



CITY OF OREM  
CITY COUNCIL MEETING  
56 North State Street, Orem, Utah  
September 10, 2013

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

**3:30 P.M. FIELD TRIP – PUBLIC SAFETY**

1. **TOUR – Fire Station #3 and Public Safety Building**

**4:50 P.M. STUDY SESSION – PUBLIC SAFETY TRAINING ROOM**

2. **PRESENTATION – Provo Orem Multi Modal Project (Bus Rapid Transit) - Jason Phillips & Loretta Markham – 10 minutes**

**AGENDA REVIEW**

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

**CITY COUNCIL - NEW BUSINESS**

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

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

CALL TO ORDER

INVOCATION/INSPIRATIONAL THOUGHT: By Invitation

PLEDGE OF ALLEGIANCE: By Invitation

**APPROVAL OF MINUTES**

5. **MINUTES of Special City Council Meeting – August 20, 2013**
6. **MINUTES of City Council Meeting – August 27, 2013**

**THE PUBLIC IS INVITED TO PARTICIPATE IN ALL CITY COUNCIL MEETINGS.  
If you need a special accommodation to participate in the City Council Meetings and Study Sessions,  
please call the City Recorder's Office at least 3 working days prior to the meeting.  
(Voice 229-7074) (TDD # 229-7037)**

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

MAYOR’S REPORT/ITEMS REFERRED BY COUNCIL

- 7. **UPCOMING EVENTS**
- 8. **UPCOMING AGENDA ITEMS**
- 9. **APPOINTMENTS TO BOARDS AND COMMISSIONS**
  - Beautification Advisory Commission.....2 vacancies
  - CDBG Advisory Commission .....1 vacancy
  - Heritage Advisory Commission .....1 vacancy
  - Historic Preservation Adv. Commission ..1 vacancy
  - Recreation Advisory Commission .....1 vacancy
  - Summerfest Advisory Committee .....1 reappointment
  - .....2 vacancies
- 10. **RECOGNITION OF NEW NEIGHBORHOODS IN ACTION OFFICERS**
- 11. **REPORT – Library Advisory Commission**

CITY MANAGER’S APPOINTMENTS

- 12. **APPOINTMENT - Assistant City Manager – Jon Amundson**
  - **Motion – Advice and Consent**
  - **Oath Of Office**

PERSONAL APPEARANCES – 15 MINUTES

- 13. **Time has been set aside for the public to express their ideas, concerns, and comments on items not on the agenda. Those wishing to speak should have signed in before the beginning of the meeting. (Please limit your comments to 2 minutes or less.)**

CONSENT ITEMS

- 14. **MOTION – Cancel the September 24, 2013, City Council Meeting**

SCHEDULED ITEMS

**6:00 P.M. PUBLIC HEARING**

- 15. **ORDINANCE – Amending a Portion of Section 14-3-3 of the Orem City Code as it Pertains to Billboards**

**REQUEST: The applicant requests the City Council amend Section 14-3-3 of the Orem City Code pertaining to billboard regulations.**

*PRESENTER: Jason Bench*

POTENTIALLY AFFECTED AREA: Citywide

**BACKGROUND:** This item was first heard at the July 30, 2013, City Council meeting but was continued to September 10, 2013, at the request of Reagan Outdoor Advertising and Top Ad Media. Top Ad Media has since submitted a document that discusses the economic impact of billboard advertising.

Staff recently completed a visual survey of all billboards from Spanish Fork Main Street (Exit 258) to Lehi 2100 North (Exit 282) and identified 220 billboard faces along the I-15 corridor with some billboards containing more than 1 advertising face such as LED or a split-face. Within the corporate boundaries of Orem City along I-15, there are 52 billboard faces. Of these faces, 20 (38 percent) are used to advertise a business located in Orem. The majority of these businesses are not exclusive to Orem such as Maverick, Central Bank, and Famous Footwear.

Staff contacted Lehi, American Fork, Pleasant Grove, Lindon, Provo, Springville, and Spanish Fork concerning permitting new billboards within each jurisdiction. Only Spanish Fork currently allows new billboards to be constructed.

