically becomes vacant if the member establishes residence outside of the City, or lives outside of City boundaries for a continuous period of more than 60 days.

(Ord. No. 661, Revised, 04/10/1990)

C. Vacancies shall be filled for the unexpired term of any member whose office becomes vacant.

(Ord. No. 661, Revised, 04/10/1990)

D. Vacancies occurring other than through the expiration of a regular term shall be filled by appointment by the City Manager, with the advice and consent of the City Council.

(Ord. No. 661, Revised, 04/10/1990)

2-17-6. Voting.

A. All five (5) members of the Board shall have the right to vote on any of the matters of business coming before the Board.

(Ord. No. 661, Revised, 04/10/1990)

B. A quorum shall consist of any three (3) members of the Board. No official action shall be taken unless a quorum of members is present.

(Ord. No. 661, Revised, 04/10/1990)

C. The minimum number of votes required to take any action shall be a majority of those present at the meeting, provided there is a quorum.

(Ord. No. 661, Revised, 04/10/1990)

2-17-7. Organization.

A. The Board shall organize and elect a chairperson and adopt rules in accordance with the provisions of this Article and State law.

(Ord. No. 661, Revised, 04/10/1990)

B. Meetings of the Board shall be held at the call of the Chairperson and at such other times as the Board may determine.

(Ord. No. 661, Revised, 04/10/1990)

C. The Chairperson or, in his or her absence, the acting Chairperson, may administer oaths and compel the attendance of witnesses.

(Ord. No. 661, Revised, 04/10/1990)

D. All meetings of the Board shall be open to the public.

(Ord. No. 661, Revised, 04/10/1990)

E. The Board shall keep a public record of its proceedings and other official actions, all of which shall be on file in the office of the Development Services Department.

(Ord. No. 661, Revised, 04/10/1990)

2-17-8. Powers of Board.

A. The Board of Building and Fire Code Appeals shall hear and decide appeals of orders, decisions or determinations made by any City building or fire official relative to the application and interpretation of the Building, Plumbing, Electrical, Mechanical, Abatement of Dangerous Buildings and Fire Codes.

(Ord. No. 661, Revised, 04/10/1990)

B. The Board shall have no authority relative to interpretation of the administrative provisions of these Codes nor shall the Board be empowered to waive any requirements of the Codes.

(Ord. No. 661, Revised, 04/10/1990)

2-17-9. Appeals.

A. Any person, contractor, corporation, citizen or any officer, department, board or bureau of the City may appeal to the Board of Building and Fire Code Appeals by filing a request in writing with the building official on forms furnished by the City, together with a fee which shall be determined by resolution of the City Council. No fee shall be required from the City or any other public agency.

(Ord. No. 661, Revised, 04/10/1990)

B. Upon the filing of the application and upon the furnishing of such information as required by the rules and regulations of the Board, the appropriate City official shall forthwith transmit to the Board all papers, records and other pertinent data appertaining to the appeal.

(Ord. No. 661, Revised, 04/10/1990)

2-17-10. Authority limited.

A. The powers of the Board of Building and Fire Code Appeals are limited to the powers set forth herein.

(Ord. No. 661, Revised, 04/10/1990)

B. The Board's investigations, decisions and findings shall be limited to matters pertaining to building construction and fire safety.

(Ord. No. 661, Revised, 04/10/1990)

C. The Board may attach reasonable conditions or requirements which the petitioner must comply with as a condition of the grant or approval, and may attach a time limit on the exercise or lack of exercise of any grant.

(Ord. No. 661, Revised, 04/10/1990)

2-17-11. Decision.

A. In the exercise of its duties and powers as herein set forth, the Board may recommend to reverse or affirm, in whole or in part, or modify the order, requirement, decision or determination of the building or fire official or recommend such order or requirement as ought to be made.

(Ord. No. 661, Revised, 04/10/1990)

B. In interpreting and applying the provisions of this Article, the requirements contained herein shall be deemed to be the minimum requirements for the purpose set forth.

(Ord. No. 661, Revised, 04/10/1990)

C. The Board shall render all decisions and findings in writing to the building official with a duplicate copy to the appellant.

(Ord. No. 661, Revised, 04/10/1990)

Article 2-18. Alcoholic Beverage License Hearing Board

Contents:

- 2-18-1. Board Established.
- 2-18-2. Duties of the Board.
- 2-18-3. Membership of Board.
- 2-18-4. Appointment.
- 2-18-5. Term of Office.
- 2-18-6. Removal and Vacancy.
- 2-18-7. Voting.
- 2-18-8. Meetings.
- 2-18-9. Staff Assignments.
- 2-18-10. Compensation.
- 2-18-11. Recommendations.
- 2-18-12. Appeal.

2-18-1. Board Established.

The Alcoholic Beverage License Hearing Board for the City of Orem (hereinafter referred to as "Board") is hereby established.

(Ord. No. 666, Revised, 06/12/1990)

2-18-2. Duties of the Board.

The Board shall hear and prepare written findings concerning its decision on any violation of any alcohol license within the City of Orem. If the Board finds a violation was committed, it shall suspend the license or order that the licensee post or forfeit a bond, as required by CHAPTER 3, Alcoholic Beverages, of the City Code. The Board may also suspend or revoke the license, or place the licensee on probation subject to reasonable conditions which it deems appropriate.

(Ord. No. 666, Revised, 06/12/1990)

2-18-3. Membership of Board.

The board shall consist of five (5) members.

(Ord. No. 666, Revised, 06/12/1990)

2-18-4. Appointment.

A. Board members shall be appointed by the City Manager, with the advice and consent of the City Council. All of the Board members shall be residents of the City of Orem with one of them being an employee of the City. There shall be no City Council representative on the Board.

(Ord. No. 661, Revised, 04/10/1990)

B. One Board member shall be a holder of either a Class A, B or C license within the City (or an agent of the license holder if the license holder is a corporation). An alternate license holder may be appointed in cases where the Board is required to hear a matter involving the licensee who regularly sits on the Board.

(Ord. No. 661, Revised, 04/10/1990)

C. Board members shall be selected without respect to political affiliation.

(Ord. No. 666, Revised, 06/12/1990)

2-18-5. Term of Office.

A. The term of office for each member, shall be three (3) years. The term of office of the initial members of the Board shall be staggered so that three (3) are for two (2) years and two (2) are for three (3) years.

(Ord. No. 661, Revised, 04/10/1990)

B. Lots shall be drawn at the first meeting of the Board to determine which of the members shall serve for two (2) years and which shall serve for three (3) years.

(Ord. No. 661, Revised, 04/10/1990)

C. Each of the Board members shall be eligible for one (1) additional three (3) year term.

(Ord. No. 661, Revised, 04/10/1990)

D. No person shall serve more than two (2) consecutive terms on the Board. Partial terms shall not be considered in determining whether a person has served two (2) consecutive terms.

(Ord. No. 661, Revised, 04/10/1990)

E. Each term shall continue until a successor is chosen and qualified, except in the case of the member's death, resignation, removal or disqualification from holding office.

(Ord. No. 666, Revised, 06/12/1990)

2-18-6. Removal and Vacancy.

A. Any member of the Board may be removed from office by the City Manager, with the advice and consent of the City Council.

(Ord. No. 661, Revised, 04/10/1990)

B. A member's office automatically becomes vacant if the member establishes residence outside of the City, or lives outside of City boundaries for a continuous period of more than 60 days.

(Ord. No. 661, Revised, 04/10/1990)

C. A member's office automatically becomes vacant if the member misses more than twenty-five percent (25%) of the Board's scheduled meetings during any twelve (12) month period.

(Ord. No. 661, Revised, 04/10/1990)

D. Vacancies shall be filled for the unexpired term of any member whose office becomes vacant.

(Ord. No. 661, Revised, 04/10/1990)

E. Vacancies occurring other than through the expiration of a regular term shall be filled by nomination of the City Manager, with the advice and consent of the City Council.

(Ord. No. 666, Revised, 06/12/1990)

2-18-7. Voting.

A. Each member of the Board shall have one (1) vote.

(Ord. No. 661, Revised, 04/10/1990)

B. A quorum shall consist of any three (3) members of the Board. No meeting is official unless a quorum of members is present.

(Ord. No. 661, Revised, 04/10/1990)

C. The minimum number of votes required to approve or disapprove any action or proposal shall be a majority of those present at the meeting, provided there is a quorum, but shall never be less than three (3).

(Ord. No. 666, Revised, 06/12/1990)

2-18-8. Meetings.

A. The Board shall select one of its members to be Chairperson at its organizational meeting, after which elections for Chairperson shall be held annually at the first January meeting of the year. The Chairperson shall conduct all meetings and shall serve until the following January. A Chairperson may serve consecutive terms.

(Ord. No. 661, Revised, 04/10/1990)

B. The Board shall meet at least annually and may meet more often at the discretion of its Chairperson.

(Ord. No. 661, Revised, 04/10/1990)

C. Board business and discussion shall be conducted in open public meetings in accordance with legal requirements and City policies.

(Ord. No. 661, Revised, 04/10/1990)

D. The Board shall keep written minutes for each of its meetings. The minutes shall be reviewed for approval at the following Board meeting.

(Ord. No. 661, Revised, 04/10/1990)

E. The Board may adopt Bylaws, rules or procedures for the transaction of its business.

(Ord. No. 661, Revised, 04/10/1990)

F. The Board may establish sub-committees to help carry out its responsibilities.

(Ord. No. 666, Revised, 06/12/1990)

2-18-9. Staff Assignments.

The City Manager may appoint appropriate staff support for the Board.

(Ord. No. 666, Revised, 06/12/1990)

2-18-10. Compensation.

A. Members of the Board shall serve without monetary compensation.

(Ord. No. 661, Revised, 04/10/1990)

B. Members may be compensated for reasonable expenses incurred for official responsibilities, if approved by the City Manager.

(Ord. No. 666, Revised, 06/12/1990)

2-18-11. Recommendations.

The Chairperson of the Board shall, from time to time, present recommendations to the City Council which have been approved by the Board.

(Ord. No. 666, Revised, 06/12/1990)

2-18-12. Appeal.

The Board's decision may be appealed to the City Manager by filing a written request with the City Manager's Office within ten (10) days of receiving the Board's decision.

Article 2-19. Historical Preservation Advisory Commission.

Contents:

- 2-19-1. Commission Established.
- 2-19-2. Duties of the Commission.
- 2-19-3. Membership of Commission.
- 2-19-4. Appointment.
- 2-19-5. Term of Office.
- 2-19-6. Removal and Vacancy.
- 2-19-7. Voting.
- 2-19-8. Meetings.
- 2-19-9. Staff Assignments.
- 2-19-10. Compensation.
- 2-19-11. Recommendations.

2-19-1. Commission Established.

The Orem Historical Preservation Advisory Commission (hereinafter referred to as "Commission") is hereby established.

(Ord. No. 668, Revised, 06/12/1990; Ord. No. O-92-013, Amended, 07/07/1992)

2-19-2. Duties of the Commission.

The Commission shall act in an advisory capacity to the City Council and shall have the following duties and responsibilities:

A. Securing information on federal and state laws and regulations regarding historic and cultural resources which may be available to the City and working towards the continuing education of citizens regarding historic preservation and community history.

(Ord. No. 668, Revised, 06/12/1990; Ord. No. O-92-013, Amended, 07/07/1992; Ord. No. O-02-0014, Amended, 04/09/2002)

B. Determining tax credit available for renovation of old and historic buildings.

(Ord. No. 668, Revised, 06/12/1990; Ord. No. O-92-013, Amended, 07/07/1992; Ord. No. O-02-0014, Amended, 04/09/2002)

C. Ascertaining procedures and eligibility requirements to be included in the National Register of Historic Places.

(Ord. No. 668, Revised, 06/12/1990; Ord. No. O-92-013, Amended, 07/07/1992; Ord. No. O-02-0014, Amended, 04/09/2002)

D. Surveying and Inventorying Community Historic Resources. The Commission shall conduct or cause to be conducted a survey of the historic, architectural, and archaeological resources within the community. The survey shall be compatible with the Utah Inventory of Historic and Archaeological Sites. Survey and inventory documents shall be maintained and shall be open to the public. The survey shall be updated at least every ten (10) years.

(Ord. No. 668, Revised, 06/12/1990; Ord. No. O-92-013, Amended, 07/07/1992; Ord. No. O-02-0014, Amended, 04/09/2002)

E. Reviewing Proposed Nominations to the National Register of Historic Places. The Commission shall review and comment to the State Historic Preservation Officer on all proposed National Registry nominations for properties within the boundaries of the City. When the Commission considers a National Register nomination which is normally evaluated by professionals in a specific discipline and that discipline is not represented on the Commission, the Commission shall seek expertise in that area before rendering its decision.

(Ord. No. 668, Revised, 06/12/1990; Ord. No. O-92-013, Amended, 07/07/1992; Ord. No. O-02-0014, Amended, 04/09/2002)

F. Inventorying historic and archeological sites within the community.

(Ord. No. 668, Revised, 06/12/1990; Ord. No. O-92-013, Amended, 07/07/1992; Ord. No. O-02-0014, Amended, 04/09/2002)

G. Securing technical expertise on preservation, renovation and/or restoration of historical properties.

(Ord. No. 668, Revised, 06/12/1990; Ord. No. O-92-013, Amended, 07/07/1992; Ord. No. O-02-0014, Amended, 04/09/2002)

H. Supporting the enforcement of all State Historic Preservation Laws. These laws include, but are not limited to the "Historic District Act." Section 17A-3-1301 - 1306, U.C.A. and Chapter 63-18 U.C.A. regarding the protection of Utah antiquities and the notification of the State Historic Preservation Office of any known proposed action which will destroy or affect a site, building or object owned by the State of Utah and included on or eligible for the State or National Registers.

(Ord. No. 668, Revised, 06/12/1990; Ord. No. O-92-013, Amended, 07/07/1992; Ord. No. O-02-0014, Amended, 04/09/2002)

2-19-3. Membership of Commission.

The Commission shall consist of five (5) members. These members shall have a demonstrated interest, competence or knowledge of historic preservation. To the extent available in the community, two Commission members shall be professionals, as defined by National Park Service regulations, from the disciplines of history, archaeology, planning, architecture or architectural history. A member of the City Council shall be appointed to act as a liaison between the Commission and the City Council, but the City Council liaison shall not be considered a member of the Commission.

(Ord. No. 668, Revised, 06/12/1990; Ord. No. O-92-013, Amended, 07/07/1992; Ord. No. O-02-0014, Amended, 04/09/2002)

2-19-4. Appointment.

A. Commission members shall be appointed by the Mayor, with the advice and consent of the City Council.

(Ord. No. 668, Revised, 06/12/1990; Ord. No. O-92-013, Amended, 07/07/1992)

B. Commission members shall be residents of the City of Orem.

(Ord. No. 668, Revised, 06/12/1990; Ord. No. O-92-013, Amended, 07/07/1992)

C. Commission members shall be selected without respect to political affiliation.

(Ord. No. 668, Revised, 06/12/1990; Ord. No. O-92-013, Amended, 07/07/1992)

2-19-5. Term of Office.

A. The term of office for each member shall be three (3) years even if the appointment was made to fill a vacancy created by a member who was unable to complete a full term.

(Ord. No. 668, Revised, 06/12/1990; Ord. No. O-92-013, Amended, 07/07/1992; Ord. No. O-02-0014, Amended, 04/09/2002; Ord. No. O-2013-0034, Amended & Renumbered 12/11/2013)

B. Commission members may be appointed for additional terms.

C. Each term shall continue until a successor is chosen and qualified, except in the case of the member's death, resignation, removal or disqualification from holding office.

(Ord. No. 668, Revised, 06/12/1990; Ord. No. O-92-013, Amended, 07/07/1992; Ord. No. O-02-0014, Amended, 04/09/200; Ord. No. O-2013-0034, Amended & Renumbered 12/11/20132)

2-19-6. Removal and Vacancy.

A. Any member of the Commission may be removed from office by the Mayor, with the advice and consent of the City Council.

(Ord. No. 668, Revised, 06/12/1990; Ord. No. O-92-013, Amended, 07/07/1992)

B. A member's office automatically becomes vacant if the member establishes residence outside of the City, or lives outside of City boundaries for a continuous period of more than sixty (60) days.

(Ord. No. 668, Revised, 06/12/1990; Ord. No. O-92-013, Amended, 07/07/1992)

C. A member's office may become vacant if the member misses more than twenty-five percent (25%) of the Commission's scheduled meetings during any twelve (12) month period.

(Ord. No. 668, Revised, 06/12/1990; Ord. No. O-92-013, Amended, 07/07/1992)

D. Vacancies shall be filled for the unexpired term of any member whose office becomes vacant.

(Ord. No. 668, Revised, 06/12/1990; Ord. No. O-92-013, Amended, 07/07/1992)

E. Vacancies occurring other than through the expiration of a regular term shall be filled by appointment of the Mayor, with the advice and consent of the City Council.

(Ord. No. 668, Revised, 06/12/1990; Ord. No. O-92-013, Amended, 07/07/1992)

2-19-7. Voting.

A. Each member of the Commission shall have one (1) vote.

(Ord. No. 668, Revised, 06/12/1990; Ord. No. O-92-013, Amended, 07/07/1992)

B. A quorum shall consist of a majority of the appointed members of the Commission, with a minimum of three (3) members. No meeting is official unless a quorum of members is present.

(Ord. No. 668, Revised, 06/12/1990; Ord. No. O-92-013, Amended, 07/07/1992)

C. The minimum number of votes required to approve or disapprove any action or proposal shall be a majority of those present at the meeting, provided there is a quorum, but shall never be less than three (3).

(Ord. No. 668, Revised, 06/12/1990; Ord. No. O-92-013, Amended, 07/07/1992)

2-19-8. Meetings.

A. The Commission shall select one of its members to be Chairperson. The Chairperson shall conduct all meetings and shall serve for one (1) year. Elections for Chairperson shall be held annually. A Chairperson may serve consecutive terms.

(Ord. No. 668, Revised, 06/12/1990; Ord. No. O-92-013, Amended, 07/07/1992)

B. The Committee shall meet on an as needed basis as determined by the Committee members.

C. Commission business and discussion shall be conducted in accordance with the Utah Open Public Meeting Laws and City policies. This includes public notification of meeting place, time and agenda items.

(Ord. No. 668, Revised, 06/12/1990; Ord. No. O-92-013, Amended, 07/07/1992)

D. The Commission shall keep written minutes for each of its meetings. The minutes shall be reviewed for approval at the following Commission meeting and shall be available for public inspection.

(Ord. No. 668, Revised, 06/12/1990; Ord. No. O-92-013, Amended, 07/07/1992)

E. The Commission may adopt by-laws, rules or procedures for the transaction of its business.

(Ord. No. 668, Revised, 06/12/1990; Ord. No. O-92-013, Amended, 07/07/1992)

F. The Commission may establish sub-committees to help carry out its responsibilities.

(Ord. No. 668, Revised, 06/12/1990; Ord. No. O-92-013, Amended, 07/07/1992)

2-19-9. Staff Assignments.

The City Manager shall appoint appropriate staff support for the Commission.

(Ord. No. 668, Revised, 06/12/1990; Ord. No. O-92-013, Amended, 07/07/1992)

2-19-10. Compensation.

A. Members of the Commission shall serve without monetary compensation.

(Ord. No. 668, Revised, 06/12/1990; Ord. No. O-92-013, Amended, 07/07/1992)

B. Members may be compensated for reasonable expenses incurred for official responsibilities, if approved by the City Manager.

(Ord. No. 668, Revised, 06/12/1990; Ord. No. O-92-013, Amended, 07/07/1992)

2-19-11. Recommendations.

A. The Chairperson of the Commission shall, from time to time, present recommendations to the City Council which have been approved by the Commission.

(Ord. No. 668, Revised, 06/12/1990; Ord. No. O-92-013, Amended, 07/07/1992)

B. The Commission shall act in an advisory role to other officials and departments of government regarding the identification and protection of local historic and archaeological resources.

(Ord. No. 668, Revised, 06/12/1990; Ord. No. O-92-013, Amended, 07/07/1992)

C. The Commission shall work toward the continuing education of citizens regarding historic preservation and community history.

(Ord. No. 668, Revised, 06/12/1990; Ord. No. O-92-013, Amended, 07/07/1992)

Article 2-20. Summerfest Advisory Committee

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- 2-20-6. Removal and Vacancy.
- 2-20-7. Voting.
- 2-20-8. Meetings.
- 2-20-9. Staff Assignments.
- 2-20-10. Compensation.
- 2-20-11. Recommendations.

2-20-1. Committee Established.

The Summerfest Advisory Committee of the City of Orem (referred to as the "Committee" in this Article) is hereby established.

(Ord. No. O-95-0026, Enacted, 05/02/1995)

2-20-2. Duties of the Committee.

The Committee shall act in an advisory capacity to the City Council and shall have the following duties and responsibilities.

A. To recommend objectives, policies, procedures, programs, and expenditures of City funds related to the annual Orem Summerfest Activities.

(Ord. No. O-95-0026, Enacted, 05/02/1995)

B. To report, on an annual basis, to the City Council regarding the schedule of activities for the upcoming Summerfest activity and to report on the activities of the previous Summerfest activity.

(Ord. No. O-95-0026, Enacted, 05/02/1995)

C. To develop annual Summerfest activities to promote the community spirit of Orem.

(Ord. No. O-95-0026, Enacted, 05/02/1995)

D. To enlist the cooperation and participation of various volunteers and community organizations and clubs to develop programs in association with the annual Summerfest Activities.

(Ord. No. O-95-0026, Enacted, 05/02/1995)

E. At the direction of the City Council, the Committee may participate in the development of other special community events.

(Ord. No. O-95-0026, Enacted, 05/02/1995)

2-20-3. Membership of Committee.

The committee shall consist of eleven (11) members exclusive of subcommittee members. A member of the City Council shall be appointed to act as a liaison between the Commission and the City Council, but the City Council liaison shall not be considered a member of the Commission.

(Ord. No. O-95-0026, Enacted, 05/02/1995; Ord. No. O-02-0014, Amended, 04/09/2002; Ord. No. O-2018-0002, Amended 01/09/2018)[Ord. # O-2018-0002, 01/09/2018]

Effective on: 1/12/2018

2-20-4. Appointment.

A. Committee members shall be appointed by the Mayor, with the advice and consent of the City Council.

(Ord. No. O-95-0026, Enacted, 05/02/1995)

B. Committee members shall be residents of the City of Orem or employed within the City.

(Ord. No. O-95-0026, Enacted, 05/02/1995; Ord. No. O-02-0024, Amended, 07/02/2002)

C. Committee members shall be selected without respect to political affiliation.

(Ord. No. O-95-0026, Enacted, 05/02/1995)

2-20-5. Term of Office.

A. The term of office for Committee members shall be three (3) years even if the appointment was made to fill a vacancy created by a member who was unable to complete a full term.

(Ord. No. O-95-0026, Enacted, 05/02/1995; Ord. No. O-02-0014, Amended, 04/09/2002; Ord. No. O-2018-0002, Amended & Renum 01/09/2018)

B. Committee members may be appointed for additional terms.

C. The term of the City Council member serving as a liaison to the Committee shall be determined by the Mayor.

(Ord. No. O-95-0026, Enacted, 05/02/1995; Ord. No. O-02-0014, Amended, 04/09/2002; Ord. No. O-2018-0002, Renumbered 01/09/2018)

D. Each term shall continue until a successor is chosen and qualified, except in the case of the member's death, resignation, removal or disqualification from holding office.

(Ord. No. O-95-0026, Enacted, 05/02/1995; Ord. No. O-02-0014, Amended, 04/09/2002; Ord. No. O-2018-0002, Renumbered 01/09/2018)

2-20-6. Removal and Vacancy.

A. Any member of the Committee may be removed from office by the Mayor, with the advice and consent of the City Council.

(Ord. No. O-95-0026, Enacted, 05/02/1995)

B. A member's office automatically becomes vacant if the member establishes residence outside of the City, or lives outside of City boundaries for a continuous period of more than sixty (60) days, unless the member is employed within the City.

(Ord. No. O-95-0026, Enacted, 05/02/1995; Ord. No. O-2018-0002, Amended 01/09/2018)

C. A member's office may become vacant if the member misses more than twenty-five percent (25%) of the Committee's scheduled meetings during any twelve (12) month period.

(Ord. No. O-95-0026, Enacted, 05/02/1995)

D. Vacancies shall be filled for the unexpired term of any member whose office becomes vacant.

(Ord. No. O-95-0026, Enacted, 05/02/1995)

E. Vacancies occurring other than through the expiration of a regular term shall be filled by nomination of the Mayor, with the advice and consent of the City Council.

(Ord. No. O-95-0026, Enacted, 05/02/1995)

2-20-7. Voting.

A. Each member of the Committee shall have one (1) vote.

(Ord. No. O-95-0026, Enacted, 05/02/1995)

B. A quorum shall consist of a majority of appointed Committee members, but shall never be less than three (3). No meeting is official unless a quorum of members is present.

(Ord. No. O-95-0026, Enacted, 05/02/1995; Ord. No. O-2018-0002, Amended 01/09/2018)

C. The minimum number of votes required to approve or disapprove any action or proposal shall be a majority of those present at the meeting, provided there is a quorum, but shall never be less than three (3).

(Ord. No. O-95-0026, Enacted, 05/02/1995; Ord. No. O-2018-0002, Amended 01/09/2018)

2-20-8. Meetings.

A. The Committee shall select one of its members to be Chairperson. The Chairperson shall conduct all meetings and shall serve for one (1) year. Elections for Chairperson shall be held annually. The chairperson may serve consecutive terms.

(Ord. No. O-95-0026, Enacted, 05/02/1995; Ord. No. O-2018-0002, Amended 01/09/2018)

B. The Committee shall select one of its members to be the Vice Chairperson. The Vice Chairperson shall take on the responsibilities of the Chairperson in his/her absence and shall serve for one (1) year. Elections for the Vice Chairperson shall be held annually at the first official Committee meeting following the Summerfest Activities each year. The Vice Chairperson may serve consecutive terms.

(Ord. No. O-2018-0002, Enacted 01/09/2018)

C. The Committee shall meet at least quarterly and may meet more often at the discretion of its Chairperson.

(Ord. No. O-95-0026, Enacted, 05/02/1995; Ord. No. O-2018-0002, Amended & Renumbered 01/09/2018)

D. Committee business and discussion shall be conducted in open public meetings in accordance with legal requirements and City policies.

(Ord. No. O-95-0026, Enacted, 05/02/1995; Ord. No. O-2018-0002, Renumbered 01/09/2018)

E. The Committee shall keep written minutes for each of its meetings. The minutes shall be reviewed for approval at the following Committee meeting.

(Ord. No. O-95-0026, Enacted, 05/02/1995; Ord. No. O-2018-0002, Renumbered 01/09/2018)

F. The Committee may adopt by-laws, rules or procedures for the transaction of its business.

(Ord. No. O-95-0026, Enacted, 05/02/1995; Ord. No. O-2018-0002, Renumbered 01/09/2018)

G. The Committee may establish subcommittees to assist the Committee in their various duties.

(Ord. No. O-2018-0002, Enacted 01/09/2018)

2-20-9. Staff Assignments.

The City Manager shall appoint appropriate staff support for the Committee and subcommittee.

(Ord. No. O-95-0026, Enacted, 05/02/1995; Ord. No. O-2018-0002, Amended 01/09/2018)

2-20-10. Compensation.

A. Members of the Committee and subcommittee shall serve without monetary compensation.

(Ord. No. O-95-0026, Enacted, 05/02/1995; Ord. No. O-2018-0002, Amended 01/09/2018)

B. Members may be compensated for reasonable expenses incurred for official responsibilities, if approved by the City Manager.

(Ord. No. O-95-0026, Enacted, 05/02/1995)

2-20-11. Recommendations.

The Chairperson of the Committee shall, from time to time, present recommendations to the City Council which have been approved by the Committee.

(Ord. No. O-95-0026, Enacted, 05/02/1995)

Article 2-21. Cultural Arts Council

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- 2-21-1. Arts Council Established.
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- 2-21-7. Voting.
- 2-21-8. Meetings.
- 2-21-9. Staff Assignments.
- 2-21-10. Compensation.
- 2-21-11. Recommendations.

2-21-1. Arts Council Established.

The Orem Arts Council ("Arts Council") is hereby established. The Arts Council replaces the Orem Cultural Arts Commission, which is hereby disbanded.

(Ord. No. O-03-0033, Enacted, 09/23/2003; Ord. No. O-06-0035, Amended 12/12/2006)

2-21-2. Duties of the Art Council.

The Arts Council shall act in an advisory capacity to the City Council and shall have the following duties and responsibilities:

A. Promote the cultural arts in Orem and advocate for the role of cultural arts in civic life.

(Ord. No. O-03-0033, Enacted, 09/23/2003; Ord. No. O-06-0035, Amended 12/12/2006)

B. Strengthen local artistic and cultural resources by encouraging grants and fundraising on behalf of the arts in Orem.

(Ord. No. O-03-0033, Enacted, 09/23/2003; Ord. No. O-06-0035, Amended 12/12/2006)

C. Encourage artistic development by recognizing outstanding achievements in and contributions to the arts in Orem.

(Ord. No. O-03-0033, Enacted, 09/23/2003; Ord. No. O-06-0035, Amended 12/12/2006)

D. Provide a forum of communication and information sharing to benefit the arts and the cultural arts environment in Orem.

(Ord. No. O-03-0033, Enacted, 09/23/2003; Ord. No. O-06-0035, Amended 12/12/2006)

E. Assess the cultural arts needs of the community and perform a comprehensive review of the City's Cultural Arts Master Plan at least every five years.

(Ord. No. O-03-0033, Enacted, 09/23/2003; Ord. No. O-06-0035, Amended 12/12/2006)

F. Make recommendations to the City Council regarding updates to and implementation of the Cultural Arts Master Plan.

(Ord. No. O-03-0033, Enacted, 09/23/2003; Ord. No. O-06-0035, Amended 12/12/2006)

G. Other duties as directed by the City Council.

(Ord. No. O-03-0033, Enacted, 09/23/2003; Ord. No. O-06-0035, Amended 12/12/2006)

2-21-3. Membership of Arts Council.

The Arts Council shall consist of thirteen (13) members. One of the thirteen members shall represent Hale Center Theater Orem; another of the thirteen members shall represent SCERA. These members shall have a demonstrated interest, competence, or knowledge of cultural arts. A member of the City Council shall be appointed to act as a liaison between the Arts Council and the City Council, but the City Council liaison shall not be considered a member of the Arts Council.

(Ord. No. O-03-0033, Enacted, 09/23/2003; Ord. No. O-03-0040, Amended, 10/28/2003; Ord. No. O-06-0035, Amended 12/12/2006; Ord. No. O-07-0003, Amended 1/23/2007; Ord. No. O-08-0033, Amended 12/09/2008)

2-21-4. Appointment.

A. Arts Council members shall be appointed by the Mayor, with the advice and consent of the City Council.

(Ord. No. O-03-0033, Enacted, 09/23/2003; Ord. No. O-06-0035, Amended 12/12/2006)

B. Arts Council members shall be residents of the City of Orem.

(Ord. No. O-03-0033, Enacted, 09/23/2003; Ord. No. O-06-0035, Amended 12/12/2006)

C. Arts Council members shall be selected without respect to political affiliation.

(Ord. No. O-03-0033, Enacted, 09/23/2003; Ord. No. O-06-0035, Amended 12/12/2006)

2-21-5. Term of Office.

A. The term of office for each member of the Arts Council shall be three (3) years even if the appointment was made to fill a vacancy created by a member who was unable to complete a full term.

(Ord. No. O-03-0033, Enacted, 09/23/2003; Ord. No. O-04-0016, Amended, 02/24/2004; Ord. No. O-06-0035, Amended 12/12/2006)

B. Arts Council members may be appointed for additional terms.

C. The Mayor shall determine the term of the City Council member serving as a liaison.

(Ord. No. O-03-0033, Enacted, 09/23/2003; Ord. No. O-04-0016, Amended, 02/24/2004; Ord. No. O-06-0035, Amended 12/12/2006)

D. Each term shall continue until a successor is chosen and qualified, except in the case of the member's death, resignation, removal or disqualification from holding office.

(Ord. No. O-03-0033, Enacted, 09/23/2003; Ord. No. O-04-0016, Amended, 02/24/2004; Ord. No. O-06-0035, Amended 12/12/2006)

2-21-6. Removal and Vacancy.

A. Any member of the Arts Council may be removed from office by the Mayor for any reason, with the advice and consent of the City Council.

(Ord. No. O-03-0033, Enacted, 09/23/2003; Ord. No. O-06-0035, Amended 12/12/2006)

B. The Mayor may remove a member of the Arts Council from office if the member establishes residence outside of the City, or lives outside of City boundaries for a continuous period of more than sixty (60) days.

(Ord. No. O-03-0033, Enacted, 09/23/2003; Ord. No. O-06-0035, Amended 12/12/2006)

C. A member's office may become vacant if the member misses more than twenty-five percent (25%) of the Arts Council's scheduled meetings during any twelve (12) month period.

(Ord. No. O-03-0033, Enacted, 09/23/2003; Ord. No. O-06-0035, Amended 12/12/2006)

D. Vacancies occurring other than through the expiration of a regular term shall be filled by appointment of the Mayor, with the advice and consent of the City Council.

(Ord. No. O-03-0033, Enacted, 09/23/2003; Ord. No. O-06-0035, Amended 12/12/2006)

2-21-7. Voting.

A. Each member of the Arts Council shall have one (1) vote.

(Ord. No. O-03-0033, Enacted, 09/23/2003; Ord. No. O-03-0040, Amended, 10/28/2003; Ord. No. O-06-0035, Amended 12/12/2006)

B. A quorum shall consist of a majority of the appointed members of the Arts Council, with a minimum of three (3) members. No meeting is official unless a quorum of members is present.

(Ord. No. O-03-0033, Enacted, 09/23/2003; Ord. No. O-03-0040, Amended, 10/28/2003; Ord. No. O-06-0035, Amended 12/12/2006; Ord. No. O-08-0033, Amended 12/09/2008)

C. The minimum number of votes required to approve or disapprove any action or proposal shall be a majority of those present at the meeting, provided there is a quorum, but shall never be less than three (3).

(Ord. No. O-03-0033, Enacted, 09/23/2003; Ord. No. O-03-0040, Amended, 10/28/2003; Ord. No. O-06-0035, Amended 12/12/2006; Ord. No. O-08-0033, Amended 12/09/2008)

2-21-8. Meetings.

A. The Arts Council shall select one of its members to be Chairperson. The Chairperson shall conduct all meetings and shall serve for one (1) year. Elections for Chairperson shall be held annually. A Chairperson may serve consecutive terms.

(Ord. No. O-03-0033, Enacted, 09/23/2003; Ord. No. O-06-0035, Amended 12/12/2006)

B. The Arts Council shall meet at least quarterly and may meet more often at the discretion of the Chairperson.

(Ord. No. O-03-0033, Enacted, 09/23/2003; Ord. No. O-06-0035, Amended 12/12/2006)

C. The Arts Council shall keep written minutes for each of its meetings. The minutes shall be reviewed for approval at the following Arts Commission meeting and shall be available for public inspection.

(Ord. No. O-03-0033, Enacted, 09/23/2003; Ord. No. O-06-0035, Amended 12/12/2006)

D. The Arts Council may adopt by-laws, rules or procedures for the transaction of its business.

(Ord. No. O-03-0033, Enacted, 09/23/2003; Ord. No. O-06-0035, Amended 12/12/2006)

E. The Arts Council may establish sub-committees to help carry out its responsibilities.

(Ord. No. O-03-0033, Enacted, 09/23/2003; Ord. No. O-06-0035, Amended 12/12/2006)

2-21-9. Staff Assignments.

The City Manager shall appoint appropriate staff support for the Arts Council.

(Ord. No. O-03-0033, Enacted, 09/23/2003; Ord. No. O-06-0035, Amended 12/12/2006)

2-21-10. Compensation.

A. Members of the Arts Council shall serve without monetary compensation.

(Ord. No. O-03-0033, Enacted, 09/23/2003; Ord. No. O-06-0035, Amended 12/12/2006)

B. Members may be compensated for reasonable expenses incurred for official responsibilities, if approved by the City Manager.

(Ord. No. O-03-0033, Enacted, 09/23/2003; Ord. No. O-06-0035, Amended 12/12/2006)

2-21-11. Recommendations.

A. The Chairperson of the Arts Council shall, from time to time, present recommendations to the City Council, which have been approved by the Arts Council.

(Ord. No. O-03-0033, Enacted, 09/23/2003; Ord. No. O-06-0035, Amended 12/12/2006)

B. The Arts Council shall act in an advisory role to other officials and departments of government regarding cultural arts resources.

(Ord. No. O-03-0033, Enacted, 09/23/2003; Ord. No. O-06-0035, Amended 12/12/2006)

C. The Arts Council shall work toward the continuing education of citizens regarding cultural arts in the community.

(Ord. No. O-03-0033, Enacted, 09/23/2003; Ord. No. O-06-0035, Amended 12/12/2006)

Article 2-22. Employee Appeal Board

Contents:

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- 2-22-11. Procedure for Conducting Appeal Hearings.
- 2-22-12. Standard of Review.
- 2-22-13. Board Decision.
- 2-22-14. Appeal of Board Decision.

2-22-1. Board Established.

The Employee Appeal Board of the City of Orem (the "Board") is hereby established.

(Ord. No. O-04-0039, Enacted, 7/27/2004)

2-22-2. Duties of the Board.

The Board shall hear appeals from designated employees who have been discharged, suspended for more than two days without pay, or involuntarily transferred from one position to another with less remuneration.

(Ord. No. O-04-0039, Enacted, 7/27/2004)

2-22-3. Membership of Board.

The Board shall consist of ten (10) members: the Orem City Manager (or his or her designee), plus the nine (9) members of the Employee Advisory Council (EAC) established by City policy. The Orem City Manager (or his or her designee) shall serve as the Chair of the Board.

(Ord. No. O-04-0039, Enacted, 7/27/2004)

2-22-4. Appointment.

A. City Manager. The Orem City Manager (or his or her designee) is an ex officio member of the Board.

(Ord. No. O-04-0039, Enacted, 7/27/2004)

B. EAC. The individual members of the EAC shall be selected according to City policies governing the EAC.

(Ord. No. O-04-0039, Enacted, 7/27/2004)

2-22-5. Term of Office.

A. City Manager. The Orem City Manager shall serve on the Board for the duration of his or her appointment as City Manager.

(Ord. No. O-04-0039, Enacted, 7/27/2004)

B. EAC. The individual members of the EAC shall serve on the Board for the duration of their respective tenures on the EAC, which shall be set by City policy.

(Ord. No. O-04-0039, Enacted, 7/27/2004)

2-22-6. Voting.

A. Each member of the Board shall have one (1) vote.

(Ord. No. O-04-0039, Enacted, 7/27/2004)

B. A quorum shall consist of any six (6) members of the Board, provided that the City Manager (or his or her designee) is present.

(Ord. No. O-04-0039, Enacted, 7/27/2004)

C. The minimum number of votes required to take any action shall be a majority of those present at the hearing, provided that the City Manager (or his or her designee) is present, and provided that there is quorum.

(Ord. No. O-04-0039, Enacted, 7/27/2004)

2-22-7. Employees Eligible to Appeal to Board.

Only full-time, part-time benefited and supplemental probationary employees (as defined by City policy) shall have the right to appeal to the Board. Probationary employees, nonbenefited part-time or variable hour employees, seasonal employees, trainee employees, and executive management employees (as defined by City policy) are not eligible to appeal to the Board.

(Ord. No. O-04-0039, Enacted, 7/27/2004; Ord. No. O-2017-0005, Amended 02/28/2017)

2-22-8. Issues that May be Appealed to Board.

Only the following types of employment actions against an eligible employee may be appealed to the Board: (1) terminations; (2) suspensions for more than two days without pay; or (3) involuntary transfers from one position to another with less remuneration.

(Ord. No. O-04-0039, Enacted, 7/27/2004)

2-22-9. Other Appeals.

This ordinance establishes specific employee appeal rights to comply with State law requirements. Nothing herein shall be interpreted to restrict or eliminate other appeal rights that may be available to City employees pursuant to City policy.

(Ord. No. O-04-0039, Enacted, 7/27/2004)

2-22-10. Procedure for Appeals.

A. No employee may appeal to the Board unless the employee timely complies with the City's applicable internal grievance or disciplinary procedure and receives notice of a final disposition under the applicable internal grievance or disciplinary procedure.

(Ord. No. O-04-0039, Enacted, 7/27/2004)

B. An eligible employee desiring to appeal an eligible adverse employment action to the Board must file written notice with the City Recorder within ten (10) days after the date that the employee receives notice of the final disposition under the applicable internal grievance or disciplinary procedure. The employee's written notice of appeal must include:

1. The specific reasons for the appeal;
2. A copy of the Notice of Intent to Discipline; and
3. A copy of the Department Director's decision.

The failure of an employee to submit this required information shall forfeit any appeal rights of the employee.

(Ord. No. O-04-0039, Enacted, 7/27/2004)

Upon filing of an appeal to the Board, the City Recorder shall forthwith refer a copy of the appeal to the Board.

(Ord. No. O-04-0039, Enacted, 7/27/2004)

The Board shall set a hearing date and prepare written notification to the appealing employee, the appealing employee's Department Director, and the City's Human Resources Director. Unless precluded by unusual circumstances, the hearing shall be held within a reasonable time, generally within fifteen (15) days from the date the Board received the appeal from the City Recorder.

(Ord. No. O-04-0039, Enacted, 7/27/2004)

2-22-11. Procedure for Conducting Appeal Hearings.

The Board shall hold a hearing to take and receive evidence and to fully hear and determine the matter being appealed. The Board may conduct the hearing informally, according to rules established by the Board, without following technical or procedural rules regarding the presentation of evidence or witnesses. Appeal hearings will be open to the public unless a closed meeting is requested in writing by the appealing employee and consented to by the City. The Board may exclude from the hearing any witnesses who have not yet given testimony or evidence in the appeal before the Board. Competent and professional legal advice shall be provided to the Board during the course of the hearing.

(Ord. No. O-04-0039, Enacted, 7/27/2004)

The appealing employee may:

1. appear in person at the hearing and be represented by counsel;
2. have a public hearing;
3. confront the witnesses whose testimony is to be considered; and
4. examine the evidence to be considered by the Board.

(Ord. No. O-04-0039, Enacted, 7/27/2004)

2-22-12. Standard of Review.

The Board shall uphold the Department Director's decision against the appealing employee unless the Board finds that the decision was arbitrary and capricious or otherwise illegal. The Board shall apply a substantial evidence test when determining if the Department Director's decision was arbitrary and capricious. "Substantial evidence" is that quantum and quality of relevant evidence that is adequate to convince a reasonable mind to support a conclusion. If the Board finds that there is "substantial evidence" to support the Department Director's decision, the Board shall uphold the decision. If the Board finds that there is not "substantial evidence" to support the Department Director's decision, the Board shall overturn or modify the decision as necessary to conform to the evidence. If the Board finds in favor of the appealing employee, the Board shall provide that the City shall compensate the employee as required by State law.

(Ord. No. O-04-0039, Enacted, 7/27/2004)

2-22-13. Board Decision.

Each decision of the Board shall be by secret ballot, and shall be certified to the City Recorder within fifteen (15) days from the date the matter is referred to it. For good cause, the board may extend the 15 day period to a maximum of sixty (60) days if the employee and City both consent. The Board shall prepare written Findings of Fact and Conclusions to support its decision.

(Ord. No. O-04-0039, Enacted, 7/27/2004)

2-22-14. Appeal of Board Decision.

The Board's decision may be appealed as provided in State law.

(Ord. No. O-04-0039, Enacted, 7/27/2004)

Article 2-23. Municipal Justice Court

Contents:

- 2-23-1. Establishment and Jurisdiction of Court
- 2-23-2. Judge
- 2-23-3. Administrative Responsibilities
- 2-23-4. Court Personnel
- 2-23-5. Judge to Supervise for Purposes of Court Operations
- 2-23-6. Court Facilities and Hours of Operation
- 2-23-7. Court Facilities and Hours of Operation

2-23-1. Establishment and Jurisdiction of Court

There is hereby recognized a certified Class I Justice Court, known as the City of Orem Justice Court, with territorial jurisdiction extending to the municipal boundaries of the City of Orem. The Court shall have jurisdiction over cases designated in Section 78A-7-106 of the Utah State Code.

(Ord. No. O-2010-0022, Enacted, 08/10/2010)

2-23-2. Judge

A. A full-time municipal court judge shall be appointed according to State law, with the responsibilities and authority determined in State law. The judge's compensation shall be at least fifty percent (50%) and not more than ninety percent (90%) of the salary of a district court judge, and may not be diminished during his or her term of office. The term of office shall be six (6) years, with retention elections as determined by State law. The City may appoint more than one judge if the need arises.

(Ord. No. O-2010-0022, Enacted, 08/10/2010)

B. The judge shall operate independently from municipal administration. Supervision and judicial oversight shall be the domain of the State Judicial Council and State Justice Court Administrator.

(Ord. No. O-2010-0022, Enacted, 08/10/2010)

2-23-3. Administrative Responsibilities

A. The Justice Court judge shall comply with and ensure that Court personnel comply with all City rules and regulations related to personnel, budgets, and other administrative functions.

(Ord. No. O-2010-0022, Enacted, 08/10/2010)

B. Failure by the judge to comply with applicable City rules and regulations may be referred by the City to the State Justice Court Administrator.

(Ord. No. O-2010-0022, Enacted, 08/10/2010)

C. Compliance with appropriate administrative requirements shall be considered as part of the Judicial Council's judicial performance evaluation program for Justice Court judges.

(Ord. No. O-2010-0022, Enacted, 08/10/2010)

D. Repeated or willful noncompliance may be referred by the City to the Judicial Conduct Commission.

(Ord. No. O-2010-0022, Enacted, 08/10/2010)

2-23-4. Court Personnel

The Court personnel other than the judge shall be considered as employees of the Administrative Services Department for purposes of hiring, supervision, evaluations, pay, and all budgetary matters. The Court Administrator shall report to the Director of Administrative Services. The City administration shall not interfere in any way with Court operations and the administration of justice.

(Ord. No. O-2010-0022, Enacted, 08/10/2010)

2-23-5. Judge to Supervise for Purposes of Court Operations

The judge shall be in charge of the operation of the Court. The Court Administrator and clerical staff shall follow the directions, orders, policies, and guidelines of the judge related to Court operations. The judge shall have significant input into the annual evaluations of all the Court employees.

(Ord. No. O-2010-0022, Enacted, 08/10/2010)

2-23-6. Court Facilities and Hours of Operation

The City shall provide a Court facility complying in all respects with the requirements of the State. The Court shall be open for business five (5) days a week for at least eight (8) hours per day expect as provided for in Utah Code § 63G-1-301.

(Ord. No. O-2010-0022, Enacted, 08/10/2010; Ord. No. O-2014-0037, Amended 10/28/2014)

2-23-7. Court Facilities and Hours of Operation

The Justice Court shall comply in all respects with the requirements of State law and the Judicial Council.

(Ord. No. O-2010-0022, Enacted, 08/10/2010)

Article 2-24. Reserved

Article 2-25. Private Property Protection Ordinance

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- 2-25-1. Policy Considerations.
- 2-25-2. Definitions.
- 2-25-3. Guidelines Advisory.
- 2-25-4. Review of Decision.
- 2-25-5. Reviewing Guidelines.
- 2-25-6. Results of Review.

2-25-1. Policy Considerations.

There is an underlying policy in the City strongly favoring the careful consideration of matters involving Constitutional Taking claims in fairness to the owner of private property bringing the claim and in view of the uncertainty and expense involved in defending law suits alleging such issues. At the same time, the legitimate role of government in lawfully regulating real property must be preserved and the public's right to require the dedication or exaction of property consistent with the Constitution. Consistent with this policy, it is desired that a procedure be established for the review of actions that may involve the issue of a Constitutional Taking. These provisions are to assist governments in considering decisions that may involve Constitutional Takings. It is intended that a procedure for such a review be provided, as well as guidelines for such considerations. This ordinance is further intended and shall be construed to objectively and fairly review claims by citizens that a specific government action should require payment of just compensation, yet preserve the ability of the City to lawfully regulate real property and fulfill its other duties and functions.

(Ord. No. O-95-0011, Enacted, 02/07/1995)

2-25-2. Definitions.

A. "Constitutional Taking" means actions by the City involving the physical taking or exaction of private real property that might require compensation to a private real property owner because of:

1.

1. The Fifth or Fourteenth Amendment to the Constitution of the United States;
2. Article I, Section 22 of the Utah Constitution;
3. Any Court ruling governing the physical taking or exaction of private real property by a government entity;

(Ord. No. O-95-0011, Enacted, 02/07/1995)

B. Actions by the City involving the physical taking or exaction of private real property is not a Constitutional Taking if the physical taking or exaction:

1. Bears an essential nexus to a legitimate governmental interest; and
2. Is roughly proportionate and reasonably related, on an individualized property basis, both in nature and extent, to the impact of the proposed development on the legitimate government interest.

(Ord. No. O-95-0011, Enacted, 02/07/1995)

2-25-3. Guidelines Advisory.

The guidelines adopted and decisions rendered pursuant to the provisions of this section are advisory, and shall not be construed to expand or limit the scope of the City's liability for a Constitutional Taking. The reviewing body or person, shall not be required to make any determination under this ordinance except pursuant to Section 2-29-4.

(Ord. No. O-95-0011, Enacted, 02/07/1995)

2-25-4. Review of Decision.

Any owner of private real property who claims there has been a Constitutional Taking of their private real property shall request a review of a final decision of any officer, employee, board, commission, or council. The following are specific procedures established for such review:

A. The person requesting a review must have obtained a final and authoritative determination, internally, within the City, relative to the decision from which they are requesting review.

(Ord. No. O-95-0011, Enacted, 02/07/1995)

B. Within thirty (30) days from the date of the final decision that gave rise to the concern that a Constitutional Taking has occurred, the person requesting the review shall file in writing, in the office of the City Recorder, a request for review of that decision. A copy shall also be filed with the City Attorney.

(Ord. No. O-95-0011, Enacted, 02/07/1995)

C. The City Council, or an individual or body designated by the City Council, shall immediately set a time to review the decision that gave rise to the Constitutional Takings claim.

(Ord. No. O-95-0011, Enacted, 02/07/1995)

D. In addition to the written request for review, the applicant must submit, prior to the date of the review, the following:

1. Name of the applicant requesting review;
2. Name and business address of current owner of the property, form of ownership, whether sole proprietorship, for-profit or not-for-profit corporation, partnership, joint venture or other, and if owned by a corporation, partnership, or joint venture, name and address of all principal shareholders or partners;
3. A detailed description of the ground for the claim that there has been a Constitutional Taking;
4. A detailed description of the property taken;
5. Evidence and documentation as to the value of the property taken, including the date and cost at the date the property was acquired. This should include any evidence of the value of that same property before and after the alleged Constitutional Taking, the name of the party from whom purchased, including the relationship, if any, between the person requesting a review and the party from whom the property was acquired;
6. Nature of the protectable interest claimed to be affected, such as, but not limited to, fee simple ownership, leasehold interest;
7. Terms (including sale price) of any previous purchase or sale of a full or partial interest in the property in the three years prior to the date of application;
8. All appraisals of the property prepared for any purpose, including financing, offering for sale, or ad valorem taxation, within the three years prior to the date of application;
9. The assessed value of and ad valorem taxes on the property for the previous three years;
10. All information concerning current mortgages or other loans secured by the property, including name of the mortgagee or lender, current interest rate, remaining loan balance and terms of the loan and other significant provisions, including but not limited to, right of purchasers to assume the loan;
11. All listings of the property for sale or rent price asked and offers received, if any, within the previous three years;
12. All studies commissioned by the petitioner or agents of the petitioner within the previous three years concerning feasibility of development or utilization of the property;
13. For income producing property, itemized income and expense statements from the property for the previous three years;
14. Information from a title policy or other source showing all recorded liens or encumbrances affecting the property; and
15. The City Council or their designee may request additional information reasonably necessary, in their opinion, to arrive at a conclusion concerning whether there has been a Constitutional Taking.

(Ord. No. O-95-0011, Enacted, 02/07/1995)

E. An application shall not be deemed to be "complete" or "submitted" until the City Recorder certifies to the applicant, that all the materials and information required above, have been received by the City. The City Recorder under the direction of the City Council shall promptly notify the applicant of any incomplete application.

(Ord. No. O-95-0011, Enacted, 02/07/1995)

F. The City Council, or an individual or body designated by them, shall hear all the evidence related to and submitted by the applicant, City, or any other interested party.

(Ord. No. O-95-0011, Enacted, 02/07/1995)

G. A final decision on the review shall be rendered within fourteen (14) days from the date the complete application for review has been received by the City Recorder. The decision of the City Council regarding the results of the review shall be given in writing to the applicant and the officer, employee, board, commission or council that rendered the final decision that gave rise to the Constitutional Takings claim.

(Ord. No. O-95-0011, Enacted, 02/07/1995)

H. If the City Council fails to hear and decide the review within (14) days, the decision appealed from shall be presumed to be approved.

(Ord. No. O-95-0011, Enacted, 02/07/1995)

2-25-5. Reviewing Guidelines.

The City Council shall review the facts and information presented by the applicant to determine whether or not the action by the City constitutes a Constitutional Taking as defined in this Article. In doing so, they shall consider:

A. Whether the physical taking or exaction of the private real property bears an essential nexus to a legitimate government interest.