The City recently considered a request to create the PD-36 zone on the former Williams Farm property. Included in that preliminary request was language that would allow two additional billboards adjacent to I-15. The City's current sign ordinance does not allow any new billboards in the city. The City's legal staff felt it would be difficult to allow new billboards on the Williams Farm property without opening the door to new billboards on other potential locations along the I-15 corridor. Therefore, legal staff suggested that if allowing any new billboards along I-15 were to be considered, it ought to be done in the context of a change to the general sign ordinance that would open up the entire I-15 corridor to new billboards rather than in the context of allowing new billboards on just the Williams Farm property.

In order to facilitate this broader discussion, the City filed an application to allow new billboards all along the I-15 corridor subject to the spacing and other requirements of State law. However, the filing of the application does not necessarily imply support of the request.

State law requires a separation of at least 500 feet between billboards. If the City Code were amended to allow new billboards along I-15, there is the potential for five new billboards in the city based on an analysis of existing billboards and the City Surveyor providing detailed information pertaining to "Points of Gore" at the existing interchanges. These additional locations have been identified on a map, which is included for the City Council's review.

Advantages:

- May promote the development of some properties along the I-15 corridor (The owners of the Williams Farm property claim that having billboards on the property will encourage businesses to locate on their property and promote economic development in Orem).
- Would allow additional opportunities for property owners and billboard companies.

Disadvantages:

- Additional billboards would increase visual blight along the I-15 corridor
- Based on the visual survey completed by staff, the majority of billboards located in the city limits do not advertise businesses located in Orem

The Planning Commission recommends the City Council deny this request.

**6:20 P.M. PUBLIC HEARING**

**16. ORDINANCE - Amending Section 22-5-3(A) of the Orem City Code and the Zoning Map of Orem, Utah, by Rezoning Property Located Generally at 775 East 1600 North From R12 to R8**

**REQUEST: The applicant requests the City Council, by ordinance, amend Section 22-5-3(A) of the Orem City Code and the Zoning Map of Orem, Utah, by rezoning property located generally at 775 East 1600 North from R12 to R8.**

*PRESENTER: Jason Bench*

POTENTIALLY AFFECTED AREA: Heatheridge Neighborhood

BACKGROUND: The applicant owns a vacant lot in the R12 zone, which requires at least 12,000 square feet per lot. The applicant's lot is 17,149 square feet. As the property and zoning exist, the lot is legal for a single dwelling. The applicant requests the zoning of the property be changed to R8, which requires a minimum of 8,000 square feet per lot. In the R12 and R8 zones, a dwelling must have at least a finished footprint area (exclusive of a garage) of 1,000 square feet for a single-story home or 650 square feet on the main level and 550 on the second level if the home is two stories.

The General Plan identifies future land uses and states the location of the subject property is suitable for Low Density Residential (LDR). The LDR classification is implemented by the PRD, R8, R12, and R20 zones. The property surrounding the subject property is zoned R12 and PD-6, which is the former WordPerfect office campus. The General Plan goes on to state:

*The Low Density Residential (LDR) classification is established to provide the majority of the housing stock within Orem. Typical suburban neighborhoods with single-family homes on individual building lots should comprise the majority of development within the LDR classification. Low Density Planned Residential Developments should be scattered evenly through the City subordinate to the single family home. Except for PRDs, the appropriate housing density shall be up to 4 units per gross acre.*

At the Planning Commission meeting on July 10, 2013, there was some discussion as to whether this request constitutes a "spot zone." Utah Code Section 10-9a-505.5(3)(a) states that "There is no minimum area or diversity of ownership requirement for a zone designation." Based on the State Code and the Orem General Plan, the City can rezone properties within the LDR designation to an R8, R12, R20, or PRD zone or a combination of the zones in the LDR designation as indicated above and still conform to the Orem General Plan.

A neighborhood meeting was held on April 26, 2013, with nine people in attendance. A majority of those at the meeting were not supportive of the request.

Advantages:

- The proposed lots meet the requirements of the R8 zone
- The plot plans provided for both lots show how homes can fit on the proposed lots exceeding the minimum finished floor area requirement of 1,000 square feet

Disadvantage:

- The proposed lots are odd shaped and are not the typical lot size or shape found in the area

The Planning Commission made a recommendation that the City Council deny this request based on the size of the lots not fitting into the R12 neighborhood. However, based on compliance with the General Plan, and the fact that the proposed subdivision meets the minimum requirements of the R8 zone, staff recommends the City Council consider approving the rezone as requested.

**17. MOTION – Designation of Argument Drafters for Voter Information Pamphlet**

**RECOMMENDATION: The City Manager recommends the City Council, by motion, designate the drafters of the “for” arguments and the “against” arguments for the CARE Tax opinion question and the property tax referendum.**

*PRESENTER: Greg Stephens*

POTENTIALLY AFFECTED AREA: Citywide

BACKGROUND: Orem voters will consider two ballot propositions at the November 5, 2013, election – the CARE Tax opinion question and the property tax referendum.

State law (U.C.A. §20A-7-402) requires the City to distribute a voter information pamphlet that includes one “for” argument and one “against” argument for each ballot proposition.

Several people and organizations have requested the opportunity to prepare the arguments for the voter information pamphlet. Because only one “for” and one “against” argument for each ballot proposition can be included in the voter information pamphlet, the City Council must designate one person, group or entity to submit each argument.

State law requires the City Council to make the designation according to the following criteria:

- (1) Sponsors have priority in preparing an argument regarding a ballot proposition; and
- (2) Members of the local legislative body have priority over others.

PERSONAL APPEARANCES – CONTINUED (IF NECESSARY)

**18. Continuation of time has been set aside for the public to express their ideas, concerns, and comments on items not on the agenda. Those wishing to speak should have signed in before the meeting. (Please limit your comments to 2 minutes.)**

COMMUNICATION ITEMS

**19. BUDGET REPORT – Month Ending July 2013**

CITY MANAGER INFORMATION ITEMS

- 20. 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.**

ADJOURNMENT

# DRAFT

CITY OF OREM  
SPECIAL CITY COUNCIL MEETING  
56 North State Street Orem, Utah  
August 20, 2013

**6:00 P.M. SPECIAL SESSION**

CONDUCTING Mayor James Evans

ELECTED OFFICIALS Councilmembers Hans Andersen, Margaret Black, Karen A. McCandless, Mark E. Seastrand, Mary Street, and Brent Sumner

APPOINTED STAFF Jamie Davidson, City Manager; Greg Stephens, City Attorney; Scott Gurney, Interim Public Safety Director; Karl Hirst, Recreation Director; Charlene Crozier, Interim Library Director; Donna Weaver, City Recorder; and Rachelle Conner, Deputy City Recorder

INVOCATION /  
INSPIRATIONAL THOUGHT Scott Gurney

PLEDGE OF ALLEGIANCE Greg Stephens

**SCHEDULED ITEMS**

RESOLUTION - Placement of the renewal of the Cultural Arts and Recreation Enrichment (CARE) Tax Opinion Question on the November 5, 2013, Municipal General Election Ballot, and Approval of the Language for the Ballot Title and Ballot Proposition

Charlene Crozier, Community & Neighborhood Services Manager, presented a staff recommendation that the City Council, by resolution, (1) place an opinion question on the November 5, 2013, Municipal General Election ballot as to whether or not Orem should renew a citywide sales and use tax of 1/10 of 1% to fund City-owned recreational facilities, the ongoing operating expenses of City-owned recreational facilities, and the ongoing operating expenses of private nonprofit cultural organizations in Orem, and (2) approve the ballot title and proposition.

There are many worthwhile local cultural arts organizations that enhance the quality of life of Utah's citizens and promote the continuing growth of Utah's tourist, convention, and recreational industries. Many of these organizations have difficulty raising sufficient funds to support their day-to-day operations. There is also a need for more public recreational facilities, which are difficult to fund given the financial limitations of most governmental entities.