(Ord. No. O-95-0011, Enacted, 02/07/1995)

B. Whether a legitimate governmental interest exists for the action taken by the City.

(Ord. No. O-95-0011, Enacted, 02/07/1995)

C. Whether the property and exaction taken is roughly proportionate and reasonably related, on an individual property basis, both in nature and extent, to the impact caused by the activities that are the subject of the decision being reviewed.

(Ord. No. O-95-0011, Enacted, 02/07/1995)

2-25-6. Results of Review.

After completing the review, the reviewing person/body shall make a determination regarding the above issues and where determined to be necessary and appropriate, shall make a recommendation to the officer, employee, board, commission or council that made the decision that gave rise to the Constitutional Takings claim.

(Ord. No. O-95-0011, Enacted, 02/07/1995)

Article 2-26. Records Access and Management

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- 2-26-2. Purpose and Intent.
- 2-26-3. Definitions.

- 2-26-4. Access to Public Records.
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- 2-26-6. Records Classified as Public.
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- 2-26-15. Records Classification, Designation, Retention, and Maintenance.
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- 2-26-18. Disciplinary Action.

2-26-1. Title.

This Article shall be known as the "Records Access and Management Ordinance of the City of Orem, Utah."

(Ord. No. O-92-0010, Enacted, 06/30/1992)

2-26-2. Purpose and Intent.

The City of Orem recognizes two fundamental rights: the right of privacy in relation to personal data gathered by the City; and the public's right of access to information concerning the conduct of the public's business. In enacting this Article, it is the intent of the City of Orem to:

A. Maintain and preserve accurate government records,

(Ord. No. O-92-0010, Enacted, 06/30/1992)

B. Provide ready access to records which are defined by law as open to the public,

(Ord. No. O-92-0010, Enacted, 06/30/1992; Ord. No. O-2014-0037, Amended 10/28/2014)

C. Retain the security of records which are defined by law as nonpublic,

(Ord. No. O-92-0010, Enacted, 06/30/1992; Ord. No. O-2014-0037, Amended 10/28/2014)

D. Comply with the Government Records Access Management Act (hereinafter referred to as "the Act") CHAPTER 2 of Title 63G of the Utah Code Annotated (1953, as amended), and

(Ord. No. O-92-0010, Enacted, 06/30/1992; Ord. No. O-2014-0037, Amended 10/28/2014)

E. Comply with all other federal, state and City, constitutional, statutory, and regulatory recordkeeping requirements.

(Ord. No. O-92-0010, Enacted, 06/30/1992; Ord. No. O-2014-0037, Amended 10/28/2014)

2-26-3. Definitions.

As used in this ordinance, the following definitions shall be applicable.

Act means the Government Records Access and Management Act, Section 63G-2-1, et seq., Utah Code Annotated, 1953, as amended.

At-risk employee means a current or former peace officer or law enforcement officer as defined by Utah Code Annotated Section 63G-2-303 (1953, as amended).

Audit means:

1. A systematic examination of financial, management, program, and related records for the purpose of determining the fair presentation of financial statements, adequacy of internal controls, or compliance with laws and regulations; or
2. A systematic examination of program procedures and operations for the purpose of determining their effectiveness, economy, efficiency, and compliance with statutes and regulations.

Chronological log means a regular and customary summary record of law enforcement agencies and other public safety agencies that show the time and general nature of police, fire, and paramedic calls made and any arrests or jail bookings made by the Police Department or the Fire Department;

City Records officer means an individual appointed by the City Manager to work in the care, maintenance, scheduling, designation, classification, disposal, and preservation of records.

Classification means determining whether a record series, record, or information within a record is public, private, controlled, protected or exempt from disclosure under sections 2-30-6 through 2-30-9 Orem City Code.

Computer Program means a series of instructions or statements that permit the functioning of a computer system in a manner designed to provide storage, retrieval, and manipulation of data from the source material that explains how to operate the computer program. It does not mean;

1. The original data, including numbers, text, voice, graphics, and images;
2. Analysis, compilation, and other manipulated forms of the original data produced by use of the program; or
3. The mathematical or statistical formulas (excluding the underlying mathematical algorithms contained in the program) that would be used if the manipulated forms of the original data were to be produced manually.

Contractor means;

1. Any person who contracts with the City to provide goods or services directly to the City; or
2. Any private, nonprofit organization that receives funds from the City. Contractor does not mean a private provider.

Controlled records shall be those defined as controlled under the provisions of this ordinance and in accordance with the provisions of the Act.

Data shall refer to individual entries (for example, birth date, address, etc.) in records.

Designation means indication, based on the City's familiarity with a record series or based on the City's review of a reasonable sample of a record series, the primary classification that a majority of records in

a record series would be given if classified and the classification that other records typically present in the record series would be given if classified.

Gross compensation means every form of remuneration payable for a given period to an individual for services provided including salaries, commissions, vacation pay, severance pay, bonuses, and any board, rent, housing, lodging, payments in kind, and any similar benefit received from the individual's employer.

Individual means a human being.

Initial contact report means an initial written or recorded report, however titled, prepared by peace officers engaged in public patrol or response duties describing official actions initially taken in response to either a public complaint about or the discovery of an apparent violation of law, which report may describe:

1. The date, time, location, and nature of the complaint, the incident, or offense;
2. Names of victims;
3. The nature or general scope of the agency's initial actions taken in response to the incident;
4. The general nature of any injuries or estimate of damages sustained in the incident;
5. The name, address, and other identifying information about any person arrested or charged in connection with the incident;
6. The identity of the public safety personnel (except undercover personnel) or prosecuting attorney involved in responding to the initial incident.

   Initial contact reports do not include follow-up or investigative reports prepared after the initial contact report. However, if the information specified in Subsection (a) appears in follow-up or investigative reports, it may only be treated confidentially if it is private, controlled, protected, or exempt from disclosure under sections 2-30-6through 2-30-9 Orem City Code.

Nonpublic records means those records defined as private, controlled, protected, or exempt under the provisions of this ordinance and the Act.

Person means any individual, nonprofit or profit corporation, partnership, sole proprietorship, or other type of business organization or any combination acting in concert with one another or any combination acting in concert with one another.

Private records mean those records classified as private under the provisions of this ordinance and the Act.

Private provider means any person who contracts with a government entity to provide services directly to the public.

Protected records mean those records classified as protected under the provisions of this ordinance and the Act.

Public records mean those records which have not been classified as nonpublic in accordance with the provisions of this ordinance and the Act.

Record means all books, letters, documents, papers, maps, plans, photographs, films, cards, tapes, recordings, or other documentary materials, and electronic data regardless of physical form or characteristics, prepared, owned, used, received, or retained by the City where all the information in the

original is reproducible by some mechanical, electronic, photographic or other means. Record does not mean:

1. Temporary drafts or similar materials prepared for the originator's personal use or prepared by the originator for the personal use of a person for whom he is working;
2. Materials that are legally owned by an individual in his private capacity;
3. Materials to which access is limited by the laws of copyright or patent unless the copyright or patent is owned by the City;
4. Proprietary software;
5. Junk mail or commercial publications received by the City or by an officer or employee of the City;
6. Books and other materials that are catalogued, indexed, or inventoried and contained in the collections of City libraries open to the public, regardless of physical form or characteristics of the material;
7. Daily calendars and other personal notes prepared by the originator for the originator's personal use or for the personal use of an individual for whom he is working;
8. Notes or internal memoranda prepared for the use of an officer or agency acting in a quasi-judicial or deliberative process or pursuant to matters discussed in a meeting closed pursuant to the Utah Open Meetings act; or Proprietary computer software programs as defined above that are developed or purchased by or for the City for its own use;
9. A personal note or personal communication prepared or received by an employee or officer of a governmental entity: (A) in a capacity other than the employee's or officer's governmental capacity; or (B) that is unrelated to the conduct of the public's business;
10. A telephone number or similar code used to access a mobile communication device that is used by an employee or officer of the City, provided that the employee or officer of the City has designated at least one business telephone number that is a public record; and
11. Information that an owner of unimproved property provides to a local entity as provided in Utah Code § 11-42-205 Utah Code Annotated.

Record series means a group of records that may be treated as a unit for purposes of designation, description, management, or disposition.

Schedule means the process of specifying the length of time each record series should be retained by the City for administrative, legal, fiscal or historical purposes, and when each record series should be transferred to the state archives or destroyed.

Summary data means statistical records and compilations that contain data derived from private, controlled, or protected information but that do not disclose private, controlled, or protected information.

(Ord. No. O-92-0010, Enacted, 06/30/1992; Ord. No. O-2014-0037, Amended 10/28/2014)

2-26-4. Access to Public Records.

A. Any person shall have the right to see, review, examine, and take copies of all city government records defined as "public" under the provisions of this ordinance, upon the payment of the designated fee and pursuant to the provisions of this Article, the Act and policies and procedures developed hereunder.

(Ord. No. O-92-0010, Enacted, 06/30/1992)

B. Public Records are all city records unless they are:

1. Expressly classified otherwise in accordance with procedures established by this ordinance,
2. Expressly classified otherwise by the Act, or
3. Are made nonpublic by other applicable law.

(Ord. No. O-92-0010, Enacted, 06/30/1992)

C. The City has no obligation to create a record or record series in response to a request from a member of the public, if the record requested is not otherwise regularly maintained or kept.

(Ord. No. O-92-0010, Enacted, 06/30/1992)

D. When a department record is temporarily held by another department, the record shall not be considered the borrowing department's record for purposes of this Article; provided, however, that the record shall be considered a record of the department which usually keeps or maintains that record and any requests for access to such record shall be directed to that department rather than the department temporarily holding the record.

(Ord. No. O-92-0010, Enacted, 06/30/1992)

E. City records regarding security measures designed for the protection of persons or property, public or private, are not subject to this chapter. These records include:

1. Security plans;
2. Security codes and combinations, and passwords;
3. Passes and keys;
4. Security procedures; and
5. Building and public works designs, to the extent that the records or information relate to the ongoing security measures of a public entity.

(Ord. No. O-2014-0037, Enacted, 10/28/2014)

F. This Article does not apply to a record containing protected health information as defined in 45 C.F.R., Part 164, Standards for Privacy of Individually Identifiable Health Information, if the record is:

1. Controlled or maintained by the City; and
2. Governed by 45 C.F.R., Parts 160 and 164, Standards for Privacy of Individually Identifiable Health Information.

(Ord. No. O-2014-0037, Enacted, 10/28/2014)

2-26-5. Access to Nonpublic Records.

A. Private records shall be those City records classified as "private", as defined in the Act and as classified and defined in procedures established pursuant to this Article. Private records shall be made available to:

1. The subject of the record;
2. The parent or legal guardian of a minor, who is the subject of a record;
3. The legal guardian of an incapacitated individual, who is the subject of the record;
4. Any person who has a power of attorney or a notarized release from the subject of the record or his legal representative dated no more than 90 days before the date the request is made; or

5. Any person possessed of and serving a legislative subpoena or court order issued by a court of competent jurisdiction.

(Ord. No. O-92-0010, Enacted, 06/30/1992; Ord. No. O-2014-0037, Amended 10/28/2014)

B. Controlled records shall be those city records classified as "controlled", as defined in the Act, Section 63G-2-304 and as classified and defined in procedures established in this Article. A person who receives a record from the City may not disclose controlled information from that record to any person, including the subject of the record. Controlled records shall be made available to:

1. A physician, psychologist, or licensed social worker who submits a notarized release from the subject of the record that is dated no more than 90 days prior to the date the request is made and a signed acknowledgment of the terms of disclosure of controlled information; or
2. Any person presenting a legislative subpoena or court order signed by a judge of competent jurisdiction.

(Ord. No. O-92-0010, Enacted, 06/30/1992; Ord. No. O-2014-0037, Amended 10/28/2014)

C. Protected records shall be those city records classified as "protected", as defined in the Act, Section 63G-2-305 and as classified and defined in procedures established in this Article. Protected records shall be made available to:

1. The person who submitted the record;
2. A person who has a power of attorney or notarized release from all persons or governmental entities whose interests are protected by the classification of the record if dated no later than 90 days prior to the date the request is made; or
3. Any person presenting a legislative subpoena or a court order regarding the release of the information and signed by a judge of competent jurisdiction.

(Ord. No. O-92-0010, Enacted, 06/30/1992; Ord. No. O-2014-0037, Amended 10/28/2014)

D. Where a private, controlled, protected, or nonpublic record contains more than one subject of the record, the portion of the record that pertains to another subject shall be segregated from the portion that the requester is entitled to inspect.

(Ord. No. O-92-0010, Enacted, 06/30/1992)

E. Before releasing a private, controlled, or protected record, the City shall obtain evidence of the requester's identity.

(Ord. No. O-92-0010, Enacted, 06/30/1992)

F. 1. The City may disclose or authorize disclosure of private or controlled records for research purposes if the City:

1.

a. Determines that the research purpose cannot reasonably be accomplished without use of disclosure of information to the researcher in individually identifiable form;
b. Determines that the proposed research is bona fide, and that the value of the research outweighs the infringement upon personal privacy;
c. Requires the researcher to assure the integrity, confidentiality, and security of the records and requires the removal or destruction of the individual identifiers associated with the records as soon as the purpose of the research project has been accomplished;

d. Prohibits the researcher from disclosing the record in individually identifiable form except as provided in subsection (2), or from using the record for purposes other than the research approved by the City; and

e. Secures from the researcher a written statement of his understanding of an agreement to the conditions of this subsection and his understanding that violation of the terms of this subsection may subject him to criminal prosecution under Section 63-2-801 of the Utah Code.

2. A researcher may disclose a record in individually identifiable form if the record is disclosed for the purpose of auditing or evaluating the research program and no subsequent use or disclosure of the record in individually identifiable from will be made by the auditor or evaluator except as provided by this section.

3. The City may require indemnification as a condition of permitting research under this subsection.

(Ord. No. O-92-0010, Enacted, 06/30/1992)

G. The City recognizes and upholds the personal right of privacy retained by persons who may be the subject of government records. The City also recognizes that the Act and Utah case law establish a presumption that government records will generally be considered open and public, with certain specific exceptions.

1. In circumstances where a record's public or nonpublic status is not specifically established by the Act, another statute, this ordinance, or policies established or classifications made under this ordinance, the public's right to access and the record subject's right of privacy must be compared.

2. In accordance with decisions of the Utah Supreme Court, City records which have not been specifically made public by the Act and which refer to named or readily identifiable individuals which deal with matters of a delicate nature which could engender shame, humiliation or embarrassment in the subject of that record, in accordance with accepted standards of social propriety, shall generally not be classified as public records, and release thereof may constitute a clearly unwarranted invasion of privacy in accordance with the Act and procedures established in this ordinance.

(Ord. No. O-92-0010, Enacted, 06/30/1992)

H. The City may, as determined appropriate by the department head of the department responding to a request for records, notify the subject of a private or controlled record that a request for access to the subject's record has been made.

(Ord. No. O-92-0010, Enacted, 06/30/1992)

I. The City may require that the requester of private records provide a written release, notarized within ninety (90) days before the request, from the subject of the records in question before access to such records is provided.

(Ord. No. O-92-0010, Enacted, 06/30/1992)

J. The City may share information with other government agencies regardless of classification as long as those agencies are willing to abide by the requirements of this ordinance and the Act, Section 63G-2-206. Nothing in this Article prevents the City from examining private, controlled, or protected records for government or administrative purposes.

(Ord. No. O-92-0010, Enacted, 06/30/1992; Ord. No. O-2014-0037, Amended 10/28/2014)

K. Under circumstances set out in this Article, it may be appropriate to disclose nonpublic records to persons other than those set out in this Article. The determination to so release such records shall be made by the City Records Officer, consistent with this Article and upon the advice of the City Attorney.

(Ord. No. O-92-0010, Enacted, 06/30/1992)

2-26-6. Records Classified as Public.

A. The following city records are public according to the Act except to the extent they contain information expressly permitted to be treated confidentially pursuant to court rule, another state statute, federal statute, or federal regulation, including records for which access is governed or restricted as a condition of participation in a state or federal program or for receiving state or federal funds:

1. Laws and ordinances;
2. Names, gender, gross compensation, job title, job descriptions, job qualifications, business addresses, business telephone numbers, number of hours worked per pay period, and dates of employment, and relevant education, previous employment, and similar job qualifications of the governmental entity's former and present employees and officers, excluding undercover law enforcement personnel and investigative personnel if disclosure could reasonably be expected to impair the effectiveness of investigations or endanger any individual's safety;
3. Final opinions, including concurring and dissenting opinions, and orders that are made by a government entity in an administrative, adjudicative, or judicial proceeding except that if the proceedings were properly closed to the public, the opinion and order may be withheld to the extent that they contain information that is private, protected, or controlled;
4. Final interpretations of statutes, ordinances, or rules by the City unless classified as protected;
5. Information contained in or compiled from a transcript, minutes, or report of the open portions of a meeting of a government entity as proved by CHAPTER 4, Title 52, Open and Public Meetings, Utah Code Ann. including the records of all votes of each member of the government entity;
6. Judicial records unless a court orders the records to be restricted under the rules of civil or criminal procedure or unless the records are private under the Act;
7. Records filed with or maintained by city recorders, clerks, treasurers, surveyors, zoning commissions, etc. that give public notice of:
   a. Titles or encumbrances to real property;
   b. Restrictions on the use of real property;
   c. The capacity of persons to take or convey title to real property; or
   d. Tax status for real and personal property.
8. Data on individuals that would otherwise be private under the Act if the individual who is the subject of the record has given the City written permission to make the records available to the public;
9. Documentation of the compensation that a government entity pays to a contractor or private provider;
10. Summary data;

11. Written record requests;
12. Voter registration records, including an individual's voting history, except for those parts of the record that are classified as private
13. For an elected official, as defined in Utah Code Annotated Section 11-47-102, a telephone number if available and email address if available where the elected official may be reached as required in Title 11, Chapter 47, Access to Elected Officials; and
14. An initiative packet, as defined in Utah Code Annotated Section 20A-7-101, and a referendum packet, as defined in Section 20A-7-101(1953, as amended), after the packet is submitted to a county clerk.

(Ord. No. O-92-0010, Enacted, 06/30/1992; Ord. No. O-2014-0037, Amended 10/28/2014)

B. The following records are normally public, but to the extent that a record is expressly exempt from disclosure, access may be restricted under Sections 63G-2-201(3)(b), 63G-2-302, 63G-2-304, or 63G-2-305 of the Act:
   1. Administrative staff manuals, instructions to staff, and statements of policy;
   2. Records documenting the compensation that the City pays to a contractor or private provider;
   3. Records documenting the services provided by a contractor or a private provider to the extent the records would be public if prepared by the City;
   4. Contracts entered into by the City;
   5. Any account, voucher, or contract that deals with the receipt or expenditure of funds by the City;
   6. Records relating to government assistance or incentives publicly disclosed, contracted for, or given by the City, encouraging a person to expand or relocate a business in Utah, except as provided in subsection 63G-2-305(35) of the Act;
   7. Initial contact reports.
   8. Chronological logs.
   9. Correspondence by and with a government entity in which the government entity determines or states an opinion upon the rights of the state, a political subdivision, the public, or any person;
   10. Empirical data contained in drafts if:
      a. The empirical data is not reasonably available to the requester elsewhere in similar form; and
      b. The City is given a reasonable opportunity to correct any errors or make nonsubstantive changes before release;
   11. Drafts that are circulated to anyone other than a government entity, political subdivision, a federal agency if the government entity and the federal agency are jointly responsible for implementation of a program or project that has been legislatively approved, a government-managed corporation, or a contractor or private provider;
   12. Drafts that have never been finalized but were relied upon by the City in carrying out action or policy.
   13. Original data in a computer program if the government entity chooses not to disclose the program;
   14. Arrest warrants after issuance, except that, for good cause, a court may order restricted access to arrest warrants prior to service;
   15. Search warrants after execution and filing of the return, except that a court, for good cause, may order restricted access to search warrants prior to trial;

16. Records that would disclose information relating to formal charges or disciplinary actions against a past or present City employee if:
    a. The disciplinary action has been completed and all time periods for administrative appeal have expired; and,
    b. The formal charges were sustained;
17. Final audit reports;
18. Occupational and professional licenses;
19. Business licenses; and
20. A notice of violation, a notice of department action under Section 63G-4-201, of the Act or similar records used to initiate proceedings for discipline or sanctions against persons regulated by the City, but not including records that initiate employee discipline; and
21. Records documenting a contractor's or private provider's compliance with the terms of a contract with a governmental entity

(Ord. No. O-92-0010, Enacted, 06/30/1992; Ord. No. O-2014-0037, Amended 10/28/2014)

2-26-7. Records Classified as Private.

A. The following records are private:
1. Records concerning an individual's eligibility for unemployment insurance benefits, social services, welfare benefits, or the determination of benefit levels;
2. Records containing data on individuals describing medical history, diagnosis, condition, treatment, evaluation, or similar medical data;
3. Records of the Orem City Library that when examined alone or with other records identify a patron;
4. Records concerning a current or former employee of, or applicant for employment with the City that would disclose that individual's home address, home telephone number, social security number, insurance coverage, marital status, or payroll deductions.
5. Records or part of records that a current or former at-risk employee identifies as private under Utah Code Annotated Section 63G-2-303.
6. That part of a voter registration record identifying a voter's:
    a. Driver license or identification card number;
    b. Social Security number, or last four digits of the Social Security number; or
    c. Email address
7. Information obtained through a criminal background check under Utah Code Annotated Title 11, Chapter 40, Criminal Background Checks by Political Subdivisions Operating Water Systems;
8. Information provided by an offender that is:
    a. Required by the registration requirements of Utah Code Annotated Title 77, Chapter 41, Sex and Kidnap Offender Registry; and
    b. Not required to be made available to the public, Utah Code Annotated Subsection 77-41-110(4);
9. An email address provided by a military or overseas voter under Utah Code Annotated Section 20A-16-501;

10. A completed military-overseas ballot that is electronically transmitted under Utah Code Annotated Title 20A, CHAPTER 16, Uniform Military and Overseas Voters Act;
11. Records received by or generated by or for the Political Subdivisions Ethics Review Commission established in Utah Code Annotated Section 11-49-201 or a local municipal ethics commission established pursuant to Utah Code Annotated Section 10-3-1311, except for:
    a. The commission's summary data report that is required in Utah Code Annotated Section 11-49-202 or applicable local ordinance; and
    b. Any other document that is classified as public in accordance with Utah Code Annotated Title 11, Chapter 49, Political Subdivisions Ethics Review Commission or applicable local ordinance; and
12. Records describing an individual's finances, except that the following are public:
    a. Records described in Subsection 63G 2-301(2) of the Act;
    b. Information provided to the government entity for the purpose of complying with a financial assurance requirement; or
    c. Records that must be disclosed in accordance with another statute.

(Ord. No. O-92-0010, Enacted, 06/30/1992; Ord. No. O-2014-0037, Amended 10/28/2014)

B. The following records are private if properly classified by the City:
1. Records concerning a current or former employee of, or applicant for employment with, the City including performance evaluations and personal status information such as race, religion, or disabilities, but not including records that are public under Subsections 63G-2-301(2)(b) or 63G 2 301(3)(o), or private under Subsection 63G 2 302(1)(b) of the Act.
2. Records describing an individual's finances, except that the following are public:
    a. Records described in Subsection 63-2-301(1);
    b. Information provided to the government entity for the purpose of complying with a financial assurance requirement; or
    c. Records that must be disclosed in accordance with another statute;
3. Records of the City or independent state agencies if the disclosure of those records would conflict with the fiduciary obligations of the City or state agency;
4. Other records containing data on individuals the disclosure of which constitutes a clearly unwarranted invasion of personal privacy; and
5. Records provided by the United States or by a government entity outside the state that are given with the requirement that the records be managed as private records, if the providing entity states in writing that the record would not be subject to public disclosure if retained by it.

(Ord. No. O-92-0010, Enacted, 06/30/1992; Ord. No. O-2014-0037, Amended 10/28/2014)

2-26-8. Records Classified as Controlled.

The following records are controlled if:

A. The record contains medical, psychiatric, or psychological data about an individual;

(Ord. No. O-92-0010, Enacted, 06/30/1992)

B. The City reasonably believes that releasing the information in the record to the subject of the record would be detrimental to the subject's mental health or to the safety of any individual or releasing the information would constitute a violation of normal professional practice and medical ethics; and

(Ord. No. O-92-0010, Enacted, 06/30/1992)

C. The City has properly classified the record.

(Ord. No. O-92-0010, Enacted, 06/30/1992)

2-26-9. Records Classified as Protected.

The following records are protected:

1. Trade secrets as defined in Section 13-24 2 Utah Code Annotated (1953, as amended) if the person submitting the trade secret has provided the City with the information specified in Section 63G-2-309 Utah Code Annotated (1953, as amended).
2. Commercial information or nonindividual financial information obtained from a person if:
   a. Disclosure of the information could reasonably be expected to result in unfair competitive injury to the person submitting the information or would impair the ability of the City to obtain necessary information in the future;
   b. The person submitting the information has a greater interest in prohibiting access than the public in obtaining access; and
   c. The person submitting the information has provided the City with the information specified in Section 63G-2-309 Utah Code Annotated (1953, as amended).
3. Commercial or financial information acquired or prepared by the City to the extent that disclosure would lead to financial speculations in currencies, securities, or commodities that will interfere with a planned transaction by the City or cause substantial financial injury to the City or national economy;
4. Records, the disclosure of which could cause commercial injury to keep or confer a competitive advantage upon a potential or actual competitor of, a commercial project entity as defined in Subsection 11-13-103(4) of the Utah State Code Annotated (1953, as amended);
5. Test questions and answers to be used in future license, certification, registration, employment, or academic examinations;
6. Records the disclosure of which would impair city procurement proceedings or give an unfair advantage to any person proposing to enter into a contract or agreement with the City, except, subject to subsections 1 and 2. This subsection does not restrict the right of a person to have access to, after the contract or grant has been awarded and signed by all parties, a bid proposal, application, or other information submitted to the City in response to:
   a. An invitation for bids;
   b. A request for proposals;
   c. A request for quotes;
   d. A grant; or
   e. Other similar document;
7. Information submitted to the City in response to a request for information, except, subject to subsections 1 and 2, that this subsection does not restrict the right of a person to have access to the information, after:

a. A contract directly relating to the subject of the request for information has been awarded and signed by all parties; or

b. A final determination is made not to enter into a contract that relates to the subject of the request for information; and

c. At least two years have passed after the day on which the request for information is issued;

8. Records that would identify real property or the appraisal or estimated value of real or personal property, including intellectual property, under consideration for public acquisition before any rights to the property are acquired unless:

a. Public interest in obtaining access to the information outweighs the City's need to acquire the property on the best terms possible;

b. The information has already been disclosed to persons not employed by or under a duty of confidentiality to the entity;

c. In the case of records that would identify property, potential sellers of the described property have already learned of the City's plans to acquire the property or of the City's estimated value of the real property;

d. In the case of records that would identify the appraisal or estimated value of property, the potential sellers have already learned of the City's estimated value of the property; or

e. The property under consideration for public acquisition is a single-family residence and the governmental entity seeking to acquire the property has initiated negotiations to acquire the property as required under Utah Code Annotated Section 78b-6-505 (1953, as amended);

9. Records prepared in contemplation of sale, exchange, lease, rental, or other compensated transaction of real or personal property including intellectual property, which, if disclosed prior to completion of the transaction would reveal the appraisal or estimated value of the subject property, unless:

a. The public interest in access outweighs the interests in restricting access, including the City's interest in maximizing the financial benefit of the transaction; or

b. When prepared by or on behalf of the City, appraisals or estimates of the value of the subject property have already been disclosed to persons not employed by or under a duty of confidentiality to the entity;

10. Records created or maintained for civil, criminal, or administrative enforcement purposes or audit purposes, or for discipline, licensing, certification, or registration purposes, if release of the records:

a. Reasonably could be expected to interfere with investigations undertaken for enforcement, discipline, licensing, certification, or registration purposes;

b. Reasonably could be expected to interfere with audits, disciplinary, or enforcement proceedings;

c. Would create a danger of depriving a person of a right to a fair trial or impartial hearing;

d. Reasonably could be expected to disclose the identity of a source who is not generally known outside of government and, in the case of a record compiled in the course of an investigation, disclose information furnished by a source not generally known outside of government if disclosure would compromise the source; or

e. Reasonably could be expected to disclose investigative or audit techniques, procedures, policies, or orders not generally known outside of government if disclosure would interfere with enforcement or audit efforts;

11. Records the disclosure of which would jeopardize the life or safety of an individual;

12. Records the disclosure of which would jeopardize the security of city property, city programs, or city recordkeeping systems from damage, theft, or other appropriation or use contrary to law or public policy;
13. Records that, if disclosed, would jeopardize the security or safety of a correctional facility, or records relating to incarceration, treatment, probation, or parole that would interfere with the control and supervision of an offender's incarceration, treatment, probation, or parole;
14. Records that, if disclosed, would reveal recommendations made to the Board of Pardons by an employee of or contractor for the Department of Corrections, the Board of Pardons, or the Department of Human Services that are based on the employee's or contractor's supervision, diagnosis, or treatment of any person within the board's jurisdiction;
15. Records and audit work papers that identify audit, collection, and operational procedures and methods used by the Utah State Tax Commission if the disclosure would interfere with audits or collections;
16. Records of a government audit agency relating to an ongoing or planned audit until the final audit is released;
17. Records that are subject to the attorney client privilege;
18. Records prepared for or by an attorney, consultant, surety, indemnitor, insurer, employee, or agent of a governmental entity for or in anticipation of litigation or a judicial, quasi-judicial, or administrative proceeding;
19. Records of communications between the City and an attorney representing, retained or employed by the City if the communications would be privileged as provided in Section 78-24-8 Utah Code Annotated (1953, as amended);
20. Drafts, unless otherwise classified as public;
21. Records concerning the City's strategy about collective bargaining; or imminent or pending litigation;
22. Records of investigations of loss occurrences and analyses of loss occurrences that may be covered by the City or by the Utah Risk Management Mutual Association;
23. Records, other than personnel evaluations, that contain a personal recommendation concerning an individual if disclosure would constitute a clearly unwarranted invasion of personal privacy, or disclosure is not in the public interest;
24. Records that reveal the location of historic, prehistoric, paleontological, or biological resources that if known would jeopardize the security of those resources or of valuable historic, scientific, educational, or cultural information;
25. Records, if the disclosure of the records would conflict with the fiduciary obligations of the City;
26. Records provided by the United States or by a government entity outside the State that are given to the City with a requirement that they be managed as protected records if the providing entity certifies that the record would not be subject to public disclosure if retained by it;
27. Transcripts, minutes, or reports of the closed portion of a meeting of a public body except as provided in Section 52-4-206 of the Open and Public Meetings Act, Utah Code Annotated (1953, as amended);
28. Records that would reveal the contents of settlement negotiations but not including final settlements or empirical datato the extent that they are not otherwise exempt from disclosure;

29. Memoranda prepared by staff and used in the decision-making process by an administrative law judge, a member of the Board of Pardons, or a member of any other body charged by law with performing a quasi-judicial function;
30. Records that would reveal negotiations regarding assistance or incentives offered by or requested from the City for the purpose of encouraging a person to expand or locate a business in Utah, but only if disclosure would result in actual economic harm to the person, or place the governmental entity at a competitive disadvantage, but this section may not be used to restrict access to a record evidencing a final contract;
31. Materials to which access must be limited for purposes of securing or maintaining the governmental entity's proprietary protection of intellectual property rights including patents, copyrights, and trade secrets;
32. The name of a donor or a prospective donor to the City and other information concerning the donation that could reasonably be expected to reveal the identity of the donor, provided that:
    a. The donor requests anonymity in writing;
    b. Any terms, conditions, restrictions, or privileges relating to the donation may not be classified protected by the City under this subsection;
    c. The entity to which the donation is made is primarily engaged in educational, charitable, or artistic endeavors, and has no regulatory or legislative authority over the donor, a member of his immediate family, or any entity owned or controlled by the donor or his immediate family;
33. Accident reports, except as provided in Sections 41-6a-404, 41-12a-202, and 73-18-13 of the Utah Code Annotated (1953, as amended);
34. A notification of workers' compensation insurance coverage described in Section 34A-2-205;
35. Records that provide detail as to the location of an explosive, including a map or other document that indicates the location of:
    a. A production facility; or
    b. A magazine;
36. Records provided by any pawn or secondhand business to the Police Department or to the central database in compliance with Title 13, Chapter 32a, Pawnshop and Secondhand Merchandise Transaction Information Act;
37. Except to the extent that the record is exempt from this chapter pursuant to Section 63G-2-106 (1953, as amended), records related to an emergency plan or program, a copy of which is provided to or prepared or maintained by the Division of Emergency Management, and the disclosure of which would jeopardize:
    a. The safety of the general public; or
    b. The security of:
        1. (i)Governmental property;
        2. (ii)Governmental programs; or
        3. (III)The property of a private person who provides the Division of Emergency Management information; and
38. Unless otherwise classified as public under Section 63G-2-301 and except as provided under Section 41-1a-116, an individual's home address, home telephone number, or personal mobile phone number, if:

a. The individual is required to provide the information in order to comply with a law, ordinance, rule, or order of a government entity; and

b. The subject of the record has a reasonable expectation that this information will be kept confidential due to:

1. (i)The nature of the law, ordinance, rule, or order; and

2. (ii)The individual complying with the law, ordinance, rule, or order.

(Ord. No. O-92-0010, Enacted, 06/30/1992; Ord. No. O-2014-0037, Amended 10/28/2014; Ord. No. O-2017-0005, Amended 02/28/2017)

2-26-10. Records Access Procedures.

A. Requests for records shall, in the majority of cases, be responded to as soon as reasonably possible. The requester shall fill out and present to the City a written request on a form provided by the City or in another written form acceptable to the City. The requester shall identify him/herself on the request form. The date and time of the request shall be noted on the written request form and all time frames provided under this section shall commence from that time and date. Requesters of non-public information shall adequately identify their status prior to receiving access to non-public records. The department director may waive the requirement of a written request.

(Ord. No. O-92-0010, Enacted, 06/30/1992; Ord. No. O-2014-0037, Amended 10/28/2014)

B. The City may respond to a request for a record by approving the request and providing the record, denying the request, or giving such other appropriate response as may be established by policies and procedures.

(Ord. No. O-92-0010, Enacted, 06/30/1992; Ord. No. O-2014-0037, Amended 10/28/2014)

C. In most circumstances and excepting those eventualities set out below in paragraph D, the City shall respond to a written request for a record within ten (10) business days after that request.

(Ord. No. O-92-0010, Enacted, 06/30/1992; Ord. No. O-2014-0037, Amended 10/28/2014)

D. Extraordinary circumstances shall justify the City's failure to respond to a written request for a record within ten (10) business days and shall extend the time for response to that time reasonably necessary to respond to the request, as determined by the department director. Extraordinary circumstances shall include but not be limited to the following:

1. The City or some other governmental entity is currently and actively using the record requested;
2. The record requested is for either a voluminous quantity of records or requires the City to review a large number of records or perform extensive research to locate the materials requested;
3. The City is currently processing either a large number of records requests or is subject to extraordinary seasonal workloads in the processing of other work;
4. The request involves an analysis of legal issues to determine the proper response by the City to the request;
5. The request involves extensive editing to separate public information in a record from that which is not public;
6. Providing the information request requires computer programming or other format manipulation;
7. Another governmental entity is using the record as part of an audit and returning the record before the completion of the audit would impair the conduct of the audit.

When the City determines that a record request cannot by responded to within ten (10) business days, the department director or his/her designee shall give the requester an estimate of the time required to respond to the request.

(Ord. No. O-92-0010, Enacted, 06/30/1992; Ord. No. O-2014-0037, Amended 10/28/2014)

E. The City differentiates between a record and the data contained in that record. Only those requesters having a right to the data will receive the data. All private, controlled, and protected data will be deleted from requested records unless the requestor has the right to that data under this ordinance.

(Ord. No. O-92-0010, Enacted, 06/30/1992; Ord. No. O-2014-0037, Amended 10/28/2014)

F. Any City record which has been requested in accordance with this chapter and the Act, that is disposable by approved retention schedule, may not be disposed of until the request is granted and fulfilled, or sixty days after the request is denied if no appeals are filed, or sixty days after all appeals are completed, pursuant to Section 2-30-12 Orem City Code.

(Ord. No. O-92-0010, Enacted, 06/30/1992)

G. The failure or inability of the City to respond to a request for a record within the time frames set out herein, or the City's denial of such a request, shall give the requester the right to appeal pursuant to Utah Code title 63G, CHAPTER 2, Part 4

(Ord. No. O-92-0010, Enacted, 06/30/1992; Ord. No. O-2014-0037, Amended 10/28/2014)

H. No City record, disposable by an approved retention schedule, which is subject to pending litigation or audit shall be disposed of until the litigation or audit has been completed or resolved.

(Ord. No. O-92-0010, Enacted, 06/30/1992)

I. Reasonable accommodations regarding access to government records shall be provided to persons with disabilities.

(Ord. No. O-92-0010, Enacted, 06/30/1992)

J. Subpoenas and other methods of discovery under the state or federal statutes or rules of civil, criminal, administrative, or legislative procedure are not written requests under this Article. Compliance with civil, criminal, administrative, and legislative discovery shall be governed by the applicable statutes and rules of procedure.

1. Except as otherwise provided in Subsection 3, in judicial or administrative proceedings in which an individual is requesting discovery of records classified private, controlled, or protected under this chapter, or otherwise restricted from access by other statutes, the court, or an administrative law judge shall follow the procedure in Utah Code Annotated Section 63G-2-202(7) (1953, as amended) before ordering disclosure.
   a. Until the court or an administrative law judge orders disclosure, these records are privileged from discovery.
2. If the court or administrative order requires disclosure the terms of the order may limit the requester's further use and disclosure of the record in accordance with Utah Code Annotated Section 63G-2-202(7) (1953, as amended), in order to protect the privacy interests recognized in this chapter.
3. Unless a court or administrative law judge imposes limitations in a restrictive order, this section does not limit the right to obtain:

a. Records through the procedures set forth in this chapter; or

b. Medical records discoverable under state or federal court rules as authorized by Utah Code Annotated Section 63G-2-302(3.

(Ord. No. O-92-0010, Enacted, 06/30/1992; Ord. No. O-2014-0037, Amended 10/28/2014)

2-26-11. Fees.

Applicable fees for the processing of information requests under this Article shall generally be set at actual cost or as otherwise established by statute, ordinance, resolution or by policies adopted under this Article. The City may not charge a fee for reviewing a record to determine whether it is subject to disclosure or for inspecting a record.

(Ord. No. O-92-0010, Enacted, 06/30/1992)

2-26-12. Appeals.

Any appeal of the City's denial of a record request will be governed by Utah Code §§ 63G-2-401, 402, 403, and 404.

(Ord. No. O-92-0010, Enacted, 06/30/1992; Ord. No. O-2014-0037, Amended 10/28/2014)

2-26-13. Liability.

In accordance with the Act, neither the City nor any of its officers or employees shall be liable for damages resulting from the release of a record where the requester presented to the City evidence of authority to obtain the record, even if it may be subsequently determined that the requester had no such authority.

(Ord. No. O-92-0010, Enacted, 06/30/1992)

2-26-14. City Records Officer and Records Management Committee.

A. The City Manager shall appoint the City Records Officer. The City Records Officer shall oversee and coordinate the management of City records. The City Records Officer shall make reports of records services activities to the City Council upon request by the City Council.

(Ord. No. O-92-0010, Enacted, 06/30/1992)

B. There is hereby created the Records Management Committee, to be chaired by the City Records Officer. Members of the Records Management Committee shall include representatives from each of the different departments of the City. The department representatives shall be called Department Records Representatives. The Records Management Committee shall meet periodically as needed, as determined by the Records Management Committee and/or the City Records Officer.

(Ord. No. O-92-0010, Enacted, 06/30/1992)

C. The Department Records Representative is to assist with and be directly responsible for the implementation of this ordinance in city departments. Regular training shall be provided under the direction of the City Records Officer to Department Records Representatives.

(Ord. No. O-92-0010, Enacted, 06/30/1992)

D. The Records Management Committee shall develop, as needed, records maintenance and access policies and procedures to govern and implement the provisions of this Article. Copies of all rules and

policies promulgated under this ordinance shall be forwarded to the Utah State Division of Archives within thirty (30) days after its effective date. All record policies and procedures shall be consistent with this Article and the Act.

(Ord. No. O-92-0010, Enacted, 06/30/1992)

2-26-15. Records Classification, Designation, Retention, and Maintenance.

A. The City Records Officer with the assistance of the Records Management Committee shall develop city policies and guidelines relating to the classification, designation, retention, and maintenance of city records. All City records and records series, of any format, shall be classified and scheduled for retention according to the provisions of the Act and this Article. Any records or record series generated in the future shall also be so classified, designated, and scheduled for retention. Classification forms and guidelines shall be prepared and promulgated by the City Records Officer. Policies and regulations regarding types of papers, inks, electronic media, and other records storage materials may be developed and promulgated by the City Records Officer.

(Ord. No. O-92-0010, Enacted, 06/30/1992)

B. The City may designate or redesignate or classify or reclassify records or data at any time, and is not required to classify a particular record or item of data until access thereto is requested. Any records or record series generated in the future shall also be so designated, classified, and scheduled for retention.

(Ord. No. O-92-0010, Enacted, 06/30/1992)

C. All City records shall remain the property of the City unless federal or state legal authority provides otherwise.

(Ord. No. O-92-0010, Enacted, 06/30/1992)

D. Property rights to City records may not be permanently transferred from the City to any private individual or entity, including legally disposable City records that are obsolete. This prohibition does not include the providing of copies of City records otherwise produced for release or distribution under this Article.

(Ord. No. O-92-0010, Enacted, 06/30/1992)

E. Custodians of any City records shall, at the expiration of their terms of office, appointment or employment, deliver custody and control of all records kept or received by them to their successors, supervisors, or to the City Records Officer.

(Ord. No. O-92-0010, Enacted, 06/30/1992)

2-26-16. Electronic Records.

A. The City retains and reserves to itself the right to use any type of nonverbal or nonwritten formats for the storage, retention and retrieval of government records, including but not limited to audio tapes, video tapes, micro-forms, and any type of computer, data processing, imaging, or electronic information storage or processing equipment or systems, which are not prohibited by state statute, and do not compromise legal requirements for record storage, retrieval, security and maintenance, to store and maintain City records. All computerized and nonwritten format records and data which are properly classified in accordance with the Act and this Article as public, shall be made available to a requester within a reasonable time and at a reasonable cost.

(Ord. No. O-92-0010, Enacted, 06/30/1992)

B. Members of the public shall have the right to have access to records, in accordance with the Act and this Article, contained in nonwritten formats or data processing systems. The method of access to such public records shall be as determined appropriate by the director of the department maintaining the records, considering all circumstances. Access may include but not be limited to the following:

1. Using a city computer terminal or other viewing or listening device to retrieve data directly from the terminal screen or device; provided, however, that due regard shall be exercised to ensure that any nonpublic records will not be accessed, retrieved or displayed on the device and that records are not erased or damaged;
2. Providing paper or "hard" copies of data printouts or by providing magnetic tapes, disks, or other means of electronic storage containing the nonwritten format or data processing system records; or
3. Using, where appropriate, remote terminals which have access to city computer, data processing or electronic information systems pursuant to a formal two-party contract permitting such remote terminal access and provided that due regard shall be exercised to ensure that nonpublic records will not be available by remote terminal access.

(Ord. No. O-92-0010, Enacted, 06/30/1992)

C. Computer software programs are not considered a record. Software programs shall not be subject to disclosure under this Article or the Act, including copyrighted software and other copyrighted materials which have been purchased by or licensed to the City and software and other materials which have been copyrighted by the City.

(Ord. No. O-92-0010, Enacted, 06/30/1992)

2-26-17. Amendment of Records.

A. Government records held by the City may be amended or corrected by the City as needed. Policies and procedures may be adopted by the City Records Officer for such amendments. Outside requests for amendments, corrections, or other changes shall be made in writing to the department having custody of the records and setting forth, with specificity, the amendment or correction requested. The City Records Officer, after receiving a recommendation from the department director, shall either approve or deny the request.

(Ord. No. O-92-0010, Enacted, 06/30/1992)

B. The City Records Officer shall issue an order approving or denying the request to amend no later than thirty (30) days after receipt of the request.

(Ord. No. O-92-0010, Enacted, 06/30/1992)

C. If the request is approved, the City Records Officer shall correct the records that contain the incorrect information as soon as practical. When an amendment or correction of a government record is made, both the original record and the amended or corrected record shall be retained, unless provided otherwise by policies and procedures adopted under the provisions of this Article.

(Ord. No. O-92-0010, Enacted, 06/30/1992)

D. If the request is denied, the City Records Officer shall inform the requester in writing the reasons for denying the request. The requester may appeal the denial of the request to amend a record pursuant to Utah Code Annotated Section 63G-2-603 (1953, as amended).

(Ord. No. O-92-0010, Enacted, 06/30/1992; Ord. No. O-2014-0037, Amended 10/28/2014)

2-26-18. Disciplinary Action.

The City may take disciplinary action, which may include suspension or termination, against any employee who intentionally violates any provision of this Article.

(Ord. No. O-92-0010, Enacted, 06/30/1992)

Article 2-27. Temporary Interim Succession

Contents:

- 2-27-1. Title.
- 2-27-2. Definitions.
- 2-27-3. Temporary Interim Successors for City Officers.
- 2-27-4. Order of Succession for City Manager.
- 2-27-5. Period in Which Authority May Be Exercised.
- 2-27-6. Order of Succession for Other City Officers.
- 2-27-7. Formalities of Taking Office.

2-27-1. Title.

This Article shall be known as the "Temporary Interim Succession Ordinance of the City of Orem, Utah."

(Ord. No. O-00-0017, Enacted, 04/04/2000; Ord. No. O-06-0034, Amended 12/12/2006)

2-27-2. Definitions.

For purposes of this Article, unless it is plainly evident from the context that a different meaning is intended, the following definitions shall apply:

City Officer means the City Manager, City Attorney, City Treasurer, City Engineer, City Recorder, and Department Directors.

Place of governance means the physical location where the powers of an office are normally exercised.

Unavailable means not physically present at the place of governance, not able to be communicated with, or unable to perform the duties and functions of a City Officer whether or not that absence or inability would give rise to a vacancy under existing constitutional or statutory provisions.

(Ord. No. O-00-0017, Enacted, 04/04/2000; Ord. No. O-06-0034, Amended 12/12/2006)

2-27-3. Temporary Interim Successors for City Officers.

A temporary interim successor shall assume and exercise the powers and duties of a City Officer whenever a City Officer is unavailable and the authority of that officer must be exercised in order to:

A. Prevent damage, detriment, or loss of opportunity to the City;
B. Fulfill an obligation of the City; or
C. Respond to an important need of the City.

(Ord. No. O-00-0017, Enacted, 04/04/2000; Ord. No. O-06-0034, Amended 12/12/2006))

2-27-4. Order of Succession for City Manager.

If the City Manager is unavailable, the individuals listed below may, in the order named, act as the temporary interim successor to the City Manager and exercise the powers and duties of the City Manager:

A. Assistant City Manager
B. City Attorney
C. Director of Development Services
D. Chief of Police
E. Director of Administrative Services
F. Director of Recreation
G. Director of Public Works
H. Fire Chief
I. Director of Library

(Ord. No. O-00-0017, Enacted, 04/04/2000; Ord. No. O-06-0034, Amended 12/12/2006; Ord. No. O-2017-0005, Amended 02/28/2017)

2-27-5. Period in Which Authority May Be Exercised.

A temporary interim successor shall exercise the powers and duties of the office only until the City Officer or an individual higher in the order of succession becomes available to exercise the powers and duties of the office, or the vacancy is filled in accordance with applicable law. The City Manager may remove and/or replace a temporary interim successor at any time, with or without cause. The City Council may by resolution remove and/or replace the temporary interim successor to the City Manager at any time, with or without cause.

(Ord. No. O-00-0017, Enacted, 04/04/2000; Ord. No. O-06-0034, Amended 12/12/2006)

2-27-6. Order of Succession for Other City Officers.

The City Attorney, City Treasurer, City Engineer, City Recorder, and all Department Directors shall provide to the City Manager a written list designating three temporary interim successors to such officer and their order of succession. Each officer shall submit a new list when the officer or any of the successors changes. If any officer other than the City Manager is unavailable, the individuals named in the officer's list of successors shall, in the order named, exercise the powers and duties of that officer. A temporary interim successor to any officer other than the City Manager shall not have the right to assume the priority of that officer to succeed to the office of City Manager as set forth in section 2-31-5.

(Ord. No. O-00-0017, Enacted, 04/04/2000; Ord. No. O-06-0034, Amended 12/12/2006)

2-27-7. Formalities of Taking Office.

No person is required to comply with any other provision of law relative to taking office as a prerequisite to the exercise of the powers or discharge of the duties of an office to which he/she succeeds.

(Ord. No. O-00-0017, Enacted, 04/04/2000; Ord. No. O-06-0034, Amended 12/12/2006)

Article 2-28. Heritage Commission

Contents:

- 2-28-1. Commission Established.
- 2-28-2. Duties of the Commission.
- 2-28-3. Membership of Commission.
- 2-28-4. Appointment.
- 2-28-5. Term of Office.
- 2-28-6. Removal and Vacancy.
- 2-28-7. Voting.
- 2-28-8. Meetings.
- 2-28-9. Staff Assignments.
- 2-28-10. Compensation.
- 2-28-11. Recommendations.

2-28-1. Commission Established.

The Orem Heritage Advisory Commission (hereinafter referred to as "Commission") is hereby established.

(Ord. No. O-02-0009, Enacted, 02/05/2002)

2-28-2. Duties of the Commission.

The commission shall act in an advisory capacity to the City Council and shall have the following duties and responsibilities:

A. Develop two memorials honoring veterans. One memorial is to be located at the City Cemetery and the other is to be located at the City Center.

(Ord. No. O-02-0009, Enacted, 02/05/2002)

B. Establish a local tradition of formally celebrating our heritage through Memorial Day, Independence Day and Veterans Day celebrations and other appropriate holiday celebrations.

(Ord. No. O-02-0009, Enacted, 02/05/2002)

C. Establish the tradition of flag raising ceremonies.

(Ord. No. O-02-0009, Enacted, 02/05/2002)

D. Conduct educational outreach to enhance appreciation for our nation and the sacrifices made on its behalf.

(Ord. No. O-02-0009, Enacted, 02/05/2002)

2-28-3. Membership of Commission.

The Commission shall consist of five (5) members, who have demonstrated interest in promoting patriotism toward the United States of America.

(Ord. No. O-02-0009, Enacted, 02/05/2002)

2-28-4. Appointment.

A. The Mayor, with the advice and consent of the City Council, shall appoint commission members.

(Ord. No. O-02-0009, Enacted, 02/05/2002)

B. Commission members shall be residents of the City of Orem.

(Ord. No. O-02-0009, Enacted, 02/05/2002)

C. Commission members shall be selected without respect to political affiliation.

(Ord. No. O-02-0009, Enacted, 02/05/2002)

2-28-5. Term of Office.

A. The term of office for each member shall be four (4) years even if the appointment was made to fill a vacancy created by a member who was unable to complete a full term..

B. Commission members may be appointed for additional terms.

(Ord. No. O-02-0009, Enacted, 02/05/2002; Ord. No. O-02-0014, Amended, 04/09/2002; Ord. No. O-2016-0029, Amended 10/11/2016)

C. Each term shall continue until a successor is chosen and qualified, except in the case of the member's death, resignation, removal, or disqualification from holding office.

(Ord. No. O-02-0009, Enacted, 02/05/2002; Ord. No. O-02-0014, Amended, 04/09/2002)

2-28-6. Removal and Vacancy.

A. The Mayor, with the advice and consent of the City Council, may remove any member of the Commission from office.

(Ord. No. O-02-0009, Enacted, 02/05/2002)

B. A member's office automatically becomes vacant if the member establishes residence outside of the City, or lives outside of City boundaries for a continuous period of more than sixty (60) days.

(Ord. No. O-02-0009, Enacted, 02/05/2002)

C. A member's office may become vacant if the member misses more than twenty-five percent (25%) of the Commission's scheduled meetings during any twelve (12) month period.

(Ord. No. O-02-0009, Enacted, 02/05/2002)

D. Vacancies shall be filled for the unexpired term of any member whose office becomes vacant.

(Ord. No. O-02-0009, Enacted, 02/05/2002)

E. Vacancies occurring other than through the expiration of a regular term shall be filled by appointment of the Mayor, with the advice and consent of the City Council.

(Ord. No. O-02-0009, Enacted, 02/05/2002)

2-28-7. Voting.

A. Each member of the Commission shall have one (1) vote.

(Ord. No. O-02-0009, Enacted, 02/05/2002)

B. A quorum shall consist of a majority of the appointed members of the Commission, with a minimum of three (3) members. No meeting is official unless a quorum of members is present.

(Ord. No. O-02-0009, Enacted, 02/05/2002)

C. The minimum number of votes required to approve or disapprove any action or proposal shall be a majority of those present at the meeting, provided there is a quorum, but shall never be less than three (3).

(Ord. No. O-02-0009, Enacted, 02/05/2002)

2-28-8. Meetings.

A. The Commission shall select one of the members to be Chairperson. The Chairperson shall conduct all meetings and shall serve for one (1) year. Elections for Chairperson shall be held annually. A Chairperson may serve consecutive terms.

(Ord. No. O-02-0009, Enacted, 02/05/2002)

B. The Commission shall meet at least quarterly, and may meet more often at the discretion of its Chairperson.

(Ord. No. O-02-0009, Enacted, 02/05/2002)

C. Commission business and discussion shall be conducted in accordance with the Utah Open Public Meeting Laws and City Policies. This includes public notification of meeting place, time, and agenda items.