Recognizing these needs, and acknowledging that the State of Utah is unable to sufficiently fund these organizations and facilities in a manner that will assure their continued existence and growth, the Utah Legislature passed a law that allows a City to help support these organizations and facilities

# DRAFT

1 by enacting a 1/10 of 1% sales and use tax (1¢ for every \$10 spent in Orem). By law, proceeds from  
2 the tax must be used to fund recreational, cultural and zoological facilities and botanical, cultural,  
3 and zoological organizations. Other governmental entities in Utah have passed this law, and it is  
4 sometimes referred to as a “ZAP” (zoo, arts and parks) or a “RAP” (recreation, arts and parks) tax.  
5 The City of Orem passed a sales and use tax for the purpose of enhancing recreation and cultural arts  
6 in 2005. The Orem program has been known as the Cultural Arts and Recreation Enrichment  
7 (CARE) Tax. Orem’s CARE Tax will expire in April of 2014 unless renewed for an additional  
8 10 years. Over the course of the 10-year period, the City of Orem intends to use the CARE Tax to  
9 fund city-owned recreational facilities, the ongoing operating expenses of city-owned recreational  
10 facilities, and the ongoing operating expenses of private nonprofit cultural organizations.

11  
12 The CARE Tax can only be renewed if a majority of Orem voters voting in a regular general election  
13 or a municipal general election vote in favor of enacting the tax.

14  
15 The proposed resolution places the CARE Tax opinion question on the November 5, 2013,  
16 Municipal General Election ballot and establishes the language to be placed on the ballot related to  
17 the CARE Tax.

- 18  
19 • If a majority of people voting in the November 5, 2013 election vote against enacting the  
20 CARE Tax, may the City Council still enact the CARE Tax?

21 No.

- 22  
23 • If a majority of people voting in the November 5, 2013 election vote in favor of enacting the  
24 CARE Tax, what must the City Council do to enact the CARE Tax?

25 The City Council would have to pass a resolution or ordinance establishing the CARE Tax and then  
26 give various notices required by State law.

- 27  
28 • Who decides how the CARE Tax revenues will be used?

29 The Orem City Council.

- 30  
31 • How can the CARE Tax revenues be used?

32 State law allows the Cultural Arts and Recreation Tax revenues to be used to fund (1) publicly-  
33 owned recreational, cultural, and zoological facilities in the city, and (2) the ongoing operating  
34 expenses of publicly-owned recreational facilities, (3) botanical, cultural, and zoological  
35 organizations in the city. Each of these terms is defined by state law, and the state law definitions  
36 appear below. However, the proposed resolution limits the use of the tax proceeds in Orem to City-  
37 owned recreational facilities, the ongoing operating expenses of City-owned recreational facilities,  
38 and the ongoing operating expenses of private nonprofit cultural arts organizations.

39  
40 A “recreational facility” means any publicly owned or operated park, campground, marina, dock,  
41 golf course, playground, athletic field, gymnasium, swimming pool, trail system, or other facility  
42 used for recreational purposes.

43  
44 A “cultural organization” means a private nonprofit organization or institution having as its primary  
45 purpose the advancement and preservation of natural history, art, music, theater, dance, or cultural  
46 arts, including literature, a motion picture, or storytelling.

# DRAFT

1 • If the City of Orem renews the CARE Tax, when can it first be levied?  
2 April, 2014.

3  
4 • If the City of Orem renews the CARE Tax, how long will it be levied?  
5 Ten years. After ten years, the tax will terminate unless the City reauthorizes the tax by going  
6 through the same vote/approval process.

7  
8 Jamie Davidson, City Manager, noted this is an opportunity for the City Council to decide what the  
9 CARE Tax ballot language will be. The decision has to be made by August 22, 2013. The County  
10 has responded that they will not be doing a countywide tax this year. Staff has provided three  
11 options to the Council for the ballot language. The title for each of the options is the same. The  
12 options are as follows:

13 • Option 1

14 TITLE

15  
16 Proposal to Renew Orem's Cultural Arts and Recreation Enrichment (CARE) Tax for Ten  
17 Additional Years

18  
19 PROPOSITION

20  
21 Shall the City of Orem, Utah, be authorized to impose a 0.1% sales and use tax for:

- 22 • City-owned recreational facilities;  
23 • Ongoing operating expenses of city-owned recreational facilities; and  
24 • Ongoing operating expenses of private nonprofit cultural organizations?  
25

26 The proposed CARE Tax would be collected at the rate of 1¢ for every  
27 \$10 spent in Orem and may be used for purposes such as:

Parks	Live Theater
Playing Fields	Symphonies
Trails	Operas
Bike Paths	Ballet/Dance
Splash Pads	Companies
	Choral Groups

- 28  
29 ○ This is the most generic option.  
30 ■ This option is the most similar to what was on the ballot in 2005

31 • Option 2

32 TITLE

33  
34 Proposal to Renew Orem's Cultural Arts and Recreation Enrichment (CARE) Tax for  
35 Ten Additional Years

36  
37 PROPOSITION

38  
39 Shall the City of Orem, Utah, be authorized to impose a 0.1% sales and use tax for:

- 40 • City-owned recreational facilities;

# DRAFT

- 1 • Ongoing operating expenses of city-owned recreational facilities; and
- 2 • Ongoing operating expenses of private nonprofit cultural organizations?

3  
4 The proposed CARE Tax would be collected at the rate of 1¢ for every  
5 \$10 spent in Orem. Funding would be allocated in accordance with  
6 priorities outlined in the Strategic Plan documents of the City’s advisory  
7 boards known as the Recreation Advisory Commission and the Orem Arts  
8 Council and may be used for purposes such as:

Parks	Live Theater
Playing Fields	Symphonies
Trails	Operas
Bike Paths	Ballet/Dance
Splash Pads	Companies
	Choral Groups

- 9
- 10 ○ This option is tied to the strategic planning documents that have been developed by  
11 the Recreation Advisory Commission and the Orem Arts Council.
    - 12 ■ Staff sought input from various groups, and it brought out more questions as  
13 to what part of the plan they would focus on

- 14 • Option 3  
15 TITLE

16  
17 Proposal to Renew Orem’s Cultural Arts and Recreation Enrichment (CARE) Tax for Ten  
18 Additional Years

19  
20 PROPOSITION

21 Shall the City of Orem, Utah, be authorized to impose a 0.1% sales and use tax for:

- 22 • City-owned recreational facilities;
- 23 • Ongoing operating expenses of city-owned recreational facilities; and
- 24 • Ongoing operating expenses of private nonprofit cultural organizations?

25  
26  
27 The proposed CARE Tax would be collected at the rate of 1¢ for every  
28 \$10 spent in Orem. Funding would be allocated 50% to Recreation and  
29 50% to Cultural Arts for purposes such as:

Parks	Live Theater
Playing Fields	Symphonies
Trails	Operas
Bike Paths	Ballet/Dance
Splash Pads	Companies
	Choral Groups

- 30
- 31 ○ This option lists the fifty/fifty recreation and cultural arts split

32  
33 Mr. Davidson indicated the resolution states the CARE Tax will not be used to fund cultural  
34 facilities, zoological facilities, botanical facilities, or zoological organizations. He expressed concern

# DRAFT

1 with having cultural facilities on the list. He noted the intent for adding that was concerning the  
2 Center for Story, but it has a much far reaching affect than that. He has had some conversations with  
3 Councilmembers who also have a concern with it.

4  
5 Mrs. Black agreed, saying that some of the requests they have received is for statuary. That would  
6 not be allowed with this language.

7  
8 Mr. Davidson noted these options are just suggestions, and the Council is welcome to make other  
9 recommendations. There is a group that has come together with people interested in the arts as well  
10 as recreation. They are calling themselves “Citizens for CARE.” Staff has met with a number of  
11 interested groups to talk about the ballot language. He expressed his appreciation to those that have  
12 come together to talk about their concerns.

13  
14 Charlene Crozier said she did not take the ballot language options to the Orem Arts Council. She  
15 asked a few random people their thoughts about the language, and that is where the strategic plan  
16 questions came from.

17  
18 Mr. Hirst stated he had the same experience.

19  
20 Mrs. Street noted, as part of the communication efforts in going out to the community, that it might  
21 be beneficial to educate the residents as to what is in the strategic plans. She said she is an advocate  
22 of narrowing the question down.

23  
24 Mr. Stephens said the City is limited by State law in what it can do in terms of educating people  
25 about the CARE Tax.

26  
27 Mr. Andersen asked if there is anyone who can say what the majority of the recreation and arts  
28 people want regarding the specific language on the ballot.