(Ord. No. O-02-0009, Enacted, 02/05/2002)

D. The Commission shall keep written minutes for each of its meetings. The minutes shall be reviewed for approval at the following Commission meeting and shall be available for public inspection.

(Ord. No. O-02-0009, Enacted, 02/05/2002)

E. The Commission may adopt by-laws, rules or procedures for the transaction of its business.

(Ord. No. O-02-0009, Enacted, 02/05/2002)

F. The Commission may establish sub-committees to help carry out its responsibilities.

(Ord. No. O-02-0009, Enacted, 02/05/2002)

2-28-9. Staff Assignments.

The City Manager shall appoint appropriate staff support for the Commission.

(Ord. No. O-02-0009, Enacted, 02/05/2002)

2-28-10. Compensation.

Members of the Commission shall serve without monetary compensation.

(Ord. No. O-02-0009, Enacted, 02/05/2002)

Members may be compensated for reasonable expenses incurred for official responsibilities, if approved by the City Manager.

(Ord. No. O-02-0009, Enacted, 02/05/2002)

2-28-11. Recommendations.

A. The Chairperson of the Commission shall, from time to time, present recommendations to the City Council, which have been approved by the Commission.

(Ord. No. O-02-0009, Enacted, 02/05/2002)

B. The Commission shall act in an advisory role to other officials and departments of government regarding promotion of patriotism.

(Ord. No. O-02-0009, Enacted, 02/05/2002)

C. The Commission shall work toward the continuing education of citizens promoting patriotism and appreciation of our nation's history.

(Ord. No. O-02-0009, Enacted, 02/05/2002)

Article 2-29. Transportation Advisory Commission

Contents:

- 2-29-1. Commission Established
- 2-29-2. Duties of the Commission
- 2-29-3. Membership of Commission.
- 2-29-4. Appointment.
- 2-29-5. Term of Office
- 2-29-6. Removal and Vacancy.
- 2-29-7. Voting.
- 2-29-8. Meetings.
- 2-29-9. Compensation.
- 2-29-10. Recommendations.

2-29-1. Commission Established

2-29-2. Duties of the Commission

The Commission shall act in an advisory capacity to the City Council and shall have the following duties and responsibilities.

A. Recommend to the City Council a Transportation Master Plan and updates to the Transportation Master Plan. The recommendation shall include road classifications.

(Ord. No. O-07-0002, Enacted, 01/09/2007)

B. Review and make recommendations to the City Manager regarding the location of stop signs in accordance with the Manual on Uniform Traffic Control Devices for Streets and Highways.

(Ord. No. O-07-0002, Enacted, 01/09/2007; Ord. No. O-2009-0018, Amended 07/28/2009)

C. Recommend speed limit changes to the City Council.

(Ord. No. O-07-0002, Enacted, 01/09/2007)

D. Hear requests from citizens for traffic calming devices and recommend a priority list of traffic calming devices to the City Manager for inclusion into the proposed City Budget.

(Ord. No. O-07-0002, Enacted, 01/09/2007)

E. Review and make recommendations to the City Council regarding bike paths, bike lanes, bike trails, and other issues regarding the use of bicycles in the City of Orem.

(Ord. No. O-07-0002, Enacted, 01/09/2007)

F. Review and make recommendations to the City Council regarding mass transit issues in the City of Orem.

(Ord. No. O-07-0002, Enacted, 01/09/2007)

G. Review and make recommendations to the City Council on other traffic and transportation issues brought to the Commission by the City Manager.

(Ord. No. O-07-0002, Enacted, 01/09/2007)

H. Work toward the continuing education of citizens regarding transportation issues in our community.

(Ord. No. O-07-0002, Enacted, 01/09/2007)

I. Plan and arrange for neighborhood meetings/open houses and attend such meetings to receive and review public input.

(Ord. No. O-07-0002, Enacted, 01/09/2007)

J. Review and make recommendations to the City Council regarding intersection improvements.

(Ord. No. O-07-0002, Enacted, 01/09/2007)

K. Review and make recommendations on other transportation issues, programs, and improvements to the City Council.

(Ord. No. O-07-0002, Enacted, 01/09/2007)

2-29-3. Membership of Commission.

The Commission shall consist of seven (7) members. A member of the City Council shall be appointed to act as a liaison between the Commission and the City Council, but the City Council liaison shall not be considered a member of the Commission.

(Ord. No. O-07-0002, Enacted, 01/09/2007)

2-29-4. Appointment.

A. Commission members shall be appointed by the Mayor, with the advice and consent of the City Council.

(Ord. No. O-07-0002, Enacted, 01/09/2007)

B. Commission members shall be residents of the City of Orem.

(Ord. No. O-07-0002, Enacted, 01/09/2007)

C. Commission members shall be selected without respect to political affiliation.

(Ord. No. O-07-0002, Enacted, 01/09/2007)

2-29-5. Term of Office

A. The term of office for Commission members shall be three (3) years even if the appointment was made to fill a vacancy created by a member who was unable to complete a full term.

(Ord. No. O-07-0002, Enacted, 01/09/2007; Ord. No. O-2013-0034, Amended & Renumbered 12/11/2013)

B. Commission members may be appointed for additional terms.

C. Each term shall continue until a successor is chosen and qualified, except in the case of the member's death, resignation, removal, or disqualification from holding office.

(Ord. No. O-07-0002, Enacted, 01/09/2007; Ord. No. O-2013-0034, Amended & Renumbered 12/11/2013)

2-29-6. Removal and Vacancy.

A. Any member of the Commission may be removed from office by the Mayor, with the advice and consent of the City Council.

(Ord. No. O-07-0002, Enacted, 01/09/2007)

B. A member's office automatically becomes vacant if the member establishes residence outside of the City, or lives outside of city boundaries for a continuous period of more than sixty (60) days.

(Ord. No. O-07-0002, Enacted, 01/09/2007)

C. A member's office may become vacant if the member misses more than twenty-five percent (25%) of the Commission's meetings during any twelve (12) month period.

(Ord. No. O-07-0002, Enacted, 01/09/2007)

D. Vacancies shall be filled for any member whose office becomes vacant.

(Ord. No. O-07-0002, Enacted, 01/09/2007)

E. Vacancies occurring other than through the expiration of a regular term shall be filled by appointment of the Mayor, with the advice and consent of the City Council

(Ord. No. O-07-0002, Enacted, 01/09/2007)

2-29-7. Voting.

A. Each member of the Commission shall have one (1) vote.

(Ord. No. O-07-0002, Enacted, 01/09/2007)

B. A quorum shall consist of a majority of the appointed members of the commission, with a minimum of three (3) members. No meeting is official unless a quorum of members is present.

(Ord. No. O-07-0002, Enacted, 01/09/2007)

C. The minimum number of votes required to approve or disapprove any action or proposal shall be a majority of those present at the meeting, provided there is a quorum, but shall never be less than three (3).

(Ord. No. O-07-0002, Enacted, 01/09/2007)

2-29-8. Meetings.

A. The Commission shall select one of the members to be Chairperson. The Chairperson shall conduct all meetings and shall serve for one (1) year. Elections for Chairperson shall be held annually. A Chairperson may serve consecutive terms.

(Ord. No. O-07-0002, Enacted, 01/09/2007)

B. The Commission shall meet at least monthly and may meet more often at the discretion of its Chairperson.

(Ord. No. O-07-0002, Enacted, 01/09/2007)

C. Commission business and discussion shall be conducted in accordance with the Utah Open Public Meeting Laws and City policies. This includes public notification of meeting place, time, and agenda items.

(Ord. No. O-07-0002, Enacted, 01/09/2007)

D. The Commission shall keep written minutes for each of its meetings. The minutes shall be reviewed for approval at the following commission meeting and shall be available for public inspection.

(Ord. No. O-07-0002, Enacted, 01/09/2007)

E. The Commission may establish subcommittees to help carry out its responsibilities.

(Ord. No. O-07-0002, Enacted, 01/09/2007)

F. The City Manager shall appoint appropriate staff support for the Commission.

(Ord. No. O-07-0002, Enacted, 01/09/2007)

2-29-9. Compensation.

A. Members of the Commission shall serve without monetary compensation.

(Ord. No. O-07-0002, Enacted, 01/09/2007)

B. Members may be compensated for reasonable expenses incurred for official responsibilities, if approved by the City Manager.

(Ord. No. O-07-0002, Enacted, 01/09/2007)

2-29-10. Recommendations.

The Chairperson of the Commission shall, from time to time, present recommendations to the City council which have been approved by the Commission.

(Ord. No. O-07-0002, Enacted, 01/09/2007)

Article 2-30. Public Works Advisory Commission

Contents:

- 2-30-1. Commission Established.
- 2-30-2. Duties of the Commission
- 2-30-3. Membership of Commission
- 2-30-4. Appointment.
- 2-30-5. Term of Office
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- 2-30-7. Voting.
- 2-30-8. Meetings.
- 2-30-9. Compensation.
- 2-30-10. Recommendations.

2-30-1. Commission Established.

The Orem Public Works Advisory Commission (hereinafter referred to as "Commission") is hereby established.

(Ord. No. O-2014-0009, Enacted 02/11/2014)

2-30-2. Duties of the Commission

The Commission shall act in an advisory capacity to the City Council and shall have the following duties and responsibilities.

A. Review and make recommendations to the City Council on Public Works issues brought to the Commission by the City Manager.

(Ord. No. O-2014-0009, Enacted 02/11/2014)

B. Review and make recommendations to the City Council regarding City infrastructure, including water, sewer, storm water, street lights, roads, telecommunications, broadband fiber, cemetery, parks, and fleet.

(Ord. No. O-2014-0009, Enacted 02/11/2014; Ord. No. O-2016-0024, Amended 08/09/2016)

C. Review and make recommendations to the City Council on master plans. The recommendations may include a capital facilities plan, a financial plan, supporting utility rates, and other relevant recommendations.

(Ord. No. O-2014-0009, Enacted 02/11/2014 Ord. No. O-2016-0024, Renumbered 08/09/2016)

D. Work toward the continuing education of citizens regarding Public Works issues in our community.

(Ord. No. O-2014-0009, Enacted 02/11/2014 Ord. No. O-2016-0024, Renumbered 08/09/2016)

E. Plan and arrange for neighborhood meetings/open houses and attend such meetings to receive and review public input.

(Ord. No. O-2014-0009, Enacted 02/11/2014 Ord. No. O-2016-0024, Renumbered 08/09/2016)

2-30-3. Membership of Commission

The Commission shall consist of seven (7) members. A member of the City Council shall be appointed to act as a liaison between the Commission and the City Council, but the City Council liaison shall not be considered a member of the Commission.

(Ord. No. O-2014-0009, Enacted 02/11/2014; Ord. No. O-2016-0024, Amended 08/09/2016)

2-30-4. Appointment.

A. Commission members shall be appointed by the Mayor, with the advice and consent of the City Council.

(Ord. No. O-2014-0009, Enacted 02/11/2014)

B. Commission members shall be residents of the City of Orem and represent a variety of backgrounds.

(Ord. No. O-2014-0009, Enacted 02/11/2014)

C. Commission members shall be selected without respect to political affiliation.

(Ord. No. O-2014-0009, Enacted 02/11/2014)

2-30-5. Term of Office

A. The term of office for Commission members shall be three (3) years even if the appointment was made to fill a vacancy created by a member who was unable to complete a full term.

(Ord. No. O-2014-0009, Enacted 02/11/2014)

B. Commission members may be appointed for additional terms.

C. Each term shall continue until a successor is chosen and qualified, except in the case of the member's death, resignation, removal, or disqualification from holding office.

(Ord. No. O-2014-0009, Enacted 02/11/2014)

2-30-6. Removal and Vacancy.

A. Any member of the Commission may be removed from office by the Mayor, with the advice and consent of the City Council.

(Ord. No. O-2014-0009, Enacted 02/11/2014)

B. A member's office automatically becomes vacant if the member establishes residence outside of the City, or lives outside of city boundaries for a continuous period of more than sixty (60) days.

(Ord. No. O-2014-0009, Enacted 02/11/2014)

C. A member's office may become vacant if the member misses more than twenty-five percent (25%) of the Commission's meetings during any consecutive twelve (12) month period.

(Ord. No. O-2014-0009, Enacted 02/11/2014)

D. Vacancies shall be filled for any member whose office becomes vacant.

(Ord. No. O-2014-0009, Enacted 02/11/2014)

E. Vacancies occurring other than through the expiration of a regular term shall be filled by appointment of the Mayor, with the advice and consent of the City Council.

(Ord. No. O-2014-0009, Enacted 02/11/2014)

2-30-7. Voting.

A. Each member of the Commission shall have one (1) vote.

(Ord. No. O-2014-0009, Enacted 02/11/2014)

B. A quorum shall consist of a majority of the appointed members of the Commission, with a minimum of three (3) members. No meeting is official unless a quorum of members is present.

(Ord. No. O-2014-0009, Enacted 02/11/2014; Ord. No. O-2016-0024, Amended 08/09/2016)

C. The minimum number of votes required to approve or disapprove any action or proposal shall be a majority of those present at the meeting, provided there is a quorum, but shall never be less than three (3).

(Ord. No. O-2014-0009, Enacted 02/11/2014; Ord. No. O-2016-0024, Amended 08/09/2016)

2-30-8. Meetings.

A. The Commission shall select one of the members to be Chairperson and another member to be Vice Chairperson. The Chairperson shall conduct all meetings and shall serve for two (2) years. The Vice Chairperson shall conduct meetings in the absence of the Chairperson and shall serve for two (2) years. Elections for Chairperson and Vice Chairperson shall be held bi-annually.

(Ord. No. O-2014-0009, Enacted 02/11/2014; Ord. No. O-2016-0024, Amended 08/09/2016)

B. The Commission shall meet at least four times per calendar year and may meet more often at the discretion of the Chairperson.

(Ord. No. O-2014-0009, Enacted 02/11/2014)

C. Commission business and discussion shall be conducted in accordance with the Utah Open Public Meeting Laws and City policies. This includes public notification of meeting place, time, and agenda items.

(Ord. No. O-2014-0009, Enacted 02/11/2014)

D. The Commission shall keep written minutes for each of its meetings. The minutes shall be reviewed for approval at the following Commission meeting and shall be available for public inspection.

(Ord. No. O-2014-0009, Enacted 02/11/2014)

E. The Commission may establish subcommittees to help carry out its responsibilities.

(Ord. No. O-2014-0009, Enacted 02/11/2014)

F. The City Manager shall appoint appropriate staff support for the Commission.

(Ord. No. O-2014-0009, Enacted 02/11/2014)

2-30-9. Compensation.

A. Members of the Commission shall serve without monetary compensation.

(Ord. No. O-2014-0009, Enacted 02/11/2014)

B. Members may be compensated for reasonable expenses incurred for official responsibilities, if approved by the City Manager.

(Ord. No. O-2014-0009, Enacted 02/11/2014)

2-30-10. Recommendations.

The Commission Chairperson shall, from time to time, present recommendations to the City council that have been approved by the Commission.

(Ord. No. O-2014-0009, Enacted 02/11/2014)

Article 2-31. Municipal Ethics Commission

Contents:

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- 2-31-2. Definitions.
- 2-31-3. Municipal Officers' and Employees' Ethics Act
- 2-31-4. City Attorney Advisory Opinions.
- 2-31-5. Municipal Ethics Commission.
- 2-31-6. Filing of ethics complaints with Commission.
- 2-31-7. Privacy.
- 2-31-8. Initial review of complaint.
- 2-31-9. Consideration of complaint after acceptance.
- 2-31-10. Contempt powers.
- 2-31-11. Request by elected or appointed official for legal representation.
- 2-31-12. Determination by Commission.
- 2-31-13. Action by City Council.
- 2-31-14. Knowingly filing of false complaint.
- 2-31-15. Annual Commission report.

2-31-1. Purpose.

The purpose of this Article is to prevent improper influence, avoid the appearance of impropriety, and prohibit elected and appointed officials from receiving unjust financial gain from public service. It also seeks to increase public confidence by assuring that governmental actions are taken ethically.

(Ord. No. O-2014-0038, Enacted 10/28/2014)

2-31-2. Definitions.

A. For the purposes of this Article, "Commission" means the Municipal Ethics Commission formed pursuant to Section 2-35-5 of this Article.

(Ord. No. O-2014-0038, Enacted 10/28/2014)

B. For the purposes of this Article, "elected officials" includes only the members of the Orem City Council and the Mayor.

(Ord. No. O-2014-0038, Enacted 10/28/2014)

C. For the purposes of this Article, "appointed official" means the City Manager or similar non-elected chief executive officer.

(Ord. No. O-2014-0038, Enacted 10/28/2014)

2-31-3. Municipal Officers' and Employees' Ethics Act

A. Elected and appointed officials of the City of Orem are required to comply with the Municipal Officers' and Employees' Ethics Act (Utah Code § 10-3-1301 et seq.) as amended, which is incorporated herein by reference.

(Ord. No. O-2014-0038, Enacted 10/28/2014)

B. Included in the Municipal Officers' and Employees' Ethics Act is the obligation of elected and appointed officials to:
   1. Not disclose or improperly use private, controlled, or protected information acquired by them by reason of their position or in the course of their duties in order to further substantially their personal economic interest or to secure special privileges or exemptions for the elected or appointed official or others; and avoid the use of their office for personal benefit;
   2. Not use or attempt to use their position to further substantially their personal economic interest or secure special privileges for the elected or appointed official or for others;
   3. Not knowingly receive, accept, take, seek, or solicit, directly or indirectly, for the elected or appointed official or for another, a gift of substantial value or a substantial economic benefit tantamount to a gift that:
      a. Would tend improperly to influence a reasonable person in the elected or appointed official's position to depart from the faithful and impartial discharge of the person's public duty; or
      b. The elected or appointed official knows or that a reasonable person in that position should know under the circumstances is primarily for the purpose of rewarding the elected or appointed official for official action taken.
   4. The Municipal Officers' and Employees' Ethics Act also requires public disclosures and filings in certain circumstances as described in the Act, including:
      a. Where an elected or appointed official receives or agrees to receive compensation for assisting any person or business entity in any transaction involving the City of Orem;

b. Where an elected or appointed official is an officer, director, agent, or employee or the owner of a substantial interest in any business entity which is subject to regulation by the City of Orem;

c. Where the elected or appointed official is an officer, director, agent, employee, or owner of a substantial interest in any business entity which does or anticipates doing business with the City of Orem; and

d. Where an elected or appointed official has a personal interest or investment which creates a conflict between the elected or appointed official's personal interests and the elected or appointed official's public duties.

(Ord. No. O-2014-0038, Enacted 10/28/2014)

2-31-4. City Attorney Advisory Opinions.

A. Elected and appointed officials of the City of Orem may request of the City Attorney an advisory opinion concerning the application of the Municipal Officers' and Employees' Ethics Act or Orem City Code § 2-6-8. The City Attorney shall accept and process these advisory opinion requests. As soon as practicable, but not later than thirty (30) days after the City Attorney receives a request for an advisory opinion, the City Attorney shall render a written opinion to the Mayor, City Council, and to the City Manager. All advisory opinions shall be available for public review, but may be in such form and with such deletions as may be necessary to prevent the disclosure of the identity of the persons involved or to protect personal privacy interests.

(Ord. No. O-2014-0038, Enacted 10/28/2014)

B. An advisory opinion rendered by the City Attorney, until amended or revoked by the City Attorney, shall be a defense in any action brought by a complainant against the elected or appointed official and shall be binding on the City in any subsequent proceedings concerning the person who requested the opinion and who acted in good faith upon it, unless material facts were omitted or misstated by the person requesting the opinion.

(Ord. No. O-2014-0038, Enacted 10/28/2014)

2-31-5. Municipal Ethics Commission.

A. The City of Orem establishes a Municipal Ethics Commission pursuant to Utah Code § 10-3-1311 and Utah Code § 11-13-101 et seq. The Commission is a three (3) person commission as provided for in an Interlocal Agreement between the City of Orem and the other participating municipalities. Upon receiving a complaint the membership of the Commission shall be determined by random selection from the pool of eligible participating municipalities.

(Ord. No. O-2014-0038, Enacted 10/28/2014)

B. The Office of the City Attorney shall provide the Commission such administrative or other support as requested by the Commission.

(Ord. No. O-2014-0038, Enacted 10/28/2014)

2-31-6. Filing of ethics complaints with Commission.

A. A complaint may only be filed with the Commission under the following conditions:

1. The complaint must be against an elected or appointed official of the City of Orem who is currently serving in their elected or appointed position and allege a violation of the Municipal Officers' and Employees' Ethics Act or Orem City Code § 2-6-8;
2. The complaint must be filed with the City Recorder of the City of Orem on behalf of the Commission;
3. The complaint must be made by either:
   a. two or more registered voters who reside within the boundaries of the City or Orem; or
   b. two or more registered voters who pay a fee or tax to the City of Orem; or
   c. one or more registered voters who reside within the boundaries of the City of Orem plus one or more registered voters who pay a fee or tax to the City of Orem;
4. The complaint must be based upon direct evidence or sworn statements by one or more people with actual knowledge of the facts and circumstances supporting the alleged ethics violation;
5. The complaint may not be filed during the sixty (60) calendar days immediately before a municipal primary election, if the accused elected or appointed official is a candidate in the primary election;
6. The complaint may not be filed during the sixty (60) calendar days immediately before a municipal general election in which the accused elected or appointed official is a candidate, unless the accused elected or appointed official is unopposed in the election;
7. The complaint must be in writing and contain:
   a. the name and position of the elected or appointed official alleged to be in violation;
   b. the name, address, and telephone number of each individual who is filing the complaint;
   c. a description of each alleged violation of Orem City Code § 2-6-8 or the Municipal Officers' and Employees' Ethics Act, including a reference to the section of the Act or ordinance alleged to have been violated;
   d. with reasonable specificity, evidence supporting each allegation, which shall be provided by copies of official records, documentary evidence, or affidavits that include the required information;
   e. a list of witnesses that a complainant wishes to have called or interviewed, including for each witness: the name, address, and, if available, one or more telephone numbers of the witness; a brief summary of the testimony to be provided by the witness; a specific description of any documents or evidence a complainant desires the witness to produce;
   f. a statement that each complainant:
      1. (1)has reviewed the allegations contained in the complaint and the sworn statements and documents attached to the complaint;
      2. (2)believes that the complaint is submitted in good faith and not for any improper purpose such as harassing the named elected or appointed official,

causing unwarranted harm to the accused elected or appointed official's reputation, or causing unnecessary expenditure of public funds; and

3. (3)believes the allegations contained in the complaint to be true and accurate.

g. a statement with the signature of each complainant.

(Ord. No. O-2014-0038, Enacted 10/28/2014)

B. Upon receipt of any ethics complaint, the city recorder shall select the commission using the procedures set forth in the Interlocal Agreement, inform the city attorneys from the selected cities of their selection, then immediately refer the complaint to the commission. The city recorder shall not notify or inform any other person of the filing of the complaint.

(Ord. No. O-2014-0038, Enacted 10/28/2014)

C. A person filing a complaint under this Article is not entitled to reimbursement for attorney fees or costs incurred, regardless of the outcome of the proceedings.

(Ord. No. O-2014-0038, Enacted 10/28/2014)

D. An administrative fee of $50 must be filed with the complaint. The $50 filing fee must be paid to the city where the complaint is filed. After the selected commission elects a chairperson, the $50 administrative fee will be paid to the chairperson's city to defray the costs of administering the complaint.

(Ord. No. O-2014-0038, Enacted 10/28/2014)

2-31-7. Privacy.

A. Once an ethics complaint has been filed with the City Recorder, neither the City Recorder, the Commission, nor any City employee may disclose the existence of the complaint, any response to the complaint, or any information concerning the alleged ethics violation that is the subject of the complaint, unless otherwise provided in this Article.

(Ord. No. O-2014-0038, Enacted 10/28/2014)

B. Nothing in the restrictions above may be construed to hinder or prevent a person or the City Attorney of the City of Orem from disclosing the facts or allegations about potential criminal violations to a law enforcement authority.

(Ord. No. O-2014-0038, Enacted 10/28/2014)

C. Nothing in this Section may be construed to hinder or prevent the named elected or appointed official from preparing a defense to a complaint, including contacting witnesses or taking other actions in preparation for review by the Commission.

(Ord. No. O-2014-0038, Enacted 10/28/2014)

D. Nothing in this Section may be construed to hinder or prevent any person from disclosing public records.

(Ord. No. O-2014-0038, Enacted 10/28/2014)

E. If any employee or official of the City publicly discloses any private information, appropriate disciplinary action may be taken against such individual.

(Ord. No. O-2014-0038, Enacted 10/28/2014)

F. If a complainant publicly discloses any private records or information obtained from private records, the Commission may summarily dismiss the complaint without prejudice.

(Ord. No. O-2014-0038, Enacted 10/28/2014)

G. All records, that are not public records, received by or generated by or for the Commission are private and not subject to disclosure or release, except for the Commission's summary findings and recommendation to the City Council or any document that is classified as public in accordance with Utah Code § 63G-2-301.

(Ord. No. O-2014-0038, Enacted 10/28/2014)

2-31-8. Initial review of complaint.

A. Within ten (10) business days after receipt of an ethics complaint, the Commission shall examine the complaint to determine if it is in compliance with the filing requirements of this Article.

(Ord. No. O-2014-0038, Enacted 10/28/2014)

B. If the Commission determines that the complaint does not comply with the filing requirements of this Article, the Commission shall return the complaint to the first complainant named on the complaint with a statement detailing the reason(s) for non-compliance. At the same time, the Commission shall notify the City Manager, Mayor, City Council, and the City Attorney that a complaint filed against an unidentified elected or appointed official has been returned for non-compliance with this Article and the fact that a complaint was filed and returned shall be kept confidential as to any others until the Commission submits its annual summary report to the City Council and to the Mayor. If a complaint is returned by the Commission, the complainants may file another complaint if the new complaint independently meets the filing requirements of this Article.

(Ord. No. O-2014-0038, Enacted 10/28/2014)

C. If the Commission determines that the complaint complies with the filing requirements of this Chapter, the Commission shall:

1. Accept the complaint;
2. Promptly forward the complaint to the elected or appointed official who is named in the complaint, together with directions for providing a response to the Commission;
3. If appropriate, request assistance from the Office of the City Attorney; and
4. Notify the complainants, the named elected or appointed official, the City Recorder, and the employees in the Office of the City Attorney of the privacy requirements of this Article.

(Ord. No. O-2014-0038, Enacted 10/28/2014)

D. At its discretion, the Commission may determine whether the subject of the complaint should be investigated by a law enforcement agency.

(Ord. No. O-2014-0038, Enacted 10/28/2014)

E. If the Commission learns that the subject of the complaint is under criminal investigation, the Commission may suspend its review of the complaint pending the resolution of the criminal investigation.

(Ord. No. O-2014-0038, Enacted 10/28/2014)

F. The named elected or appointed official shall have the right to present an answer to the complaint. The answer may contain statements, arguments, and evidence. The answer must be filed within ten (10) business days from the date the complaint was forwarded to the elected or appointed official.

(Ord. No. O-2014-0038, Enacted 10/28/2014)

G. The Commission shall dismiss an ethics complaint if:

1. The named elected or appointed official resigns or is removed from office with the City of Orem;
2. The named elected or appointed official is charged with a criminal violation of the Municipal Officers' and Employees' Ethics Act where the facts and allegations presented in the ethics complaint assert substantially similar facts and allegations as those asserted in the criminal charges; or
3. The allegations in the complaint, if assumed to be true, do not state a violation of the Municipal Officer's and Employees' Ethics Act or Orem City Code § 2-6-8.

(Ord. No. O-2014-0038, Enacted 10/28/2014)

2-31-9. Consideration of complaint after acceptance.

A. After acceptance of a complaint, the Commission has the discretion to:

1. Conduct a confidential, independent administrative investigation of the complaint;
2. Refer the matter to an independent non-criminal investigator for fact finding and investigation and consider the confidential report of the investigator;
3. Conduct a hearing in accordance with Subsection (2) of this Section; or
4. Any combination of the above.

(Ord. No. O-2014-0038, Enacted 10/28/2014)

B. If the Commission uses a hearing to review the complaint, the Commission shall:

1. Assure that the hearing includes opening arguments, presentation of evidence, witnesses and rebuttal, consideration of motions, and closing arguments;
2. Close the hearing to the public;
3. Allow the complainants and the named elected or appointed official to retain legal representation, at their discretion; and
4. Provide administrative subpoenas pursuant to its subpoena powers.

(Ord. No. O-2014-0038, Enacted 10/28/2014)

C. For any hearing the Commission must provide a notice to the first named complainant and the named elected or appointed official at least five (5) business days prior to the hearing.

(Ord. No. O-2014-0038, Enacted 10/28/2014)

D. The Commission shall determine whether the subject matter of the complaint was previously the subject of a filing, public disclosure, or a City Attorney ethics advisory opinion. The Commission shall take into consideration efforts by the named elected or appointed official to seek legal direction regarding the subject matter of the complaint and any good faith efforts by the named elected or appointed official in response to legal advice received.

(Ord. No. O-2014-0038, Enacted 10/28/2014)

E. The Commission shall ensure that a record of any Commission meeting or hearing is made, which shall include:

1. Audio recordings, if any;
2. Official summaries or minutes taken during the meeting or hearing;
3. Copies of all documents or other items admitted into evidence or considered by the Commission;
4. Copies of a document or written order or ruling issued by the Commission; and
5. Any other information the Commission deems relevant to the findings and recommendation.

(Ord. No. O-2014-0038, Enacted 10/28/2014)

2-31-10. Contempt powers.

A. The Commission may hold a person in contempt if the person:

1. Refuses to answer a question, without legal justification, after being directed by the Commission to answer; or
2. Fails to comply with a subpoena issued by the Commission.

(Ord. No. O-2014-0038, Enacted 10/28/2014)

B. Upon finding a person in contempt, the Commission shall report the person to the Fourth District Court and request a warrant of attachment or order to show cause, as provided in Utah Code § 78B-6-313.

(Ord. No. O-2014-0038, Enacted 10/28/2014)

2-31-11. Request by elected or appointed official for legal representation.

A. The named elected or appointed official may request that the City provide a legal defense if the complaint arises from an act or omission during the performance of official duties, within the scope of employment, or under the color of authority.

(Ord. No. O-2014-0038, Enacted 10/28/2014)

B. The City Attorney may arrange for such legal defense, where appropriate.

(Ord. No. O-2014-0038, Enacted 10/28/2014)

2-31-12. Determination by Commission.

A. After review of the complaint, the Commission shall determine whether there is clear and convincing evidence supporting a violation of the Municipal Officers' and Employees' Act of Orem City Code § 2-6-8 by the named elected or appointed official. If there are multiple alleged violations, the Commission shall separately determine whether clear and convincing evidence supports each violation. The determination shall be by majority vote of the Commission.

(Ord. No. O-2014-0038, Enacted 10/28/2014)

B. If the Commission determines that no allegations in the complaint were proved, the Commission shall:
   1. Issue an order that the complaint is dismissed because no allegations in the complaint were found to have been proven;
   2. Provide notice of the determination of an unidentified elected or appointed official at a regular public meeting of the City Council; and
   3. Provide written notice of the determination to the named elected or appointed official and the first named complainant on the complaint.

(Ord. No. O-2014-0038, Enacted 10/28/2014)

C. If the Commission determines that one or more of the allegations in the complaint were proved, the Commission shall:
   1. Prepare written summary findings and a recommendation for the City Council:
      a. Listing the name of each complainant and the name of the subject elected or appointed official;
      b. For each allegation that was proven:
         1. (1)Provide the reference to the Municipal Officers' and Employees' Act or Orem City Code § 2-6-8;
         2. (2)Summarize the evidence supporting a violation by clear and convincing evidence;
         3. (3)Make factual findings; and
      c. Recommend appropriate action to the City Council.
   2. Notify the named elected or appointed official and the first complainant on the complaint of the written summary findings and recommendation for the City Council; and
   3. Orally report the summary findings and recommendation to the City Council in a regular meeting of the City Council.

(Ord. No. O-2014-0038, Enacted 10/28/2014)

D. If the Commission finds a violation of the Municipal Officers' and Employees' Ethics Act or Orem City Code § 2-6-8, the Commission may recommend to the City Council any appropriate action or remedy, including but not limited to censure, reprimand, additional ethics training, or removal from office. The Commission's recommendation may depend on

the severity of the violation, the elected or appointed official's intent, any history or pattern of abuse by the named elected or appointed official, and any economic or other benefit received by the named elected or appointed official.

(Ord. No. O-2014-0038, Enacted 10/28/2014)

2-31-13. Action by City Council.

A. Upon receipt of any finding and recommendation by the Commission, the City Council shall review the recommendation and take action at its discretion.

(Ord. No. O-2014-0038, Enacted 10/28/2014)

B. The elected or appointed official referred for a violation may not participate in the City Council's deliberation or cast a vote as the City Council decides whether to take action and which action to take.

(Ord. No. O-2014-0038, Enacted 10/28/2014)

2-31-14. Knowingly filing of false complaint.

Any person who files a complaint against an elected or appointed official pursuant to this Article, knowing that such complaint is frivolous, malicious, false, or otherwise without merit, shall be guilty of a class B misdemeanor.

(Ord. No. O-2014-0038, Enacted 10/28/2014)

2-31-15. Annual Commission report.

A. If there has been any activity by the Commission during the previous years the Commission shall prepare, on an annual basis, a summary report that contains:
   1. A general description of the activities of the Commission during the past year;
   2. The number of ethics complaints filed with the Commission;
   3. The number of ethics complaints dismissed; and
   4. An executive summary of each complaint where the Commission found a violation of the Municipal Officers' and Employees' Ethics Act or other applicable local ordinance.

(Ord. No. O-2014-0038, Enacted 10/28/2014)

B. The annual report of the Commission shall be filed with the Mayor, City Council, and with the City Manager and shall be a public record.

(Ord. No. O-2014-0038, Enacted 10/28/2014)

Article 2-32. Orem Natural Resources Stewardship Committee

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- 2-32-9. Staff Assignments.
- 2-32-10. Compensation.
- 2-32-11. Recommendations.

2-32-1. Committee Established.

The Orem Natural Resources Stewardship Committee (hereinafter referred to as "Committee") is hereby established.

(Ord. No. O-2016-0021, Enacted 06/21/2016)

2-32-2. Duties of the Committee.

The Committee shall act in an advisory capacity to the City Council and shall have the following duties and responsibilities.

A. Encourage a vision and goals to protect the City's natural resources, which may include but are not limited to water, air, soil, and open space.

(Ord. No. O-2016-0021, Enacted 06/21/2016)

B. Explore and advise the City Council and staff of recycling programs the City might utilize to assist with accomplishing the committee's vision and goals. This includes engaging existing recycling businesses for education and training.

(Ord. No. O-2016-0021, Enacted 06/21/2016)

C. Advise the City Council and staff of innovative measures to protect the City's natural resources and suggest feasible policies, procedures, and/or projects that will have public support.

(Ord. No. O-2016-0021, Enacted 06/21/2016)

D. Review and advise the City Council on sustainability, recycling, and natural resources policies, procedures, and/or projects brought to the Committee by City appointed staff.

(Ord. No. O-2016-0021, Enacted 06/21/2016)

E. Work with other citizens' commissions and committees, including the Transportation Advisory Commission, Public Works Advisory Commission, and Planning Commission as needed.

(Ord. No. O-2016-0021, Enacted 06/21/2016)

F. Work toward the continuing education of citizens regarding sustainability, recycling, and natural resource protection issues in our community. This includes developing strategies to increase resident participation in existing recycling programs.

(Ord. No. O-2016-0021, Enacted 06/21/2016)

G. Publicize and encourage citizen involvement in projects.

(Ord. No. O-2016-0021, Enacted 06/21/2016)

H. Participate on the Utah Valley Clean Air Task Force as desired.

(Ord. No. O-2016-0021, Enacted 06/21/2016)

I. Attend the Recycling Coalition of Utah board meetings in place of the city staff representative on an as needed basis.

(Ord. No. O-2016-0021, Enacted 06/21/2016)

2-32-3. Membership of Committee.

A. The Committee shall consist of five (5) members. A member of the City Council shall be appointed to act as a liaison between the Committee and the City Council, but the City Council liaison shall not be considered a member of the Committee.

(Ord. No. O-2016-0021, Enacted 06/21/2016)

2-32-4. Appointment.

A. Committee members shall be appointed by the Mayor, with the advice and consent of the City Council.

(Ord. No. O-2016-0021, Enacted 06/21/2016)

B. Committee members shall be residents of the City of Orem and represent a variety of backgrounds.

(Ord. No. O-2016-0021, Enacted 06/21/2016)

C. Committee members shall be selected without respect to political affiliation.

(Ord. No. O-2016-0021, Enacted 06/21/2016)

2-32-5. Term of Office.

A. The term of office for Committee members shall be three (3) years even if the appointment was made to fill a vacancy created by a member who was unable to complete a full term.

(Ord. No. O-2016-0021, Enacted 06/21/2016)

B. Committee members may be appointed for additional terms.

(Ord. No. O-2016-0021, Enacted 06/21/2016)

C. Each term shall continue until a successor is chosen and qualified, except in the case of the member's death, resignation, removal, or disqualification from holding office.

(Ord. No. O-2016-0021, Enacted 06/21/2016)

2-32-6. Removal and Vacancy.

A. Any member of the Committee may be removed from office by the Mayor, with the advice and consent of the City Council.

(Ord. No. O-2016-0021, Enacted 06/21/2016)

B. A member's office automatically becomes vacant if the member establishes residence outside of the City.

(Ord. No. O-2016-0021, Enacted 06/21/2016)

C. A member's office may become vacant if the member misses three or more consecutive meetings.

(Ord. No. O-2016-0021, Enacted 06/21/2016)

D. Vacancies shall be filled for any member whose office becomes vacant.

(Ord. No. O-2016-0021, Enacted 06/21/2016)

E. Vacancies occurring other than through the expiration of a regular term shall be filled by appointment of the Mayor, with the advice and consent of the City Council.

(Ord. No. O-2016-0021, Enacted 06/21/2016)

2-32-7. Voting.

A. Each member of the Committee shall have one (1) vote.

(Ord. No. O-2016-0021, Enacted 06/21/2016)

B. A quorum shall consist of any three (3) members of the Committee. No meeting is official unless a quorum of members is present.

(Ord. No. O-2016-0021, Enacted 06/21/2016)

C. The minimum number of votes required to approve or disapprove any action or proposal shall be a majority of those present at the meeting, provided there is a quorum, but shall never be less than three (3).

(Ord. No. O-2016-0021, Enacted 06/21/2016)

2-32-8. Meetings.

A. The Committee shall select one of the members to be Chairperson and another member to be Vice Chairperson. The Chairperson shall conduct all meetings and shall serve for one (1) year. The Vice Chairperson shall conduct meetings in the absence of the Chairperson and shall serve for one (1) year. Elections for Chairperson and Vice Chairperson shall be held annually.

(Ord. No. O-2016-0021, Enacted 06/21/2016)

B. The Committee shall meet on an as needed basis determined by the Committee members.

(Ord. No. O-2016-0021, Enacted 06/21/2016)

C. Committee business and discussion shall be conducted in accordance with the Utah Open Public Meeting Laws and City policies. This includes public notification of meeting place, time, and agenda items.

(Ord. No. O-2016-0021, Enacted 06/21/2016)

D. The Committee shall keep written minutes for each of its meetings. The minutes shall be reviewed for approval at the following Committee meeting and shall be available for public inspection.

(Ord. No. O-2016-0021, Enacted 06/21/2016)

E. The Committee may establish subcommittees to help carry out its responsibilities.

(Ord. No. O-2016-0021, Enacted 06/21/2016)

2-32-9. Staff Assignments.

The City Manager shall appoint appropriate staff support for the Committee.

(Ord. No. O-2016-0021, Enacted 06/21/2016)

2-32-10. Compensation.

A. Members of the Committee shall serve without monetary compensation.

(Ord. No. O-2016-0021, Enacted 06/21/2016)

B. Members may be compensated for reasonable expenses incurred for official responsibilities, if approved by the City Manager.

(Ord. No. O-2016-0021, Enacted 06/21/2016)

2-32-11. Recommendations.

The Committee Chairperson shall, from time to time, present recommendations to the City Council that have been approved by the Committee.

(Ord. No. O-2016-0021, Enacted 06/21/2016

Article 2-33. Orem Arts District Review Board

Contents:

- 2-33-1. Board Established.
- 2-33-2. Duties of the Board.
- 2-33-3. Membership of Board.
- 2-33-4. Appointment.
- 2-33-5. Term of Office.
- 2-33-6. Removal and Vacancy.
- 2-33-7. Voting.
- 2-33-8. Meetings.
- 2-33-9. Staff Assignments.
- 2-33-10. Compensation.

- 2-33-11. Appeals.

2-33-1. Board Established.

The Orem Arts District Review Board (hereinafter referred to as "Board") is hereby established.

(Ord. No. O-2019-0024, Enacted 08/27/2019)

Effective on: 8/27/2019

2-33-2. Duties of the Board.

The Board shall have the following duties and responsibilities.

A. The Board shall review applications for approval of "public art" in the Arts District zone pursuant to Section 22-24-4((F)(12) of the Orem City Code. The Board shall review submissions and shall determine whether an application qualifies as public art in conformance with the standards set forth in Section 22-24-4(F)(12).

B. To perform any other function granted to the Board by City ordinances.

(Ord. No. O-2019-0024, Enacted 08/27/2019)

Effective on: 8/27/2019

2-33-3. Membership of Board

A. The Board shall consist of five (5) members, at least two of which shall be property owners within the Arts District. A member of the City Council shall be appointed to act as a liaison between the Board and the City Council, but the City Council liaison shall not be considered a member of the Board.

(Ord. No. O-2019-0024, Enacted 08/27/2019)

Effective on: 8/27/2019

2-33-4. Appointment.

A. All members of the Board shall be appointed by the City Manager, with the advice and consent of the City Council.

B. Board members shall be residents of the City of Orem and represent a variety of backgrounds with preference given to individuals who are professional practitioners in the arts and/or who have professional, academic, vocational, or apprentice training in the arts or are generally recognized by critics and peers as a professional in the field as evidenced by his/her education, and/or experience, and/or artwork production.

C. Board members shall be selected without respect to political affiliation.

(Ord. No. O-2019-0024, Enacted 8/27/2019)

Effective on: 8/27/2019

2-33-5 Term of Office.

A. The term of office for Board members shall be three (3) years even if the appointment was made to fill a vacancy created by a member who was unable to complete a full term.

B. The term of office of the initial members of the Board shall be staggered so that three (3) are for three (3) years and two (2) are for two (2) years.

C. Lots shall be drawn at the first meeting of the Board to determine which members shall serve for three (3) years and which members shall serve for two (2) years.

D. Board members may be appointed for additional terms.

E. Each term shall continue until a successor is chosen and qualified, except in the case of the member's death, resignation, removal, or disqualification from holding office.

(Ord. No. O-2019-0024, Enacted 08/27/2019)

Effective on: 8/27/2019

2-33-6Removal and Vacancy.

A. Any member of the Board may be removed from office by the City Manager for any reason, with the advice and consent of the City Council.

B. A member's office automatically becomes vacant if the member establishes residence outside of the City.

C. A member's office may become vacant if the member misses three or more consecutive meetings.

D. Vacancies shall be filled for any member whose office becomes vacant.

E. Vacancies occurring other than through the expiration of a regular term shall be filled by appointment of the City Manager, with the advice and consent of the City Council.

(Ord. No. O-2019-0024, Enacted 08/27/2019)

Effective on: 8/27/2019

2-33-7Voting.

A. Each member of the Board shall have one (1) vote.

B. A quorum shall consist of any three (3) members of the Committee. No meeting is official unless a quorum of members is present.

C. The minimum number of votes required to approve or disapprove any action or proposal shall be a majority of those present at the meeting, provided there is a quorum, but shall never be less than two (2). However, any applicant whose application is denied by a majority vote of two or fewer members, shall have the right to a rehearing before the Board at which a deciding vote is made by a majority of at least three votes.

(Ord. No. O-2019-0024, Enacted 08/27/2019)

Effective on: 8/27/2019

2-33-8Meetings.

A. The Board shall select one of the members to be Chairperson and another member to be Vice Chairperson. The Chairperson shall conduct all meetings and shall serve for one (1) year. The Vice Chairperson shall conduct meetings in the absence of the Chairperson and shall serve for one (1) year. Elections for Chairperson and Vice Chairperson shall be held annually.

B. The Board shall meet on an as needed basis as determined by the Board members.

C. Board business and discussion shall be conducted in accordance with the Utah Open Public Meeting Laws and City policies. This includes public notification of meeting place, time, and agenda items.

D. The Board shall keep written minutes for each of its meetings. The minutes shall be reviewed for approval at the following Board meeting and shall be available for public inspection.

E. The Board may establish subcommittees to help carry out its responsibilities.

(Ord. No. O-2019-0024, Enacted 08/27/2019)

Effective on: 8/27/2019

2-33-9Staff Assignments.

The City Manager shall appoint appropriate staff support for the Board.

(Ord. No. O-2019-0024, Enacted 08/27/2019)

Effective on: 8/27/2019

2-33-10Compensation.

A. Members of the Board shall serve without monetary compensation.

B. Members may be compensated for reasonable expenses incurred for official responsibilities, if approved by the City Manager.

(Ord. No. O-2019-0024, Enacted 08/27/2019)

Effective on: 8/27/2019

2-33-11Appeals.

The City or any person aggrieved by any decision of the Arts District Review Board may appeal such decision to the City Board of Adjustment. Appeals must be filed in writing with the Department of Development Services within ten (10) days of the date of the decision of the Arts District Review Board. The appellant shall pay a fee in an amount established by resolution of the City Council. No fee shall be required from the City or other public agencies. On appeal, the Board of Adjustment shall review the decision of the Arts District Review Board applying an abuse of discretion standard and shall reverse or modify a decision of the Arts District Review Board only if it finds that the Arts District Review Board abused its discretion.

(Ord. No. O-2019-0024, Enacted 08/27/2019)

Effective on: 8/27/2019

Agenda Item No: 9.1

City Council Agenda Item Report

Meeting Date: October 8, 2019
Submitted by: Grant Allen
Submitting Department: Development Services
Item Type: Public Hearing
Agenda Section:

Subject:
PUBLIC HEARING
ORDINANCE – Amending Sections 22-24-1(H), 22-24-2(H), 22-24-3(H), 22-24-4(H), and 22-24-5(H) of the Orem City Code pertaining to parking requirements in the State Street District zones.

Suggested Action:
The Planning Commission recommends the City Council, by ordinance, amend Sections 22-24-1(H), 22-24-2(H), 22-24-3(H), 22-24-4(H), and 22-24-5(H) of the Orem City Code pertaining to parking requirements in the State Street District zones. Staff supports the Planning Commission recommendation.

Presenter:
Jason Bench

Background:
The first State Street District zones was created by the City in June 2018 when the City Center District was adopted by the City Council. The remaining districts including The North Village District, Canyon Crossing District, The Arts District, and the HUB District were adopted in October 2018.

Currently, parking for the districts is based on four parking stalls for every one-thousand (1000) square feet of gross leasable floor area for non-residential uses. Since any residential use in these zones is required to be part of a mixed-use development, no parking stalls shall be required for residential units included within the base residential density. The base residential density is calculated by dividing the total commercial parking requirement by three (3). For each residential unit in excess of the base residential density, a minimum of 2.25 parking stalls shall be provided (of which .25 stalls per unit shall be dedicated to visitor parking). In addition to the parking requirements stated above, one (1) additional parking stall shall be required for each large residential unit (three bedrooms or more) (including three-bedroom units in the base residential density).

In addition, for the residential only areas within certain district zones 2.5 stalls shall be provided for each standard residential unit (less than three bedrooms and less than 1200 square feet) and 3.5 stalls shall be provided for each large residential unit (three or more bedrooms or 1200 or more square feet). Visitor parking is required at 0.5 stalls per unit.

At the time the districts were developed staff proposed parking standards within the districts to be on the higher end of parking requirements in order to ensure parking would not be an issue. However, as several developers have investigated developing within the Districts, parking requirements has been an issue in determining the feasibility of a project within the districts.

In May 2018, the City hired a consultant to complete a city-wide parking study to review and make a possible recommendation to current parking standards. As a result of the parking study, the consultant determined that parking reductions within the districts should be considered. Within the study it was recommended to prohibit developments from charging for parking, to reduce commercial parking requirements, and to adjust the numbers of stalls per bedroom. In addition to the recommendation from the parking study, staff has also worked with several developers to determine a standard that will work for both the city and developers parking demands.
Based on a combination of the Orem City Parking Study (2019), developer recommendations, and city staff review the city is proposing the following parking modifications to the State Street District zones.
As part of the proposed parking amendments staff ran several scenarios to determine how the proposed parking amendments would work based on currently developed projects. As a result, staff determined that although the proposed parking standards fluctuate depending on the unit mix the overall standard proposed is a workable standard for both the city and developers.

The proposed parking amendment is intended to provide property owners with flexibility as they design their projects to meet all the district requirements and at the same time provide the city with the assurance that proposed projects meet the parking needs of the residents and employees of a development.

Potentially Affected Area:
State Street District Zones

Attachments:
Agenda-ParkingStandards.docx

Ordinance-ParkinginDistrictZones.pdf

Resolution-ParkingStandards.docx

Parking_Study_Final_Report.pdf

Existing_projects_Parking_Review.pdf

Parking Requirements PC Minutes 9.4.18.docx

CITY OF OREM CITY COUNCIL MEETING OCTOBER 8, 2019	
REQUEST:	**ORDINANCE –** Amending Sections 22-24-1(H), 22-24-2(H), 22-24-3(H), 22-24-4(H), and 22-24-5(H) of the Orem City Code pertaining to parking requirements in the State Street District zones.
APPLICANT:	Development Services
FISCAL IMPACT:	None

NOTICES:

- Posted in 2 public places
- Posted on City webpage and City hotline
- Faxed to newspapers
- E-mailed to newspapers
- Posted at utah.gov/pmn

SITE INFORMATION:

General Plan Designation:
Mixed-use

Current Zone(s):
State Street Districts

Neighborhoods:
N/A

PLANNING COMMISSION RECOMMENDATION
Vote: 7-0 for approval

PREPARED BY:
Jason Bench, AICP

REQUEST: The applicant requests the City Council amend Sections 22-24-1(H), 22-24-2(H), 22-24-3(H), 22-24-4(H), and 22-24-5(H) of the Orem City Code pertaining to parking requirements in the State Street District zones.

BACKGROUND: The first State Street District zone was created by the City in June 2018, when the City Center District was adopted by the City Council. The remaining districts including the North Village District, Canyon Crossing District, the Arts District, and the HUB District were adopted in October 2018.

The current parking requirement for the districts is four parking stalls for every one-thousand (1000) square feet of gross leasable floor area for non-residential uses. For residential uses that are part of a mixed-use development, no parking stalls are required for residential units included within the base residential density. The base residential density is calculated by dividing the total commercial parking requirement by three (3). For each residential unit in excess of the base residential density, a minimum of 2.25 parking stalls are required (of which .25 stalls per unit must be dedicated to visitor parking). In addition to the parking requirements stated above, one (1) additional parking stall is required for each large residential unit (three bedrooms or more).

For residential only areas within the district zones, 2.5 stalls are required for each standard residential unit (less than three bedrooms and less than 1200 square feet) and 3.5 stalls are required for each large residential unit (three or more bedrooms or 1200 or more square feet). Visitor parking is required at 0.5 stalls per unit.

Current Parking Requirements	
Commercial Requirement	4/1000 - Four parking stall for every one-thousand square feet of gross leasable floor area of nonresidential uses. Shared parking - No parking required for units included in the base density. (Base Density = Commercial parking requirement divided by 3)
Residential uses in the Core, Civic, and Edge zones	2.25 parking stalls for each unit in excess of the base density. (.25 stalls dedicated to visitor parking) One additional stall for large units (three or more bedrooms)

Residential uses only - Res (A & B) zones	2.5 stalls for each unit (less than three bedrooms and less than 1200 square feet) (.5 per unit reserved for visitor parking) 3.5 for each unit (three or more bedrooms or 1200 or more square feet)

When the districts were developed, staff intended the parking standards to be on the higher end in order to ensure that parking would not be an issue. However, as several developers have investigated developing within the districts, the parking requirements have been a barrier to project feasibility.

In May 2018, the City hired a consultant to complete a City-wide parking study to review and make recommendations regarding appropriate parking standards. The consultant determined that parking reductions within the districts should be considered. The study also recommended reducing commercial parking requirements, adjusting the number of stalls per bedroom and prohibiting developments from charging for parking. In addition to the parking study, staff has also worked with several developers to determine a parking standard that will work for both the City and developers.

Based on a combination of the Orem City Parking Study (2019), developer recommendations, and City staff review, staff proposes the following parking modifications to the State Street District zones.

Proposed Parking Changes	
Commercial requirement	3/1000 - Three parking stalls for every one-thousand square feet of gross leasable floor area of non-residential uses. The shared parking component will remain in place residential unit in mixed use areas. No parking will be required for units included in the base density. (Base Density = Commercial parking requirement divided by 3)
Residential uses in the Core, Civic, and Edge zones	1.75 parking stalls per unit (of which .1 stalls per unit shall be dedicated to visitor parking)
Residential uses only - Res (A & B) zones	No parking changes are proposed to the residential only areas.

As part of the proposed parking amendments, staff ran several scenarios to determine how the proposed parking amendments would work based on currently developed projects. As a result, staff determined that although the proposed parking standards fluctuate depending on the unit mix, the overall standard proposed is a workable standard for both the City and developers.

Location	Residential and Commercial Parking Requirements			Residential Parking Requirements	
	Current Code	1.75 Ratio Required Stalls		Current Code	Proposed 1.75 Ratio
		4 per 1,000 Commercial	3 per 1,000 Commercial		
920 N State Monte Vista (No Commercial)	257	N/A	N/A	257	231
1120 W Center Wasatch Orem Center St (No Commercial)	336	N/A	N/A	336	294
1450 S State Legacy at Orem (No Commercial)	295	N/A	N/A	295	315
470 S State St Sun Canyon Villas	225	183	174	189	174
320 S State St Midtown Village	1084	978	948	1084	948

Note: All calculations for 1.75 ratio predictions including commercial assumes a 3/1,000 commercial requirement and 1/3 parking credit for base density.

The proposed parking amendment is intended to provide property owners with flexibility as they design their projects to meet all the district requirements and at the same time provide the City with the assurance that proposed projects meet the parking needs of residents and employees.

RECOMMENDATION: The Planning Commission recommends the City Council, by ordinance, amend Sections 22-24-1(H), 22-24-2(H), 22-24-3(H), 22-24-4(H), and 22-24-5(H) of the Orem City Code pertaining to parking requirements in the State Street District zones. Staff supports the Planning Commission recommendation.

Section 22-24-1 City Center District (CCD) Zone.

H. **Parking.**

1. **Parking Requirements**

a. Required parking in the CCD zones may be met within a parking lot, parking structure, or a shared parking agreement approved by the City.

b. For the "Core", "Civic", and "Edge" zones, threefour parking stalls shall be provided for every one-thousand (1000) square feet of gross leasable floor area of nonresidential uses. Since any residential use in these zones is required to be part of a mixed-use development, no parking stalls shall be required for residential units included within the base residential density. The base residential density is calculated by dividing the total commercial parking requirement by three (3). For each residential unit in excess of the base residential density, a minimum of 1.752.25 parking stalls shall be provided (of which .125 stalls per unit shall be dedicated to visitor parking). In addition to the parking requirements stated above, one (1) additional parking stall shall be required for each large residential unit (three bedrooms or more)(including three-bedroom units in the base residential density).

c. For the CCD-Res (A&B) zones, 2.5 stalls shall be provided for each standard residential unit (less than three bedrooms and less than 1200 square feet) and 3.5 stalls shall be provided for each large residential unit (three or more bedrooms or 1200 or more square feet). Where parking areas are shared between multiple units, parking stalls shall be dedicated to each unit or to visitor parking by signage or painted numbering and at least 0.5 stalls of the per unit required parking standard shall be reserved for visitor parking.

d. **No Charge for Use of Required Parking.** In order to ensure that tenants (including residents and employees) of a development do not have an incentive to park off-site, no fee, charge, deposit or other form of compensation (other than rent) may be required of a tenant for the right to use required parking stalls (including, for purposes of this subsection, the right to exclusive use of a particular parking stall). Neither the rent, the deposit or other fees charged to tenants may differ based on whether the tenant is given the right to use required parking. No form of compensation (including but not limited to a reduction in rent or other fees or charges) may be given to a tenant in exchange for a waiver or relinquishment of the right to use required parking. No penalty of any kind may be imposed upon a tenant for parking in a required parking stall.

e. Site plans within the CCD District are not eligible for any parking modifications outlined in Section 22-15-5 and must meet the parking requirements outlined in this section.

Section 22-24-2 The Hub District (HD) Zone.

H. **Parking.**

1. **Parking Requirements**

a. Required parking in the HD zone may be met within a parking lot, parking structure, or a shared parking agreement approved by the City.

b. For the HD zone, threefour parking stalls shall be provided for every one-thousand (1000) square feet of gross leasable floor area of nonresidential uses. Since any residential use in thisese zone is required to be part of a mixed-use development, no parking stalls shall be

required for residential units included within the base residential density. The base residential density is calculated by dividing the total commercial parking requirement by three (3). For each residential unit in excess of the base residential density, a minimum of 1.752.25 parking stalls shall be provided (of which .125 stalls per unit shall be dedicated to visitor parking). In addition to the parking requirements stated above, one (1) additional parking stall shall be required for each large residential unit (three bedrooms or more) (including three-bedroom units in the base residential density).

c. **No Charge for Use of Required Parking.** In order to ensure that residents of a development do not have an incentive to park off-site, no fee, charge, deposit or other form of compensation (other than rent) may be required of a tenant for the right to use required parking stalls (including, for purposes of this subsection, the right to exclusive use of a particular parking stall). Neither the rent, the deposit or other fees charged to tenants may differ based on whether the tenant is given the right to use required parking. No form of compensation (including but not limited to a reduction in rent or other fees or charges) may be given to a tenant in exchange for a waiver or relinquishment of the right to use required parking. No penalty of any kind may be imposed upon a tenant for parking in a required parking stall.

d. Site plans within the HD District are not eligible for parking modifications outlined in Section 22-15-5 and must meet the parking requirement outlined in this section.

Section 22-24-3 Canyon Crossing District (CXD) Zone.

H. **Parking.**

1. **Parking Requirements.**

a. Required parking in the CXD zones may be met within a parking lot, parking structure, or a shared parking agreement approved by the City.

b. For the CXD-C zone, threefour parking stalls shall be provided for every one-thousand (1000) square feet of gross leasable floor area of nonresidential uses. Since any residential use in these zones is required to be part of a mixed-use development, no parking stalls shall be required for residential units included within the base residential density. The base residential density is calculated by dividing the total commercial parking requirement by three (3). For each residential unit in excess of the base residential density, a minimum of 1.752.25 parking stalls shall be provided (of which .125 stalls per unit shall be dedicated to visitor parking). In addition to the parking requirements stated above, one (1) additional parking stall shall be required for each large residential unit (three bedrooms or more) (including three-bedroom units in the base residential density).

c. For the CXD-Res (A&B) zones, 2.5 stalls shall be provided for each standard residential unit (less than three bedrooms and less than 1200 square feet) and 3.5 stalls shall be provided for each large residential unit (three or more bedrooms or 1200 or more square feet). Where parking areas are shared between multiple units, parking stalls shall be dedicated to each unit or to visitor parking by signage or painted numbering and at least 0.5 stalls of the per unit required parking standard shall be reserved for visitor parking.

d. **No Charge for Use of Required Parking.** In order to ensure that residents of a development do not have an incentive to park off-site, no fee, charge, deposit or other form of compensation (other than rent) may be required of a tenant for the right to use required parking stalls (including, for purposes of this subsection, the right to exclusive use of a particular parking stall). Neither the rent, the deposit or other fees charged to tenants may differ based on whether the tenant is given the right to use required parking. No form of compensation (including but not limited to a reduction in rent or other fees or charges) may be given to a tenant in exchange for a waiver or relinquishment of the right to use required parking. No penalty of any kind may be imposed upon a tenant for parking in a required parking stall.

e. Site plans within the CXD District are not eligible for parking modifications outlined in Section 22-15-5 and must meet the parking requirement outlined in this section.

Section 22-24-4 The Arts District (AD) Zone.

H. **Parking.**

1. **Parking Requirements.**

a. Required parking in the AD zones may be met within a parking lot, parking structure, or a shared parking agreement approved by the City.

b. For the AD-C and AD-Civ zones, three~~four~~ parking stalls shall be provided for every one-thousand (1000) square feet of gross leasable floor area of nonresidential uses. Since any residential use in these zones is required to be part of a mixed-use development, no parking stalls shall be required for residential units included within the base residential density. The base residential density is calculated by dividing the total commercial parking requirement by three (3). For each residential unit in excess of the base residential density, a minimum of 1.75~~2.25~~ parking stalls shall be provided (of which .1~~25~~ stalls per unit shall be dedicated to visitor parking). ~~In addition to the parking requirements stated above, one (1) additional parking stall shall be required for each large residential unit (three bedrooms or more)(including three-bedroom units in the base residential density).~~

c. For the AD-Res zone, 2.5 stalls shall be provided for each standard residential unit (less than three bedrooms and less than 1200 square feet) and 3.5 stalls shall be provided for each large residential unit (three or more bedrooms or 1200 or more square feet). Where parking areas are shared between multiple units, parking stalls shall be dedicated to each unit or to visitor parking by signage or painted numbering and at least 0.5 stalls of the per unit required parking standard shall be reserved for visitor parking.

d. **No Charge for Use of Required Parking.** In order to ensure that residents of a development do not have an incentive to park off-site, no fee, charge, deposit or other form of compensation (other than rent) may be required of a tenant for the right to use required parking stalls (including, for purposes of this subsection, the right to exclusive use of a particular parking stall). Neither the rent, the deposit or other fees charged to tenants may differ based on whether the tenant is given the right to use required parking. No form of compensation (including but not limited to a reduction in rent or other fees or charges) may be given to a tenant in exchange for a waiver or relinquishment of the right to use required parking. No penalty of any kind may be imposed upon a tenant for parking in a required parking stall.

e. Site plans within the AD District are not eligible for parking modifications outlined in Section 22-15-5 and must meet the parking requirement outlined in this section.

Section 22-24-5 North Village District (NVD) Zone.

H. **Parking.**

1. **Parking Requirements**

a. Required parking in the NVD zones may be met within a parking lot, parking structure, or a shared parking agreement approved by the City.

b. For the "Core" and "Edge" zones, three~~four~~ parking stalls shall be provided for every one-thousand (1000) square feet of gross leasable floor area of nonresidential uses. Since any residential use in these zones is required to be part of a mixed-use development, no parking stalls shall be required for residential units included within the base residential density. The base residential density is calculated by dividing the total commercial parking requirement by three (3). For each residential unit in excess of the base residential density, a minimum of 1.75~~2.25~~ parking stalls shall be provided (of which .10~~25~~ stalls per unit shall be dedicated to visitor parking). ~~In addition to the parking requirements stated above, one (1) additional parking stall shall be required for each large residential unit (three bedrooms or more)(including three-bedroom units in the base residential density).~~

c. For the NVD-Res (A&B) zones, 2.5 stalls shall be provided for each standard residential unit (less than three bedrooms and less than 1200 square feet) and 3.5 stalls shall be provided for each large residential unit (three or more bedrooms or 1200 or more square feet). Where parking areas are shared between multiple units, parking stalls shall be dedicated to each unit or to visitor parking by signage or painted numbering and at least 0.5 stalls of the per unit required parking standard shall be reserved for visitor parking.

d. **No Charge for Use of Required Parking.** In order to ensure that residents of a development do not have an incentive to park off-site, no fee, charge, deposit or other form of compensation (other than rent) may be required of a tenant for the right to use required parking stalls (including, for purposes of this subsection, the right to exclusive use of a particular parking stall). Neither the rent, the deposit or other fees charged to tenants may differ based on whether the tenant is given the right to use required parking. No form of compensation (including but not limited to a reduction in rent or other fees or charges) may be given to a tenant in exchange for a waiver or relinquishment of the right to use required parking. No penalty of any kind may be imposed upon a tenant for parking in a required parking stall.

e. Site plans within the NVD District are not eligible for parking modifications outlined in Section 22-15-5 and must meet the parking requirement outlined in this section.

ORDINANCE NO. _____

AN ORDINANCE OF THE OREM CITY COUNCIL AMENDING SECTIONS 22-24-1(H), 22-24-2(H), 22-24-3(H), 22-24-4(H), AND 22-24-5(H) OF THE OREM CITY CODE PERTAINING TO PARKING REQUIREMENTS IN THE STATE STREET DISTRICT ZONES

WHEREAS on July 31, 2019, the Department of Development Services filed an application to amend Sections 22-24-1(H), 22-24-2(H), 22-24-3(H), 22-24-4(H), and 22-24-5(H) of the Orem City Code pertaining to parking requirements in the State Street District zones; and

WHEREAS a public hearing considering the subject application was held by the Planning Commission on September 4, 2019, and the Planning Commission recommended approval of the request; and

WHEREAS a public hearing considering the subject application was held by the City Council on October 8, 2019; and

WHEREAS the agendas of the Planning Commission meeting and the City Council meeting at which the request was heard were posted at the Orem Public Library, on the Orem City webpage, at the City Offices at 56 North State Street and at utah.gov/pmn; and

WHEREAS the matter having been submitted and the City Council having fully considered the request as it relates to the health, safety and general welfare of the City; the orderly development of land in the City; the effect upon the surrounding neighborhoods; and the special conditions applicable to the request.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OREM, UTAH, as follows:

1. The City Council finds that this request is in the best interest of the City because it will provide greater flexibility for development in the State Street District zones relating to parking and will not require more parking than is necessary for such developments while still assuring that adequate parking is provided.

2. The City Council hereby amends Sections 22-24-1(H), 22-24-2(H), 22-24-3(H), 22-24-4(H), and 22-24-5(H) of the Orem City Code pertaining to parking requirements in the State Street District zones as shown on Exhibit “A” which is attached hereto and incorporated herein by reference.

3. If any part of this ordinance shall be declared invalid, such decision shall not affect the validity of the remainder of this ordinance.

4. This ordinance shall take effect immediately upon passage and publication in a newspaper of general circulation in the City.

PASSED, APPROVED and ordered PUBLISHED this 8th day of October 2019.

_____
Richard F. Brunst, Mayor

ATTEST:

_____
Jody Bates, City Recorder

COUNCIL MEMBERS VOTING "AYE"	COUNCIL MEMBERS VOTING "NAY"

Section 22-24-1 City Center District (CCD) Zone.

H. **Parking.**

1. **Parking Requirements**

a. Required parking in the CCD zones may be met within a parking lot, parking structure, or a shared parking agreement approved by the City.

b. For the “Core”, “Civic”, and “Edge” zones, three parking stalls shall be provided for every one-thousand (1000) square feet of gross leasable floor area of nonresidential uses. Since any residential use in these zones is required to be part of a mixed-use development, no parking stalls shall be required for residential units included within the base residential density. The base residential density is calculated by dividing the total commercial parking requirement by three (3). For each residential unit in excess of the base residential density, a minimum of 1.75 parking stalls shall be provided (of which .1 stalls per unit shall be dedicated to visitor parking).

c. For the CCD-Res (A&B) zones, 2.5 stalls shall be provided for each standard residential unit (less than three bedrooms and less than 1200 square feet) and 3.5 stalls shall be provided for each large residential unit (three or more bedrooms or 1200 or more square feet). Where parking areas are shared between multiple units, parking stalls shall be dedicated to each unit or to visitor parking by signage or painted numbering and at least 0.5 stalls of the per unit required parking standard shall be reserved for visitor parking.

d. **No Charge for Use of Required Parking.** In order to ensure that tenants (including residents and employees) of a development do not have an incentive to park off-site, no fee, charge, deposit or other form of compensation (other than rent) may be required of a tenant for the right to use required parking stalls (including, for purposes of this subsection, the right to exclusive use of a particular parking stall). Neither the rent, the deposit or other fees charged to tenants may differ based on whether the tenant is given the right to use required parking. No form of compensation (including but not limited to a reduction in rent or other fees or charges) may be given to a tenant in exchange for a waiver or relinquishment of the right to use required parking. No penalty of any kind may be imposed upon a tenant for parking in a required parking stall.

e. Site plans within the CCD District are not eligible for any parking modification outlined in Section 22-15-5 and must meet the parking requirements outlined in this section.

Section 22-24-2 The Hub District (HD) Zone.

H. **Parking.**

1. **Parking Requirements**

a. Required parking in the HD zone may be met within a parking lot, parking structure, or a shared parking agreement approved by the City.

b. For the HD zone, three parking stalls shall be provided for every one-thousand (1000) square feet of gross leasable floor area of nonresidential uses. Since any residential use in this zone is required to be part of a mixed-use development, no parking stalls shall be required for residential units included within the base residential density. The base residential density is calculated by dividing the total commercial parking requirement by three (3). For each residential unit in excess of the base residential density, a minimum of 1.75 parking stalls shall be provided (of which .1 stalls per unit shall be dedicated to visitor parking).

c. **No Charge for Use of Required Parking.** In order to ensure that residents of a development do not have an incentive to park off-site, no fee, charge, deposit or other form of compensation (other than rent) may be required of a tenant for the right to use required parking stalls (including, for purposes of this subsection, the right to exclusive use of a particular parking stall). Neither the rent, the deposit or other fees charged to tenants may differ based on whether the tenant is given the right to use required parking. No form of compensation (including but not limited to a reduction in rent or other fees or charges) may be given to a tenant in exchange for a waiver or relinquishment of the right to use required parking. No penalty of any kind may be imposed upon a tenant for parking in a required parking stall.

d. Site plans within the HD District are not eligible for parking modification outlined in Section 22-15-5 and must meet the parking requirement outlined in this section.

Section 22-24-3 Canyon Crossing District (CXD) Zone.

H. **Parking.**

1. **Parking Requirements.**

a. Required parking in the CXD zones may be met within a parking lot, parking structure, or a shared parking agreement approved by the City.

b. For the CXD-C zone, three parking stalls shall be provided for every one-thousand (1000) square feet of gross leasable floor area of nonresidential uses. Since any residential use in these zones is required to be part of a mixed-use development, no parking stalls shall be required for residential units included within the base residential density. The base residential density is calculated by dividing the total commercial parking requirement by three (3). For each residential unit in excess of the base residential density, a minimum of 1.75 parking stalls shall be provided (of which .1 stalls per unit shall be dedicated to visitor parking

c. For the CXD-Res (A&B) zones, 2.5 stalls shall be provided for each standard residential unit (less than three bedrooms and less than 1200 square feet) and 3.5 stalls shall be provided for each large residential unit (three or more bedrooms or 1200 or more square feet). Where parking areas are shared between multiple units, parking stalls shall be dedicated to each unit or to visitor parking by signage or

painted numbering and at least 0.5 stalls of the per unit required parking standard shall be reserved for visitor parking.

d. **No Charge for Use of Required Parking.** In order to ensure that residents of a development do not have an incentive to park off-site, no fee, charge, deposit or other form of compensation (other than rent) may be required of a tenant for the right to use required parking stalls (including, for purposes of this subsection, the right to exclusive use of a particular parking stall). Neither the rent, the deposit or other fees charged to tenants may differ based on whether the tenant is given the right to use required parking. No form of compensation (including but not limited to a reduction in rent or other fees or charges) may be given to a tenant in exchange for a waiver or relinquishment of the right to use required parking. No penalty of any kind may be imposed upon a tenant for parking in a required parking stall.

e. Site plans within the CXD District are not eligible for parking modification outlined in Section 22-15-5 and must meet the parking requirement outlined in this section.

Section 22-24-4 The Arts District (AD) Zone.

H. **Parking.**

1. **Parking Requirements.**

a. Required parking in the AD zones may be met within a parking lot, parking structure, or a shared parking agreement approved by the City.

b. For the AD-C and AD-Civ zones, three parking stalls shall be provided for every one-thousand (1000) square feet of gross leasable floor area of nonresidential uses. Since any residential use in these zones is required to be part of a mixed-use development, no parking stalls shall be required for residential units included within the base residential density. The base residential density is calculated by dividing the total commercial parking requirement by three (3). For each residential unit in excess of the base residential density, a minimum of 1.75 parking stalls shall be provided (of which .1 stalls per unit shall be dedicated to visitor parking).

c. For the AD-Res zone, 2.5 stalls shall be provided for each standard residential unit (less than three bedrooms and less than 1200 square feet) and 3.5 stalls shall be provided for each large residential unit (three or more bedrooms or 1200 or more square feet). Where parking areas are shared between multiple units, parking stalls shall be dedicated to each unit or to visitor parking by signage or painted numbering and at least 0.5 stalls of the per unit required parking standard shall be reserved for visitor parking.

d. **No Charge for Use of Required Parking.** In order to ensure that residents of a development do not have an incentive to park off-site, no fee, charge, deposit or other form of compensation (other than rent) may be required of a tenant for the right to use required parking stalls (including, for purposes of this subsection, the right to exclusive use of a particular parking stall). Neither the rent, the deposit or other fees charged to tenants may differ based on whether the tenant is given the right to use required parking. No form of compensation (including but not limited to

a reduction in rent or other fees or charges) may be given to a tenant in exchange for a waiver or relinquishment of the right to use required parking. No penalty of any kind may be imposed upon a tenant for parking in a required parking stall.

e. Site plans within the AD District are not eligible for parking modification outlined in Section 22-15-5 and must meet the parking requirement outlined in this section.

Section 22-24-5 North Village District (NVD) Zone.

H. **Parking.**

1. **Parking Requirements**

a. Required parking in the NVD zones may be met within a parking lot, parking structure, or a shared parking agreement approved by the City.

b. For the "Core" and "Edge" zones, three parking stalls shall be provided for every one-thousand (1000) square feet of gross leasable floor area of nonresidential uses. Since any residential use in these zones is required to be part of a mixed-use development, no parking stalls shall be required for residential units included within the base residential density. The base residential density is calculated by dividing the total commercial parking requirement by three (3). For each residential unit in excess of the base residential density, a minimum of 1.75 parking stalls shall be provided (of which .10 stalls per unit shall be dedicated to visitor parking).

c. For the NVD-Res (A&B) zones, 2.5 stalls shall be provided for each standard residential unit (less than three bedrooms and less than 1200 square feet) and 3.5 stalls shall be provided for each large residential unit (three or more bedrooms or 1200 or more square feet). Where parking areas are shared between multiple units, parking stalls shall be dedicated to each unit or to visitor parking by signage or painted numbering and at least 0.5 stalls of the per unit required parking standard shall be reserved for visitor parking.

d. **No Charge for Use of Required Parking.** In order to ensure that residents of a development do not have an incentive to park off-site, no fee, charge, deposit or other form of compensation (other than rent) may be required of a tenant for the right to use required parking stalls (including, for purposes of this subsection, the right to exclusive use of a particular parking stall). Neither the rent, the deposit or other fees charged to tenants may differ based on whether the tenant is given the right to use required parking. No form of compensation (including but not limited to a reduction in rent or other fees or charges) may be given to a tenant in exchange for a waiver or relinquishment of the right to use required parking. No penalty of any kind may be imposed upon a tenant for parking in a required parking stall.

e. Site plans within the NVD District are not eligible for parking modification outlined in Section 22-15-5 and must meet the parking requirement outlined in this section.



IMAGINE

OREM

OREM CITY PARKING STUDY

APRIL 2019

OREM CITY PARKING STUDY

APRIL 2019

Prepared for:

The City of Orem

56 North State Street

Orem, Utah

Prepared by:

Orem City Planning Division

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EXECUTIVE SUMMARY

The goal of the Orem City Parking Study is to provide recommendations for new parking requirements for selected land uses associated with new development. These recommendations are based on recognized standards, local parking counts, and proximity to existing and future transit. The recommendations in this study will serve as the basis for new parking standards that will be presented to the Orem City Council for adoption into the Orem City Code.

This study has identified five land use categories for which it is recommended that a new city-wide standard be adopted.

Table 1: Summary of Minimum Parking Requirements for Selected Land-Uses

Land Use	Recommended (Min.)	Recommended (Max.)
Single-family Attached	2 per unit	
Multifamily	0.75 per bedroom or 2 per unit, whichever is lower	1 per bedroom or 2 per unit, whichever is lower + 0.25 per unit for guest parking
Retail / Office	2 per 1,000 sq. ft. GLFA	3 per 1,000 sq. ft. GLFA
Mixed Use (MXD) with shared parking	Either commercial or residential minimum, whichever is larger	
Transit-Oriented Development (TOD)	50% reduction from MXD	25% reduction from MXD

One of the major recommendations of this study is to move away from a per-unit parking requirement and utilize a per-bedroom standard. This reflects existing trends in Orem for new multifamily developments and student housing, and more effectively requires the amount of parking supply that is actually needed. In addition, this study significantly lowers the parking requirements for retail and office uses, allowing greater flexibility for businesses (especially smaller businesses with lower parking demands).

INTRODUCTION

With a limited amount of remaining undeveloped land, much of Orem's future growth is expected to occur through the redevelopment of existing sites throughout the City. One of the challenges with redevelopment is regulating parking. When projects are built with too little parking, there is the potential for "spillover parking" – a situation in which business patrons, residents, and visitors to housing developments park on city public streets – to lead some nearby residents to complain. When projects are built with too much parking, lots are underutilized, wasting valuable land and development costs, which raises the price of housing, goods, and services for everyone.

Currently, the City has different parking standards for each zone. This has created a wide range of parking requirements, sometimes applying different standards to similar projects that happen to be in different zones. The purpose of this study is to re-evaluate the existing requirements and to provide uniform recommendations based on more accurate measurements and data.

STANDARDIZATION OF OREM PARKING REGULATIONS

In the past, new development in Orem has been primarily low density. Occasional requests for higher density development were approved by the City Council utilizing the "Planned Development" (PD) zone. Rather than being a standardized zone that applies the same requirements across many sites, the PD zone is a customized zone for each site. As a result, the City has over time accumulated 48 separate PD zones, each with unique parking requirements.

With changing trends, the demand for higher density development is increasing. Responding to this demand, the Orem City Council has worked with residents to create a plan for responsible growth.[1] In 2018, the Orem City Council adopted five districts along State Street where future higher density development will be concentrated. With these districts, it is important that the parking requirements be updated to reflect fair and uniform standards.

HIGH COST OF PARKING

Parking is expensive to provide, especially with the recent increases in land values and construction costs in Utah. Recent estimates suggest that surface parking costs between $5,000 and $10,000 per stall, while structured parking costs between $15,000 and $25,000 per stall.[2] When parking requirements are too high, they can represent a significant portion of a project's costs and inhibit development altogether. This is especially concerning when it impacts residential projects, given that Orem is currently experiencing a housing affordability crisis due primarily to a lack of supply.[3] This study recognizes the high cost of parking and recommends decreasing the parking requirements for land uses where an over-supply can be demonstrated.

TRANSIT IN OREM

This past year, Utah's first bus rapid transit (BRT) began running through Orem. BRT's efficiency – namely its ability to carry a high number of passengers per vehicle while maintaining the flexibility of bus service with lower capital costs than light rail – provides an affordable transportation alternative in growing cities. Over time, the availability of public transit in Orem is expected to reduce residents' dependence on automobiles, particularly for people who live near transit stops. This study recognizes the impact of

[1] Orem State Street Corridor Master Plan. Appendix D of the General Plan. https://orem.org/generalplan/
[2] Carl Walker (2016), Mean Construction Costs, Carl Walker Consulting (www.carlwalker.com)
[3] Orem Moderate-Income Housing Study, 2018: https://orem.org/wp-content/uploads/2018/09/Orem-Moderate-Income-Housing-Study_2018.09.12.pdf

transit and provides a recommendation for updating the parking requirements to include a discount for developments located within proximity to an existing or announced transit stop.

EXISTING PARKING REQUIREMENTS

The existing Orem City Code contains parking requirements for over 70 different land uses categories. More than 60 codes apply to parking provisions for residential uses, 30 for commercial uses, and 10 for office uses. This section examines a selection of Orem's existing parking requirements and provides a comparison to the recommendations provided by the ITE's *Parking Generation Manual* and other cities in the region.

RESIDENTIAL ZONES

The number of off-street parking spaces Orem requires in zones of single-family, detached houses ranges from 2 to 2.5 per dwelling. Houses with an accessory dwelling unit on the property are required to have a minimum of three spaces. The top of this range is higher than ITE's recommended standard of two spaces per unit, and the entire range is higher than the average peak demand of 1.8 spaces per unit observed by ITE. In the Wasatch Front region, Orem's parking requirements are on the low end.

Table 2: Existing Orem Residential Parking Standards Comparison

Land Use Category	Orem's Existing Code	ITE (Supply)	ITE (Peak Demand)	Regional High	Regional Low
Residential – Single-family detached	2.0-2.5 per unit (3.0 with accessory dwelling)	2 per unit	1.8 per unit	4 per unit + 2 per accessory unit (Pleasant Grove)	2 per unit (South Jordan, American Fork)
Accessory Apartments	+0.5-1.0 per unit. (Min. 3 per 1-family dwelling)	-	-	+2 per unit (Pleasant Grove)	+1 per unit (American Fork)
Residential – Single-family attached	2 per unit + 0.25-0.78 per unit for guest parking	1.4 per unit	1.38 per unit	4 per unit (Vineyard, South Jordan)	1 per bedroom or 2 per unit, whichever is lower (Saratoga Springs)
Residential – Multifamily	1-2.5 per unit or 0.65-1.75 per bedroom + 0.25-0.78 per unit guest parking. (Not all PD zones require guest parking.)	1.4-2.0 per unit	1.2-1.37 per unit	0.66-1.75 per bedroom + 0.25 per unit guest parking (Provo)	1 per bedroom or 2 per unit, whichever is lower (Saratoga Springs)
Residential – Student housing overlay	0.8 per unit	-	-	-	-

Source: Orem City Code, ITE, University of Utah Metropolitan Research Center

The number of spaces Orem requires for single-family, attached houses (which includes duplexes, triplexes, and townhouses) is two per dwelling unit plus 0.25 to 0.78 spaces per unit for guest parking (depending on the zone). This range of 2.25 to 2.78 spaces per unit is substantially higher than ITE's recommended standard of 1.4 spaces per unit and the average peak demand of 1.38 spaces per unit observed by ITE. In the Wasatch Front region, Orem's parking requirements for single-family, attached dwellings lies in the middle of the range.

The number of spaces Orem requires for multifamily residential buildings ranges from 1 to 2.5 spaces per dwelling unit or 0.65 to 1.75 spaces per bedroom, with an additional 0.25 to 0.78 spaces per unit required for guest parking. The large range of requirements is a result of the proliferation of "Planned Development" zones where parking requirements have not been standardized. This range of required parking extends both higher and lower than ITE's recommended standard of 1.4 to 2 spaces per unit and is mostly higher than the average peak demand of 1.38 spaces per unit observed by ITE. In the Wasatch Front region, Orem's parking requirements are among the highest. Orem tops both Provo's requirement of 0.91 to 2 spaces per bedroom and Saratoga Springs' requirement for one space per bedroom or two spaces per unit, whichever is lower. However, Orem is the only city in the Wasatch Front region with a student housing overlay district. At 0.8 spaces per dwelling unit, parking requirements in the student housing overlay district are lower than those for any other type of multifamily housing in the city.

OFFICE ZONES

The number of off-street parking spaces Orem requires for professional and government office buildings ranges from 2.4 to 4 per 1,000 sq. ft. of gross leasable floor area (GLFA), with no building allowed to have fewer than five total spaces. This range starts lower than ITE's recommended standard of 3.3 to 4 spaces per 1,000 sq. ft. GFLA and the average peak demand of 2.84 to 4.15 per 1,000 sq. ft. GFLA observed by ITE. In the Wasatch Front region, Orem's parking requirements are much lower than the 6.67 spaces per 1,000 sq. ft. GFLA required by Provo and Vineyard but range higher than the 2.5 spaces per 1,000 sq. ft. GFLA required by Bluffdale and South Jordan.

COMMERCIAL ZONES

The number of off-street parking spaces Orem requires for commercial buildings ranges from two to four spaces per 1,000 sq. ft. GLFA. This range is lower than ITE's recommended standard of 3.2 to 5.8 spaces per 1,000 sq. ft. GLFA but close to the average peak demand of 2.27 to 4.67 observed by ITE. In the Wasatch Front region, Orem's parking requirements are substantially lower than the six spaces per 1,000 sq. ft. GLFA required by American Fork but higher than Bluffdale and Provo's requirements for 1.67 spaces per 1,000 sq. ft. GFLA.

The number of spaces Orem requires for movie theaters is 0.25 per seat. This is lower than the 0.3 spaces per seat recommended by ITE but higher than the average peak demand of 0.15 spaces per seat observed by ITE. In the Wasatch Front region, Orem's parking requirements are almost identical to South Jordan's requirement for 0.33 spaces per seat but higher than Bluffdale and Provo's requirements for 0.25 spaces per seat.

MIXED-USE ZONES

Orem city code allows all parking at mixed-use developments to be shared among residential and non-residential uses. The total number of off-street parking spaces required is the greater of either 0.65 to 1 space per bedroom, 1 to 4.65 spaces per dwelling unit, or 2 to 5 spaces per 1,000 sq. ft. of non-residential GLFA. The 4th edition of ITE's *Parking Generation Manual* does not recommend a standard or list an average peak demand for mixed-use developments. In the Wasatch Front region, Orem's requirements are similar to the 1 space per bedroom or 2 per unit, whichever is lower, for residential portions and the two to four spaces per 1,000 sq. ft. of GLFA for non-residential uses required by Saratoga Springs. By contrast, Orem's requirements are higher than Vineyard's requirements for 1.5 spaces per unit for residential portions and three spaces per 1,000 sq. ft. GFA for non-residential portions of mixed-use developments.

Table 3: Existing Orem Office, Commercial, and Mixed-Use Parking Standards Comparison

Land Use Category	Orem's Existing Code	ITE (Supply)	ITE (Peak Demand)	Regional High	Regional Low
Office	2.4-4.0 per 1,000 sq. ft. GLFA	3.3-4 per 1,000 sq. ft. GLFA	2.84-4.15 per 1,000 sq. ft. GLFA	6.67 per 1,000 sq. ft. GLFA (Provo, Vineyard)	2.5 per 1,000 sq. ft. GLFA (South Jordan, Bluffdale)
Retail Shopping Center	2-4 per 1,000 sq. ft. GLFA	4.7-4.9 per 1,000 sq. ft. GLFA	2.27-4.67 per 1,000 sq. ft. GLFA	6 per 1,000 sq. ft. GLFA (American Fork)	1.67 per 1,000 sq. ft. GLFA (Bluffdale, Provo)
Mixed Use	Residential: 0.65-1.0 per bedroom or 1.0-4.65 per unit; Non-residential: 2.0-5.0 per 1,000 sq. ft. GLFA. (All parking can be shared.)	-	-	Residential: 1 per bedroom or 2 per unit; Non-residential: based on sq. ft. of individual use (Saratoga Springs)	Residential: 1.5 per unit; Non-residential: 3 per 1,000 sq. ft. GFA

Source: Orem City Code, ITE, University of Utah Metropolitan Research Center

DATA SOURCES

This section provides an overview of the data and methodology used to inform the recommendations of this study.

ITE TRIP AND PARKING GENERATION

For many cities, parking requirements are based in whole or part on trip generation data provided by the Institute of Transportation Engineers (ITE). Trip generation is a term used to describe how many people or vehicles come and go from a location during a certain time. Trip generation is typically determined by referencing the ITE's *Trip Generation Manual*. This manual utilizes hundreds of traffic studies conducted in many locations throughout the country to estimate the average traffic demand that can be expected from various land uses. This data forms the basis for the ITE's *Parking Generation Manual*. [4]

While ITE's manuals are recognized as the authority on trip and parking generation, they readily acknowledge that the data was "primarily collected at suburban locations having little or no transit service, nearby pedestrian amenities, or travel demand management (TDM) programs."[5] The *Trip Generation Manual* also states: "At specific sites, the user may wish to modify trip-generation rates presented in this document to reflect the presence of public transportation service, ridesharing, or other TDM measures; enhanced pedestrian and bicycle trip-making opportunities; or other special characteristics of the site or surrounding area."

Understanding these limitations, this study includes parking counts for ten sites located in Orem. Combining ITE data with local parking counts (administered by an objective third party and capturing both on- and off-street parking numbers) represents the most accurate way to measure parking demand.

PARKING COUNTS

The City of Orem contracted with the University of Utah's Metropolitan Research Center (MRC) to evaluate Orem's existing parking requirements, perform parking counts at various sites in Orem, and provide recommendations based on all collected data. This section explains the process that was undertaken to gather parking counts in Orem.

Parking Count Team

To collect data on trip and parking generation at the ten Orem sites, the MRC hired students from local universities and assigned them to specific locations within the developments. A total of 61 students were employed on Thursday, September 27, 2018. (Parking counts should be conducted on Tuesdays,

[4] ITE, Parking Generation Manual, 5th Edition
[5] ITE, Trip Generation Manual, 10th Edition

Wednesday, or Thursdays, as these days are most representative of weekday peak traffic). For quality control, the MRC's project manager traveled from location to location during the count day. Every student was found to be at the assigned location doing the assigned task. Students were assigned one of two roles: counters or surveyors.

Counters

Counters conducted 100% counts of persons and vehicles coming and going at designated access points. Every entry point at each site was observed from 7 am until 9 pm and tabulated in 15-minute intervals. Trips were counted separately for each mode of transportation, specifically: solo drivers, two-person carpools, three or more-person carpools, walkers, bicyclists, and others. The "other" category was for people traveling by skateboard, scooter, or the like. The purpose was to obtain 100% counts that could be compared to vehicle trip generation rates for stand-alone suburban developments as published in the ITE's *Trip Generation Manual*.

Surveyors

Surveyors were assigned a dual role. Every two hours between 7 am and 9 pm, they performed parking occupancy counts, recording the number of parked cars in each site's lot or garage. For the residential projects, a count was also conducted at around 11 pm to capture what is typically the period of peak demand for parking at residential developments. These students also circulated around the developments throughout the day conducting intercept surveys of residents, shoppers, or office workers to determine their mode of travel to/from the developments, the purpose of their trips, and the location where they parked. The last of these questions was to determine the number of residents who were parking outside apartment complexes on neighborhood streets. The mode shares presented for each development are based on the intercept surveys.

Occupancy counts suggest the true demand for on-site parking. These counts are compared to the parking supply and peak demand values found in the ITE *Parking Generation Manual* to see if Orem developments are generating parking demands above, below, or at typical suburban levels (as the ITE numbers are representative of suburban developments as explained previously).

Off-Site Parking

The MRC conducted a supplemental study in four neighborhoods adjacent to multifamily projects to measure off-site parking. In the past, the Orem City Council has received complaints about drivers parking on public streets in nearby neighborhoods. The perception is that some of these developments may not supply enough tenant or visitor parking on site, or that tenants may be avoiding parking fees.

A supplemental count of on-street parking was conducted near four multifamily apartment sites: Promenade, Canyon View Crossing, Monteval, and Parc on Center. To determine how many drivers park

on neighborhood streets during evening peak hours, observers were stationed at key intersections near each of the four sites from 5 pm to 9 pm on Nov. 13, 2018.

OTHER DATA SOURCES

Although the recommendations in the study are based primarily on the Orem parking counts conducted by the MRC and the data provided by the ITE, three other data sources provide meaningful insight: the American Community Survey (ACS), the 2012 Utah Household Travel Survey, and a parking demand study conducted at apartments in Salt Lake City.

Vehicle Ownership in Orem

Based on data from the US Census American Community Survey (ACS), the average vehicle ownership per household in Orem is 2.10 vehicles per household. The following table provides a detailed breakdown of vehicle ownership by household size. These figures are for all households, regardless of housing type. The ACS does not provide a cross tabulation of vehicle ownership by housing type, and thus multifamily housing cannot be separated from single-family housing. Due to household income differences, it is assumed that households living in multifamily housing have fewer than average vehicles for each household size.

Table 4: Orem Vehicle Ownership

Households	0 vehicles	1 vehicle	2 vehicles	3 vehicles	4+ vehicles	All
1 Person Households	597	2,905	611	84	39	4,236
2 Person Households	166	1,865	5,390	862	168	8,451
3 Person Households	120	1,084	1,704	1,425	321	4,654
4+ Person Households	95	1,043	4,335	2,529	2,175	10,177
All	978	6,897	12,040	4,900	2,703	27,518
% of all	**3.60%**	**25.10%**	**43.80%**	**17.80%**	**9.80%**	**100%**

Source: Source: 2017 of "2013-2017 American Community Survey 5-Year Estimates" *Note: 4+ vehicles is assumed at 4.5

Compared to more urban places like Salt Lake City, Orem is still very auto-oriented. Low parking requirements would be unrealistic in much of Orem because the city remains suburban in nature. Only in the case of new development forms, such as the State Street Districts and other future mixed-use and transit-oriented developments, should the parking requirements deviate from suburban norms.

Utah Household Travel Study

The 2012 Utah Household Travel Survey is another source of data on vehicle ownership which relates to overall parking demand. Household records were extracted for different housing types in the Point of the Mountain (PoM) study area, which covers a large area of Utah County and is comparable to Orem. Though based on a small sample of households, the average (mean) number of vehicles per multifamily household in the study area is 1.6.

Table 5: Average (Mean) Vehicle Ownership by Housing Type in the PoM Study Area

Type of Housing	Sample Size	Average (Mean)
Single-Family Detached	759	2.35
Single-Family Attached	65	1.86
Multifamily	48	1.6

Source: 2012 Utah Household Travel Survey

Salt Lake County Apartment Parking Demand Study

An extensive apartment parking demand study was conducted in Salt Lake City County at many suburban apartment complexes along the Wasatch Front. As shown in the following table, these apartment complexes are typically supplying at least two spaces per apartment and producing average peak demand of 1.6 spaces per occupied apartment. While this data was not collected in the City, most of these apartments are in neighborhoods with similar density and land use patterns as Orem. Therefore this information is helpful as a way to corroborate the parking counts collected locally.

Table 6: Apartment Parking Supply and Demand in the Salt Lake County

Property	Supply (stalls/unit)	Demand (stalls/occupied unit)
Timbergate Apartments	2.01	1.46
Farmgate Apartments	2	1.72
Mission Meadowbrook Apartments	1.93	1.1
Mountain Shadows Apartments	2.09	1.28
Egate Apartments	1.81	1.73
San Marino Apartments	2.04	1.48
San Moritz Apartments	2.01	1.74
San Tropez Apartments	2.05	1.68
Coppergate Apartments	2.22	1.42
Liberty Bend	2.23	1.94
Liberty Commons Apartments	2.2	1.4
Lionsgate Apartments	1.59	2.03

Hales Engineering, 2014

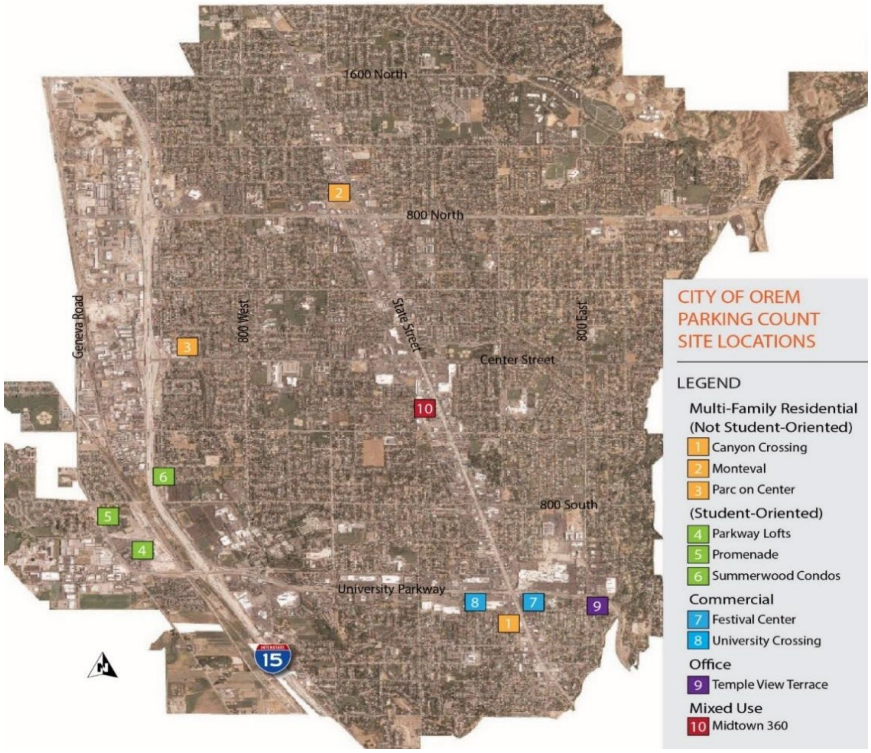
FINDINGS

This chapter contains the data for each of the ten sites in Orem where parking counts took place. This data is analyzed and compared to ITE standards. Based on this data, recommendations are provided in the next chapter.

Study Sites in Orem

This study assessed parking supply and demand at ten privately-owned developments within Orem city limits. These sites are all relatively high-density land uses for Orem and range from residential to commercial, including office parks, shopping centers, multifamily housing (both near to and far from UVU's campus), and a mixed-use development.

Figure 1: Parking Count Site Locations



Site Statistics

The following two tables provide an overview of the supply and demand characteristics for the ten sites in Orem where parking counts took place. Note that Midtown 360 is separated into two lines two show the statistics for the commercial space separate from the residential units.

Table 7: Characteristics of Parking Count Locations

Site	ITE Category	Parking Supply	SF GLA	Dwelling Units	*Total Bedrooms*
Canyon View Crossing	Low/Mid-Rise Apartment (221)	295	-	180	*273*
Monteval	Low/Mid-Rise Apartment (221)	180	-	131	*206*
Parc on Center	Low/Mid-Rise Apartment (221)	201	-	168	*317*
Parkway Lofts	Low/Mid-Rise Apartment (221)	613	-	332	*556*
Promenade	Low/Mid-Rise Apartment (221)	275	-	112	*421*
Summerwood Condos	Low/Mid-Rise Apartment (221)	259	-	72	*286*
Festival Center	Community Shopping Center (820)	492	98,369	-	-
University Crossing	Community Shopping Center (820)	814	206,035	-	-
Temple View Terrace	Office Building (701)	175	52,360	-	-
Midtown 360	Mixed Use Complex	689	50,049	284	*535*

Site	ITE Category	Parking Supply	SF GLA	Dwelling Units	*Total Bedrooms*
Midtown Residential	*High-Rise Apartment (222)*	*487*	*-*	*284*	*535*
Midtown Retail	*Neighborhood Shopping Center (820)*	*202*	*50,049*	*-*	*-*

Source: City of Orem

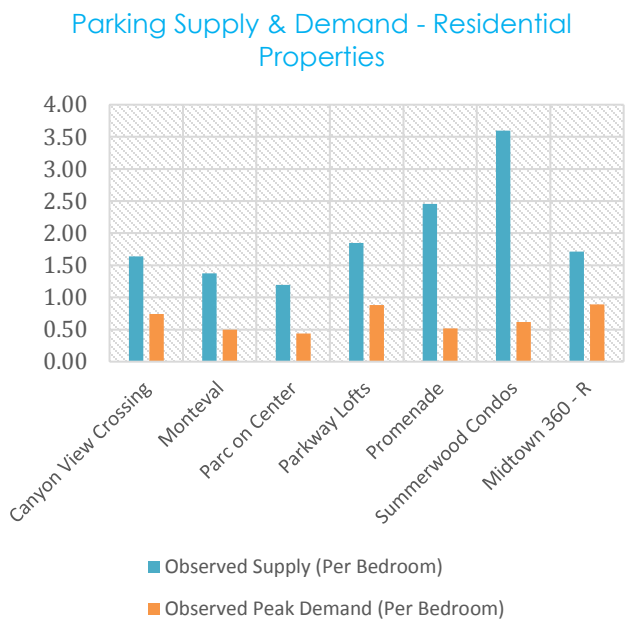
PARKING DEMAND

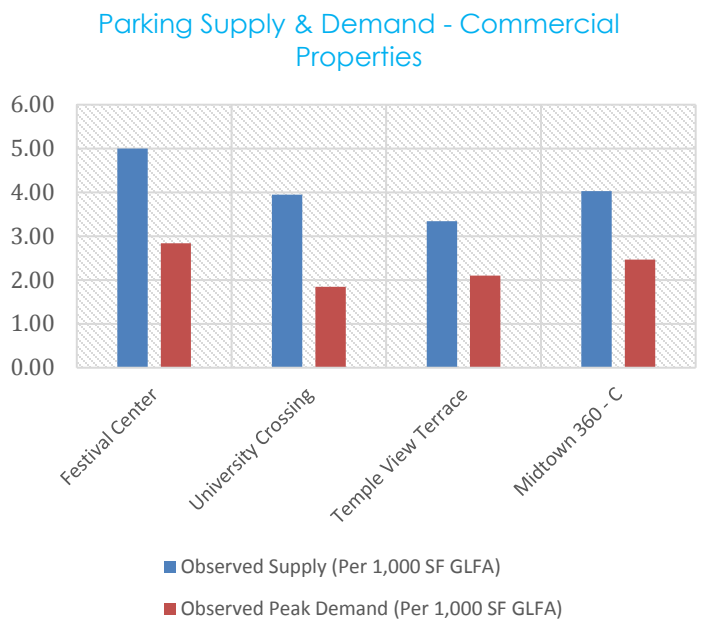
Based on the data collected by the Metropolitan Research Center and Orem City staff, parking demand was calculated for each of the ten sites. These figures take on-street "spillover" parking into account as discussed in a later section. Even including "spillover" parking, observed supply exceeds observed peak demand at every study site. The highest observed parking occupancy rate is 92% at Park on Center. The lowest observed parking occupancy rate is 47% at University Crossing. These numbers suggest that Orem is overparked.

Table 8: Parking Supply & Demand at 10 Sites in Orem

Site	Observed Supply (On-Site)	Observed Peak Demand*	Peak Demand / Supply	Rate per Unit / 1000 SF GLA	Rate per Bedroom
Canyon View Crossing	295	241	82%	-	*1.08*
Monteval	180	116	64%	-	*0.87*
Parc on Center	201	185	92%	-	*0.63*
Parkway Lofts	613	524	85%	-	*1.01*
Promenade	275	261	95%	-	*0.65*
Summerwood Condos	259	190	73%	-	*0.91*
Festival Center	492	279	57%	2.84	-
University Crossing	814	380	47%	1.84	-
Temple View Terrace	175	110	63%	2.10	-
Midtown 360 Residential	*689*	*511*	*74%*	-	*0.97*
Midtown 360 Commercial	*689*	*121*	*52%*	*2.42*	-

Source: Orem Parking Counts and Surveys Conducted September 27, 2018, University of Utah Metropolitan Research Center
* The 'Observed Peak Demand' includes on street 'spillover' parking





TRAVEL MODE SHARE

At the ten sites in Orem selected for parking counts, intercept surveys were conducted of people coming and going. While the emphasis of this study is on parking counts, people's mode of travel getting to and from these developments can be used to validate the findings. If everyone travels by automobile, standard suburban parking ratios should apply. Estimates of mode share may suggest it is possible to reduce parking demand at walkable, transit-friendly locations. Note that it is not a one-to-one relationship between auto mode share and auto parking requirements, as people who own cars may choose to travel by other modes and leave their cars at home. But all else being equal, a high alternative mode share should result in a somewhat reduced parking demand.

Non-Residential Mode Share

Temple View, the office property is 100% auto access. We would expect the trip and parking generation to be very similar to the suburban ITE rates. The commercial centers, Festival Center and University Crossing, are almost entirely auto-oriented with 95% and 92% auto access, respectively. However, they both have 5% walk access, which likely results in a small reduction of vehicle trip generation rates relative to ITE rates. As usage for the BRT route increases over time, the non-auto mode share is expected to increase.

Residential Mode Share

For the multifamily projects (non-student), there is a large reduction in auto access. Monteval has 39% walk access; Canyon View Crossing has 21% walk access; and Parc on Center has 15% walk access. These rates suggest that parking requirements could be successfully decreased from the ITE's recommendations for more auto-dependent suburban developments.

Table 9: Mode Shares at Sampled Developments

Property	Auto	Transit	Bike	Walk	Other
Summerwood Condos	42%	18%	5%	35%	0%
Monteval	61%	0%	0%	39%	0%
Promenade	65%	19%	7%	7%	2%
Midtown 360	74%	0%	2%	24%	0%
Canyon View Crossing	76%	3%	0%	21%	0%
Parc on Center	80%	5%	0%	15%	0%
Parkway Lofts	88%	9%	0%	3%	0%
University Crossing	92%	2%	2%	5%	0%
Festival Center	95%	0%	0%	5%	0%
Temple View	100%	0%	0%	0%	0%

Source: Orem Parking Counts and Surveys Conducted September 27, 2018, University of Utah Metropolitan Research Center

For student oriented multifamily housing, we have the lowest rate of auto access of any project, 42% at Summerwood Condos. Summerwood also has a high rate of walk access (35%) and a high rate of transit access (18%). Promenade, also student housing, has 7% walk access and 19% transit access, the highest percentage of transit access in our sample. Parkway Lofts has mode shares similar to non-student oriented multifamily developments with 88% auto access, 3% walk access, and 9% transit access. This is noteworthy because Parkway Lofts is the closest project to the Orem FrontRunner station. Perhaps the most interesting case is the mixed-use development, Midtown 360. Consistent with the literature on mixed-use development, the auto share of trips is low in this development.

VEHICLE TRIP GENERATION COMPARED TO ITE

Vehicles entering and leaving each of the sampled sites were tracked and compared to the ITE *Trip Generation Manual* estimates. ITE represents suburban averages, so alignment with ITE would suggest typical suburban conditions. An undercount would suggest less auto orientation than ITE, while an overcount would suggest more auto orientation than ITE.

As noted with mode shares, vehicle trip generation does not directly relate to parking demand. Residents might own cars they don't use much, and shoppers may turn over parking spaces at varying rates in retail and office developments. However, this data is helpful to validate parking count numbers. Also worth noting is that there is a high degree of confidence in the vehicle trip counts taken at the ten Orem sites. The counters were checked up on regularly and all were at their posts covering all entrances/exits as assigned.

The following table compares Orem vehicle trip counts to ITE estimated counts for the same type and level of development activity. In some cases, the Orem counts are higher. In other cases, the Orem counts are lower.

Table 9: Observed Vehicle Trip Generation Compared to ITE

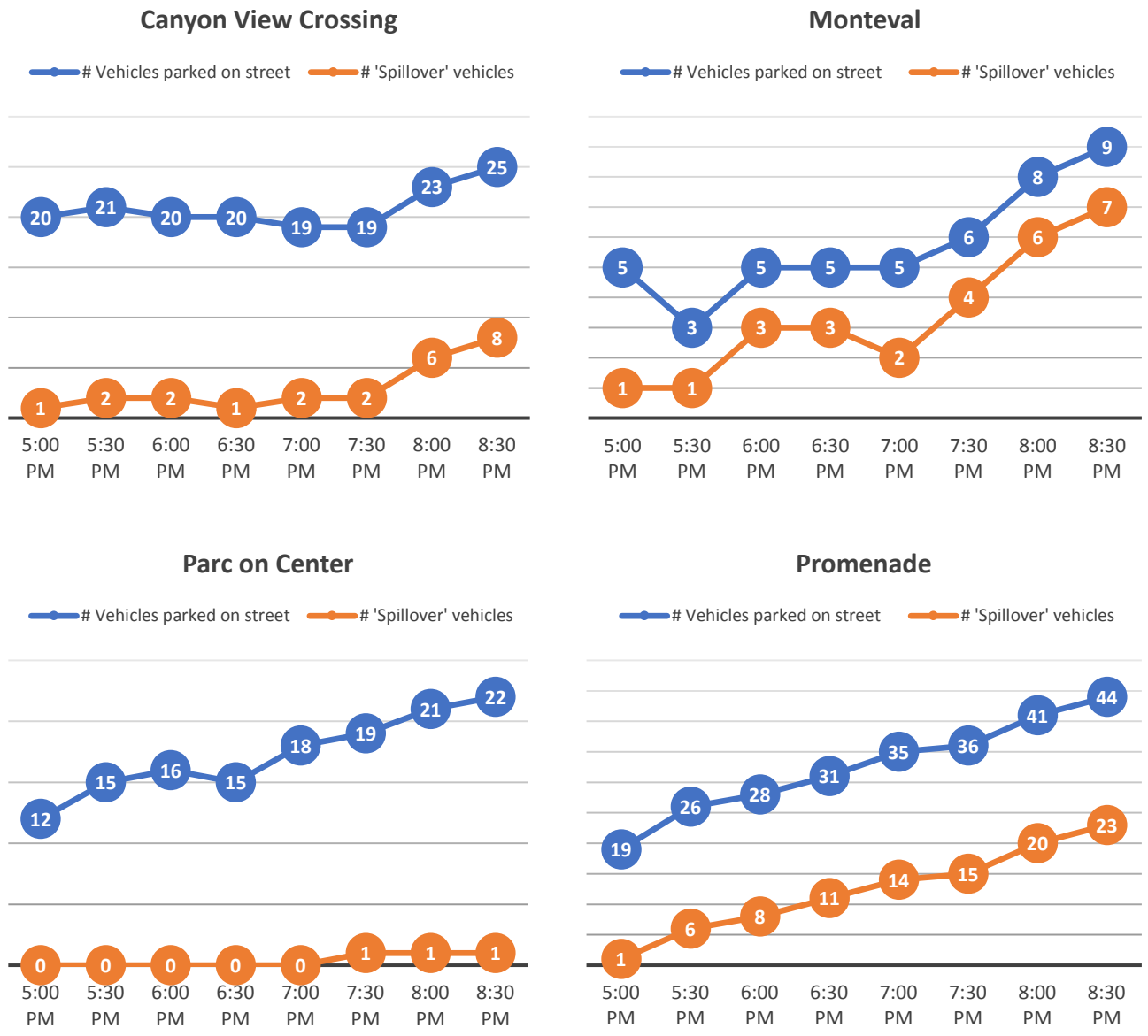
Property	Land Use	ITE Land Use Category	Orem Vehicle Trips per Unit / 1000 SF	ITE Vehicle Trips per Unit / 1000 SF	*% ITE Prediction (Obs. / ITE)*
Canyon View Crossing	Multifamily	Low/Mid-Rise Apartment (221)	6.51	6.65	*98%*
Monteval	Multifamily	Low/Mid-Rise Apartment (221)	3.94	6.65	*59%*
Parc on Center	Multifamily	Low/Mid-Rise Apartment (221)	3.52	6.65	*53%*
Parkway Lofts	Student Housing	Low/Mid-Rise Apartment (221)	5.24	6.65	*79%*
Promenade	Student Housing	Low/Mid-Rise Apartment (221)	9.69	6.65	*146%*
Summerwood Condos	Student Housing	Low/Mid-Rise Apartment (221)	8.21	5.81	*141%*
Festival Center	General Commercial	Community Shopping Center (820)	55.07	42.7	*129%*
University Crossing	General Commercial	Community Shopping Center (820)	14.95	42.7	*35%*
Temple View Terrace	Office	Office Building (701)	8.35	11.03	*76%*
Midtown 360	Mixed Use	Mixed Use	-		
Midtown 360 – R	*Residential*	*High-Rise Apartment (222)*	*5.17*	*6.65*	*78%*
Midtown 360 – C	*Commercial*	*Neighborhood Shopping Center (820)*	*32.19*	*42.7*	*75%*

Source: ITE, Orem Parking Counts and Surveys Conducted September 27, 2018, University of Utah Metropolitan Research Center

NEIGHBORHOOD SPILLOVER PARKING COUNTS

The Orem City Council has received a handful of complaints about tenants and visitors at multifamily developments parking on city streets in abutting/adjacent neighborhoods. The perception is that some drivers seek to avoid fees and other restrictions on parking on-site at these developments. Council members and city staff have expressed a particular concern about so-called "spillover" parking near a subset of sites from the 10 included in this study sample. Therefore, the MRC completed a supplemental count of on-street parking near four sites: Promenade, Canyon View Crossing, Monteval, and Parc on Center.

Figure 2: Neighborhood Parking Spillover Counts



Source: Supplemental counts conducted November 13, 2018, University of Utah Metropolitan Research Center

To determine how many drivers park on neighborhood streets during evening peak hours, the MRC stationed observers at key intersections near each of the four sites from 5-9 pm on Nov. 13, 2018. Each observer counted the number of cars parked on the streets upon their arrival, then tallied the total number of arriving and departing vehicles parking on the streets during half-hour increments. The observers also tracked how many of the vehicles parked on the street had occupants who entered or left the apartment complexes (as opposed to other nearby homes or businesses).

The following figures compare the number of vehicles parked on the street by people entering or exiting the apartment complexes as a subset of the total number of vehicles parked on the street (meaning the

latter total includes the former). Note that it was not determined how many of the vehicles on the street when the observers arrived at 5 pm were parked there by people who subsequently entered the apartment complex (it is very likely that many if not all of these are spillover parking).

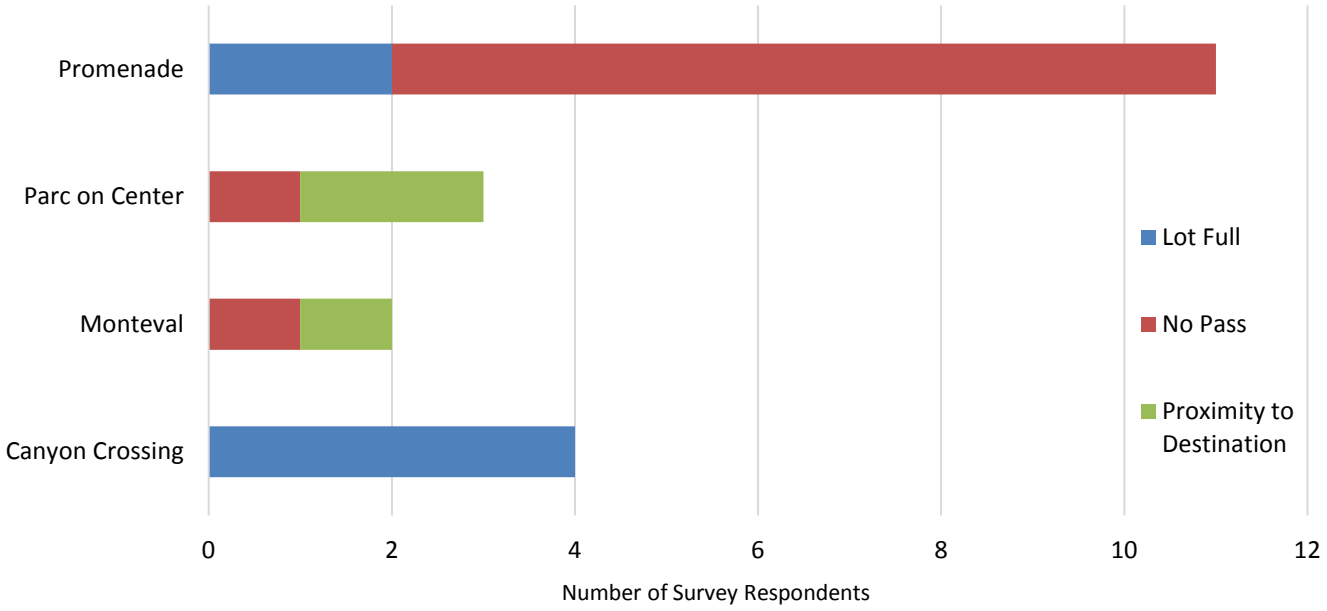
Promenade Apartments: The observer for the count at Promenade, Taylor Nelson, was stationed at the intersection of 800 South and Geneva Road, directly in front of the LDS church on that corner. From this vantage point, he had a view of both streets. Geneva Road is a busy arterial with bike lanes on both sides and posted no-parking zones along the entire segment. 800 South is local street located directly to the north of Promenade. One car was parked on Geneva Road at 5 p.m. and one additional car parked there during the rest of the four-hour observation period. However, on 800 South there were 19 cars parked at 5 pm, and the number only grew from there. The total number of vehicles parked on the street doubled from 5pm to 9pm, from 19 to 44, with the vast majority of drivers parking on the street entering the apartment complex. By 9 pm, there was very little street space left in close proximity to Promenade.

Canyon View Crossing: The observer at Canyon View Crossing, Riley Norton, was stationed at the corner of 1500 South and 400 East. From this vantage, he could see both streets plus the entrances to the complex. Over the four hours of the count, there was a moderate amount of parking on the street, with a nearly even split between vehicle occupants who entered and exited the apartment complex and vehicle occupants who entered and exited nearby houses. At 9 pm, there were 28 cars parked on the street, but still open spots in the complex. One possible reason for this may be the fact that parking on the street is closer to many apartments than parking within the complex itself.

Monteval: The observer at Monteval, Keegan Stanton, was stationed at the corner of 920 North and 400 West. From this vantage point, he was able to view the length of both streets near the apartment complex. He also watched for vehicles and residents who may have gone or arrived behind him. Considering the capacity of on-street parking, parking along the street was light. Eleven of the thirteen drivers who parked on the street throughout the evening entered the apartment complex, and four of the eight drivers leaving an on-street parking space exited from the apartment complex. However, there were never so many parked cars that availability of parking was a concern.

Parc on Center: The observer at Parc on Center, Prof Reid Ewing, was stationed at the corner of 105 North and 1140 West. From this vantage, he could see both the entrance to the apartment complex and neighborhood streets. Over the four hours of the count, parking on the street was light. Only one driver parked on the street in the neighborhood and subsequently walked to the apartment complex. However, two single-family houses directly north of the apartment complex had a number of visitors who parked on the street. Due to this traffic, it is possible that other neighbors have assumed that these on-street parkers are residents of the apartment complex. On the south side of the complex, many residents park on the commercial streets that access Center Street. On a separate evening, Orem staff counted 35 vehicles associated with the complex. These were not counted in the neighborhood “spillover” counts shown previously, but were taken into account when calculating parking demand for the complex.

Figure 3: Intercept Survey Responses When Asked Why They Parked on the Street



Source: Surveys Conducted September 27, 2018, University of Utah Metropolitan Research Center

RECOMMENDATIONS

This chapter contains parking recommendations for non-student multifamily, student multifamily, retail, office, mixed-use, and transit-oriented developments.

NON-STUDENT MULTIFAMILY DEVELOPMENTS

The table in this section provides a comparison of Orem's existing parking standards, the MRC's recommended parking minimums, ITE estimates for parking supply and peak demand, and regional highs and lows for multifamily development. These figures are for 100% residential developments and are not applicable to mixed-use or transit-oriented developments. Orem standards currently range from 1 to 2.5 spaces per unit or 0.65 to 1.75 spaces per bedroom, plus 0.25 to 0.78 per unit guest parking (not all PD zones require guest parking.) That is a tremendous spread, and is the result of varying parking requirements which are primarily based on units (which range from one to four bedrooms and typically house one to four adults).

ITE supply values are 1.4 to 2.0 spaces per dwelling unit, depending on the number of stories in the building. For low rise apartments, the median supply of parking is 1.4 spaces per dwelling unit. ITE peak parking demand values (which are more meaningful than ITE supply numbers) are in the mid-range of Orem's minimum parking ratios, ranging from 1.2 to 1.37 spaces per unit. For low- and mid-rise apartments, the range of peak demand is 1.2 to 1.23 spaces per unit.

Table 10: Existing Orem Parking Standards Comparison: Non-Student Multifamily

Land Use Category	Orem's Existing Code	Recommendation	ITE (Supply)	ITE (Peak Demand)	Regional High	Regional Low
Residential – Multifamily	1-2.5 per unit or 0.65-1.75 per bedroom + 0.25-0.78 per unit guest parking. (Not all PD zones require guest parking.)	0.75 per bedroom or 2 per unit, whichever is lower, or 1 per bedroom, plus 0.25 per unit for visitor parking	1.4-2.0 per unit	1.2-1.37 per unit	0.66-1.75 per bedroom + 0.25 per unit guest parking (Provo)	1 per bedroom or 2 per unit, whichever is lower (Saratoga Springs)

Source: Orem City Code, ITE, University of Utah Metropolitan Research Center

The three non-student multifamily developments for which data was collected are Canyon View Crossing, Monteval, and Parc on Center. The three provide parking at the following supply ratios: 1.64, 1.37, and 1.20 spaces per unit. On a per bedroom basis, parking supplies are 1.08, 0.87, and 0.63 spaces per bedroom. Peak demand over observed supply for on-site parking for each complex was 82%, 64%, and 92%, respectively. Each of these complexes had spillover parking, to varying degrees (as quantified in the previous section). Parc on Center had the lowest amount of spillover parking, though this is likely

due to the fact that streets internal to the complex are utilized for parking which are not reflected in the supply of parking stalls.

Based on the data in this study and the experience of City staff, multifamily complexes generally create a demand of one parking space per bedroom. Whether the typical two-bedroom apartment has two spouses or two unrelated roommates, both situations result in a need for two parking spaces. Adults need a car to live, study, and work in Orem, and current trends demonstrate that *the number of bedrooms in a complex correlate strongly with the number of adults renting*. This is the case even with four-bedroom units in Orem, despite having an occupancy limit of three unrelated adults per unit. These facts are the basis for the following recommendation, which seeks to standardize the parking requirements for multifamily developments throughout Orem.

This study recommends that Orem adopt a standard from a low of 0.75 parking spaces per bedroom or 2 per unit, whichever is lower, to a high of 1 parking spaces per bedroom plus0.25 visitor parking spaces per unit for multifamily developments. This recommendation is premised on two assumptions: first, that parking is free (bundled with the rent) and second, that where parking is unbundled (i.e. is subject to an additional charge), that there are not adjacent neighborhood streets onto which apartment parking is likely to spill over.

STUDENT HOUSING DEVELOPMENTS

On its face, there is little to distinguish suburban student housing from non-student multifamily development. The following table presents auto mode shares and vehicle trip rates relative to ITE. There is no distinguishing pattern. In addition, the ITE *Trip* and *Parking Generation* manuals make no distinction between student and other multifamily housing. Finally, note that the characterizations of apartments are somewhat arbitrary. There is no prohibition against students living in general multifamily housing, and no prohibition against non-students living in student housing.

Table 11: Multifamily Auto Mode Shares and % Vehicle Trip Generation Relative to ITE

Property	Land Use	ITE Land Use Category	% Auto Mode Share	*% ITE Prediction (Obs. / ITE)*
Canyon View Crossing	Multifamily	Low/Mid-Rise Apartment (221)	76%	*98%*
Monteval	Multifamily	Low/Mid-Rise Apartment (221)	61%	*59%*
Parc on Center	Multifamily	Low/Mid-Rise Apartment (221)	80%	*53%*
Parkway Lofts	Student Housing	Low/Mid-Rise Apartment (221)	88%	*79%*
Promenade	Student Housing	Low/Mid-Rise Apartment (221)	65%	*146%*
Summerwood Condos	Student Housing	Low/Mid-Rise Apartment (221)	42%	*141%*

Source: ITE, Orem Parking Counts and Surveys Conducted September 27, 2018, University of Utah Metropolitan Research Center

The three student housing developments for which parking data was collected are Parkway Lofts, Promenade, and Summerwood Condos. The three provide parking at the following supply ratios: 1.85, 2.46, and 3.60 spaces per unit. On a per-bedroom basis, parking supplies are 1.01, 0.65, and 0.91 spaces per bedroom, and are not so different from the general multifamily complexes described previously. Observed peak parking demand for the three apartment complexes (counted at 11 pm, after most residents are back for the night) is 0.88, 0.52, and 0.62 spaces per bedroom, respectively. Peak demand over observed supply for on-site parking for each complex was 85%, 95%, and 73%, respectively. These demand figures do not include on-street parking, which was measured for Promenade and showed that the complex created some spillover parking. These facts are the basis for the following recommendation, which seeks to standardize the parking requirements for student multifamily developments throughout Orem.

This study recommends that Orem adopt a uniform standard of from a low of 0.75 parking spaces per bedroom or 2 per unit, whichever is lower, to a high of 1 parking spaces per bedroom plus 0.25 visitor parking spaces per unit for multifamily developments for student housing developments.

This recommendation is premised on two assumptions: first, that parking is free (bundled with the rent) and second, that where parking is unbundled (is subject to an additional charge), that there are not adjacent neighborhood streets onto which apartment parking is likely to spill over.

Because it might be desirable for recommended parking requirements for student multifamily to be higher than non-student multifamily, it is important that City staff work with the Council to identify a standard that can be used rather than relying on a developer's intention. A suggestion would be a radius from Utah Valley University (UVU), as it is clear that multifamily developments near UVU are rented by UVU students and often have bedrooms with double-occupancy.

RETAIL DEVELOPMENTS

The table in this section provides a comparison of Orem's existing parking standards, the ITE estimates, and regional highs and lows for retail development. These figures are for suburban retail developments and are not applicable to mixed-use or transit-oriented developments. Note that Orem standards currently range from 2 to 4 spaces per 1,000 sq. ft. of gross leasable floor area (GLFA). The standard for neighborhood (30,000-100,000 sq. ft.) and community (100,000-400,000 sq. ft.) shopping centers in the ITE Parking Generation is 4.7 - 4.9 spaces per 1,000 sq. ft., respectively. ITE average peak demand for community shopping centers is 2.55 spaces per 1,000 sq. ft. There is wide variation in standards across the region. From a low of 1.67 spaces per 1,000 sq. ft. in Bluffdale and Provo to a high of 6 spaces per 1,000 sq. ft. in American Fork.

Table 12: Existing Orem Parking Standards Comparison: Retail

Land Use Category	Orem's Existing Code	ITE (Supply)	ITE (Peak Demand)	Regional High	Regional Low
Retail Shopping Center	2-4 per 1,000 sq. ft. GLFA	4.7-4.9 per 1,000 sq. ft. GLFA	2.27-4.67 per 1,000 sq. ft. GLFA	6 per 1,000 sq. ft. GLFA (American Fork)	1.67 per 1,000 sq. ft. GLFA (Bluffdale, Provo)

Source: Orem City Code, ITE, University of Utah Metropolitan Research Center

The study sampled two retail developments (shopping centers) for trip and parking generation, the Festival Center and University Crossing. The Festival Center has 492 spaces for a parking supply ratio of 5.0 spaces per 1,000 sq. ft. GLFA. University Crossing has 814 spaces for a parking supply ratio of 3.95 spaces per 1,000 sq. ft. Observed peak demand on the survey day was 2.84 occupied spaces per 1,000 sq. ft. at Festival Center, and 1.84 occupied spaces per 1,000 sq. ft. at University Crossing. Peak demand over observed supply for these developments were 57% and 47%, respectively.

Visitors accessed both of these shopping centers almost exclusively by automobile. Given the fairly low peak parking demands at both ITE sites and our two sampled sites, the City could decrease the parking requirements and allow retailers greater flexibility in determining their own need. **This study recommends that Orem adopt a standard from a low of 2 spaces per 1,000 sq. ft. GLFA to a high of 3 spaces per 1,000 sq. ft. for retail developments.**

OFFICE DEVELOPMENTS

The table in this section provides a comparison of Orem's existing parking standards, ITE estimates, and regional highs and lows for office development. These figures are for suburban single-use office buildings/parks and are not applicable to mixed-use or transit-oriented developments. Orem's parking supply standard is currently 4.0 spaces per 1,000 sq. ft. of GLFA. ITE peak demand values are somewhat lower than Orem's minimum parking ratios, ranging from 2.84 to 4.15 spaces per 1,000 sq. ft. of GLFA. Note also that the regional low requirement, applied by South Jordan and Bluffdale, is on the low end of the Orem parking supply range, at 2.5 spaces per 1,000 sq. ft.

Table 13: Existing Orem Parking Standards Comparison: Office

Land Use Category	Orem's Existing Code	ITE (Supply)	ITE (Peak Demand)	Regional High	Regional Low
Office	2.4-4.0 per 1,000 sq. ft. GLFA	3.3-4 per 1,000 sq. ft. GLFA	2.84-4.15 per 1,000 sq. ft. GLFA	6.67 per 1,000 sq. ft. GLFA (Provo, Vineyard)	2.5 per 1,000 sq. ft. GLFA (South Jordan, Bluffdale)

Source: Orem City Code, ITE, University of Utah Metropolitan Research Center

The one example of an office park for which data was collected in Orem is Temple View Terrace. It has a supply of 175 parking spaces. Its parking supply ratio is 3.34 spaces per 1,000 sq. ft. Its peak occupancy (peak demand) on the day of observation was 110 occupied spaces, for a peak occupancy rate of 63% and a peak occupancy ratio of 2.10 spaces per 1,000 sq. ft. It was exclusively accessed by people driving automobiles, so there is no discount for use of alternative modes. Yet, even with no transit or walk access, Temple View Terrace is greatly oversupplied with parking.

This study recommends that Orem adopt a standard of 2 per 1,000 sq. ft. GLFA for office developments. This is a minimum parking requirement and can be exceeded if a developer believes additional parking is warranted.

MIXED-USE DEVELOPMENTS AND SHARED PARKING

In 2018, Orem City adopted five Districts along State Street where new higher-density development will be permitted. In the future, similar Districts may also be adopted along University Parkway, Geneva Road, and other major corridors. This strategy allows for necessary growth in Orem while preserving the character of existing low-density neighborhoods.

While these new Districts currently permit all uses allowed in general commercial, they also allow for higher density mixed-use developments. Mixed-use developments consist of two or more land uses between which trips can be made using local streets, without having to use major streets. These uses typically include residential, retail, office, and/or entertainment. By clustering these uses, walk and bike trips between uses are encouraged, resulting in a lower demand for vehicle trips and parking stalls.

The Metropolitan Research Center (MRC) at the University of Utah has identified a total of 345 MXDs in 11 regions. Based on over 1,000 households located in these MXDs, the average vehicle ownership was determined for three types of housing.

Table 14: Average Vehicle Ownership in Mixed-Use Districts

Type of Housing	Average Vehicle Ownership
Single-Family Detached	1.87
Single-Family Attached	1.33
Multifamily	0.88

Source: The Metropolitan Research Center at the University of Utah

For non-residential uses located in MXDs, the MRC collected mode shares for trips generated. The data shows that in MXDs, automobile trips account for 57.7% of total trips related to non-residential uses, while non-auto trips are 42.3%. This data demonstrates that in other regions where mixed-use developments have become more common, they do indeed decrease the frequency of vehicle trips.

Table 15: Average Mode Shares for Non-Residential Uses in Mixed-Use Districts

Category	Auto	Transit	Walk	Bike	Non-Auto
Mode Shares	57.7%	11.4%	28.7%	2.3%	42.3%

Source: The Metropolitan Research Center at the University of Utah

On the assumption that the total number of trips generated by non-residential uses is equivalent to ITE Trip Generation rates for suburban land uses, and that a rise in the non-auto mode share translates into a reduction in parking demand for non-residential uses, the ITE parking demand rates can be adjusted downward. This has been done successfully in Orem using a shared parking arrangement in the PD-23 Zone, currently known as Midtown 360 located at 320 South State Street. The parking requirements for this zone require one parking stall per 250 sq. ft. GLFA of commercial and office space. The total number of parking stalls provided for non-residential uses—divided by three—is granted as a "base residential density." A minimum of 1.65 parking stalls per unit shall be provided for each residential unit in excess of the base residential density.

With 284 residential units and just over 50,000 sq. ft. GLFA, Midtown 360 provides a total of 689 parking stalls, which equals one parking stall per 250 sq. ft. GLFA and roughly 1.7 parking stalls per residential unit. Peak occupancy (peak demand) on the day of observation was 381 occupied spaces, for a peak occupancy rate of 55%. This peak demand took place at midnight when the demand for parking was assumed to be entirely for residential uses. At noon, parking demand reached 121 occupied spaces as was assumed to be primarily for non-residential uses. According to the data collected for mode share, 74% of trips were from vehicles, 24% from pedestrians, and 2% from bikes. Based on the data collected at Midtown 360, the site has an oversupply of parking. These facts demonstrate that this shared parking arrangement works, and are the basis for the following recommendation.

This study recommends that Orem adopt the shared parking arrangement utilized in PD-23 for all mixed-use developments in all Districts or require that the larger of the applicable minimums for commercial/retail or residential minimums apply.

TRANSIT-ORIENTED DEVELOPMENTS

The current reality in Orem is that, with few exceptions, each adult must own a car to live, study, and work. However, as transit expands and it becomes possible to live, study, and work *without* a car, a parking reduction for developments near transit would be appropriate. **Anticipating this possibility in the near future, this study recommends reducing parking requirements for transit-oriented developments (TOD) by 50% to 25% below requirements for MXD developments.**

Table 16: Recommendations for Minimum Parking Requirements in Transit Oriented Developments

Land Use	Recommended (Min.)	Recommended (Max.)
Single-family Attached	2 per unit	
Multifamily	0.75 per bedroom or 2 per unit, whichever is lower	1 per bedroom or 2 per unit, whichever is lower + 0.25 per unit for guest parking
Retail / Office	2 per 1,000 sq. ft. GLFA	2 per 1,000 sq. ft. GLFA
Mixed Use (MXD) with shared parking	Either commercial or residential minimum, whichever is larger	
Transit-Oriented Development (TOD)	50% reduction from MXD	25% reduction from MXD

Requirements for Transit-Oriented Developments

It is recommended that the following criteria be used to determine whether a development qualifies as a TOD and allow for a parking reduction:

- Relatively dense (multi-story development)
- Mixed use (more than one land use in the same building)
- Pedestrian and bicycle friendly (with sidewalks on all driveways and streets, and adequate bicycle parking and other facilities)
- Adjacent to transit (the proposed building is located within 1,000 feet of the center of a bus rapid transit, light rail, or commuter rail station)
- Built after a high-quality transit line is constructed or officially planned (within 5 years)

Because it requires a mix of uses and higher density, single family (detached and attached) cannot qualify as TOD. Based on observation and data collected by the MRC, higher density residential TOD sites that meet all criteria have lower peak demand and should be allowed a parking reduction. The recommendation is 50% to 25% below standards for mixed-use developments.

APPENDIX A – EXISTING PARKING REQUIREMENTS

Table 16: Orem's Existing Parking Requirements by Zone

Zone	Definition	Parking Requirement
RESIDENTIAL ZONES (Article 22-6)		
Rural & Low Density (R20)	One single-family dwelling per lot. Minimum lot size of 20,000 square feet per lot.	At least two (2) parking spaces shall be required for each primary dwelling located in the R5, R6, R6.5, R7.5, R8, R12, and R20 zones (Article 22-6-8(G)).
Low Density (R12)	One single-family dwelling per lot. Minimum lot size of 12,000 square feet per lot.	At least two (2) parking spaces shall be required for each primary dwelling located in the R5, R6, R6.5, R7.5, R8, R12, and R20 zones (Article 22-6-8(G)).
Low Density (R8)	One single-family dwelling per lot. Minimum lot size of 8,000 square feet per lot.	At least two (2) parking spaces shall be required for each primary dwelling located in the R5, R6, R6.5, R7.5, R8, R12, and R20 zones (Article 22-6-8(G)).
Medium Density (R7.5)	One single-family dwelling per lot. Minimum lot size of 7,500 square feet per lot.	At least two (2) parking spaces shall be required for each primary dwelling located in the R5, R6, R6.5, R7.5, R8, R12, and R20 zones (Article 22-6-8(G)).
Medium Density (R6.5)	One single-family dwelling per lot. Minimum lot size of 6,500 square feet per lot.	At least two (2) parking spaces shall be required for each primary dwelling located in the R5, R6, R6.5, R7.5, R8, R12, and R20 zones (Article 22-6-8(G)).
Medium Density (R6)	One single-family dwelling per lot. Minimum lot size of 6,000 square feet per lot.	At least two (2) parking spaces shall be required for each primary dwelling located in the R5, R6, R6.5, R7.5, R8, R12, and R20 zones (Article 22-6-8(G)).
Medium Density (R5)	One single-family dwelling per lot. Minimum lot size of 5,000 square feet per lot. Effective May 1, 2004, the R5 zoning designation shall not be applied to any additional property within the City.	At least two (2) parking spaces shall be required for each primary dwelling located in the R5, R6, R6.5, R7.5, R8, R12, and R20 zones (Article 22-6-8(G)).
Planned Residential	PRDs include single-family dwellings, twin homes, condominiums, townhouses, zero lot line developments, and apartments	There shall be a minimum of two (2) parking spaces provided for each dwelling, one of which shall be covered. There shall also be a minimum

Zone	Definition	Parking Requirement
Developments (PRD)		of one half (½) parking space for each dwelling for guest parking within the development (Article 22-7-12(J)).
PLANNED DEVELOPMENT ZONES (Article 22-11)		
Planned Development (PD)	The purpose of Planned Development (PD) zones is to provide flexibility in the City's zoning scheme in order to allow for unique, innovative and well-planned developments that would not be possible under one of the City's existing zoning classifications. PD zones are not intended for use in situations where a proposed development is reasonably feasible under one of the City's existing zoning classifications. PD zones are intended for use primarily where no existing zoning classification is both sufficiently permissive to allow uses that would be suitable on the property and sufficiently restrictive to protect the character and quality of neighboring properties. Examples of this type of situation may include, but are not limited to, the following: · Mixed-use developments; · Townhouse or other high-density residential developments; · Where a few uses in an existing zone (such as the C2 zone) would be appropriate on a particular parcel of property, but the remainder of the uses in that zone would not be appropriate; · Where the setbacks, building height limits or other standards of an existing zone are not necessary for the protection of neighboring properties or the general welfare of the City because of the proximity of a parcel of property to a particular landscape feature such as a cliff or a hillside where there would be no negative impact from a relaxation of such standards; and · Where additional setbacks or other buffers are needed to protect	All commercial PD zones shall have the same parking requirements as stated in Off-Street Parking (Section 22-15-4(B)): unless otherwise specified in PD Zones (Section 22-11). Parking (Section 22-15-4(B)): "One stall shall be required for every 250 square feet of gross floor area."

Zone	Definition	Parking Requirement
	neighboring properties from uses to be employed on a parcel of property.	
PD-8 Zone, Palisades Drive between 600 North and 800 North	Provide an area within the City for the promotion of the television and motion picture industry; Promote the development of television and motion picture production, educational facilities and related support uses while protecting the character and quality of adjacent residential uses;	The amount of required off-street parking spaces shall be the sum of the parking required under this ordinance for the principal use together with a reasonable amount for all accessory uses. Said reasonable amount shall be determined in light of the uses, location and circumstances of the building or structure and in consideration of the provisions of this ordinance.
PD-9 Zone, Palisades Drive between 500 North and 600 North	Promote agricultural or rural density residential estate uses at a base density not to exceed three and sixty-three hundredths (3.63) dwelling units per gross acre for a standard subdivision or a total density of five (5) units per gross acre for a planned residential development, and to allow other selected uses which are compatible with the open and rural character of the zone; Promote the development of television and motion picture production educational facilities and related support uses while protecting the character and quality of adjacent residential uses;	The amount of required off-street parking spaces shall be the sum of the parking required under this ordinance for the principal use together with a reasonable amount for all accessory uses. Said reasonable amount shall be determined in light of the uses, location and circumstances of the building or structure and in consideration of the provisions of this ordinance.
PD-11 Zone, 1430 South Sandhill Road.	The purpose of the PD-11 Zone is to provide a planned development of attached residential dwelling units and detached residential dwelling units.	There shall be a minimum of two (2) parking spaces provided for each dwelling unit, at least one of which shall be covered. There shall also be a minimum 0.78 parking space for each dwelling for guest parking within the development.
PD-15 Zone, 2000 West Springwater Park Drive.	The purpose of the PD-15 zone is to accommodate development of a municipal golf course, city parks, and public recreational facilities, while establishing adjacent areas for medium density residential development. This particular mix of uses is not typically found in other zones of the City, so the PD-15 zone is established to provide a unique area for coexistence of these	Attached dwelling units shall be provided with not less than two (2) parking spaces each, both of which shall be in a garage attached to the dwelling the parking is to serve. In addition, one half (½) parking space for each dwelling shall be developed for guest parking within any attached unit development.

Zone	Definition	Parking Requirement
	uses, and to accomplish the City's goal of developing a significant, high-quality municipal golf course and recreational facilities, and to promote the overall vitality of the neighborhood and the City.	
PD-16 Zone, 400 South 1800 West	The purpose of the PD-16 Zone is to accommodate development of a medium density residential development area. The purpose is accomplished by: Allowing densities higher than a typical residential development; Requiring the consolidation of open spaces; and Establishing higher standards for landscaping, building and site design, public safety, parking, aesthetics, traffic circulation, fencing, lighting, and other similar site improvements.	Each dwelling shall be provided with not less than two (2) parking spaces, one of which shall be covered. In addition, one half (½) parking space for each dwelling shall be developed for guest parking within the development.
PD-17 Zone, 1200 South Between 20 East and 150 East	The purpose of the PD-17 Zone is to accommodate and encourage the development of affordable elderly housing. "Affordable elderly housing" is defined as housing designed and used exclusively for elderly persons whose income is at or below eighty percent (80%) of the median income for the Provo-Orem Metropolitan Statistical Area as published by the United States Department of Housing and Urban Development (HUD). Affordable housing is further defined as housing for which the rent does not exceed the standards and limits set forth in 24 CFR 800 through 899 as those sections may be amended. "Elderly person" is defined as a person who is 60 years old or older. The purpose of the PD-17 Zone is accomplished by: Allowing densities higher than typical residential developments; Establishing minimum standards for landscaping, building and site design, public safety, fencing, lighting, and other similar site improvements; and	Each dwelling unit shall be provided no less than one and one-half (1.5) parking stalls.

Zone	Definition	Parking Requirement
	Requiring standards that enable affordable elderly housing to fit into the surrounding neighborhood.	
PD-19 Zone, South Rim PRD, 1755 South 750 East	The purpose of the PD-19 zone is to provide a planned development of attached residential dwelling units with densities not to exceed nine (9) units per acre. The PD-19 zone may only be applied to parcel(s) shown in the Preliminary Development Plan included as Appendix M of the Orem City Code.	Parking for Area 1 and Area 3 shall be provided at the rate **of (0.65) parking spaces per occupancy unit**. Parking for Area 2 shall be provided at the rate of **0.62 parking spaces per occupancy unit**. Parking for commercial uses shall be provided at the rate of one (1) parking space per 500 square feet of floor area. Hotels shall have one (1) stall per room. Buildings over 30,000 square feet in size which have 50% or more of the building area used for commercial purposes must provide the required parking stalls, based on the rate listed above, next to the building.
PD-22 Zone, Urban Village	This property is a gateway to the City of Orem and as such is uniquely suited for commercial, office, and residential uses. Its development for these uses is important to the economic vitality and tax base of the City of Orem. The PD 22 zone is designed to maximize office, commercial, and residential uses within a mixed-use setting.	Residential Areas. Buildings containing residential uses only shall provide two (2) parking stalls for every dwelling unit. Nonresidential Areas. Buildings containing only nonresidential uses shall provide five (5) parking spaces for every one thousand (1000) square feet of gross leaseable floor area. Mixed-use Areas. Buildings containing a mix of residential and nonresidential uses shall provide five (5) parking spaces for every one thousand (1000) square feet of gross floor area of nonresidential uses. Additional parking stalls shall be required for residential units as follows: (1) One (1) parking stall shall be required for each residential unit with one (1) bedroom; and (2) Two (2) parking stalls for each residential unit with two (2) or more bedrooms. For purposes of calculating the parking requirement, a bedroom shall include any room that is reasonably likely to be used as a bedroom whether designated as a den, office, study, game room, or other similar appellation.
PD-23 Zone, Midtown Village, 320 South State	To promote the redevelopment and beautification of properties in the vicinity of 320 South State Street by encouraging the conversion of blighted and unsightly areas into new developments consisting	The base residential density shall be equal to the number of parking stalls provided for nonresidential uses divided by three (3). … Additional residential units in excess of the base residential density shall be allowed provided

Zone	Definition	Parking Requirement
	of an integrated mix of commercial and residential uses. To allow residential units to be located in commercial zones complimented by and integrated with compatible commercial uses. To allow for the creation of a new housing alternative that will provide individuals with the opportunity to live in proximity to places they work and shop by creating a more walkable community, which has the potential of reducing the number of vehicular trips per person.	that 1.65 parking stalls are provided for each residential unit in excess of the base residential density. (Article 22-11-36(C-2)). A total of sixty "large residential units" shall be allowed in the PD-23 zone. A large residential unit may be occupied by a family as defined in Section 22-2-1 of the Orem City Code or by up to five individuals who are not all related to each other. A large residential unit must have at least 2,000 square feet. (Article 22-11-36(C.3)). Four parking stalls shall be provided for every one thousand (1000) square feet of gross leaseable floor area of commercial or office uses. No parking stalls shall be required for residential units included within the base residential density (as defined in 22-11-36). A minimum of 1.65 parking stalls shall be provided for each residential unit in excess of the base residential density. In addition to the parking requirements stated above, one (1) additional parking stall shall be required for each large residential unit (in addition to the 1.65 stall requirement).
PD-29 zone (Siena Villas @ Columbia Lane)	The purpose of the PD-29 zone is to allow development of a high-density residential apartment complex.	Business Hours Parking Requirement. During all business hours (defined as 8:00 a.m. to 5:30 p.m., Monday through Friday) at least 1.75 parking spaces shall be provided for each one-bedroom dwelling unit, and at least 2.25 parking spaces shall be provided for each dwelling unit containing more than one bedroom. Nonbusiness Hours Parking Requirement. During all nonbusiness hours, at least 2.25 parking spaces shall be provided for each dwelling unit. Parking spaces located on adjacent property which are made available to the residents of the development through a recorded, perpetual parking easement may be counted toward the parking requirement. Other Parking Requirements. All parking spaces shall comply with Article 22-15 of the Orem City Code.

Zone	Definition	Parking Requirement
PD-32 zone, MBARQ Senior Independent Living Facility	The purpose of the PD-32 zone is to allow development of a senior independent living facility.	Parking shall be provided at the rate of 0.7 parking stalls per apartment unit. All parking areas shall comply with Article 22-15 (Off-Street Parking) of the Orem City Code.
PD-33 zone (Transit Oriented Development – 800 South Geneva Road)	The purpose of the PD-33 zone is to allow development of a transit oriented development.	Parking for apartments or condominiums shall be provided at the rate of (0.65) parking spaces per bedroom. The parking requirements shall be met for each phase of construction. The term bedroom shall include all areas suitable as a private sleeping area such as a studio, den, etc. No parking shall be allowed to the east of the building(s) in Area A, and there shall be no parking between Geneva Road and the buildings on the west side of Area B. Parking for commercial uses in Area B shall be provided at the rate of one (1) parking stall per 500 square feet of gross floor area.
PD-34 zone (University Place – 1300 South State Street)	The purpose of the PD-34 zone is to allow development of a regional shopping center and mixed use development.	Parking shall be provided and maintained as required below. The provisions of Article 22-15 (Off-Street Parking) of the City Code shall not apply to the PD-34 zone except as otherwise provided herein. The parking standards set forth below are less than normally required because development in the PD-34 zone will consist of a mix of uses with shared parking. Parking Standard. The following standards are the minimum amount of parking that is required in the PD-34 zone: · Retail space. Three and six tenths (3.6) parking stalls shall be provided for every one thousand (1000) square feet of gross leaseable area (as defined in Section 22-15-2) of retail space. · Office and other nonretail commercial space. Two and four tenths (2.4) parking stalls shall be provided for every one thousand (1000) square feet of gross leasable floor area of office space and other nonretail commercial space. · Residential. One and forty-nine hundredths (1.49) parking stalls shall be provided for each residential dwelling unit. · Hotels and Houses of Worship. Notwithstanding anything herein to the contrary, one stall per room shall be required

Zone	Definition	Parking Requirement
		for hotels and one stall shall be required for every four fixed seats for a house of worship (churches, synagogues, mosques, etc.). · Senior Independent Living Facility. One parking stall shall be provided per dwelling unit.
PD-35 zone (Windsor Court, 320 West 1360 North)	The purpose of the PD-35 zone is to provide a planned development of twin homes.	A minimum of two (2) parking spaces shall be provided for each dwelling, one of which shall be covered. A minimum of one-quarter (1/4) additional parking space shall be provided for each unit for guest parking within the area designated in the concept plan as "two-story twin home development." Driveways shall not be counted toward the guest parking requirement.
PD-36 zone (Orem Falls Business Park, 1200 North Geneva Road)	The purpose of the PD-36 zone is to allow the development of a light industrial business or technology park that will accommodate a variety of commercial and light industrial uses	The standards and requirements of Article 22-15 of the Orem City Code shall apply to all parking in the PD-36 zone except as expressly modified herein. One parking stall per 750 square feet shall be required for the first 50,000 square feet of building area or portion thereof. One parking stall per 1,000 square feet shall be required for the second 50,000 square feet of building area or portion thereof. One parking stall per 1,500 square feet of building area shall be required for building space in excess of 100,000 square feet. Notwithstanding the foregoing, the parking requirement for office and retail space is one (1) parking stall per 250 square feet regardless of the size of the building. The parking standards for the specific use exceptions described in Orem City Code section 22-15-4(G) shall also apply in the PD-36 zone.
PD-37 zone (Legacy at Orem--1450 South State Street)	To promote the redevelopment and beautification of properties in the vicinity of 1450 South and State Street. To allow for the creation of a new housing alternative that will provide individuals with the opportunity to live in proximity to employment opportunities, retail shopping and public transportation thereby reducing traffic generation.	At least one and one-quarter (1.25) parking stalls shall be provided for each one bedroom unit and at least two (2) parking stalls shall be provided for each unit having two or more bedrooms. At least one covered parking stall shall be provided for each unit.

Zone	Definition	Parking Requirement
PD-38 Zone (Summit Ridge Apartments)- 1697 South 400 East	The purpose of the PD-38 zone is to allow development of a high-density residential apartment complex.	At least one and one-quarter (1.25) parking stalls shall be provided for each one bedroom unit and at least two (2) parking stalls shall be provided for each unit containing more than one bedroom.
PD-30 zone, Centennial Plaza	To promote the beautification of properties in the vicinity of Orem Boulevard and Center Street by integrating a mix of commercial and residential uses. To allow for the creation of a new housing alternative that will provide individuals with the opportunity to live in proximity to employment opportunities, retail shopping and public transportation thereby reducing traffic generation.	Parking shall be provided as per the Concept Plan. At least one and one-quarter (1.25) parking stalls shall be provided for each one bedroom unit and at least two (2) parking stalls shall be provided for each unit having two or more bedrooms.
PD-39 Zone (Cascade Village) 920 North and State Street)	The purpose of the PD-39 zone is to allow development of a high-density residential apartment complex.	At least one and one-half (1.5) parking stalls shall be provided for each one bedroom unit and at least two (2) parking stalls shall be provided for each unit having two or more bedrooms.
PD-40 Zone, 460 South State Street	The purpose of the PD-40 zone is to allow development of a high-density residential apartment complex and mixed use development which maintains the street-level commercial character of State Street.	At least two and one-quarter (2.25) parking spaces shall be provided for each dwelling unit with at least one covered stall per unit. The parking requirements shall be met for each phase of construction. Parking for commercial uses in Area B shall be provided at the rate required in Article 22-15 of the Orem City Code. Parking for commercial uses in Area B shall be located between the commercial uses and State Street as shown in the Concept Plan.
PD-41 Zone, 1200 West Center	The purpose of the PD-41 zone is to allow for the development of a mixed use project including high-density residential apartments and retail pads.	At least two (2) parking stalls shall be provided for every residential unit with at least one covered stall per unit. Parking for Area B shall be the same as required in the C3 zone.
PD-43 (Auburn Meadows) 2000 South Geneva	The purpose of the PD-43 zone is to allow for a medium density development of attached residential units consisting of townhouses and twin-homes.	At least two and one-half (2.5) parking stalls, two of which must be covered, shall be provided for each dwelling unit. Driveways shall not count towards the parking requirement.

Zone	Definition	Parking Requirement
PD-46 Zone (Irving) – 200 East 1200 South	The purpose of the PD-46 zone is to allow a planned development of attached residential dwelling units on property located at 1200 South 200 East.	At least 2.25 parking stalls shall be provided for each dwelling unit, at least one of which must be covered.
PD-47 Zone - Flying Horse Condos - 1672 South Sandhill Road	The purpose of the PD-47 zone is to allow development of high-density residential units.	At least 2.3 parking stalls shall be provided and maintained for each residential unit in the development. At least one covered parking stall shall be provided and assigned for the use of each residential unit.
REGULATIONS GOVERNING PARTICULAR USES – RESIDENTIAL ZONES (Article 22-6-9):		
Accessory Apartments		A single family dwelling with an accessory apartment shall provide at least three (3) off-street parking stalls,
Residential Facilities for Disabled Persons	a dwelling that houses only disabled persons and staff members serving disabled persons, which is licensed or certified as such by the Utah Department of Human Services. A Sober Living Home shall not be considered a Residential Facility for Disabled Persons.	At least three off-street parking stalls are provided to serve the needs of residents, visitors, and staff members.
Assisted Living Facility for Elderly Persons	an assisted living facility occupied exclusively by persons 60 years of age or older and paid professional staff members.	At least three off-street parking stalls are provided to serve the needs of residents, visitors, and staff members.
Residential Facilities for Elderly Persons	a single-family or multiple-family dwelling unit housing elderly persons (age 60 or older) who desire or need to live with other elderly persons in a group setting, but who are capable of living independently.	At least three off-street parking stalls are provided to serve the needs of residents, visitors, and staff members. Additional parking may be required based on the number of residents occupying the facility, the number of residents who are reasonably expected to maintain a vehicle at the facility, the reasonably anticipated number of visitors and the number of staff members who will be serving the residents.
Sober Living Homes	a residential dwelling that is operated pursuant to a program designed to provide a stable environment of clean and sober living conditions for individuals who are recovering from alcohol and/or drug addiction who do not require	At least four off-street parking stalls shall be provided to serve the needs of residents, visitors and staff members.

Zone	Definition	Parking Requirement
	twenty-four hour supervision or therapeutic services on the premises.	
Youth Transitional Homes	a residential facility licensed by the State of Utah that provides twenty-four hour staff supervision and a peer support structure to help individuals under the age of 18 acquire and strengthen the social and behavioral skills necessary to live independently in the community.	At least three off-street parking stalls are provided to serve the needs of residents, visitors, and staff members.
Home Day Care Services-Child & Adult	Adult Day Care; Home Child Day Care, Small; Home Child Day Care Medium; and Home Child Day Care, Large.	All residents, visitors and employees who arrive at the home in connection with the Home Day Care Service shall be legally parked on the lot occupied by the residence or on that part of the street which immediately abuts the lot. At least one off street parking space shall be provided for no more than one non-resident employee. The residential driveway (including garage) may be used for this purpose provided that each of the provider's own vehicles and those of family members can be parked in the driveway and not on the street.
Private Schools and Commercial Day Care Services		Parking shall be provided at the ratio of two (2) stalls for every teaching station and one (1) stall for every six (6) students age sixteen (16) or older.
OVERLAY ZONES (Article 22-12)		
Student Housing		at least eight-tenths (0.8) parking spaces per occupancy unit.
Hospital Overlay Zoning		at least one (1) stall per two hundred fifty (250) square feet of gross floor area. The City Council may modify the parking requirement if any interested party submits a certified parking study and the Council is convinced that the modification will provide sufficient on-site parking for the development. Medical or dental offices or clinics shall have at least one (1) parking stall for each two hundred fifty (250) square feet of gross floor area.

Zone	Definition	Parking Requirement
Urban Mixed-Use Overlay Zone		shall be based on the commercial floor space parking requirements in accordance with Section 22-15 of this Chapter. All of the required parking may be shared between the residential and commercial uses of a development.
Affordable Senior Housing (ASH) Overlay Zone		Each dwelling unit shall be provided no less than one and one-half (1.5) parking stalls. One (1) covered stall shall be required for each unit.
COMMERCIAL AND PROFESSIONAL OFFICE ZONES (Article 22-15)		
Professional Office (PO)	The PO zone is established to create a buffering effect between residential uses and traffic associated with arterial and collector streets; and to promote nonretail professional and service uses that are compatible with adjacent residential uses.	One stall shall be required for every 250 square feet of gross leaseable floor area. No building may have less than five parking stalls. (Article 22-15-4)
Commercial Zone (C1)	The C1 zone is established to promote nonretail commercial uses, such as offices and financial institutions, as the primary use and to encourage development in such a manner so as to be compatible with adjacent residential uses.	One stall shall be required for every 250 square feet of gross leaseable floor area. No building may have less than five parking stalls. (Article 22-15-4)
Business Park Zone (BP)	The BP zone is established to provide areas for scientific research, development and training, offices, and manufacturing incidental and accessory to such uses.	One stall shall be required for every 250 square feet of gross leaseable floor area. No building may have less than five parking stalls. (Article 22-15-4)
Commercial Zone (C2)	The purpose of the C2 zone is to: Allow a wide range of commercial and retail development including offices, business and personal services, public spaces, and general community shopping;	One stall shall be required for every 250 square feet of gross leaseable floor area. No building may have less than five parking stalls. (Article 22-15-4)
Commercial Zone (C3)	The purpose of the C3 zone is to: Encourage and enhance the development of commercial complexes with multiple tenants in a way that contributes to the positive character of the City of Orem and the surrounding region; and Provide	One stall shall be required for every 250 square feet of gross leaseable floor area. No building may have less than five parking stalls. (Article 22-15-4)

Zone	Definition	Parking Requirement
	appropriate buffering between large-scale commercial development and adjacent residential development.	
Highway Services (HS)	The HS zone is established to promote uses most commonly associated with the traveling public and general community shopping.	One stall shall be required for every 250 square feet of gross leaseable floor area. No building may have less than five parking stalls. (Article 22-15-4)
NON-RESIDENTIAL USES IN RESIDENTIAL ZONES (Article 22-15-4(F))		
Public Primary & Secondary Schools		Two stalls per teaching station and one stall for every six students over the age of 16.
Private Primary & Secondary Schools		Section 22-6-9(H.11): Parking shall be provided at the ratio of two (2) stalls for every teaching station and one (1) stall for every six (6) students age sixteen (16) or older.
http://online.encodeplus.com/regs/orem-ut/doc-viewer.aspx?ajax=0&tocid=001.022.006.009 All other nonresidential primary uses in residential zones that are not listed in Section 22-15-4(G)		shall have the same parking requirements as Section 22-15-4(A): One stall shall be required for every 250 square feet of gross leaseable floor area. No building may have less than five parking stalls.
SPECIFIC USE EXCEPTIONS (Article 22-15-4(G))		
Group Quarters		1 stall for every 2.5 beds in the facility
Hotel/Motel		1 stall per room
Restaurant		1 stall for every 3 seats, or if no fixed seating then one stall for every three persons based on maximum occupancy
Auto Related Uses		4 stalls per auto bay, plus one stall per employee. (In no circumstance shall the

Zone	Definition	Parking Requirement
		number of parking stalls required by this Section be less than that required by the zone in which the use is located.) Automobile wash uses (SLU 6411) shall have the following parking requirements: Full service and automatic automobile wash uses shall have at least one (1) parking stall per 600 square feet of gross floor area (excluding bay areas). Each bay shall have at least two (2) stacking spaces in front of the bay in addition to the bay. Self-service automobile wash uses shall have at least two (2) parking stalls. Each bay shall have at least two (2) stacking space in front of the bay in addition to the bay.
Church		1 stall for every four fixed seats
Occupancy Based Uses		The maximum occupancy of these uses shall be limited to three and one-half (3 ½) persons per parking stall provided. All sites used for these purposes must provide the minimum parking stalls required by this Article based on the Gross Floor Area (GFA) of all buildings associated with that site.
Movie Theatre		1 stall for every 4 seats
Personal Storage Units		Parking for personal storage units shall be provided on the driving lanes adjacent to the personal storage units. Driving lanes shall be at least twenty (20) feet in width. Additional and separate parking stalls shall be located adjacent to the manager's office in the minimum amount of one parking space for every two hundred (200) storage units or fraction thereof with a minimum of two (2) parking spaces to be provided. Driving lanes and required parking spaces may not be rented as, or used for vehicular storage.
Barber and Beauty Schools		A minimum of 1.5 parking stalls shall be required per operator/teaching station or 4 stalls per 1,000 square feet; whichever is greater.

Zone	Definition	Parking Requirement
Veterinary Hospital/Clinic		A minimum of one (1) parking space per 325 square feet
OVERLAY ZONES (Article 22-12):		
Student Housing District (SH)	The student housing overlay zone (SH) is created for the purpose of providing student housing in the immediate vicinity of Utah Valley State College on undeveloped parcels where the impact of student housing on existing single-family residential neighborhoods can be minimized. The student housing overlay zone is designed to preserve the values of family, quiet seclusion and clean air. At least 90% of the occupants of any student housing project in the student housing overlay zone shall be students and their spouses and dependent children.	at least eight-tenths (0.8) parking spaces per occupancy unit. Covered bicycle parking spaces shall be required for each site. The number of bicycle parking spaces to be provided shall be ten (10) or a number equal to twenty-five percent (25%) of the required on-site automobile parking spaces, whichever is greater.
High Rise District (HR)	The high rise overlay zone (HR) was formerly designed to allow vertical construction above the height permitted in the underlying zone with a corresponding increase in meaningful open space. … However, effective February 1, 2003, the HR zoning designation shall not be applied to any additional property within the City.	All zone development standards and site plan requirements of this Section and the underlying zone shall apply. When there is a conflict between varying standards, the more restrictive requirements shall apply
Infill Overlay (IO)	The Infill Overlay Zone was formerly designed to provide flexibility in development standards for small residential parcels that are hard to develop under standard residential requirements, allowing them to be developed with modified standards while maintaining the general character of the underlying zone. … However, effective May 1, 2004, the Infill Overlay zoning designation shall not be applied to any additional property within the City.	-
Agriculture Overlay (AG)	The agriculture overlay zone is designed to encourage the preservation of	Except as expressly modified in this Section 22-12-6, all development standards applicable in

Zone	Definition	Parking Requirement
	agricultural uses, especially orchards, within the City.	the underlying zone shall apply in the agriculture overlay zone.
Hospital Overlay (HO)	The hospital overlay zone (HO) may be applied to property in any zone except the OS5 Zone, M1 Zone, M2 Zone, CM Zone and BP Zone.	Hospitals shall have at least one (1) stall per two hundred fifty (250) square feet of gross floor area. Medical or dental offices or clinics shall have at least one (1) parking stall for each two hundred fifty (250) square feet of gross floor area.
Urban Mixed-Use Overlay (UX)	The urban mixed-use overlay zone (UX) was formerly intended to promote traditional urban development by allowing residential units to be located in commercial zones while maintaining the street-level commercial character of the underlying zone. … However, effective February 1, 2003, the UX zoning designation shall not be applied to any additional property within the City.	The amount of parking required in an urban mixed-use development shall be based on the commercial floor space parking requirements in accordance with Section 22-15 (Off-Street Parking) of this Chapter. All of the required parking may be shared between the residential and commercial uses of a development.
Affordable Senior Housing (AS)	Affordable Senior Housing is defined as housing designed and used exclusively for elderly persons whose income is at or below eighty percent (80%) of the median income for the Provo-Orem Metropolitan Statistical Area as published by the United States Department of Housing and Urban Development (HUD).	Each dwelling unit shall be provided no less than one and one-half (1.5) parking stalls. One (1) covered stall shall be required for each unit.
MANUFACTURING AND RESEARCH & DEVELOPMENT ZONES (Article 22-9)		
Controlled Manufacturing Zone (CM)	The CM zone is established to provide areas where planned manufacturing parks may be developed. The zone is designed to provide for such uses on well-landscaped sites such that they can be located in proximity to residential uses.	One parking stall per 500 square feet shall be required for the first 50,000 square feet of building area or portion thereof. One parking stall per 750 square feet shall be required for the second 50,000 square feet of building area or portion thereof. One parking stall per 1,000 square feet of building area shall be required for the third 50,000 square feet or portion thereof. Building(s) larger than 150,000 square feet shall require 217 parking stalls plus one parking stall per 2,250 square feet of building area in excess of 150,000 square feet. The parking requirement for office spaces is one (1)

Zone	Definition	Parking Requirement
		parking stall per 250 square feet regardless of the size of the building.
Light Manufacturing Zone (M1)	The M1 zone is established to provide areas where light intensity industrial activities and uses can be developed.	One parking stall per 500 square feet shall be required for the first 50,000 square feet of building area or portion thereof. One parking stall per 750 square feet shall be required for the second 50,000 square feet of building area or portion thereof. One parking stall per 1,000 square feet of building area shall be required for the third 50,000 square feet or portion thereof. Building(s) larger than 150,000 square feet shall require 217 parking stalls plus one parking stall per 2,250 square feet of building area in excess of 150,000 square feet. The parking requirement for office spaces is one (1) parking stall per 250 square feet regardless of the size of the building.
Heavy Manufacturing Zone (M2)	The M2 zone is established to provide areas where heavy intensity industrial activities and uses can be developed.	One parking stall per 750 square feet shall be required for the first 100,000 square feet of building area or portion thereof. One parking stall per 1,000 square feet shall be required for the next 50,000 square feet of building area or portion thereof. Building(s) larger than 150,000 square feet shall require 184 parking stalls plus one parking stall per 2,250 square feet of building area excess of 150,000 square feet. The parking requirement for office spaces is one (1) parking stall per 250 square feet regardless of the size of the building.
OPEN SPACE ZONE		
Open Space Zone (OS5)	The OS5 Zone is established to promote large lot developments at a density not to exceed one (1) dwelling unit per five (5) acres and to promote the preservation of open space by allowing clustered developments.	-
Residential Open Space Zone (ROS)	The ROS Zone is established to promote large lot developments at a density not to exceed one (1) dwelling unit per one (1) acre and to promote the preservation of	-

Zone	Definition	Parking Requirement
	open space by allowing clustered developments.	

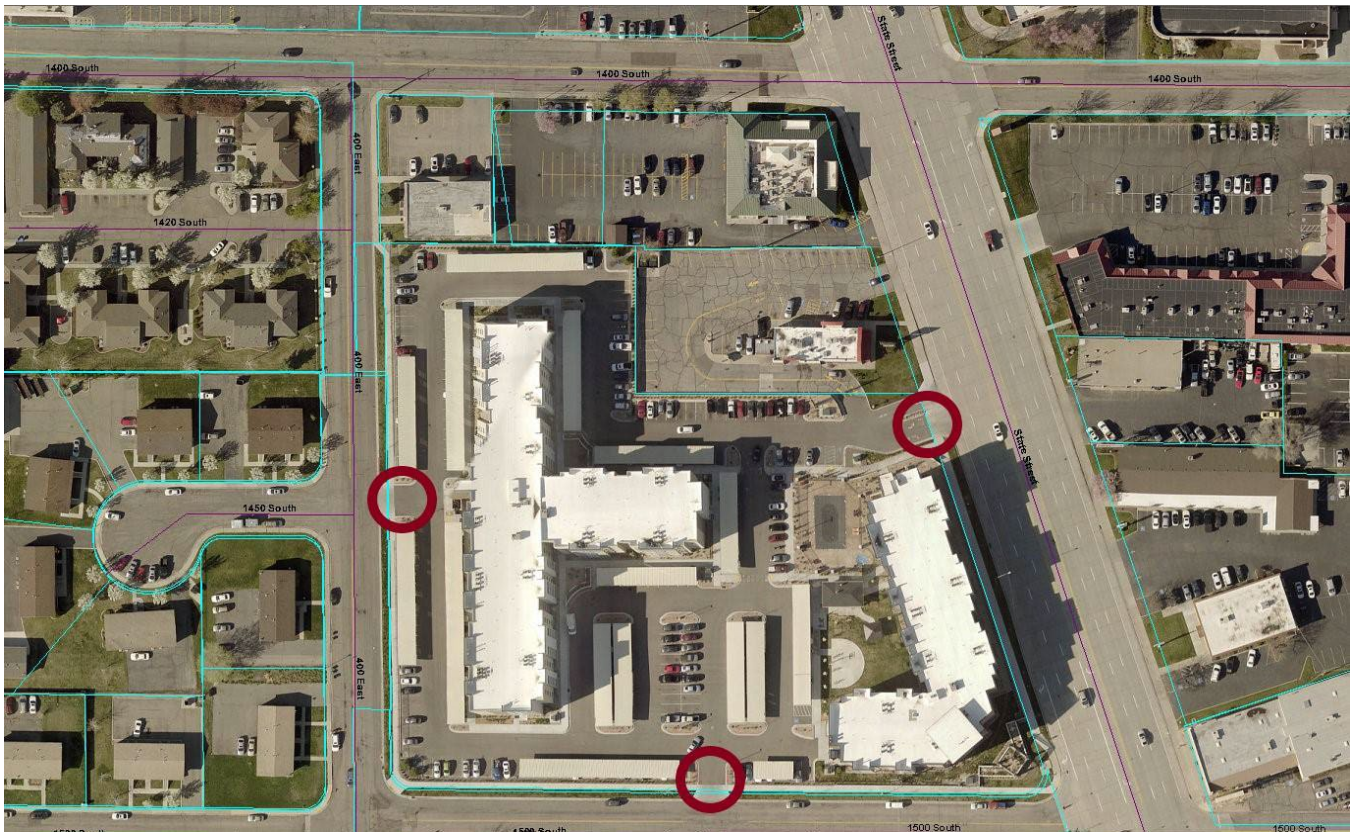
Source: Orem City Code, http://online.encodeplus.com/regs/orem-ut/

APPENDIX B - PARKING COUNT SITES

The sites selected were all relatively high-density land uses for Orem and include residential, commercial, and office land uses. The following site maps show the layout of each development. Red circles in the image mark the location of site entrances that were be monitored by the study team.

Multifamily Residential (Not Student-Oriented) – Canyon Crossing

Figure 4: 1460 S. State Street, Canyon Crossing



1460 S. State Street. Canyon Crossing required three counters - one at each entrance - plus one surveyor to circulate among them for a total of four people over the study period.

Multifamily Residential (Not Student-Oriented) - Monteval

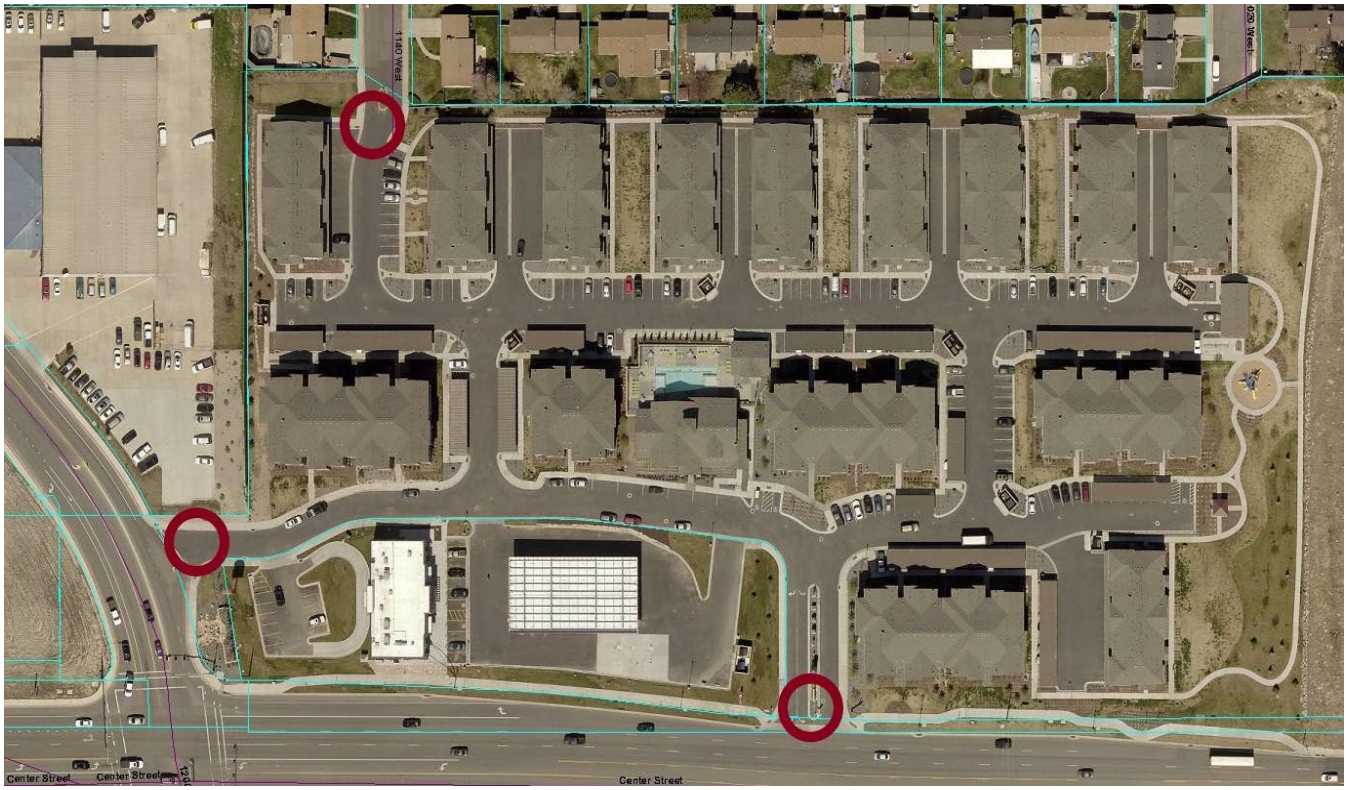
Figure 5: 355 W. 920 North, Monteval



355 W. 920 North. Monteval required three counters - one each at the two driveway entrances to the development plus one at the pedestrian entrances off State Street - and one surveyor for a total of four people over the study period.

Multifamily Residential (Not Student-Oriented) – Parc on Center

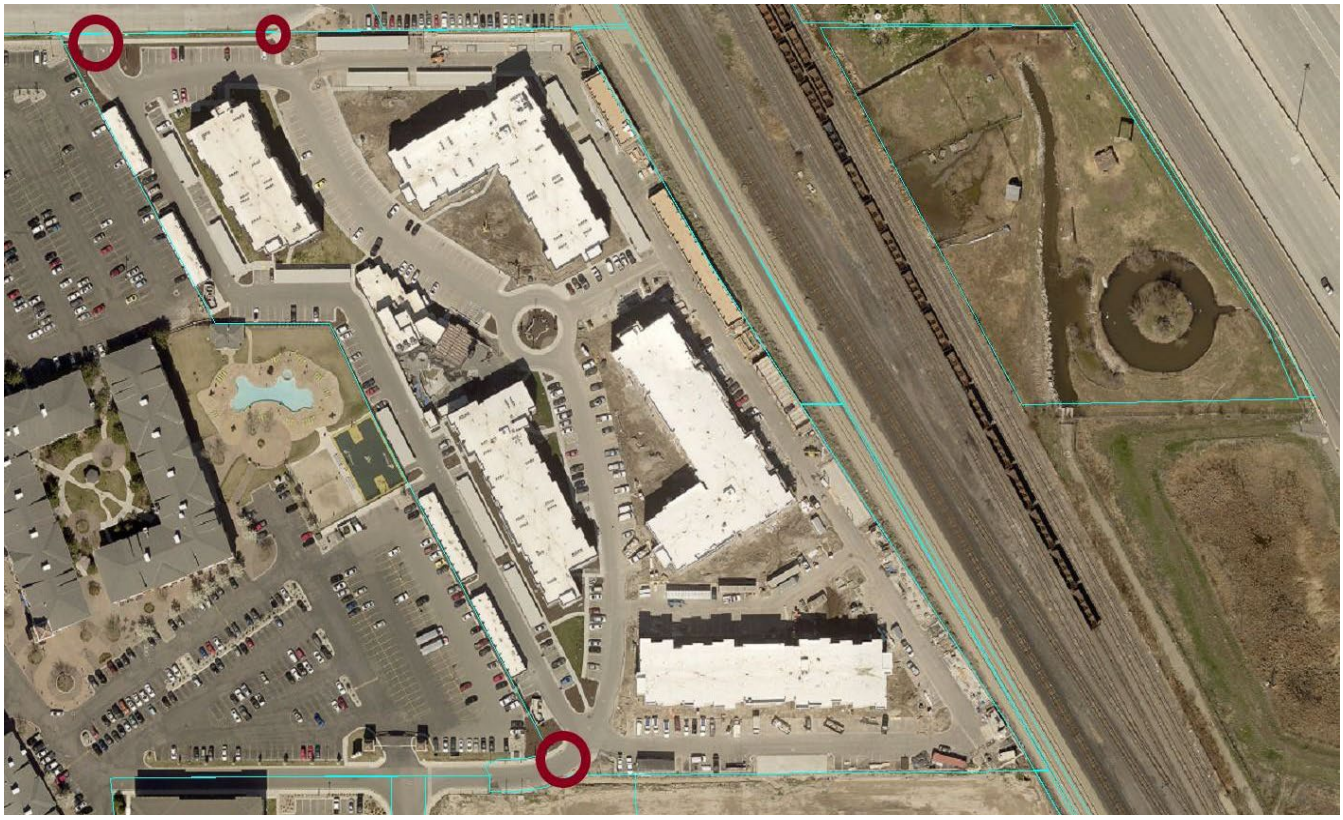
Figure 6: 1042 W. Center St, Parc on Center



1042 W. Center Street. Parc on Center required three counters - one at each driveway entrance to the development - plus one surveyor to circulate among them for a total of four people over the study period

Multifamily Residential (Student-Oriented) – Parkway Lofts

Figure 7: 1225 W. 1000 South, Parkway Lofts



1225 W. 1000 South. Parkway Lofts required two counters and two surveyors - one team at each of the two driveway entrances to the development - for a total of four people over the study period.

Multifamily Residential (Student-Oriented) - Promenade

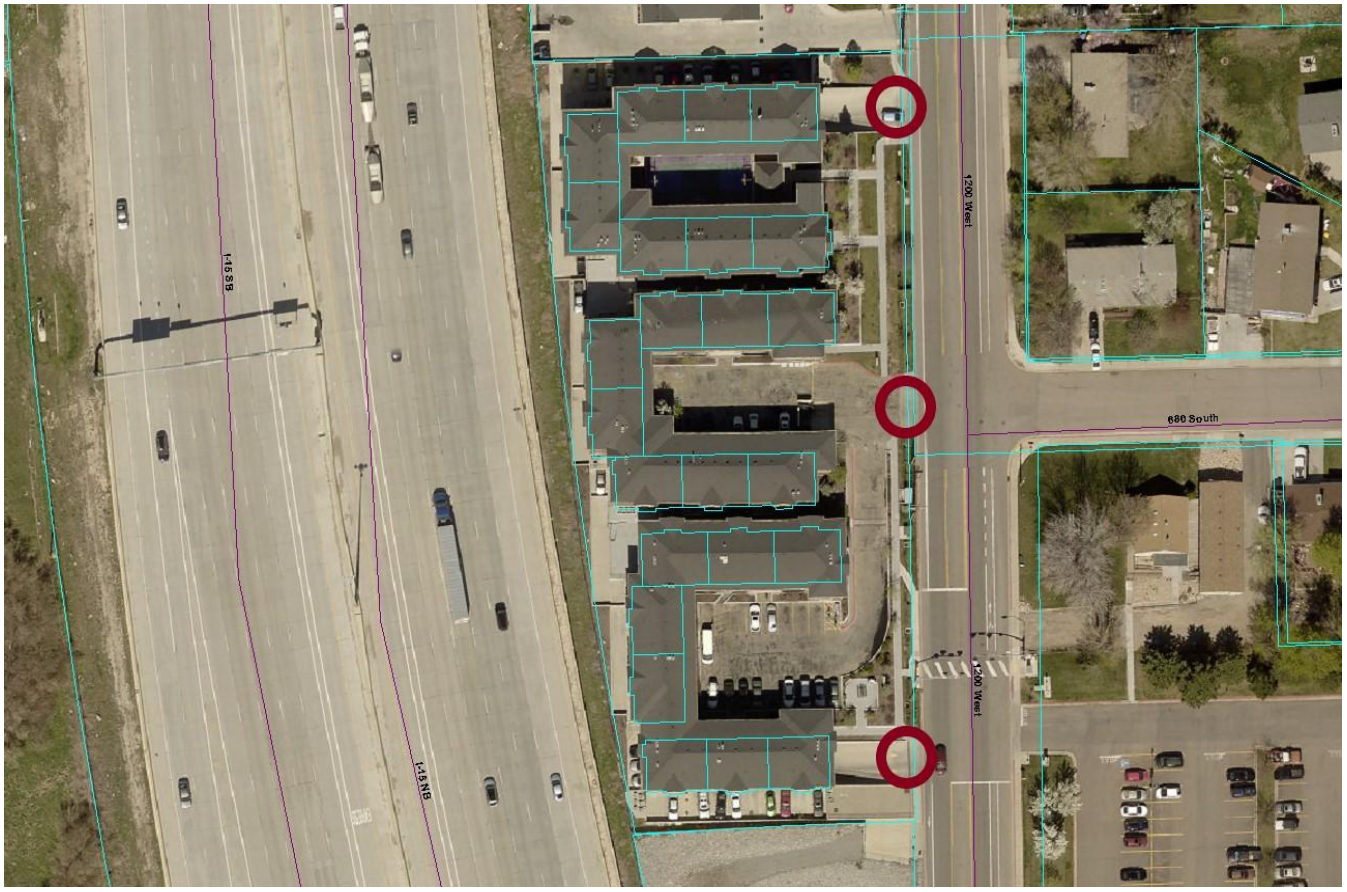
Figure 8: 875 S. Geneva Road, Promenade



875 S. Geneva Road. Promenade required two counters plus one surveyor to cover the two driveway entrances to the development for a total of three people over the study period.

Multifamily Residential (Student-Oriented) – Summerwood Condos

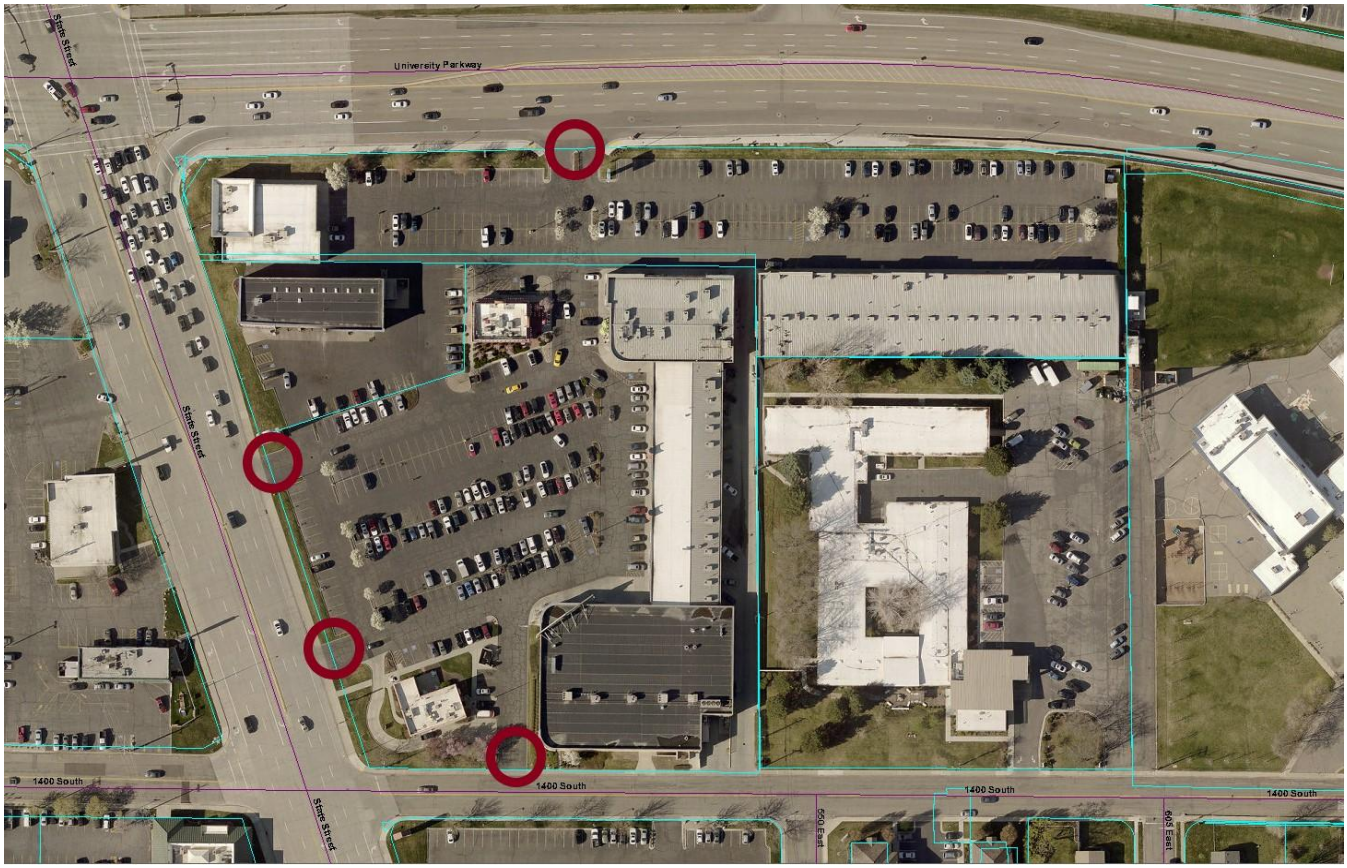
Figure 9: 720 S. 1200 West, Summerwood Condos



720 S. 1200 West. Summerwood Condos required two counters - one to cover the two driveway entrances on the north end and one to cover the driveway and pedestrian entrances on the south end - plus one surveyor to circulate among them for a total of three people over the study period.

Commercial/Shopping Centers – Festival Center

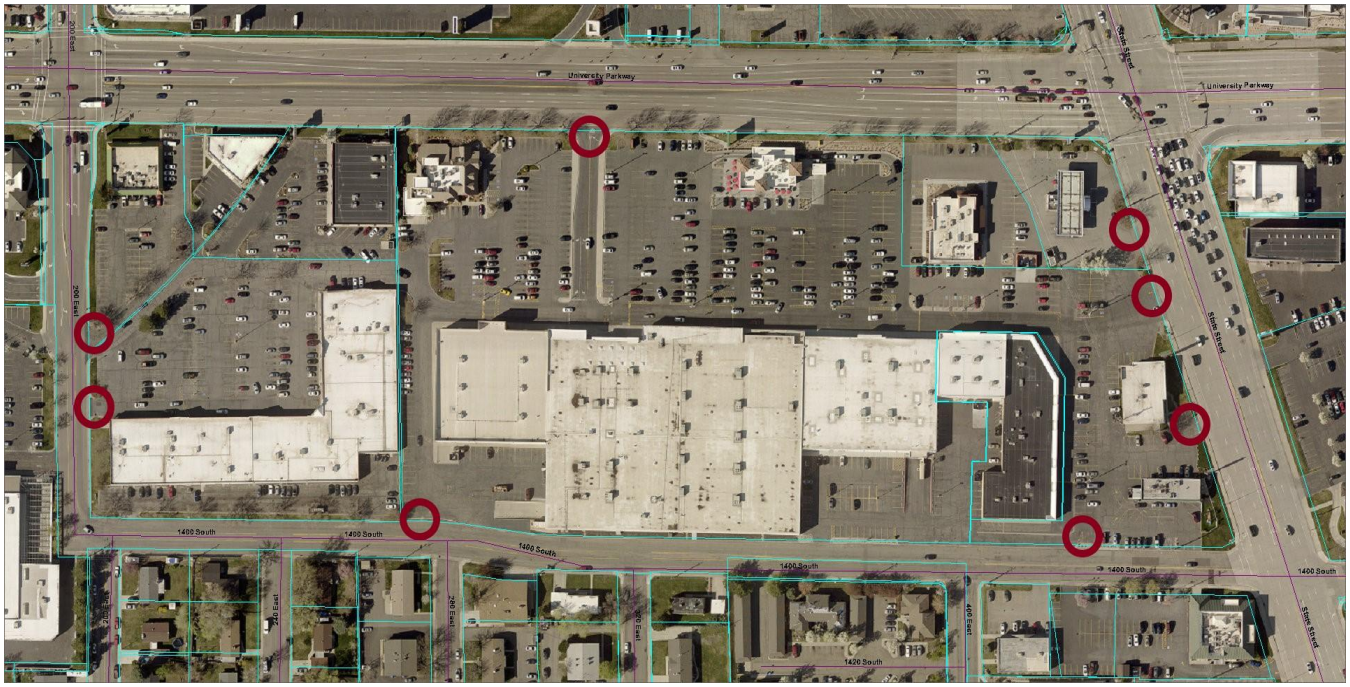
Figure 10: 1345 S. State Street, Festival Center



1345 S. State Street. Festival Center required four counters and one surveyor to circulate among them for a total of five people over the study period.

Commercial/Shopping Centers – University Crossing

Figure 11: 304 E. 1300 South, University Crossing



304 E. 1300 South. University Crossing was the largest of the study sites. It required eight counters plus three surveyors to circulate among them for a total of eleven people over the study period.

Office – Temple View Terrace

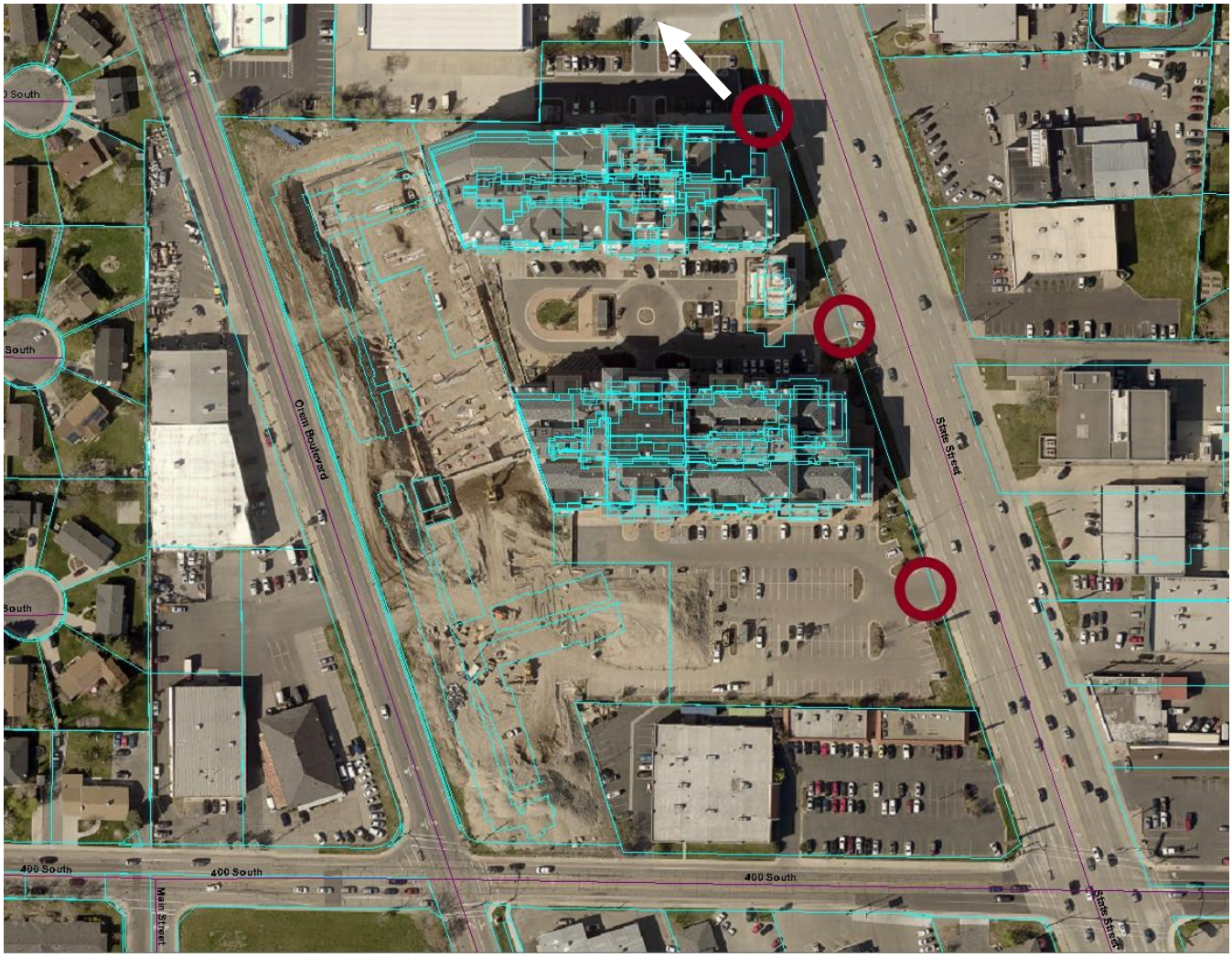
Figure 12: 1325 S. 800 East, Temple View Terrace



1325 S. 800 East. Temple View Terrace required one counter and one surveyor at its one entrance for a total of two people over the study period.

Mixed-Use (Residential & Commercial) – Midtown 360

Figure 13: 360 S. State Street, Midtown 360



360 S. State Street. Midtown 360 required four counters plus one surveyor to circulate among them for a total of five people over the study period.

Location	Residential and Commercial Parking Requirements			Residential Parking Requirements	
	Current Code	1.75 Ratio Required Stalls		Current Code	Proposed 1.75 Ratio
		4 per 1,000 Commercial	3 per 1,000 Commercial		
920 N State Monte Vista (No Commercial)	257	N/A	N/A	257	231
1120 W Center Wasatch Orem Center St (No Commercial)	336	N/A	N/A	336	294
1450 S State Legacy at Orem (No Commercial)	295	N/A	N/A	295	315
470 S State St Sun Canyon Villas	225	183	174	189	174
320 S State St Midtown Village	1084	978	948	1084	948

Note: All calculations for 1.75 ratio predictions including commercial assumes a 3/1,000 commercial requirement and 1/3 parking credit for base density.

Agenda Item 3.3 is a request by Development Services for the City to amend Sections 22-24-1(H), 22-24-2(H), 22-24-3(H), 22-24-4(H), and 22-24-5(H) of the Orem City Code pertaining to parking requirements in the State Street District zones.

Staff Presentation: The first State Street District zones was created by the City in June 2018 when the City Center District was adopted by the City Council. The remaining districts including The North Village District, Canyon Crossing District, The Arts District, and the HUB District were adopted in October 2018.

Currently, parking for the districts is based on four parking stalls for every one-thousand (1000) square feet of gross leasable floor area for non-residential uses. Since any residential use in these zones is required to be part of a mixed-use development, no parking stalls shall be required for residential units included within the base residential density. The base residential density is calculated by dividing the total commercial parking requirement by three (3). For each residential unit in excess of the base residential density, a minimum of 2.25 parking stalls shall be provided (of which .25 stalls per unit shall be dedicated to visitor parking). In addition to the parking requirements stated above, one (1) additional parking stall shall be required for each large residential unit (three bedrooms or more) (including three-bedroom units in the base residential density).

Current Parking Requirements	
Commercial Requirement	4/1000 - Four parking stall for every one-thousand square feet of gross leasable floor area of nonresidential uses. Shared parking - No parking required for units included in the base density. (Base Density = Commercial parking requirement divided by 3)
Residential uses in the Core, Civic, and Edge zones	2.25 parking stalls for each unit in excess of the base density. (.25 stalls dedicated to visitor parking) One additional stall for large units (three or more bedrooms)
Residential uses only - Res (A & B) zones	2.5 stalls for each unit (less than three bedrooms and less than 1200 square feet) (.5 per unit reserved for visitor parking) 3.5 for each unit (three or more bedrooms or 1200 or more square feet)

In addition, for the residential only areas within certain district zones 2.5 stalls shall be provided for each standard residential unit (less than three bedrooms and less than 1200 square feet) and 3.5 stalls shall be provided for each large residential unit (three or more bedrooms or 1200 or more square feet). Visitor parking is required at 0.5 stalls per unit. At the time the districts were developed staff proposed parking standards within the districts to be on the higher end of parking requirements in order to ensure parking would not be an issue. However, as several developers have investigated developing within the Districts, parking requirements has been an issue in determining the feasibility of a project within the districts.

In May 2018, the City hired a consultant to complete a city-wide parking study to review and make a possible recommendation to current parking standards. As a result of the parking study, the consultant determined that parking reductions within the districts should be considered. Within the study it was recommended to prohibit developments from charging for parking, to reduce commercial parking requirements, and to adjust the numbers of stalls per bedroom. In addition to the recommendation from the parking study, staff has also worked with several developers to determine a standard that will work for both the city and developers parking demands.

Based on a combination of the Orem City Parking Study (2019), developer recommendations, and city staff review the city is proposing the following parking modifications to the State Street District zones.

Proposed Parking Changes	
Commercial requirement	3/1000 - Three parking stall for every one-thousand square feet of gross leasable floor area of nonresidential uses. The shared parking component will remain in place. No parking required for units included in the base density. (Base Density = Commercial parking requirement divided by 3)
Residential uses in the Core, Civic, and Edge zones	1.75 parking stalls per unit (of which .1 stalls per unit shall be dedicated to visitor parking)
Residential uses only - Res (A & B) zones	No parking changes are proposed to the residential only areas.

As part of the proposed parking amendments staff ran several scenarios to determine how the proposed parking amendments would work based on currently developed projects. As a result, staff determined that although the proposed parking standards fluctuate depending on the unit mix the overall standard proposed is a workable standard for both the city and developers.

The proposed parking amendment is intended to provide property owners with flexibility as they design their projects to meet all the district requirements and at the same time provide the city with the assurance that proposed projects meet the parking needs of the residents and employees of a development.

	Residential and Commercial Parking Requirements			Residential Parking Requirements	
Location	Current Code	1.75 Ratio Required Stalls		Current Code	Proposed 1.75 Ratio
		4 per 1,000 Commercial	3 per 1,000 Commercial		
920 N State Monte Vista (No Commercial)	257	N/A	N/A	257	231
1120 W Center Wasatch Orem Center St (No Commercial)	336	N/A	N/A	336	294
1450 S State Legacy at Orem (No Commercial)	295	N/A	N/A	295	315
470 S State St Sun Canyon Villas	225	183	174	189	174
320 S State St Midtown Village	1084	978	948	1084	948

Note: All calculations for 1.75 ratio predictions including commercial assumes a 3/1,000 commercial requirement and 1/3 parking credit for base density.

Recommendation: Staff recommends the Planning Commission forward a positive recommendation to the City Council to amend Sections 22-24-1(H), 22-24-2(H), 22-24-3(H), 22-24-4(H), and 22-24-5(H) of the Orem City Code pertaining to parking requirements in the State Street District zones.

Chair Spencer asked if the Planning Commission had any questions for Mr. Bench. Mr. Spencer asked if the fact that parking is shared went into the calculation. Mr. Bench said part of it does, and the shared component seems to work well. There will be cross over parking with commercial and residential. Mr. Spencer asked if there were a lot of empty parking spaces at Midtown. Mr. Bench said they have not finished Phase 4 but they have ample parking. Mr. Moulton said there is one project on the presentation's table that is under-parked. He asked if there were any others in the City that are under-parked. Mr. Bench said it just depends on the project. Each project is a bit unique.

Chair Spencer invited the applicant to come forward. Robert Schmidt, PEG Development, introduced himself. He said he applauds the city's efforts on this parking issue. Parking is changing, retail is changing, and demands are changing due to ride-share, Uber and Lyft. Some of the cities have parking requirements that are onerous, and they cannot do the project. He is supportive of this proposal. He thinks the City is still overparked with 1.75 stalls per unit. They own the Sienna Villas Apartments and at the most occupied seasons, they are parked at 1.4 per unit and are overparked. They are building a project in Provo on the east end of Orem, the Riverwoods project. It is designed at 1.6 per unit and they feel that will be appropriate. He feels this is a positive step and there is room for flexibility.

Chair Spencer opened the public hearing and invited those from the audience who had come to speak to this item to come forward to the microphone.

Alan Argyle, Ivory Commercial and ICO Construction. He agrees and is supportive of the City and staff in trying to make this issue more developer friendly. He had one clarification on the no charge on required parking. A lot of their projects have a garage. If they can no longer charge for garage parking, it may make it difficult to get financing. Mr. Earl said it does say you cannot charge for required parking. If you have over the required amount, you could charge for those. He anticipates developers will still charge for parking, but it will be included in the rent. There is nothing wrong with charging an extra $50 in the rent and stating that with the rent comes a parking stall. Mr. Cook said the problem is the City has been burned badly where people will not pay for the parking and park in the neighborhoods.

There was a discussion regarding required parking and paying for it. Mr. Earl suggested they have to include the cost of the parking stall in the rent or include it as a separate line item. Some may not want to charge for parking at all.

When no one came forward, Chair Spencer closed the public hearing and asked if the Planning Commission had any more questions for the applicant or staff. When none did, he called for a motion on this item.

Planning Commission Action: Mr. Cochran moved to forward a positive recommendation to the City Council to amend Sections 22-24-1(H), 22-24-2(H), 22-24-3(H), 22-24-4(H), and 22-24-5(H) of the Orem City Code pertaining to parking requirements in the State Street District zones. Mr. Spencer seconded the motion. Those voting aye: Mickey Cochran, Carl Cook, Camille Jensen, David Moulton, Barry Roberts, Ross Spencer and Mike Staker. The motion passed unanimously.

e needs to be on the corner where they have access to full movement. This site is a little trickier with the hard corners. Mr. Spencer asked if a Marriott would like to have a service station in front of their hotel. Ms. Mascaro said a c-store is actually a good amenity, and there is a level of safety that a c-store adds to this corner. During the late nights when the hotel is closed for amenities, customers can go to the c-store.

Mr. Cook said he would have concerns with that access for a c-store and a hotel, with just one entrance and very low potential stacking out to the street. He tried to remember when he last saw a set up like this with just one way in and out. Having a high use area and facility like a c-store would be a real issue at that site. Ms. Mascaro said the office building will typically have employees that will be there 8:00 -5:00 and the hotel will have customers coming in at varying times during the day, so there will not be a lot of stacking. Mr. Goodrich explained the traffic study information and the ingress/egress at this location.

Mr. Cochran said this location is currently zoned R8. The zone would need to be changed to PD5 and another use added to all PD5 locations. There is a reason this use was excluded from the original PD5.

Chair Spencer opened the public hearing and invited those from the audience who had come to speak to this item to come forward to the microphone.

Rhea Georgie. She said the noticing was not made clear that this meeting was a public hearing. In the neighborhood, they are spoiled by having those beautiful gardens. She checked up on Wright Development Group from an independent source and was told they were good to work with. The way she understands it, the hotel would be one hundred feet away from the neighbors. She knows that in the PD5 zone, the buildings can go closer to the residential homes than that. She has greater concerns if someone else got hold of the property and built closer to the neighbors.

Chair Spencer closed the public hearing and asked if the Planning Commission had any more questions for the applicant or staff. Mr. Staker said he has concerns about changing the zone and what is allowed there. The PD5 zone has a reason and has done well. To allow something like this would give a different feel and it is a concern. Chair Spencer called for a motion on this item.

Planning Commission Action: Mr. Spencer moved to forward a negative recommendation to the City Council to amend the zoning map of the City of Orem for the property located generally at 355 West University Parkway from the R8 zone to the PD-5 zone and recommends denial of the text amendment to the PD-5 zone to include Standard Land Use Code 5530 *Gasoline Service Station With or Without Store* as a permitted use. Mr. Moulton seconded the

motion. Those voting aye: Mickey Cochran, Carl Cook, Camille Jensen, David Moulton, Barry Roberts, Ross Spencer and Mike Staker. The motion passed unanimously.

Agenda Item No: 9.2

City Council Agenda Item Report

Meeting Date: October 8, 2019
Submitted by: Grant Allen
Submitting Department: Development Services
Item Type: Public Hearing
Agenda Section:

Subject:
PUBLIC HEARING
ORDINANCE – Amending Section 22-5-3(A) and the Zoning Map of the City of Orem by changing the zoning on approximately 2.42 acres of property located generally at 1000 East Center Street from the R8 zone to the PRD zone; and amending Appendix KK of Orem City Code by adding Cascade Court PRD concept plan and elevations.

Suggested Action:
The Planning Commission recommends the City Council, by ordinance, amend Section 22-5-3(A) and the Zoning Map of the City of Orem by changing the zoning on approximately 2.42 acres of property located generally at 1000 East Center Street from the R8 zone to the PRD zone; and amend Appendix KK of Orem City Code by adding Cascade Court PRD concept plan and elevations. Staff supports the Planning Commission recommendation.

Presenter:
Jason Bench

Background:
The applicant is proposing to rezone the property to develop the parcel as a planned residential development with 11 total residential units consisting of five twin home structures and one single unit structure which has a density of 4.54 units per acre. The proposed density meets the requirements of the PRD zone. The PRD zone allows up to 7 units per acre.

The property is currently zoned R8 which would allow approximately 8 single-family homes. An R8 development would allow a developer or home owner to construct a single-family dwelling with an accessory apartment. The Planned Residential Development zone does not allow accessory apartments.

One of the objectives of the Canyon View, Orchard and Cascade Neighborhood plan is to preserve the single-family nature of the neighborhoods through low-density development and appropriate infill. “The use of legal accessory apartments (often basement apartments), deep lot houses, twin homes, cottage apartments, and Planned Residential Developments similar to the Da Vinci development may be appropriate ways to accommodate population growth in the neighborhoods while maintaining the single family nature.” The proposed development, in Staff’s opinion, is low-density residential in nature and is consistent with the neighborhood plan. (Page 13, Canyon View, Orchard & Cascade Neighborhood Plan)

The finishing materials for the structures will include stucco, stone, and board and batten. The proposed structures will be one story, with 4 different floor plan variations with approximately 2,136, 1,700 square feet with 212

3 car garages and 1,850 and 1,700 square feet with 2 car garages. The height of the structures will not exceed 28 feet above grade. The PRD zone allows an overall height of 30 feet.

Potentially Affected Area:
Cascade

Attachments:
Agenda-Rezone-PRD-CascadeCourt.docx

Vicinity_Map_Cascade_Court_2019.09.18.pdf

Map_Cascade_Court_2019.09.18.pdf

Cascade_Court_Landscape_Plan.pdf

Cascade_Court_Concept_Plan.pdf

Elevations.pdf

Elevations__2_.pdf

Elevations__3_.pdf

Neighborhood Meeting Info.pdf

Cascade Court_Subdivision layout.pdf

MailerFront_PC.pdf

20190909_2_MailerBack.pdf

20190909_2_Labels.docx

Cascade Court PC Minutes 9.18.19.docx

DRC Application Cascade Court.pdf

Resolution-Rezone-PRD-CascadeCourt.docx

CITY OF OREM CITY COUNCIL MEETING OCTOBER 8, 2019	
REQUEST:	**ORDINANCE** – Amending Section 22-5-3(A) of the City Code and the zoning map of the City of Orem by changing the zoning on approximately 2.42 acres of property located generally at 1000 East Center Street from the R8 zone to the PRD zone; and amending Appendix KK of Orem City Code by adding Cascade Court PRD concept plan and elevations.
APPLICANT:	Eagle Summit Construction, LLC
FISCAL IMPACT:	None

NOTICES:

- Posted in 2 public places
- Posted on City webpage and City hotline
- Faxed to newspapers
- E-mailed to newspapers
- Posted at utah.gov/pmn
- Noticed 347 property owners within 1000ft of the properties
- Posted Property

SITE INFORMATION:

General Plan Designation:
Low Density Residential

Current Zone(s):
R8

Acreage:
2.42

Neighborhoods:
Cascade

PLANNING COMMISSION RECOMMENDATION
Vote: 4-1 for approval

PREPARED BY:
Grant Allen Orem City Planner

REQUEST: The applicant requests the City Council amend Section 22-5-3(A) of the City Code and the zoning map of the City of Orem by changing the zoning on approximately 2.42 acres of property located generally at 1000 East Center Street from the R8 zone to the PRD zone; and amend Appendix KK of Orem City Code by adding Cascade Court PRD concept plan and elevations.

BACKGROUND: The applicant requests a rezone of the property to develop a planned residential development with 11 total residential units consisting of five twin home structures and one single unit structure. The proposed project would have a density of 4.54 units per acre which is well under the maximum density of seven units per acre allowed in the PRD zone.

If the property were developed under the current R8 zoning, approximately eight single-family homes could be constructed on the property. Houses in the R8 zone could also have an accessory apartment so the total number of units in an R8 development could be higher. Accessory apartments are not allowed in the PRD zone.

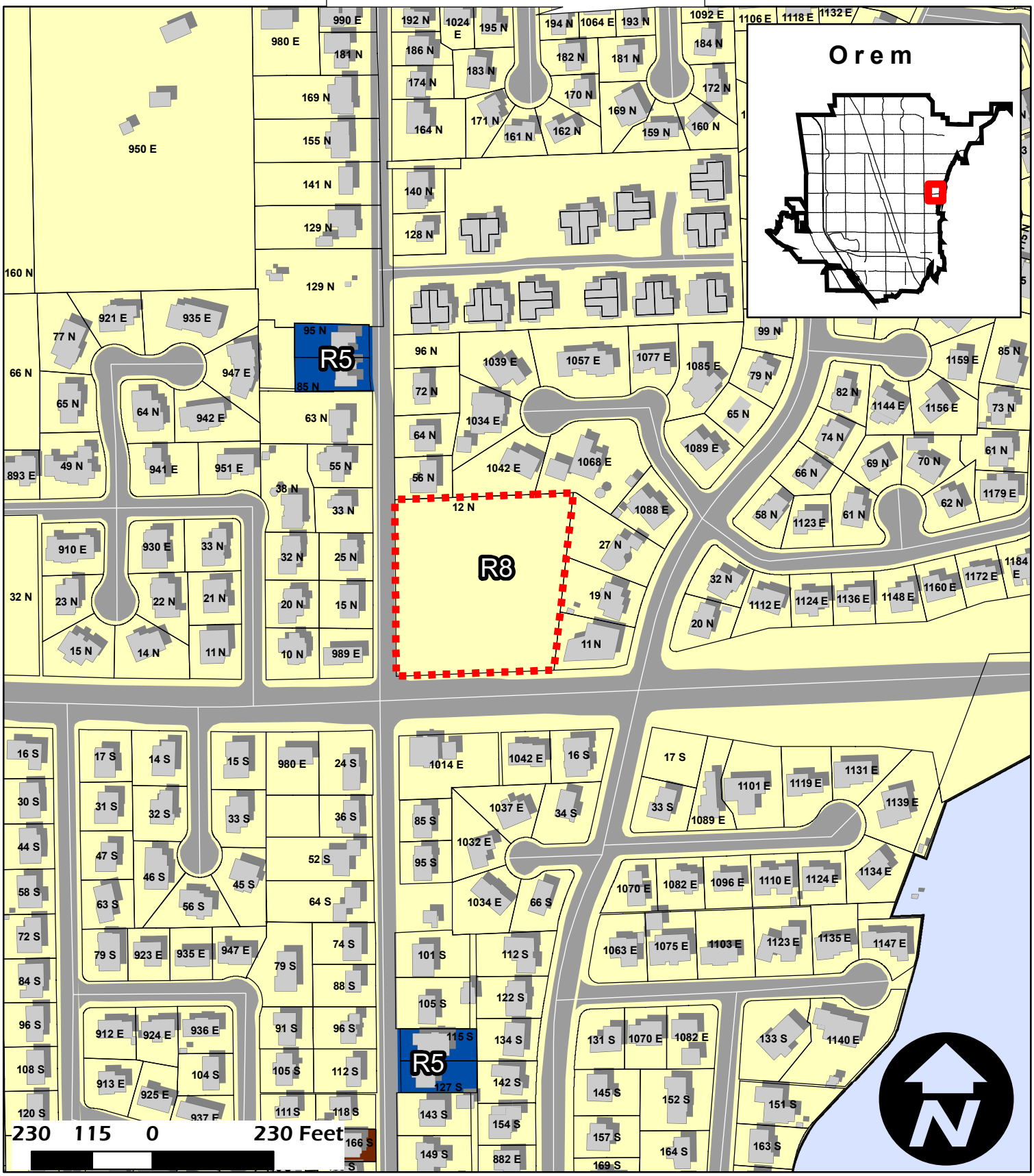
One of the objectives of the Canyon View, Orchard and Cascade Neighborhood plan is to preserve the single-family nature of the neighborhoods through low-density development and appropriate infill. *"The use of legal accessory apartments (often basement apartments), deep lot houses, twin homes, cottage apartments, and Planned Residential Developments similar to the Da Vinci development may be appropriate ways to accommodate population growth in the neighborhoods while maintaining the single family nature."* The proposed development, in Staff's opinion, is low-density residential in nature and is consistent with the neighborhood plan. (Page 13, Canyon View, Orchard & Cascade Neighborhood Plan)

The finishing materials for the proposed PRD development include stucco, stone, and board and batten. The proposed structures will be one story, with four different floor plans containing between 1,700 and 2,136 square feet and two or three car garages. The height of the structures will not exceed 28 feet above grade. The PRD zone allows an overall height of 30 feet.

RECOMMENDATION: The Planning Commission recommends the City Council, by ordinance, amend Section 22-5-3(A) and the zoning map of the City of Orem by changing the zoning on approximately 2.42 acres of property located generally at 1000 East Center Street from the R8 zone to the PRD zone; and amend Appendix KK of Orem City Code by adding Cascade Court PRD concept plan and elevations. Staff supports the Planning Commission recommendation.


80 North
Country Lane
Breton Woods Lane
1000 East
Palisade Drive
40 North
Country Lane
960 East
Center Street
Center Street
Center Street
Center Street
Palisade Drive
940 East
1000 East
Palisade Drive
50 South
50 South

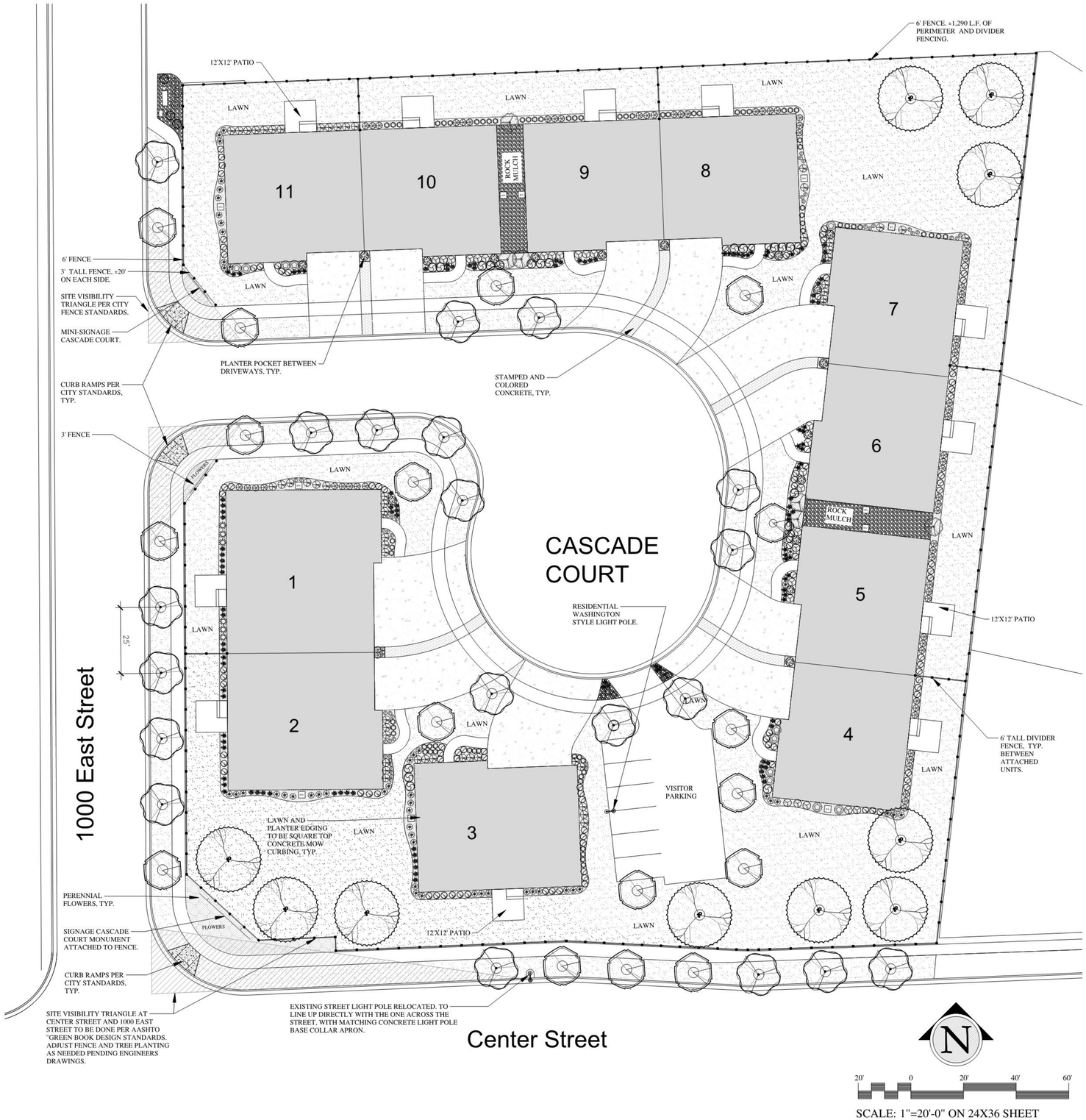
Cascade Court



Cascade Court
PRD
2.42 Acres

NEIGHBORHOOD
Cascade

Legend
Parcels selection
Parcels
Buildings



SCALE: 1"=20'-0" ON 24X36 SHEET

DECIDUOUS TREE LEGEND

SYMBOL	BOTANICAL NAME/COMMON NAME	QTY	SIZE
	ACER PLANTINOIDES 'CRIMSON SENTRY' CRIMSON SENTRY MAPLE	15	1.1/2" CAL
	GLEDITSIA TRICANTHOS 'SHADEMASTER' SHADEMASTER HONEY LOCUST	9	1.1/2" CAL
	PRUNUS SARGENTTI 'COLUMNARIS' COLUMNAR SARGENT CHERRY	15	1.1/2" CAL

SHRUB LEGEND

SYMBOL	BOTANICAL NAME/COMMON NAME	QTY	SIZE
	BERBERIS THUNBERGII 'CONCORDE' CONCORDE JAPANESE BARBERRY	50	3 GAL
	BUXUS MICRO. ASIATIC 'WINTER GEM' WINTER GEM BOXWOOD	56	5 GAL
	BUXUS SEMP. SUFF. 'TRUE DWARF' TRUE DWARF BOXWOOD	79	2 GAL
	CORNUS SERICEA 'KELSEYI' KELSEY'S DOGWOOD	67	3 GAL
	FORSYTHIA COURTASOL 'GOLD TIDE' GOLD TIDE FORSYTHIA	28	5 GAL
	PINUS MUGO MUGUS 'SLOWMOUND' SLOWMOUND MUGO PINE	21	5 GAL
	PUNUS X CISTENA PRUPLE SAND CHERRY	6	5 GAL
	SPIREA JAPONICUS 'SNOWMOUND' SNOWMOUND SPIREA	15	5 GAL
	VIBURNUM OPULUS NANUM DWARF VIBURNUM	25	3 GAL

PERENNIAL LEGEND

SYMBOL	BOTANICAL NAME/COMMON NAME	QTY	SIZE
	CALAMAGROSTIS X ACUTIFLORA 'OVERDAM' FEATHER REED GRASS	9	3 GAL.
	HEMEROCALLIS 'STELLA D'ORO STELLA D'ORO DAYLILY	42	2 GAL.
	HEMEROCALLIS 'ROSY RETURNS' ROSY RETURNS DAYLILY	75	2 GAL.
	HEUCHERA 'RASPBERRY ICE' RASPBERRY ICE CORAL BELLS	59	1 GAL.
	LOBELIA X DARK RED/GRAPE KNEE-HI CARDINAL FLOWER	60	1 GAL.
	PENNISETUM ALOPECUROIDES 'HAMELN' HAMELN DW/CWARF FOUNTAIN GRASS	61	3 GAL.
	PERENNIAL FLOWER MIX AT SIGNAGE LOCATIONS PENDING AVAILABLILITY. GAZANIA'S, HARD GERANIUM, DAYLILLIES, LAVENDER, SNOW LADY SHASTA DAISY, ETC. CONTRACTOR TO LAYOUT BASE ON VARIETIES AVAILABLE. PLANTS SO THAT FLOWER APPEAR FROM EARLY SPRING INTO LATE FALL.	712 S.F.	4"-6" POTS AND SOME 1 GALLON 12" SPACING
	TURF / BLUEGRASS KENTUCKY BLUEGRASS -MIN. 3 VARIETIES.	~35,600 S.F.	SOD

INERT MATERIALS LEGEND

SYMBOL	BOTANICAL NAME/COMMON NAME	QTY
	4" DEPTH OD 1.1/2"-3" COBBLE ROCK INSTALLED OVER WEED CONTROL FABRIC. SEE LANDSCAPE NOTE #8 BELOW.	1,170 S.F./ 14.3 C.Y.
	4" DEPTH OF ROCK MULCH. (SIZE AND TYPE TO BE DETERMINED BY OWNER) INSTALLED IN ALL PLANTER BEDS AND OVER WEED CONTROL FABRIC. SEE LANDSCAPE NOTE #8 BELOW.	4,875 S.F./ 60 C.Y.
NOT SHOWN	CONCRETE MOW CURB BETWEEN ALL LAWN AND PLANTER BEDS.	1,010' L.F.

TOTAL LANDSCAPE AREA	42,357 S.F.
TOTAL IRRIGATABLE AREA	41,187 S.F.

LANDSCAPE NOTES

1. LANDSCAPE CONTRACTOR IS RESPONSIBLE FOR VERIFYING QUANTITIES OF ALL MATERIALS FOR BIDDING AND INSTALLATION PURPOSES. IF DISCREPANCIES EXIST, THE PLAN SHALL DICTATE.
2. PLANT MATERIAL TO BE INSTALLED PER PLANT LEGEND. ANY SUBSTITUTIONS TO BE APPROVED BY OWNER AND/OR LANDSCAPE ARCHITECT.
3. NEW AUTOMATIC UNDERGROUND IRRIGATION SYSTEM TO BE INSTALLED PRIOR TO LANDSCAPE INSTALLATION TO ENSURE PROPER WATERING OF ALL LANDSCAPE AREAS. NO IRRIGATION PLAN PROVIDED, TO BE DONE BY OTHERS.
4. NEW LAWN AREAS TO BE SODDED WITH 100% KENTUCKY BLUEGRASS (MINIMUM OF 3 DIFFERENT VARIETIES). FINE LEVEL ALL AREAS PRIOR TO LAYING SOD. SEE SOD LAYING NOTES FOR MORE INFORMATION
5. MINIMUM RECOMMENDATION FOR SITE SOILS OR AS DIRECTED BY OWNER. USE A SANDY LOAM TOPSOIL TO BE INSTALLED AT THE FOLLOWING DEPTHS: 8" IMPORTED SANDY LOAM TOPSOIL (INCLUDING MIN. 15% HIGH GRADE DECOMPOSED ORGANIC MATERIAL MIXED INTO TOPSOIL PRIOR TO SPREADING) IN ALL NEW PLANTER AREAS. INSTALL 4" DEPTH OF SANDY LOAM TOPSOIL (INCLUDING MIN. 15% HIGH GRADE DECOMPOSED ORGANIC MATERIAL MIXED INTO TOPSOIL PRIOR TO SPREADING) IN ALL NEW LAWN AREAS. ALTERNATE CONTRACTOR TO USE ONSITE TOPSOIL STRIPPED FROM SITE PRIOR TO CONSTRUCTION THEN AMEND PER SOILS TEST RECOMMENDATION WITH THE ADDITION OF 15% WELL DECOMPOSED ORGANICS BY VOLUME.
6. PLANTER BEDS TO BE EXCAVATED AS NECESSARY IN ORDER TO ALLOW FOR TOPSOIL, AMENDMENTS AND MULCH. THE FINISHED GRADE OF LAWN AREAS SHALL BE APPROX. 1" BELOW TOP OF LAWN EDGING, SIDEWALK OR OTHER PAVED AREAS. FINISHED GRADE OF PLANTER AREAS SHALL BE APPROX. 1" BELOW TOP OF CURB, SIDEWALK, OR OTHER PAVED AREA.
7. DEWITT 5 OZ. WEED BARRIER FABRIC TO BE INSTALLED IN ALL COBBLE OR ROCK MULCH AREAS. DO NOT INSTALL WEED BARRIER FABRIC UNDER PERENNIALS, ANNUALS, GROUNDCOVERS AND AREAS TO RECEIVE A FINE GRIND WOOD MULCH.
8. INSTALL PRE-EMERGENT HERBICIDE TO THE TOP OF THE FABRIC AFTER INSTALLING PLANTS AND PRIOR TO INSTALLING ROCK MULCH. AFTER INSTALLATION OF THE ROCK MULCH THE CONTRACTOR SHALL EVENLY BROADCAST A SECOND APPLICATION OF SLOW-RELEASE PRE-EMERGENT HERBICIDE. APPLY PRE-EMERGENT HERBICIDE PER MANUFACTURERS RECOMMENDATIONS.
9. DARK BROWN/CHOCOLATE FINE GRIND WOOD MULCH OR MOUNTAIN MAGIC SOIL PEP TO BE INSTALLED 1" DEPTH UNDER ALL PERENNIALS IN THE 3 LARGE FLOWER BEDS NEAR THE ENTRY OR MONUMENT LOCATIONS. PULL MULCH MIN. 2" AWAY FROM BASE OF ALL PERENNIALS.
10. TREES LOCATED IN LAWN AREAS SHALL HAVE A GRASS FREE TREE RING AROUND BASE OF TREE WITH 3" DEPTH OF A DARK BROWN/CHOCOLATE COLORED WOOD MULCH. THE GRASS FREE RING FOR TREES SHALL BE 4' DIAMETER FOR COLUMNAR TREES AND UP TO 6' DIAMETER FOR SHADE TREES WHERE APPROPRIATE.
11. IF HIGH WINDS ARE FREQUENT ON SITE, ALL TREES TO BE STAKED AT TIME OF PLANTING PER LOCAL STANDARDS. REMOVE STAKING WITHIN FIRST YEAR OR WHEN TREE IS ESTABLISHED.
12. SEE ARCHITECT AND CIVIL PLANS FOR ALL BUILDING AND SITE INFORMATION.

SOD LAYING NOTES

1. LAY SOD WITHIN 24 HOURS OF BEING LIFTED.
2. LAY SOD IN ROWS WITH JOINTS STAGGERED. BUTT SECTIONS CLOSELY WITHOUT OVERLAPPING OR LEAVING GAPS BETWEEN SECTIONS. CUT OUT IRREGULAR OR THIN SECTIONS WITH A SHARP KNIFE.
3. LAY SOD FLUSH WITH ADJOINING EXISTING SODDED OR PAVED SURFACES.
4. AFTER SODDING HAS BEEN COMPLETED, ROLL HORIZONTAL SURFACE AREAS IN TWO DIRECTIONS PERPENDICULAR TO EACH OTHER WITH A 150 POUND SOD ROLLER. REPAIR AND RE-ROLL AREAS WITH DEPRESSIONS, LUMPS OR OTHER IRREGULARITIES. HEAVY ROLLING TO CORRECT IRREGULARITIES IN GRADE IS NOT PERMITTED.
5. WATER ALL SODDED AREAS IMMEDIATELY AFTER SOD LAYING TO OBTAIN MOISTURE PENETRATION THROUGH SOD INTO TOP 4" OF TOPSOIL.
6. PROVIDE ADEQUATE PROTECTION OF SODDED AREAS AGAINST TRESPASSING, EROSION AND DAMAGE OF ANY KIND. REMOVE THIS PROTECTION AFTER SODDED AREAS HAVE BEEN ACCEPTED BY THE OWNER.
7. REPLACE DAMAGED AREAS AT NO ADDITIONAL COST TO OWNER.

IRRIGATION NOTES

1. NO IRRIGATION PLAN IS PROVIDED., TO BE DONE BY OTHERS.
2. CONTRACTOR TO MAKE A 1.1/2" MAINLINE CONNECTION TO TWO -1" IRRIGATION METERS. IRRIGATION ZONES TO BE NO LARGE THAN 32 GPM.
3. INSTALL ONLY COMMERCIAL GRADE RAIN BIRD, HUNTER OR GPH PRODUCTS.
4. SPRAYS AND ROTORS IN LAWN AREAS.
5. USE POINT SOURCE OR INLINE DRIP IRRIGATION IN PLANTER BEDS. IF USING INLINE STAKE TUBING EVERY 3' ON CENTER.
6. CONTRACTOR RESPONSIBLE FOR VERIFYING WATER PRESSURE AND FLOW RATES FROM METERS.

CALL BEFORE YOU DIG! IT'S THE LAW! BLUE STAKES 1 800 662 4111

InSite DESIGN GROUP
Landscape Architecture Land Planning
17 North 870 West American Fork, Utah 84003
801.756.5043 www.in-sitedesigngroup.com
architects@in-sitedesigngroup.com

CONSULTANTS:

STAMP: LICENSED LANDSCAPE ARCHITECT # 4884514 Cory B. Whiting STATE OF UTAH

PROJECT:
CASCADE COURT
EAGLE SUMMIT CONSTRUCTION, LLC
OREM-UT-84097
PRELIMINARY PLAN - NOT FOR CONSTRUCTION

SHEET TITLE:
LANDSCAPE PLANTING PLAN

DRAWN BY: LS
CHECKED: SW
DATE: 08-27-2019
REVISIONS: 09-06-2019
JOB NO. 19-149

SHEET: LS1.1

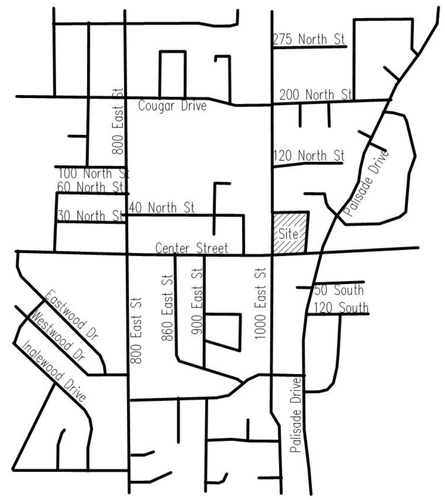
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Cascade Court

Orem City Planned Residential Development Utah

NORTH
1" = 30





Vicinity Map

CAUTION!!! Notice to contractors

The Contractor is specifically cautioned that the location and/or elevation of existing utilities as shown on these plans is based on records of the various utility companies and where possible from measurements taken in the field. the information is not to be considered exact or complete. The Contractor must notify the utility location center at least 48 hours prior to any excavation to request the exact location of the utilities in the field. It shall be the responsibility of the Contractor to relocate all existing utilities which conflict with the proposed improvements shown on the plan.

Know what's below. 811
Call 811 before you dig.
BLUE STAKES OF UTAH
UTILITY NOTIFICATION CENTER, INC.
www.bluestakes.org
1-800-662-4111

GRAPHIC SCALE
30 0 15 30 60 120
(IN FEET)
1 inch = 30 ft.

Developer:

Eagle Summit Construction
PO Box 971238
Orem Utah 84097
801 234-0601

Engineer:

Dudley and Associates, Inc.
353 East 1200 South
Orem, Utah 84058
801-224-1252

Site Data:

Zone = PRD
Total Area = 2.42 Acres
Total number of Units =11

DUDLEY AND ASSOCIATES
ENGINEERS PLANNERS SURVEYORS
353 EAST 1200 SOUTH, OREM, UTAH
801-224-1252

Cascade Court PRD
Concept Plan
Orem City Utah

Revisions

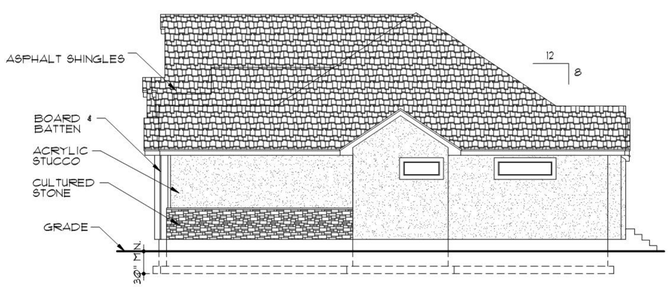
Date
8-8-2019
Scale
1"=30'
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C - 2.0



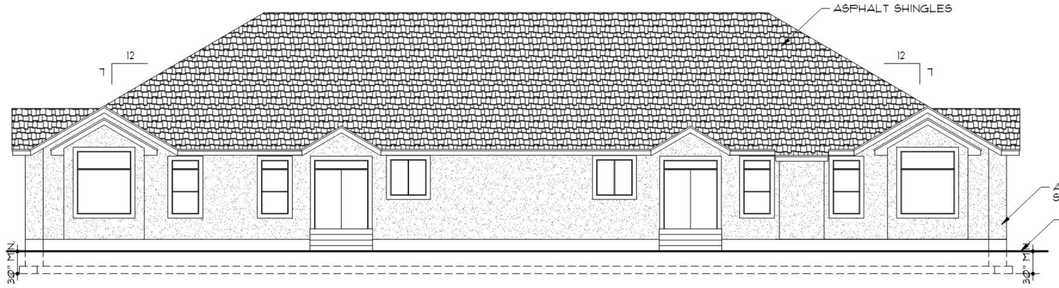
FRONT ELEVATION

SCALE: 1/4" = 1'-0"



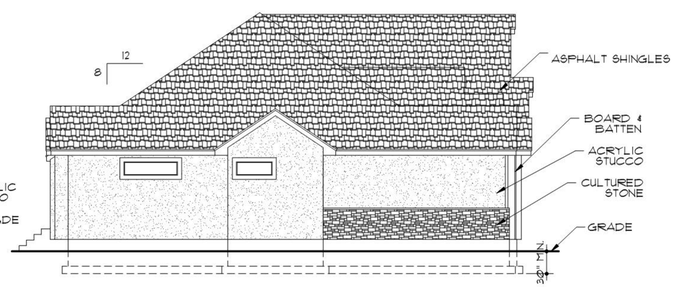
RIGHT ELEVATION

SCALE: 1/8" = 1'-0"



REAR ELEVATION

SCALE: 1/8" = 1'-0"



LEFT ELEVATION

SCALE: 1/8" = 1'-0"

ALPINE HOME DESIGN, Inc.

1904 West 800 North Pleasant Grove, Utah - (801) 492-2320

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A NEW PROJECT BY

EAGLE SUMMIT CONSTRUCTION, LLC

LOTS 25 & 26 HOMESTEAD

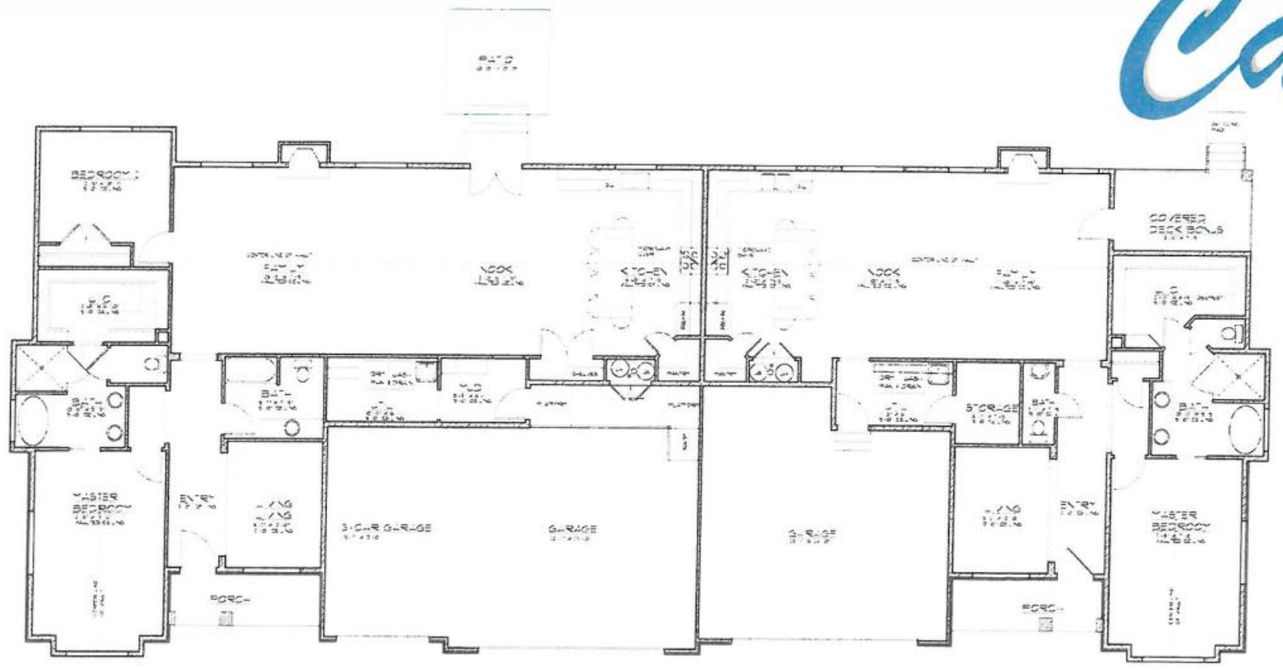
Contractor and all subcontractors working on this project take full liability of these plans and shall thoroughly review and verify all dimensions, locations, notes, etc. prior to starting any stage of construction.

Drawn By	Drawing Number	Sheet Number
PSH	2012-409	3
Date 2/1/2018		



Cascade Court

3-Car Garage



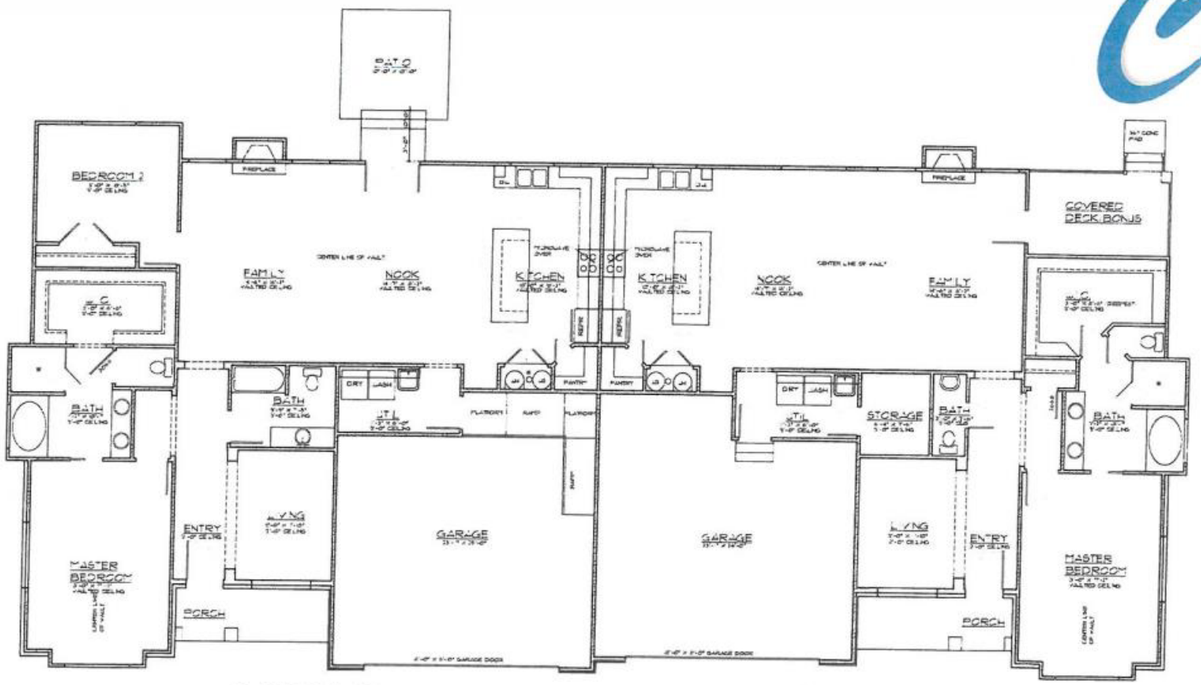
2 BR Unit
Living Area—2136 Sq Ft

1 BR Unit
Living Area—1700 Sq Ft

Built by
Eagle Summit Construction, LLC



Cascade Court



2 BR Unit

Living Area—1850 Sq Ft

1 BR Unit

Living Area—1700 Sq Ft

Built by

Eagle Summit

Construction, LLC

Cascade Court PRD
Monday, August 26, 2019

Minutes from Eagle Summit Construction Neighborhood Meeting, Monday, August 26, 2019, at 6:00pm, at Orem City Council Chambers, regarding Cascade Court PRD, 1000 East Center Street.

Paul Washburn, a consultant, and Jimmy Zufelt, the developer, conducted the meeting, and Wesley Zufelt took the minutes.

A description of the current R1-8 Zoning and the changes to the PRD Zone Change were explained and discussed.
The City Approval Process was addressed as multiple Neighbors had questions for the timeline of approval and when construction would happen.
Someone asked regarding the HOA and what would be covered and approximate Costs.
Several neighbors were concerned about increased traffic on Center Street as a result and also inquired about a Traffic Light being added to Center and 1000 East. The traffic was discussed in reference to concerns about increased traffic on Center Street.
A Neighbor was concerned about "illegal" rentals happening in basements and it was pointed out if that occurs it should be reported to the city to resolve.
Only one neighbor expressed concern that his property value would go down that resides in the area to the northeast of the project, while it was pointed out that the project access was onto 1000 East where these new homes would likely raise those property values. Another resident who is a RE Broker said he did not believe any property values would suffer.
The price point of the proposed homes was discussed, as well as design and layout.
Setbacks were discussed and what changes those would have from the current zoning to the proposed changes.
HOA Snow Removal & Landscape Maintenance, was discussed as well as the visitor parking areas in the driveways as well as the ones we had on the site plan.
A Neighbor asked how tall the units will be and it was discussed that they will all be 1 story with an unfinished/finished basement.

The meeting was attended by 21 residents who signed the roll. The meeting concluded at 7:15 PM

Cascade Court Neighborhood Meeting

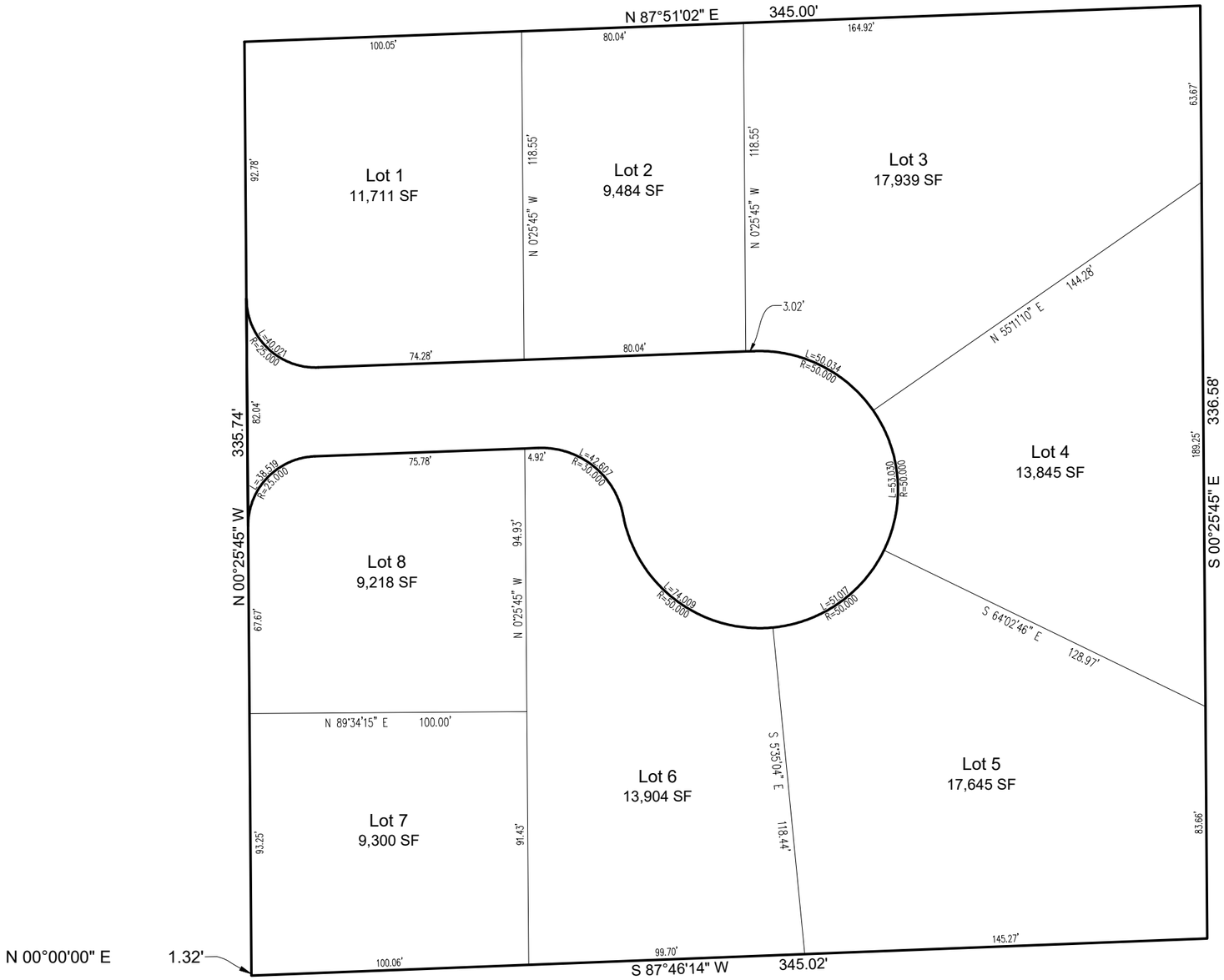
Monday, August 26, 2019

	Name	Address	Email	Phone	Receive Email Updates on Project? YES	NO
1	JASON GARRISON	1155 E. 140 N. OREM, 84097	coachgarrison@sbcglobal.net	661-713-3195	X	
2	BARBARA GARRISON	1155 E. 140 N. OREM, 84097	" " "	661-713-3196	X	
3	HOA LE BRAS	46 N. 920 E 84097	hoalebras@gmail.com	801 225-7272	✓	
4	JOHN BALL	1435 SOUTH 1000 EAST	balljp@gmail.com	801-310-4618	X	
5	MARLEN PLATT	127 SOUTH 1000 EAST	marlenplatt@gmail.com	801-427-0342	✓	
6	Julia D Roberts	115 S 1000 E Orem UT 84097	drjulia@ExperienceAMothers Touch.com	801-225-1043	✓	
7	GERHARD RUF	64 S 1000 E OREM	GRUF@BYU.NET	801-602-5048	✓	
8	Bret Tobler	152 S 1100 E Orem	brtobler@gmail.com	801-724-4071	L	
9	Justin Schauers	1089 E 50 S Orem,	justin@homebasicsrealestate.com	801-400-0215	X	
10	Wallace Harkness	64 N 1000 E			X	
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Cascade Court Neighborhood Meeting

Monday, August 26, 2019

	Name	Address	Email	Phone	Receive Email Updates on Project? YES	NO
1	Aaron Orullian					
2	Kathy Crawford		athyk-craw@comcast.net		✓	
3	RAYLENE HADLEY	1039 E BRETON WOODS LN	raylenehadley a gmail.com	801-360-5797	✓	
4	Tom Macdonald					✓
5	Vicki Marriott	1037 E 50 S.	marriott.vicki@gmail.com		✓	
6	Becca Podd	105 N Palisade Dr.	beccadodds@gmail.com		✓	
7	Denise Pitcher	33 N. 1000 E.	DeniseRPitcher@hotmail.com		✓	
8	Paul Pitcher	63 N. 1000 E.		801-224-0944		✓
9	FRED [illegible]	105 N 1200 E	fred.[illegible]@[illegible].net	678-469-[illegible]	✓	
10	Steve Bingler	65 No Palisade dr	SRBing@gmail.com	801-836-3114		
11	Sharon Bingler	105 N @1200 E	srbingy@aol.com	801-607-9167	✓	
12						
13						
14						
15						
16						
17						
18						
19						
20						
21						
22						
23						
24						
25						


N 87°51'02" E
345.00'
100.05'
80.04'
164.92'
Lot 1
11,711 SF
Lot 2
9,484 SF
Lot 3
17,939 SF
92.78'
118.55'
N 0°25'45" W
118.55'
N 0°25'45" W
63.67'
3.02'
L=40.021'
R=25.000'
74.28'
80.04'
L=50.034'
R=50.000'
N 55°11'10" E
144.28'
335.74'
N 00°25'45" W
82.04'
L=38.539'
R=25.000'
75.78'
4.92'
L=42.807'
R=30.000'
Lot 4
13,845 SF
189.25'
336.58'
S 00°25'45" E
L=53.030'
R=50.000'
Lot 8
9,218 SF
94.93'
N 0°25'45" W
67.67'
L=74.009'
R=50.000'
L=51.017'
R=50.000'
S 64°02'46" E
128.97'
N 89°34'15" E
100.00'
Lot 6
13,904 SF
S 5°35'04" E
118.44'
Lot 5
17,645 SF
Lot 7
9,300 SF
93.25'
91.43'
83.66'
N 00°00'00" E
1.32'
100.06'
99.70'
S 87°46'14" W
345.02'
145.27'

For more information, contact
Grant Allen at (801) 229-7095
or grallen@orem.org

City Council Chambers, 56 N State Street

City Council
Tue, Oct 8, 2019
6:00 pm

Planning Commission
Wed, Sep 18, 2019
5:00 pm

The applicant (Eagle Summit Construction, LLC) requests the City rezone property located generally at 1000 East Center from the R8 (Single Family Residential) zone to the PRD (Planned Resedential Development) zone, and amend Appendix KK of the Orem City Code for 'Cascade Court' with a concept plan and elevations.

Additional information can be viewed on orem.org/planning under "Current Planning (Public Hearing Notices)" tab.

JOHNSON, SUMMER BROOKE
308 ROUND POND LN
ROCHESTER, NY 14626

For more information, contact
Grant Allen at (801) 229-7095
or grallen@orem.org

City Council Chambers, 56 N State Street

City Council
Tue, Oct 8, 2019
6:00 pm

Planning Commission
Wed, Sep 18, 2019
5:00 pm

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BOARD OF EDUCATION ALPINE SCHOOL DISTRICT
50 N CENTER
AMERICAN FORK, UT 84003

For more information, contact
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or grallen@orem.org

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City Council
Tue, Oct 8, 2019
6:00 pm

Planning Commission
Wed, Sep 18, 2019
5:00 pm

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Additional information can be viewed on orem.org/planning under "Current Planning (Public Hearing Notices)" tab.

HUDSON, MONTE W & ANNETTE M
525 W 560 N
AMERICAN FORK, UT 84003

For more information, contact
Grant Allen at (801) 229-7095
or grallen@orem.org

City Council Chambers, 56 N State Street

City Council
Tue, Oct 8, 2019
6:00 pm

Planning Commission
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5:00 pm

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Additional information can be viewed on orem.org/planning under "Current Planning (Public Hearing Notices)" tab.

T&K RESIDENTIAL HOLDINGS LLC
PO BOX 772
AMERICAN FORK, UT 84003


1000 East Street
Center Street
Total Area
105,619 SF
2.42 AC
Mary Smith
Gifford Nelson
Jade Lee
Install 6' Fence
S 87°46'14" W
300.00
N 00°25'45" W
335.74'
S 06°20'58" W
338.89'
N 87°54'02" E
340.01'


1000 East Street
Center Street
Total Area
105,619 SF
2.42 AC
Mary Smith
Gifford Nelson
Jade Lee
Install 6' Fence
S 87°46'14" W
300.00
N 00°25'45" W
335.74'
S 06°20'58" W
338.89'
N 87°54'02" E
340.01'


1000 East Street
Center Street
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Gifford Nelson
Jade Lee
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S 87°46'14" W
300.00
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1000 East Street
Center Street
Total Area
105,619 SF
2.42 AC
Mary Smith
Gifford Nelson
Jade Lee
Install 6' Fence
S 87°46'14" W
300.00
N 00°25'45" W
335.74'
S 06°20'58" W
338.89'
N 87°54'02" E
340.01'

ABM RENTAL PROPERTIES LC
PO BOX 160
PLEASANT GROVE, UT 84062

LEE, JADE
PO BOX 970058
OREM, UT 84097

ANDERSON, DUANE MELVIN &
LESLIE LERENE ASPIAZU (ET AL)
--OR CURRENT RESIDENT--
11 N 960 EAST
OREM, UT 84097

BILBAO, DEREK & CINDY
14 S 940 E
OREM, UT 84058

APPLEGATE, LYNN ROY & A DEE
15 N 1000 E
OREM, UT 84097

HORNABROOK, BARRY J &
ELISABETH A
17 S 900 E
OREM, UT 84097

NIELSEN, GIFFORD J & JENNA
19 N PALISADE DR
OREM, UT 84097

BAKER, WILLIAM & SHERRY
--OR CURRENT RESIDENT--
20 N PALISADE DR
OREM, UT 84097

MARTIN, JONATHAN E & LARISSA B
22 N 920 E
OREM, UT 84097

BARNES, RALPH D & NADINE B
25 N 1000 E
OREM, UT 84097

WILLIAMS, RODNEY S & VILMA B
PO BOX 2198
OREM, UT 84059

OREM CITY CORPORATION
--OR CURRENT RESIDENT--
STREET 1180 E CENTER ST
OREM, UT 84097

LEE, JADE
--OR CURRENT RESIDENT--
11 N PALISADE DR
OREM, UT 84097

BILBAO, DEREK & CINDY
--OR CURRENT RESIDENT--
14 S COUNTRY WY
OREM, UT 84097

FOX, JEFFREY CARL
15 S COUNTRY WY
OREM, UT 84097

HORNABROOK, BARRY J &
ELISABETH A
--OR CURRENT RESIDENT--
17 S 914 EAST
OREM, UT 84097

ANDERSON, SUSAN D
19 S 860 E
OREM, UT 84097

BAKER, WILLIAM & SHERRY
20 N PALISADES DR
OREM, UT 84097

PETERSON, KIM C & MICHELLE C
23 N 920 E
OREM, UT 84097

SMITH, MARY G
27 N PALISADE DR
OREM, UT 84097

T&K RESIDENTIAL HOLDINGS LLC
PO BOX 772
AMERICAN FORK, UT 84003

RAYNES, LINCOLN F & MARYBETH
--OR CURRENT RESIDENT--
10 N 960 EAST
OREM, UT 84097

FEHLBERG, RONDO & MARY (ET AL)
14 N 920 E
OREM, UT 84097

KILLPACK, SHELBY W & CHRIS
DANIEL
15 N 920 E
OREM, UT 84097

HAAG, MAX LEO & LUCINDA C
16 S PALISADES DR
OREM, UT 84097

LUDLOW, ALEXANDER M & CLYDA
K
18 S 860 E
OREM, UT 84097

MARTINEZ, SERGIO & BIBI ANA
--OR CURRENT RESIDENT--
20 N 960 EAST
OREM, UT 84097

BARLOW, PAUL & AMY L
21 N 960 E
OREM, UT 84097

BENSON, BRIAN G & SISI T
24 S 1000 E
OREM, UT 84097

MAUGHAN, NATHAN D & HEATHER J
30 S 860 E
OREM, UT 84097

WALLACE, GLORIA STRAUSS
30 S 900 E
OREM, UT 84097

BORI, ALBERT J & JESSICA L
31 S 860 E
OREM, UT 84097

KNUDTSON, EMERY & ANNETTE
31 S 900 E
OREM, UT 84097

CRANDALL, TIM K & NATALIE
32 N 800 E
OREM, UT 84097

SCHWARTING, RICHARD H & DEBRA M
32 N 960 E
OREM, UT 84097

BLACK, WESLEY E & KRISTIN C
32 S COUNTRY WY
OREM, UT 84097

HARPER, AMMEN B
33 N 960 E
OREM, UT 84097

PITCHER, DENISE R
--OR CURRENT RESIDENT--
33 N 1000 EAST
OREM, UT 84097

ALLEN, JAMES MICHAEL & KELLI W (ET AL)
33 S 940 E
OREM, UT 84097

ALLEN, JAMES MICHAEL & KELLI W (ET AL)
--OR CURRENT RESIDENT--
33 S COUNTRY WY
OREM, UT 84097

EARL, DOUGLAS F & CHERYL M
--OR CURRENT RESIDENT--
33 S PALISADE DR
OREM, UT 84097

EARL, DOUGLAS F & CHERYL M
33 S PALISADES DR
OREM, UT 84097

RAMAGE, CORY J & LINDSEY J
34 N 920 E
OREM, UT 84097

GRAHAM, CURTIS J & STEPHANIE S
--OR CURRENT RESIDENT--
34 S PALISADE DR
OREM, UT 84097

GRAHAM, CURTIS J & STEPHANIE S
34 S PALISADES DR
OREM, UT 84097

MARK SEASTRAND
35 WEST 1670 SOUTH
OREM, UT 84058

NIELSEN, MICHAEL M
36 S 1000 E
OREM, UT 84097

GERBER, JANELLE R (ET AL)
--OR CURRENT RESIDENT--
38 N 960 EAST
OREM, UT 84097

GARCIA, HUGO MENDEZ
42 S 860 E
OREM, UT 84097

YOUNG, COLBY J & KAYLYNN C
43 S 860 E
OREM, UT 84097

DAVIS, FRANK LAMONT & PRISCILLA W
44 N 1200 E
OREM, UT 84097

ZOLLINGER, BARDONNA
44 S 900 E
OREM, UT 84097

RICHARDS, BARRIE W & SHARON W
45 S 940 E
OREM, UT 84097

RICHARDS, BARRIE W & SHARON W
--OR CURRENT RESIDENT--
45 S COUNTRY WY
OREM, UT 84097

LEBRAS, YVON R & MONG HOA N
46 N 920 E
OREM, UT 84097

BIRD, LEON C & BUNNY O (ET AL)
46 S 940 E
OREM, UT 84097

NIELSEN, S GIFFORD & WENDY O
47 E SOUTH TEMPLE ST
SALT LAKE CITY, UT 84111

JUICE JAR PROPERTIES LLC
--OR CURRENT RESIDENT--
47 S 900 EAST
OREM, UT 84097

BARRETT, WILLIAM JOSEPH SR
49 N 920 E
OREM, UT 84097

CORP OF PRES BISHOP CHURCH OF JESUS CHRIST OF LDS
50 E NORTH TEMPLE FL 22
SALT LAKE CITY, UT 84150

BOARD OF EDUCATION ALPINE SCHOOL DISTRICT
50 N CENTER
AMERICAN FORK, UT 84003

WARD, PAUL A & CINDY D
52 S 1000 E
OREM, UT 84097

FALKENTHAL, KURT R
54 S 860 E
OREM, UT 84097

KENNEDY, DANIELLE D & BRYAN T
55 N 1000 E
OREM, UT 84097

ABM RENTAL PROPERTIES LC
--OR CURRENT RESIDENT--
55 S 860 EAST
OREM, UT 84097

NELSON, KENNETH B & LISA A
56 N 1000 E
OREM, UT 84097

KRISTIE SNYDER
56 N STATE STREET
OREM, UT 84057

ORULLIAN, AARON D & LINDA L
--OR CURRENT RESIDENT--
58 N PALISADE DR
OREM, UT 84097

ORULLIAN, AARON D & LINDA L
58 N PALISADES DR
OREM, UT 84097

ANDERSON, CHAD & JILL
58 S 900 E
OREM, UT 84097

CHRISTENSEN, BLAYNE H & PATRICIA L (ET AL)
60 N 1200 E
OREM, UT 84097

DEAVER, ANDREW THOMAS & CHRISTINA A
61 N 1160 E
OREM, UT 84097

GOLIGHTLY, KYLE C & MICHELLE B
61 N 1200 E
OREM, UT 84097

RIESKE, DONALD K & LEAH MAE (ET AL)
62 N 800 E
OREM, UT 84097

HANSEN, TAMRA I
62 N 1160 E
OREM, UT 84097

PITCHER, PAUL J
63 N 1000 E
OREM, UT 84097

SHURTZ, JOSEPH KELLY & CHRISTINE JARMAN
63 S 900 E
OREM, UT 84097

MORGAN, BRIAN S & LEE ANN J
64 N 920 E
OREM, UT 84097

HARKNESS, WALLACE W & ANNETTE R
64 N 1000 E
OREM, UT 84097

RUF, DEON F (ET AL)
64 S 1000 E
OREM, UT 84097

KIRKLAND, CHRISTY BATES & SCOTT FRANK (ET AL)
65 N 920 E
OREM, UT 84097

PUGMIRE, ANNE (ET AL)
--OR CURRENT RESIDENT--
65 N PALISADE DR
OREM, UT 84097

SMITH, TRACY & VALERIE
65 S PALISADES DR
OREM, UT 84097

CRANDALL, TIM K & NATALIE
--OR CURRENT RESIDENT--
66 N 800 EAST
OREM, UT 84097

BLANKENSHIP, TAMARA (ET AL)
--OR CURRENT RESIDENT--
66 N PALISADE DR
OREM, UT 84097

BLANKENSHIP, TAMARA (ET AL)
66 N PALISADES DR
OREM, UT 84097

WOOD, RHONDA LARSEN (ET AL)
66 S PALISADE DR
OREM, UT 84097

ROBERT, CHRISTIAN & LISEL
69 N 1160 E
OREM, UT 84097

HOWARD, ERIC D & LEANN C
69 S 860 E
OREM, UT 84097

FRAZIER, KEVIN R & HILDEGUNDE
70 N 1160 E
OREM, UT 84097

STRONG, KIRK
70 N 1200 E
OREM, UT 84097

BARNES, NORMA
--OR CURRENT RESIDENT--
72 N 1000 EAST
OREM, UT 84097

HOOVER, BRADLEY G & JANA LEA
72 S 900 E
OREM, UT 84097

GANT, STEVEN J & BARBARA B
73 N 1200 E
OREM, UT 84097

WILLIS, KATHY (ET AL)
74 N PALISADE DR
OREM, UT 84097

MATAGI, KUINISE V & TEARO T (ET AL)
74 S 1000 E
OREM, UT 84097

JONES, CURT T & DIANE R
77 N 920 E
OREM, UT 84097

CRAWFORD, GARY L & KATHRYN A
--OR CURRENT RESIDENT--
79 N PALISADE DR
OREM, UT 84097

CRAWFORD, GARY L & KATHRYN A
79 N PALISADES DR
OREM, UT 84097

SHUEY, THOMAS V & CINDY (ET AL)
79 S 900 E
OREM, UT 84097

HOLLINGSHAUS, WADE J & JENNINE L
79 S 950 E
OREM, UT 84097

PUSEY, JOHN R
80 N 1200 E
OREM, UT 84097

JACKSON, SHERLAND E & CHARLEEN R
81 S 860 E
OREM, UT 84097

FINLINSON, ALLEN W & BRETA ANNE
82 N PALISADE DR
OREM, UT 84097

BARTLETT, PATTI
84 S 900 E
OREM, UT 84097

HUNTER, JASON R & HEATHER P
85 N 1000 E
OREM, UT 84097

HALL, ROBERT JEFFREY & KATHERINE
85 N 1200 E
OREM, UT 84097

OTTO BOTT ENTERPRISES LLC
85 S 1000 E
OREM, UT 84097

ERICKSON, JO ANN T
--OR CURRENT RESIDENT--
88 S 1000 EAST
OREM, UT 84097

HILL, RICHARD LEE & KATHRYN S (ET AL)
90 N 1200 E
OREM, UT 84097

KARTCHNER, RANDY L & TAMMY A
91 S 950 E
OREM, UT 84097

JASPERSON, TY
93 S 860 E
OREM, UT 84097

LINDSAY, KYLE Z
95 N 1000 E
OREM, UT 84097

COPE, ROBERT
95 S 1000 E
OREM, UT 84097

CHRISTENSEN, JOY
96 N 1000 E
OREM, UT 84097

YOUNG, AMY N & MATTHEW A
--OR CURRENT RESIDENT--
96 S 900 EAST
OREM, UT 84097

BASSIR, FRESHTEH (ET AL)
96 S 1000 E
OREM, UT 84097

HOWELL, LANA & CHRISTOPHER BRENT
99 N PALISADE DR
OREM, UT 84097

JACOBSON, CHAD L & CHARLA R
101 S 1000 E
OREM, UT 84097

DAHL, MICHAEL & CARRIE
104 S 950 E
OREM, UT 84097

BIEGLER, SHARON BRINTON &
STEVE ROBERT (ET AL)
105 N 1200 E
OREM, UT 84097

DODDS, REBECCA
--OR CURRENT RESIDENT--
105 N PALISADE DR
OREM, UT 84097

DODDS, REBECCA
105 N PALISADES DR
OREM, UT 84097

JOHNSON, CAMERON S
105 S 950 E
OREM, UT 84097

CLUFF, JULIA D R (ET AL)
--OR CURRENT RESIDENT--
105 S 1000 EAST
OREM, UT 84097

ACTIONF INVESTMENT A LLC
105 S STATE ST # 407
OREM, UT 84058

T&K RESIDENTIAL HOLDINGS LLC
--OR CURRENT RESIDENT--
108 S 900 EAST
OREM, UT 84097

THAYNE, DOUGLAS (ET AL)
109 E SOUTH TEMPLE APT 8-Z
SALT LAKE CITY, UT 84111

STAN, NICHOLAS & ETHEL
--OR CURRENT RESIDENT--
110 N PALISADE DR
OREM, UT 84097

STAN, NICHOLAS & ETHEL
110 N PALISADES DR
OREM, UT 84097

JUDD, PAUL E & CAROLINE K
111 S 950 E
OREM, UT 84097

HOBBS, KEVIN & YANINA
112 S 1000 E
OREM, UT 84097

REYNOLDS, JUSTIN K
112 S PALISADES DR
OREM, UT 84097

MGDTA1 LC
--OR CURRENT RESIDENT--
113 S 950 EAST
OREM, UT 84097

FIELDING, ELIZABETH BAKER (ET
AL)
115 N 1200 E
OREM, UT 84097

SURUKY, TINO & VICKY
115 S 950 E
OREM, UT 84097

CLUFF, JULIA D R (ET AL)
115 S 1000 E
OREM, UT 84097

SYCAMORE, TYLER
117 N PALISADE DR
OREM, UT 84097

COPE, KATHLEEN
120 N PALISADE DR
OREM, UT 84097

USHER, KELLI A
122 S PALISADES DR
OREM, UT 84097

TABLA, DOROTHY HUDSON
127 N 1080 E
OREM, UT 84097

CROSS, JOHN & CYNTHIA (ET AL)
127 S 1000 E
OREM, UT 84097

MINER, LAURA LEE
128 N 1000 E
OREM, UT 84097

WELSH, STANLEY L & STELLA T
129 N 1000 E
OREM, UT 84097

DRIGGS, WILLIAM K III & BARBARA
L
129 N PALISADE DR
OREM, UT 84097

SOELBERG, KENT & SHARILYN
131 S PALISADES DR
OREM, UT 84097

WHITE, DAVID E & JEANNINE
133 S 1100 E
OREM, UT 84097

PORTER, NATHAN G
134 S PALISADES DR
OREM, UT 84097

WILLIAMS, ROLAND H
135 N 1080 E
OREM, UT 84097

CARLILE, WAYNE & BEVERLY ANN
137 N PALISADE DR
OREM, UT 84097

JOHNSON, SUMMER BROOKE
--OR CURRENT RESIDENT--
138 N 1080 EAST
OREM, UT 84097

LOLOHEA, ASELIKA & ULUAKIMATA
140 N 1000 E
OREM, UT 84097

FINCH PROPERTIES LLC SERIES 1
--OR CURRENT RESIDENT--
141 N 1000 EAST
OREM, UT 84097

DENNIS, GLADYS P
142 N 1080 E
OREM, UT 84097

BALL, JOHN PRICE & VIRGINIA S (ET AL)
143 S 1000 E
OREM, UT 84097

CRABB, NOEL M & TIFFANY A
145 S PALISADES DR
OREM, UT 84097

GIBSON, DOROTHY LYN
146 S PALISADES DR
OREM, UT 84097

FOX, R SHAWN & ANNETTE
149 S 1000 E
OREM, UT 84097

BARNES, NORMA
150 N 3050 EAST TRLR 31
SAINT GEORGE, UT 84790

SCHILL, RONALD L & BARBARA J NEILSEN
--OR CURRENT RESIDENT--
151 S 1100 EAST
OREM, UT 84097

TOBLER, BRENT & PAMELA
152 S 1100 E
OREM, UT 84097

ARMSTRONG, BRIAN H (ET AL)
--OR CURRENT RESIDENT--
153 S 1000 EAST
OREM, UT 84097

BLUMEL, JOSEPH S & RENEE J
154 S PALISADES DR
OREM, UT 84097

BARLEY, DEAN E & KARREN B
155 N 1000 E
OREM, UT 84097

PARK, WILLIAM L & LOIS P
157 S PALISADES DR
OREM, UT 84097

WILLIAMS, RODNEY S & VILMA B
--OR CURRENT RESIDENT--
159 N 1080 EAST
OREM, UT 84097

BOARD OF EDUCATION ALPINE SCHOOL DISTRICT
--OR CURRENT RESIDENT--
160 N 800 EAST
OREM, UT 84097

HILLSTEAD, JOSEPH B (ET AL)
160 N 1080 E
OREM, UT 84097

ANDELIN, KAREN L
160 N PALISADES DR
OREM, UT 84097

LARSON, EVAN & TRACY A
161 N 1040 E
OREM, UT 84097

TEBBS, KAREN
162 N 1040 E
OREM, UT 84097

ARCHIBALD, JOHN FELT
--OR CURRENT RESIDENT--
163 N PALISADES DR
OREM, UT 84097

MCMILLAN, CHASE
163 S 1100 E
OREM, UT 84097

MARTINEZ, DELFIDO V & THORA H
164 N 1000 E
OREM, UT 84097

WIMPFHEIMER, SAMUEL CHRIST & DEBRA H
164 S 1100 E
OREM, UT 84097

OSTLER, BRADFORD
164 S PALISADES DR
OREM, UT 84097

NELL, NICHOLE
166 S 1000 E
OREM, UT 84097

THAYNE, JAMES PRESTON & KIM
--OR CURRENT RESIDENT--
169 N 1000 EAST
OREM, UT 84097

SAGERS, JENNIFER
169 N 1080 E
OREM, UT 84097

SACKETT, SCOTT O & RACHELLE
169 S PALISADES DR
OREM, UT 84097

JOHNSON, KURT M & ASHLEY L
170 N 1040 E
OREM, UT 84097

HUDSON, MONTE W & ANNETTE M
--OR CURRENT RESIDENT--
171 N 1040 EAST
OREM, UT 84097

HUNT, ROBERT & JENNIFER
--OR CURRENT RESIDENT--
172 N 1080 EAST
OREM, UT 84097

ESTRADA, JOSE
174 N 1000 E
OREM, UT 84097

SIMS, DAVID PATRICK & SUSAN HAMPSHIRE
176 S PALISADE DR
OREM, UT 84097

SIMS, DAVID PATRICK & SUSAN HAMPSHIRE
--OR CURRENT RESIDENT--
176 S PALISADES DR
OREM, UT 84097

FRANCOM, PATRICK & CHELSEA
178 S 1100 E
OREM, UT 84097

CLAROS, RAUL & JACQUELINE
181 N 1000 E
OREM, UT 84097

BROWN, ROBERT KEITH & KELLEEN GAYLE
181 N 1080 E
OREM, UT 84097

JACKSON, RODNEY L & ROSE ELLEN
182 N 1040 E
OREM, UT 84097

CALL, STEVEN E & SUE ELLEN
183 N 1040 E
OREM, UT 84097

OUYANG, TIANCHENG
184 N 1080 E
OREM, UT 84097

CLARK, HEATHER A & CODY C
186 N 1000 E
OREM, UT 84097

MCGEAN, PATRICK
--OR CURRENT RESIDENT--
186 S 1000 EAST
OREM, UT 84097

MECHAM, JOAN
193 N 1080 E
OREM, UT 84097

AUSTIN, EDWIN G & VICKIE S
194 N 1040 E
OREM, UT 84097

COLEMAN, MATTHEW
195 N 1040 E
OREM, UT 84097

MOORE, SAMIA
209 S 1100 E
OREM, UT 84097

RAYNES, LINCOLN F & MARYBETH
212 W 400 S
SAINT GEORGE, UT 84770

COLES DEVELOPMENT COMPANY
281 N 1200 E
OREM, UT 84097

JOHNSON, SUMMER BROOKE
308 ROUND POND LN
ROCHESTER, NY 14626

FINCH PROPERTIES LLC SERIES 1
334 N 800 E
OREM, UT 84097

MGDTA1 LC
339 S 850 E
OREM, UT 84097

GARDNER, GAYLE C
%BELOT, NANCY
346 W 1850 S
MAPLETON, UT 84664

JUICE JAR PROPERTIES LLC
383 N STATE ST
OREM, UT 84057

TURN COMMUNITY SERVICES INC
%PARKE, JAN
423 W 800 S STE A200
SALT LAKE CITY, UT 84110

THOMAS MACDONALD
489 NORTH PALISADES DR
OREM, UT 84097

SCHILL, RONALD L & BARBARA J NEILSEN
515 RAMONA CT # 7
MONTEREY, CA 93940

HUDSON, MONTE W & ANNETTE M
525 W 560 N
AMERICAN FORK, UT 84003

MARTINEZ, SERGIO & BIBI ANA
632 N 800 E
OREM, UT 84097

DEBBY LAURET
641 S 1920 W
OREM, UT 84059

ARMSTRONG, BRIAN H (ET AL)
670 E 400 N
LINDON, UT 84042

GERBER, JANELLE R (ET AL)
715 E 1100 N
PLEASANT GROVE, UT 84062

BRENT SUMNER
744 WEST 550 SOUTH
OREM, UT 84058

RIESKE, DONALD K & LEAH MAE
845 E 40 N
OREM, UT 84097

RIESKE, W REED & ERVA LEE
867 E 40 N
OREM, UT 84097

SAM LENTZ
882 W 1720 N
OREM, UT 84057

VARGAS, GERARDO PRIETO
888 E CENTER
OREM, UT 84097

DENNING, ROBERT KYLE & LYNETTE OAKEY
893 E 40 N
OREM, UT 84097

DAVID SPENCER
899 NORTH 550 EAST
OREM, UT 84097

MAYOR RICHARD F. BRUNST, JR.
900 E HIGH COUNTRY DRIVE
OREM, UT 84097-2389

DUMMITT, MITCHELL & ASHLEY
910 E 40 N
OREM, UT 84097

MARTINEZ, YADIRA
912 E 80 S
OREM, UT 84097

FAWCETT, JOSHUA T & JENNY J
913 E 120 S
OREM, UT 84097

MC CLURE, JAMES C & JANET A
921 E 80 N
OREM, UT 84097

THOMAS, ROBERT F & BARBARA J
--OR CURRENT RESIDENT--
923 E 80 SOUTH
OREM, UT 84097

THOMAS, ROBERT F & BARBARA J
923 N 1000 E
OREM, UT 84097

HARRIS, ARDELL JAY & CINDY T
924 E 80 S
OREM, UT 84097

ALDER, STEVE B & DEANNE B (ET AL)
925 E 120 S
OREM, UT 84097

MADRIGAL-AMATON, ALEJANDRO I (ET AL)
935 E 80 S
OREM, UT 84097

SANDBERG, BARBARA H
935 E COUNTRY CIR
OREM, UT 84097

DAMRON, ALAN J & LILLIAN T (ET AL)
936 E 80 S
OREM, UT 84097

BAKKE, MARYANN M
937 E 120 S
OREM, UT 84097

MACIAS, CARLOS LUIS (ET AL)
938 E 120 S
OREM, UT 84097

BAER, DEVIN MICHAEL & BRITTNI
942 E 80 N
OREM, UT 84097

NEIL AND ARIANE NEWELL FAMILY TRUST 05-21-2019 THE (ET AL)
947 E 80 S
OREM, UT 84097

MC KELL, JANET W
947 E 80 N
OREM, UT 84097

LAMBERT, RYAN W & DANIELLE B
950 E 120 S
OREM, UT 84097

OREM CITY CORPORATION
--OR CURRENT RESIDENT--
950 E 200 NORTH
OREM, UT 84097

HALLAM, ARACELY B
951 E 40 N
OREM, UT 84097

HALLAM, ARACELY B
--OR CURRENT RESIDENT--
951 E COUNTRY DR
OREM, UT 84097

BERIM, MOSES
989 E CENTER ST
OREM, UT 84097

RENSINK, BRENDEN W & JULIANNE C
1012 E 200 N
OREM, UT 84097

MORGAN, WENDY R
1023 E 120 N
OREM, UT 84097

HOWES, LEON C
1031 E 120 N
OREM, UT 84097

TATE, GARY W (ET AL)
1034 E 50 S
OREM, UT 84097

MARRIOTT, VICKI I
1037 E 50 S
OREM, UT 84097

TUCKER, LARRY A & DIANE L
--OR CURRENT RESIDENT--
1042 E BRETON WOODS LN
OREM, UT 84097

RENNER, REVA JANE
1044 E 120 N
OREM, UT 84097

HATCH, ARTHUR J & CARROLE S
--OR CURRENT RESIDENT--
1051 E 120 NORTH
OREM, UT 84097

NESS, STANLEY JR
980 E 200 N
OREM, UT 84097

DAVIS, DENEAL MAY
990 E 200 N
OREM, UT 84097

TURN COMMUNITY SERVICES INC
--OR CURRENT RESIDENT--
1014 E CENTER
OREM, UT 84097

NIELSEN, S GIFFORD & WENDY O
--OR CURRENT RESIDENT--
1024 E 120 NORTH
OREM, UT 84097

HUGHES, MICHAEL P & LISA K
1032 E 50 S
OREM, UT 84097

FOLKMAN, LAURA LEE & JOSEPH ROBERT
--OR CURRENT RESIDENT--
1034 E BRETON WOODS LN
OREM, UT 84097

HADLEY, DALE C & RAYLENE J
1039 E BRETON WOODS LN
OREM, UT 84097

TUCKER, LARRY A & DIANE L
1042 E BRETONWOODS LA
OREM, UT 84097

BROWN, LARRY S & SHEILA
1047 E 120 N
OREM, UT 84097

SEAMONS, LARRY V & JANET L (ET AL)
--OR CURRENT RESIDENT--
1052 E 120 NORTH
OREM, UT 84097

ACTIONF INVESTMENT A LLC
--OR CURRENT RESIDENT--
980 E CENTER ST
OREM, UT 84097

THAYNE, DOUGLAS (ET AL)
--OR CURRENT RESIDENT--
1008 E 120 NORTH
OREM, UT 84097

MARCH, LUANN G
1016 E 120 N
OREM, UT 84097

WILLIAMS, RICHARD D & TIFFANI F (ET AL)
1024 E 200 N
OREM, UT 84097

ALLEN, BRYAN & CHANDI
--OR CURRENT RESIDENT--
1032 E 120 NORTH
OREM, UT 84097

FOLKMAN, LAURA LEE & JOSEPH ROBERT
1034 E BRETONWOODS LA
OREM, UT 84097

MOFFAT, RILEY & CONNIE (ET AL)
1040 E 120 N
OREM, UT 84097

KOCHERHANS, MARY KATHRYN SHARP
--OR CURRENT RESIDENT--
1042 E CENTER
OREM, UT 84097

ALLEN, BRYAN & CHANDI
1048 E 120 N
OREM, UT 84097

OWEN, DAWNA LEIGH
--OR CURRENT RESIDENT--
1057 E BRETON WOODS LN
OREM, UT 84097

OWEN, DAWNA LEIGH
1057 E BRETONWOODS LA
OREM, UT 84097

JACKSON, SCOTT & CHELSEY
1063 E 120 S
OREM, UT 84097

HAFEN, SUNNY
1064 E 200 N
OREM, UT 84097

MILLER, RAYMOND JR & KAITLAND
1064 E 120 N # 14
OREM, UT 84097

RUCKER, BENJAMIN BRUCE
1068 E BRETON WOODS LN
OREM, UT 84097

SMITH, TRACY & VALERIE
--OR CURRENT RESIDENT--
1070 E 50 SOUTH
OREM, UT 84097

RASMUSSEN, REES & YVONNE
1070 E 120 S
OREM, UT 84097

JOLLEY, CAITLIN
1072 E 120 N
OREM, UT 84097

SPERRY, RICHARD D
1075 E 120 S
OREM, UT 84097

FLYNN, MICHAEL & KIMBERLY
--OR CURRENT RESIDENT--
1077 E BRETON WOODS LN
OREM, UT 84097

FLYNN, MICHAEL & KIMBERLY
1077 E BRETONWOODS LA
OREM, UT 84097

NIXON, BRIAN R & AMANDA
1082 E 50 S
OREM, UT 84097

PALISADES DRIVE HOME LLC
--OR CURRENT RESIDENT--
1082 E 120 SOUTH
OREM, UT 84097

TARRAN, HELEN S (ET AL)
1087 E 120 N
OREM, UT 84097

RLT PROPERTIES #1 LLC
--OR CURRENT RESIDENT--
1087 E BRETON WOODS
OREM, UT 84097

RLT PROPERTIES #1 LLC
1087 E BRETONWOODS LA
OREM, UT 84097

BATEMAN, BRAD L & KATHLEEN
--OR CURRENT RESIDENT--
1088 E 120 NORTH
OREM, UT 84097

SNELL, STEVEN & MELANIQUE O
1088 E BRETON WOODS LN
OREM, UT 84097

SCHAUERS, JUSTIN R
1089 E 50 S
OREM, UT 84097

DONALDSON, MATTHEW L
--OR CURRENT RESIDENT--
1089 E BRETON WOODS LN
OREM, UT 84097

DONALDSON, MATTHEW L
1089 E BRETONWOODS LN
OREM, UT 84097

PETERSON, PAUL THOMAS & ROMA
1092 E 200 N
OREM, UT 84097

CARPENTER, MICHAEL & AUBREY
1095 E 120 N
OREM, UT 84097

BRAITHWAITE, ALTON KEITH &
CHRISTEN SAMANTHA
1096 E 50 S
OREM, UT 84097

ANDERSON, CORY
1096 E 120 N
OREM, UT 84097

FLATT, CATHLEEN MAXINE &
MARVIN ALLEN
1100 E 40 N
OREM, UT 84097

PEARSON, JARED K & SHERSTI N (ET
AL)
1101 E 50 S
OREM, UT 84097

COCKRELL, PHILLIP L & ANDREA R
1103 E 120 S
OREM, UT 84097

HOGGE, PAUL R & REBECCA
1106 E 200 N
OREM, UT 84097

CHUNTZ, SALLY M (ET AL)
1108 E 150 N
OREM, UT 84097

FOWLER, JEFFREY S & HOLLY P
1109 E 150 N
OREM, UT 84097

GARDNER, GAYLE C
--OR CURRENT RESIDENT--
1110 E 50 SOUTH
OREM, UT 84097

HARDMAN, TODD J & ALISA K
1112 E 40 N
OREM, UT 84097

BOWDEN, BRENT A & MIRIAM T
1118 E 150 N
OREM, UT 84097

BODINE, JASON & TARYN
1118 E 200 N
OREM, UT 84097

ALDOUS, DUANE L & BARBARA K
1119 E 50 S
OREM, UT 84097

FERGUSON, JARED R
1123 E 40 N
OREM, UT 84097

CHERRINGTON, DAVID JACK & MARILYN D
1123 E 120 S
OREM, UT 84097

ARCHIBALD, JOHN FELT
--OR CURRENT RESIDENT--
1123 E 150 NORTH
OREM, UT 84097

VIVEIROS, DAVID & ABIGAIL
1124 E 40 N
OREM, UT 84097

COX, ROSS ANDREW & LESA ANN (ET AL)
1124 E 50 S
OREM, UT 84097

FERNLUND, MARSHA LEE & MARSHA L
1131 E 50 S
OREM, UT 84097

WILSON, ROB & MELISSA
1134 E 50 S
OREM, UT 84097

ANDERSON, ROBERT H
1135 E 120 S
OREM, UT 84097

WHEELER, ADELE D & KENNETH
1136 E 40 N
OREM, UT 84097

FRAZIER, HEATHER M & MATTHEW S
1139 E 50 S
OREM, UT 84097

MCCORD, KJELL & OLIVIA
1140 E 120 S
OREM, UT 84097

WILLIAMS, JAMES MICHAEL & RACHEL JANE
1144 E 100 N
OREM, UT 84097

CANTOR, JOSE G (ET AL)
1147 E 100 N
OREM, UT 84097

WASDEN, DARLENE C
1147 E 120 S
OREM, UT 84097

WILKINSON, DARREN B & DARREN B (ET AL)
1148 E 40 N
OREM, UT 84097

SMITH, ROBERT TERRY & GLORIA BUCHANAN
1148 E 140 N
OREM, UT 84097

FREDERICKSON, ANDREW R & KRISTINE W
1155 E 100 N
OREM, UT 84097

GARRISON, JASON & BARBARA
1155 E 140 N
OREM, UT 84097

GROSSARTH, VERNON & BARBARA (ET AL)
--OR CURRENT RESIDENT--
1156 E 100 NORTH
OREM, UT 84097

BARTON, CLYDE W & WENDY W
1159 E 100 N
OREM, UT 84097

BAGBY, KENNETH A & JOYCE (ET AL)
1160 E 40 N
OREM, UT 84097

GARRETT, PAUL J & CHERI W
1160 E 140 N
OREM, UT 84097

JOHNSON, CARL M & SHERRIE M (ET AL)
1167 E 140 N
OREM, UT 84097

LI, TAO (ET AL)
1172 E 40 N
OREM, UT 84097

HENDERSON, JEFF D & MONIQUE F (ET AL)
1172 E 140 N
OREM, UT 84097

DOMINGUEZ, DAVID (ET AL)
1175 E 140 N
OREM, UT 84097

FELLER, WILFORD C & DEBORAH L
1179 E 40 N
OREM, UT 84097

MOORE, SAMIA
--OR CURRENT RESIDENT--
1184 E 40 NORTH
OREM, UT 84097

THAYNE, JAMES PRESTON & KIM
1460 CANBERRA DR
LINDON, UT 84042

JASON BENCH
1911 N MAIN STREET
OREM, UT 84057-2101

PALISADES DRIVE HOME LLC
2386 W 230 S
PROVO, UT 84601

DAJ PLACE LLC
2505 N 1000 E
PROVO, UT 84604

HATCH, ARTHUR J & CARROLE S
2625 N 24TH ST # 33
MESA, AZ 85213

SEAMONS, LARRY V & JANET L (ET AL)
2648 WOOD HOLLOW WY
BOUNTIFUL, UT 84010

HOBBS, RONALD GORDON & CHARLOTTA MAUSS (ET AL)
3861 FENLEY DR
LOS ALAMITOS, CA 90720

ASLAN PROPERTIES LLC
%LISONBEE, DAVID
4485 STAFFORD CT
PROVO, UT 84604

YOUNG, AMY N & MATTHEW A
5117 SOUTHSIDE RANCH RD
ROCKLIN, CA 95677

BATEMAN, BRAD L & KATHLEEN
5425 WOODMILL DR SE
SALEM, OR 97306

MCGEAN, PATRICK
5787 LAKESIDE DR
MURRAY, UT 84121

ERICKSON, JO ANN T
6385 W TARO LN
GLENDALE, AZ 85308

GROSSARTH, VERNON & BARBARA (ET AL)
10929 W CLOVER WY
AVONDALE, AZ 85392

Mr. Staker recused himself from this item:

Agenda Item 3.3 is a request by Eagle Summit Construction LLC for the City to amend Section 22-5-3(A) and the Zoning Map of the City of Orem by changing the zoning on approximately 2.42 acres of property located generally at 1000 East Center Street from the R8 zone to the PRD zone; and amending Appendix KK of Orem City Code by adding Cascade Court PRD concept plan and elevations.



Staff Presentation: The applicant is proposing to rezone the property to develop the parcel as a planned residential development with 11 total residential units consisting of five twin home structures and one single unit structure which has a density of 4.95 units per acre. The proposed density meets the requirements of the PRD zone. The PRD zone allows up to 7 units per acre.

The finishing materials for the structures will include stucco, stone, and board and batten. The proposed structures will be one story, with 4 different floor plan variations with approximately 2,136, 1,700 square feet with 3 car garages and 1,850 and 1,700 square feet with 2 car garages. The height of the structures will not exceed 28 feet above grade. The PRD zone allows an overall height of 30 feet.

Recommendation: Staff recommends the Planning Commission forward a positive recommendation to the City Council to amend Section 22-5-3(A) and the Zoning Map of the City of Orem by changing the zoning on approximately 2.42 acres of property located generally at 1000 East Center Street from the R8 zone to the PRD zone; and amend Appendix KK of Orem City Code by adding Cascade Court PRD concept plan and elevations.

Chair Spencer asked if the Planning Commission had any questions for Mr. Allen.

Chair Spencer invited the applicant to come forward. Paul Washburn introduced himself. The proposed project is twin home condominiums designed for older adults. Everything will be landscaped and maintained by a common association. The materials will be stucco, stone and architectural wood features. These units will start in the $490,000 range and go up from there. Mr. Cook asked if there were basements. Mr. Washburn said yes. Mr. Spencer asked if there was parking on the cul-de-sac. Mr. Washburn said it is a public street so yes. Part of the CC&R's attached to this property requires residents to park in the garage with guest parking in the driveways and a central visitor parking area.

Chair Spencer opened the public hearing and invited those from the audience who had come to speak about this item to come forward to the microphone.

LuAnn March. She is currently involved in three condominium projects that she owns or lives in. She has concerns with the density of this project. She asked if it would be considered an over fifty-five year old community so younger people will not live there. Mr. Washburn said it will not be an age-restricted community. The design is going to deter their use as a family home. Ms. March said the demographic moving into her condominium area is changing to a younger age and coming with that demographic are boats, razors, and all kinds of equipment. On the street in front of these homes the driveways take a lot of room, not leaving a lot of street parking. Parking is always a problem and there needs to be more that the six designated visitor parking stalls. She is concerned there are too many units with not adequate parking. She wondered what the density bonus of this project is. Mr. Spencer said it is four and one-half instead of four.

Stella Welsh. She has no problem with this development. She would like to see a light on 1000 East Center Street. She would also like to see the speed bumps removed from 1100 East. To avoid these speed bumps, traffic moves to 1000 East.

Tiffany Williams. She has concerns with the number of units in this complex and the increased traffic. There is a new elementary school going in on 200 N 800 East. She thinks the areas around the school should be family oriented. With family homes there is less of a possibility of a high turnover rate. She is concerned that these properties will not be

taken care of. This is a perfect central location for families to live. She highly recommends the zoning not be changed. It will be a slippery slope and zones will keep changing. She is concerned about the traffic and parking as well.

Sue Ellen Call. She does not know why someone would buy land zoned for single family homes if they are not going to build single family homes. There is no light, only a stop sign at 1000 E Center Street and there is a lot of traffic. She does not think there is enough land for these many units and does not know why this is even being discussed.

David Viveiros. He has lived in this neighborhood for ten years. He has been hit by a car driven by senior citizens in this area. He is opposed to having more senior citizens here. He has seen lots of projects like this in Provo where twin homes are going in across the street from elementary schools and it is appalling. The Harmon's adjacent neighborhood, he was opposed to that neighborhood until he saw the homes going up. Three Parade of Homes are in that neighborhood and they are going for one-million dollars. He looks at this lot and sees six beautiful homes that would have back yards, that would be great for the neighborhood. He does not know why this is even here when it is zoned for single family residences. He does not understand the process for the City Council to make an adjustment to the zone. Mr. Spencer said he can explain that. Someone buys the property and makes an application. They think they can develop it a certain way. The City staff looks at it first, then it comes to the Planning Commission and the City Council makes the final decision. Mr. Bench said there is an ordinance that was approved by the City Council years ago for Planned Residential Development (PRD) zones. This is allowed on any residential property. The only requirements are it has to be an acre and one-half minimum and it can have a maximum of eight units per acre, if all requirements are met. There are design standards that are built in. It is a canned zone available to property owners that want to amass properties and come and request that rezone. An applicant does have the ability, through the process, because the zone is already in place. This project is a perfect example. It is over one and one-half acres, it is zoned residential and the PRD is an option for an owner if they want to pay the fee and go through the process. They are meeting the standards of the pre-set ordinance. Mr. Viveiros asked the Planning Commission to look at the opposition to this project and listen to their voice.

Elizabeth Fielding. She has lived in this neighborhood for a long time and has seen children come and go. She is currently in a situation where there are a lot of older people in these big houses. Eventually, they will leave and there will be young families in there again. She is representing the older set in this Orem community and she is for this development. She thinks it needs some adjustment. Her question is what is being done in Orem to address the needs of the older people that have lived in the community for many years, have taught in the school, have been parents and raised their kids. She asked if they were being forced out of the City because there is no place to go. That greatly concerns her. There is not a place to put the fifty-five plus people and to maintain it. Orem needs places like this.

Andrea Hilton. This is a prime location next to an elementary school that is being built and close to two other schools. As a teenager in this neighborhood, she would like to have more teenagers around her in that community. She is in favor of having housing for old people, she does not want old people to be forgotten in the City, but this specific property is best served with young children.

Linda Orullian. The original zoning sounds good to her. When she hears that some of the units will have just one bedroom, she does not get it. A one-bedroom house does not make sense to her. If it is a family or a couple, they will be adding to the basement, doubling the cars and that does not make sense to have that many cars. The unfinished basements and the extra cars are her concerns.

John Hilton. A fifty-five and older community sounds like it could be a low impact as Mr. Washburn said. It seems likely that older adults would live upstairs with their college kids living in the basement. It would be simple for these eleven homes to blossom to forty-four cars going in and out. If the zoning is changed there will be more traffic than if the zoning is kept the same. The families will be attracted to this area. There will be no problem selling single family residences. It is the perfect location for younger families. Some may claim that younger families may not be able to afford these homes. Home sales in Orem clearly indicate that with the successful businesses around us it is very possible for single families to purchase the type of home that would fit well in this area. Single family homes in this development would be more in character with homes in this community. The impact of this project will affect the immediate neighborhood. He would like the Planning Commission to consider the one hundred two people who live within a three block radius of this development that signed a petition to ask the zone not be rezoned.

Hoa Labras. These units are very lovely. Just to the north is a condominium subdivision and these look much better than these. There was no objection to that project, so she does not see why there is an objection to this project. Her neighborhood is single family, but there are six or seven cars that park everywhere. In a single-family neighborhood, there are children and grandchildren that come to visit and they park everywhere. She thinks this project is ok. She would like to see a four-way stop at 1000 E Center Street.

Evan Larson. He read the General Neighborhood Plan put out by Orem City. He thinks this development goes against the objectives of this Plan regarding density, increasing green space and preserving the existing nature of the neighborhoods. There is a similar development two blocks north of this project. There have been a lot of drugs there and drug busts and arrests, cars are speeding down the street. People with young families that live there now are trying to get out. That is what he has seen happen.

Justin Schauers. He asked where everyone was when ninety units were built below him. There is a traffic problem and it has to be dealt with. This property is going to be developed whether it is eight single family homes or eleven twin homes. Not sure of the debate here. He would guess that many of the buyers of these units would come from existing neighborhoods. They would need to sell a home and those homes would be attractive to young families. They would also be more affordable than building a new home on this piece of ground. This will actually create inventory for people to buy homes. The likelihood of traffic doubling is more likely if single family homes are built. There are so many properties in Orem that could be rezoned to provide affordable housing. He is tired of Orem stopping the rezoning of properties that have been long forgotten and could be used in such a way that lower income people could benefit. Sunrise Condominiums are a much higher density than this proposed project. He would also like to note that Mr. Hilton bid on this property and he was not the winning bidder, so he is doing all he can to tear down this development. That does not seem very neighborly. Mr. Hilton got up and said he did not bid on this property, he is a BYU professor and he wanted to clarify that.

Steve Call. He is concerned with the developer and found there are four dozen judgements for bad business practices. Mr. Zufelt wants to rezone it to something different and these judgements make it so Mr. Call cannot trust him. There has been work half done that was never fulfilled and bills not paid. This developer is his major concern as he does not have a great track record.

Steven Peterson. He has lived in a lot of these types of developments. He knows there are calculations for parking, from his experience those calculations are insufficient. There is never enough parking. As families grow, there are more cars. It has been his experience that the parking calculations are insufficient. If those calculations are being used for parking in this development, it is insufficient.

Jayna Bauer. She is an outsider of this neighborhood but a resident of this City. Every developer has an eye on every single property in this town. She wants people to have single family dwellings, and to have a yard. Half a million dollars is not affordable even for retirees. There is a need to realize the citizens are more important than how much money the developers want to make.

Melissa Wilson. She recently moved to this area. She used to live in a home where one of these fifty-five and older neighborhoods had turned into the parent living with their children and struggling grandchildren. Everything was a mess, there was no place for the kids to play. She moved out of that neighborhood into a single-family home that would fit her family in her price range. She would love to see this property stay as an area where nicer homes can be zoned for families that are growing and can raise their families within grade school districts.

Chair Spencer closed the public hearing and asked Mr. Washburn what is being done about parking. Mr. Washburn said RVs, boats, 4-wheelers are restricted from the project by the CC&R's. They have talked about, and could include in the CC&R's, restricting the number of vehicles and what can be parked in the garage. He does not want to see a lot of cars here either. If the kids come to visit for Sunday dinner, they will park in the driveway and life goes on. That happens in all of the neighborhoods. With the driveways and dedicated guest parking, there is a lot of parking available with this project.

Mr. Earl said the PRD ordinance prohibits owners from parking recreational vehicles in a PRD zone unless there is designated RV parking area in the concept plan which there is not one here. Owners would not be allowed by PRD ordinance to park recreational vehicles in the driveways or on the street of this project.

Mr. Washburn began to answer the questions that came up during the public hearing.

- There was a question regarding the Master Plan which calls for a variety of housing that should be spread throughout the entire community and not in just one area. This location is adjacent to a major collector street and there will not be any houses fronting on Center Street.
- There was a question about properties already zoned PRD. There are not any. The City has set it up individually so they can look at each one. Developers have to come in with a site plan and specifically state what they want to do before it can even be considered. PRD twin homes have a remarkable history of being well maintained and there is a strong market for them. On the Wasatch Front there are an additional 60,000 people every year. Traffic will be limited with this project in part because of the parking restrictions that will be there. Seniors do not typically drive during peak traffic hours.
- The traffic light issue is between Orem City and UDOT. Mr. Spencer asked if there has been a discussion about a traffic light on 1000 E Center Street. Mr. Goodrich said yes. Orem City owns that street. The City does not put stop signs on arterial streets. Thirty-five percent of the traffic on Center Street is from other communities. In the 2015 Transportation Master Plan, it was acknowledged that another traffic signal was needed in the area and it was intended to be placed at Palisade Drive because it is a collector street, it is wider, and 1000 East is classified as a residential street. The City has not had the funding to install that traffic signal yet. Whether there are eight units or eleven units, there will be more traffic.
- Mr. Bench said the PRD zone does not allow accessory or mother-in-law apartments. If there were eight single family residences, they could each have an accessory apartment.
- Mr. Earl said in looking at how many single-family homes could go in there, look at the eastern edge, there is not a lot of width between the edge of the cul-de-sac and the back of the property. It may be more difficult to get a single-family home in there because of the front and rear setback requirements. This property may be more difficult to develop for single family homes. Roger Dudley, Engineer, said they did lay it out as a single-family subdivision with a similar cul-de-sac and eight lots is doable.
- Ms. Jensen said she had to go to Pleasant Grove to find a nice twin home for her parents to move in to so they could be closer to her. It was well maintained and kept up. There is a need for these types of homes.

Chair Spencer reopened the public hearing.

Sue Ellen Call. Center Street is very congested especially with all the new buildings at the bottom of the hill. Eight houses, eleven houses, it is all too many. Center Street is tricky especially on 1000 East.

Wayne Carlile. He lives on Palisade Drive. The teenagers tell their friends if you do 40 mph you will not feel the speed bumps. He tried it, and sure enough, at 40 mph you do not feel the speed bumps. Palisade has people doing 40 mph and there is already too much traffic. He does not want people diverting to Palisade to be able to come to a traffic light. He would like less people to be in this subdivision, he is against the town homes.

Steve Biegler. He has a home with an approved accessory apartment. He bid on the property. He called the City and was told he could only do an R8. He left a message for someone and they never returned his call. Obviously, someone outbid him on the property. He was going to build seven beautiful homes to sell for $750,000 to $1 million dollars. ‘He recently found out that Mike Staker is on the Planning Commission and that should have been disclosed as he is the one that bought the property. He does not want a contractor that does not pay his bills in his neighborhood. He requested the City attorney go through the judgements against Mr. Zufelt that he brought.

Mr. Zufelt. He filed a bankruptcy in 2008, along with many other builders and developers. He is willing to air this out.

Chair Spencer closed the public hearing and asked if the Planning Commission had any more questions for the applicant or staff. When none did, he called for a motion on this item. Mr. Clark reminded the Planning Commission that they were there to decide on the project. They do not vet builders. The City does bond for improvements when the development is constructed to ensure that those improvements are built. As far as who that developer is and their financial liquidity is not up for debate in this meeting.

Mr. Moulton said he lives on a lot that is .23 acres as are most of the lots on his street. That is the same density as this PRD. He does not see this as high density or even medium density, it is normal to him. Mr. Cook said there was a

similar development in his neighborhood that they fought against, and it has actually turned out beautifully. There are a lot of good people that live there that have added to the neighborhood. He did have a concern about the parking. There is very little street parking available. Six stalls in the visitor parking, but you know that people will come and not have a place to park except to go to 1000 East or the driveway.

Chair Spencer called for a motion on this item.

Planning Commission Action: Mr. Spencer moved to forward a positive recommendation to the City Council to amend Section 22-5-3(A) and the Zoning Map of the City of Orem by changing the zoning on approximately 2.42 acres of property located generally at 1000 East Center Street from the R8 zone to the PRD zone; and amend Appendix KK of Orem City Code by adding Cascade Court PRD concept plan and elevations. Ms. Jensen seconded the motion. Those voting aye: Camille Jensen, David Moulton, Barry Roberts and Ross Spencer. Those voting nay: Carl Cook. The motion passed.

12779

Development Review Committee (DRC) Application
Ordinance Amendment

Development Services Department 56 North State Street, Orem, Utah (801) 229-7183
www.orem.org

Applicant Information			
Name: Eagle Summit Construction LLC		**Phone:** 801-234-0601	
Address: PO Box 971238		**Email:** jimmyzufelt@msn.com	
City: Orem		**State:** UT	**Zip:** 84097

Project Information	
Project Name	Cascade Court
Project Address	1000 East Center Street

	Request	Fees	Total
	Subdivision Text	$1,160	
	Zoning Text	$1,160	
	Sign Text Amendment	$1,160	
X	Rezone	$1,228 + $689 sign fee	1917-
	New PD Zone Text	$3,685 + $689 sign fee	
	Land Use Map Change	$1,057 + $689 sign fee	
	General Plan Text Change	$1,057 + $689 sign fee	
	Neighborhood Notice	TBD at time of submittal, if needed	
	Public Notice	$100 each for PC and CC, if needed	
	Development Agreement UT Co. Fees	TBD at time of recordation	
	Total		1917-

Required Copies

Two (2) full-size copies no larger than 24" x 36", one (1) 11" x 17" and a PDF and/or Word of all applicable drawings and plans. Files can be emailed to Cheryl Vargas at chvargas@orem.org or submitted on disc/flash drive prior to the deadline.

General Notes, Signature, and Contact Person

Planning Commission/City Council Meetings. Once the Development Review Committee determines your application is complete and complies with all applicable City ordinances, it shall be forwarded to the Planning Commission if required, and City Council, if required. The City Council is the final approving authority of conditional use permits, appeals, City Code amendments, General Plan amendments, fence modifications, and site plans in the following zones: PD-1, PD-4, PD-5, PD-15, PD-16, and PD-21.

Neighborhood Meeting. The applicant shall hold a neighborhood meeting in accordance with City Code for the following requests: General Plan amendments, Zoning Ordinance amendments, commercial developments adjacent to a residential zone, all non-residential uses in a residential zone.

DRC Application. The DRC application must be complete at the time of submittal or it may not be accepted.

Filing Fee Notice. Applications filed after July 1 are subject to fee changes regardless of the fee listed on the application used at the time of submittal.

Deadline. The deadline for filing a DRC application is Monday noon for first review the following Thursday. In the case of a Monday holiday, the deadline is Tuesday at noon. Contact information to inquire about the status of an application: 801.229.7183

Applicant's Signature:

Contact Person: Jimmy Zufelt **Phone:** 801-364-0601

Office Use Only

Date Filed: 8/12/19	Fees Paid: 1917.-	Received By:	Receipt #: 2020042318

7 February 2019

ORDINANCE NO. _____

AN ORDINANCE OF THE OREM CITY COUNCIL AMENDING SECTION 22-5-3(A) OF THE OREM CITY CODE AND THE ZONING MAP OF THE CITY OF OREM BY CHANGING THE ZONING ON APPROXIMATELY 2.42 ACRES OF PROPERTY LOCATED GENERALLY AT 1000 EAST CENTER STREET FROM THE R8 ZONE TO THE PRD ZONE; AND AMENDING APPENDIX KK OF THE OREM CITY CODE BY ADDING CASCADE COURT PRD CONCEPT PLAN AND ELEVATIONS.

WHEREAS on August 12, 2019, Eagle Summit Construction, LLC filed an application to amend Section 22-5-3(A) and the zoning map of the City of Orem by changing the zoning on approximately 2.42 acres of property located generally at 1000 East Center Street from the R8 zone to the PRD zone; and amend Appendix KK of Orem City Code by adding Cascade Court PRD concept plan and elevations; and

WHEREAS a public hearing considering the subject application was held by the Planning Commission on September 18, 2019, and the Planning Commission recommended approval of the request; and

WHEREAS a public hearing considering the subject application was held by the City Council on October 8, 2019; and

WHEREAS the agendas of the Planning Commission meeting and the City Council meeting at which the request was heard were posted at the Orem Public Library, on the Orem City webpage, at the City Offices at 56 North State Street and at utah.gov/pmn; and

WHEREAS the matter having been submitted and the City Council having fully considered the request as it relates to the health, safety and general welfare of the City; the orderly development of land in the City; the effect upon the surrounding neighborhoods; and the special conditions applicable to the request.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OREM, UTAH, as follows:

1. The City Council finds that this request is in the best interest of the City because the PRD zone is appropriate for the subject property and will allow for the development of an attractive and high-quality development on the subject property.

2. The City Council hereby amends Section 22-5-3(A) of the Orem City Code and the zoning map of the City of Orem by changing the zoning on approximately 2.42 acres of property located generally at 1000 East Center Street from the R8 zone to the PRD zone; and amends Appendix KK of Orem City Code by adding Cascade Court PRD concept plan and elevations as shown on Exhibit "A" which is attached hereto and incorporated herein by reference.

3. If any part of this ordinance shall be declared invalid, such decision shall not affect the validity of the remainder of this ordinance.

4. This ordinance shall take effect immediately upon passage and publication in a newspaper of general circulation in the City.

PASSED, APPROVED and ordered PUBLISHED this 8th day of October 2019.

_____
Richard F. Brunst, Mayor

ATTEST:

_____
Jody Bates, City Recorder

COUNCIL MEMBERS VOTING "AYE"	COUNCIL MEMBERS VOTING "NAY"
_____	_____
_____	_____
_____	_____

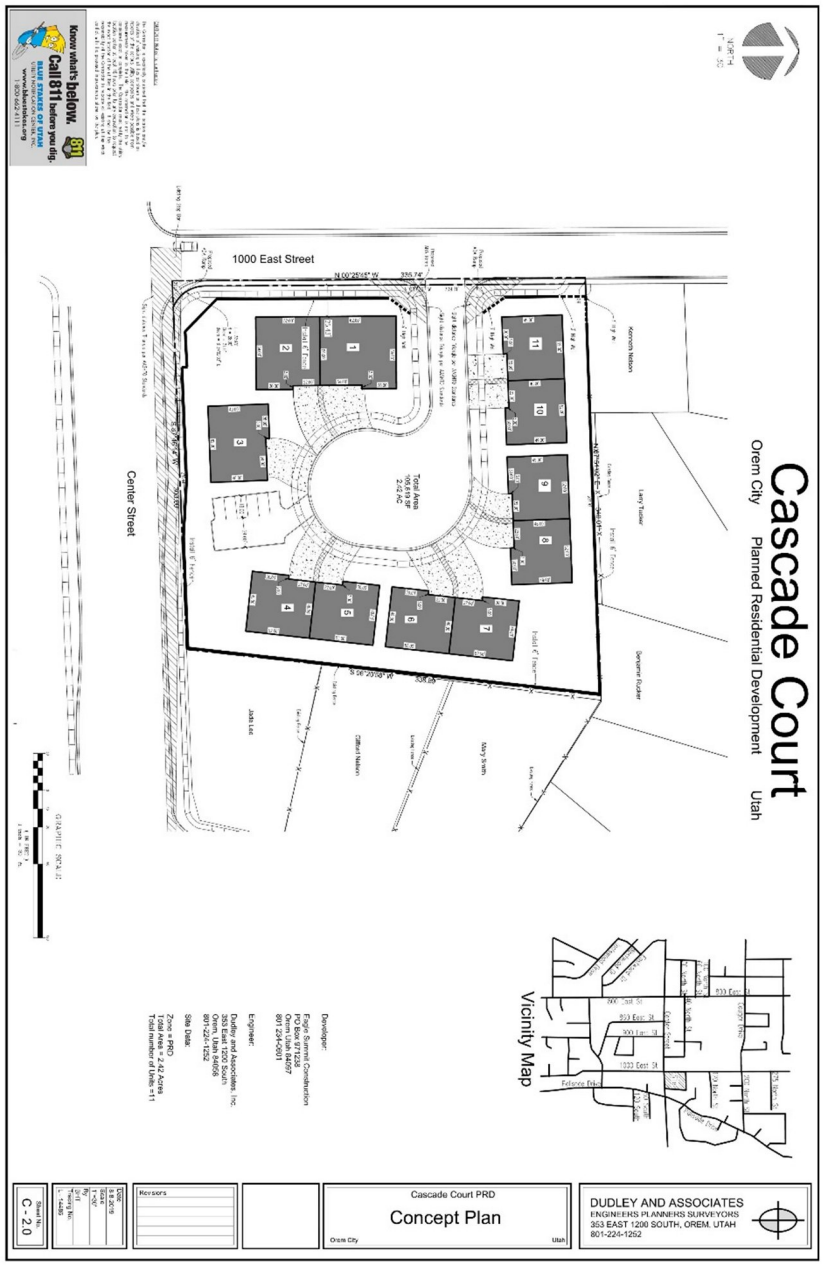
_____ _____

_____ _____

_____ _____

_____ _____

Exhibit “A”


Cascade Court
Orem City Planned Residential Development Utah
1000 East Street
Center Street
Total Area
Total # of Units
2.42 AC
Vicinity Map
Developer:
Engineer:
Dudley and Associates, Inc.
353 East 1200 South
Orem, Utah 84058
801-224-1252
Site Data:
Zone = PRD
Total Area = 2.42 Acres
Total number of Units =11
Cascade Court PRD
Concept Plan
Orem City
Utah
DUDLEY AND ASSOCIATES
ENGINEERS PLANNERS SURVEYORS
353 EAST 1200 SOUTH, OREM, UTAH
801-224-1252
Revisors
Sheet No.
C - 2.0

1000 East Street
Center Street
CASCADE COURT
1
2
3
4
5
6
7
8
9
10
11
SCALE: 1"=20'-0" ON 24X36 SHEET
DECIDUOUS TREE LEGEND
SHRUB LEGEND
PERENNIAL LEGEND
LANDSCAPE NOTES
INERT MATERIALS LEGEND
SOD LAYING NOTES
IRRIGATION NOTES
LANDSCAPE PLANTING PLAN
CASCADE COURT
EAGLE SUMMIT CONSTRUCTION, LLC
OREM-UT-84097
PRELIMINARY PLAN - NOT FOR CONSTRUCTION
4884614
Cory B. Whiting
In Site
DESIGN GROUP
Landscape Architecture Land Planning
LS1.1

RIGHT ELEVATION
REAR ELEVATION
LEFT ELEVATION
FRONT ELEVATION
ALPINE HOME DESIGN

Cascade Court

3-Car Garage

Built by

Eagle Summit

Construction, LLC

2 BR Unit

Living Area—2136 Sq Ft

1 BR Unit

Living Area—1700 Sq Ft

Cascade Court

Built by

Eagle Summit

Construction, LLC

2 BR Unit

Living Area—1850 Sq Ft

1 BR Unit

Living Area—1700 Sq Ft

CITY OF OREM
BUDGET REPORT FOR THE MONTH ENDED AUGUST 2019

Percent of Year Expired: 17%

Fund	Current Appropriation	Monthly Total	Year-To-Date Total	Encumbrances	Balance	% To Date FY 2020	% To Date FY 2019	Notes
10 GENERAL FUND								
Revenues	54,148,691	1,811,822	4,679,224			9%		
Appr. Surplus - Current	593,896		593,896			100%		
Appr. Surplus - Prior Year	3,967,283		3,967,283			100%		
Std. Interfund Transactions	5,513,875		5,513,875			100%		
Total Resources	64,223,745	1,811,822	14,754,278		49,469,467	23%	22%	
Expenditures	64,223,745	4,615,580	14,521,539	1,835,747	47,866,459	25%	28%	
20 ROAD FUND								
Revenues	3,265,000	7,198	7,198			0%		
Appr. Surplus - Current	307,350		307,350			100%		
Appr. Surplus - Prior Year	1,150,923		1,150,923			100%		
Total Resources	4,723,273	7,198	1,465,471		3,257,802	31%	42%	
Expenditures	4,723,273	789,361	1,166,521	938,162	2,618,590	45%	39%	
21 CARE TAX FUND								
Revenues	2,300,000	9,122	18,689			1%		
Appr. Surplus - Prior Year	3,912,639		3,912,639			100%		
Total Resources	6,212,639	9,122	3,931,328		2,281,311	63%	60%	
Expenditures	6,212,639	321,005	1,334,090	1,108,286	3,770,263	39%	18%	1
30 DEBT SERVICE FUND								
Revenues	5,791,627	232	586,329			10%		
Appr. Surplus - Prior Year	5,953	5,953	5,953			100%		
Total Resources	5,797,580	6,185	592,282		5,205,298	10%	10%	
Expenditures	5,797,580	48,859	97,780		5,699,800	2%	2%	
45 CIP FUND								
Revenues	1,417,506	21,329	21,329			2%		
Appr. Surplus - Prior Year	15,570,035		15,570,035			100%		
Total Resources	16,987,541	21,329	15,591,364		1,396,177	92%	98%	
Expenditures	16,987,541	214,618	262,127	3,646,576	13,078,838	23%	7%	2
51 WATER FUND								
Revenues	20,455,740	2,490,883	5,728,597			28%		
Appr. Surplus - Current Year	625,000		625,000			100%		
Appr. Surplus - Prior Year	14,457,647		14,457,647			100%		
Total Resources	35,538,387	2,490,883	20,811,244		14,727,143	59%	59%	
Expenditures	35,538,387	817,120	4,763,740	2,933,344	27,841,303	22%	29%	
52 WATER RECLAMATION FUND								
Revenues	12,013,694	1,053,321	2,102,239			17%		
Appr. Surplus - Prior Year	7,633,132		7,633,132			100%		
Total Resources	19,646,826	1,053,321	9,735,371		9,911,455	50%	45%	
Expenditures	19,646,826	395,034	2,284,623	1,186,144	16,176,059	18%	21%	
55 STORM WATER FUND								
Revenues	4,994,195	423,464	974,459			20%		
Appr. Surplus - Current Year	538,000		538,000			100%		
Appr. Surplus - Prior Year	3,850,922		3,850,922			100%		
Total Resources	9,383,117	423,464	5,363,381		4,019,736	57%	55%	
Expenditures	9,383,117	111,760	1,377,319	220,511	7,785,287	17%	25%	
56 RECREATION FUND								
Revenues	1,682,300	88,427	595,684			35%		
Appr. Surplus - Prior Year	12,180		12,180			100%		
Total Resources	1,694,480	88,427	607,864		1,086,616	36%	33%	
Expenditures	1,694,480	203,939	508,652	260,386	925,442	45%	40%	
57 SOLID WASTE FUND								
Revenues	4,025,000	347,644	692,770			17%		
Appr. Surplus - Prior Year	168,851		168,851			100%		
Total Resources	4,193,851	347,644	861,621		3,332,230	21%	22%	
Expenditures	4,193,851	275,750	933,259	51,470	3,209,122	23%	22%	

CITY OF OREM
BUDGET REPORT FOR THE MONTH ENDED AUGUST 2019

Percent of Year Expired: 17%

Fund	Current Appropriation	Monthly Total	Year-To-Date Total	Encumbrances	Balance	% To Date FY 2020	% To Date FY 2019	Notes
58 STREET LIGHTING FUND								
Revenues	1,730,000	62,781	911,112			53%		
Appr. Surplus - Prior Year	864,329		864,329			100%		
Total Resources	2,594,329	62,781	1,775,441		818,888	68%	57%	3
Expenditures	2,594,329	35,671	501,636	320,162	1,772,531	32%	45%	3
61 FLEET MAINTENANCE FUND								
Std. Interfund Transactions	830,000		830,000			100%		
Total Resources	830,000		830,000			100%	100%	
Expenditures	830,000	52,969	278,701	4,695	546,604	34%	33%	
62 PURCHASING/WAREHOUSING FUND								
Revenues		15	30			100%		
Std. Interfund Transactions	395,000		395,000			100%		
Total Resources	395,000	15	395,030		-30	100%	100%	
Expenditures	395,000	31,098	132,919	878	261,203	34%	39%	
63 SELF INSURANCE FUND								
Revenues	772,000	73,017	121,575			16%		
Std. Interfund Transactions	1,345,000		1,345,000			100%		
Total Resources	2,117,000	73,017	1,466,575		650,425	69%	75%	
Expenditures	2,117,000	861,467	1,186,849	1,789	928,362	56%	64%	
64 INFORMATION TECH FUND								
Revenues	8,200	678	2,034			100%		
Appr. Surplus - Prior Year	119,123		119,123			100%		
Std. Interfund Transactions	2,430,000		2,430,000			100%		
Total Resources	2,557,323	678	2,551,157		6,166	100%	100%	
Expenditures	2,557,323	204,870	448,733	195,184	1,913,406	25%	28%	
74 CDBG FUND								
Revenues	1,028,380	3,833	18,221			2%		
Appr. Surplus - Prior Year	310,481		310,481			100%		
Total Resources	1,338,861	3,833	328,702			25%	6%	4
Expenditures	1,338,861	23,767	122,942	196,744	1,019,175	24%	10%	4
CITY TOTAL RESOURCES	173,082,300	6,336,260	76,734,511		95,337,630	44%	42%	
CITY TOTAL EXPENDITURES	173,082,300	8,762,327	28,971,061	12,384,732	131,726,507	24%	25%	

NOTES TO THE BUDGET REPORT FOR THE MONTH ENDED AUGUST 2019:

1) The current year expenditures are higher in comparison to the prior year due to the current year encumbrances ($1,108,286) being significantly higher than in the prior fiscal year ($13,950) at this date in time. Primarily due to the Library Hall project.

2) The current year expenditures are higher in comparison to the prior year due to the current year encumbrances ($3,646,576) being significantly higher than in the prior fiscal year ($543,363) at this date in time. Primarily due to the Library Hall construction project and the 1200 West road reconstruction project.

3) The appropriation of surplus from the prior year is significantly higher than the previous year due to a larger capital projects carryover in FY 2020 which caused the carryover to be about $787,000 higher. Primarily due to the expected replacement of old RMP poles.

4) Revenues are higher due to the sale of various small equipment received back from Habitat for Humanity. Current year expenditures are higher in comparison to the prior year due to the current year encumbrances ($196,744) being significantly higher than in the prior fiscal year ($10,223) at this date in time. Primarily due to the Geneva Park renovation project.

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).