29  
30 Mr. Davidson said staff has not polled them. As he has spoken with people, there is a sensitivity that  
31 things were promised in the last CARE Grant round that some people think were not fulfilled. These  
32 people would like the language to give each group an equal amount. The needs of Orem today may  
33 work with a fifty/fifty split; however, that could change in a few years. The language will determine  
34 how the funds must be spent. They might not want to bind themselves to an agreement that was  
35 made in 2013 when circumstances could change by 2020.

36  
37 Mrs. McCandless noted she was on the City Council when the CARE Tax was passed, and there  
38 were never any promises made at that time for what the money would be used for. The City had  
39 recently put in \$12 million in recreation uses and parks, and former Councilmember Les Campbell  
40 had commented that recreation had received much of their share at that time. She questioned if the  
41 purpose of the ballot language is just to get the tax renewed or to determine what is in the best  
42 interest of the community.

43  
44 Mrs. Street asked Mrs. McCandless to explain how the City got the money for the \$12 million park  
45 projects. Mrs. McCandless then gave a brief history of the “hair cut money” that was used for  
46 Nielsen’s Grove, the Lakeside Sports Complex, Mt. Timpanogos Park, etc.

# DRAFT

1 Mrs. Black noted they still have three quarters of a year of funding to distribute next year. She  
2 wanted to clarify that the old rules would apply to this money and the new rules will be applied if the  
3 CARE Tax is renewed.

4  
5 Mr. Seastrand said there are three things running through his mind:

- 6 • From the beginning, there was a challenge with garnering input from the various  
7 commissions because there are members that “have a dog in the fight”. He would like to be  
8 able to get input from them. He suggested they have something similar to the CDBG  
9 Advisory Commission to make recommendations to the City Council.
- 10 • When they started the original allocations in 2006, there were several things in the works.  
11 There is wisdom in realizing that what they are thinking in 2013 is different than what they  
12 will be thinking in the subsequent years. If the benefit of the CARE Tax is to look at helping  
13 the organizations to grow, there has to be some flexibility.
- 14 • Up until this was tax passed, there were no options for the cultural arts, but there were other  
15 options for recreation. The City has done a good job in looking at options for recreation  
16 outside of the CARE Tax. A good example of this is the agreement they made with the  
17 Cascade Golf Course property.

18  
19 Mayor Evans said he would love to have a separate committee to hear the applications and make the  
20 recommendations for funding to the City Council. He had suggested that right when he became  
21 Mayor.

22  
23 Mrs. Street asked what the process is for the City Council to create a new commission. Mr. Stephens  
24 reviewed the process. He said he does not think they need to do this right now. That could be done if  
25 the CARE Tax is renewed.

26  
27 Mrs. Black noted she is concerned with the removal of the cultural arts facilities from funding. There  
28 are many items in the Cultural Arts Strategic Plan that would be prohibited by excluding that, such  
29 as statuary, the 720 south roundabout, infrastructure at Scera Shell, etc. She would like to keep that  
30 option open for flexibility.

31  
32 Mrs. McCandless said she understands the concern with people not knowing what the strategic plan  
33 includes. She wants it to be a guide but is worried that people do not know what the plans entail.  
34 Mrs. McCandless agreed that a commission making the CARE funding recommendations to the City  
35 Council is a great idea. She expressed her appreciation to the various groups for coming together. If  
36 this is not passed, they will all receive 100 percent of nothing,

37  
38 Mayor Evans opened the meeting for public comments.

39  
40 Paul Crossett, Recreation Advisory Commission, said he understands the concern of tying the City  
41 Council’s hands in terms of future use; however, he likes the language that includes the fifty/fifty  
42 split. That way, future City Councilmembers will not take that money and use it where it was not  
43 originally determined.

44  
45 Mr. Andersen said he does not know the sides of the groups but asked how he can help get the  
46 language they want on the ballot.

# DRAFT

1 Mr. Crossett responded that he has four boys that have been involved in sports and music. For him,  
2 the most beneficial language is the fifty/fifty split. That will give the residents a feel that they have  
3 say in how the funds are spent.

4  
5 Mr. Seastrand asked Mr. Crossett if he feels there were promises made to recreation that were not  
6 fulfilled. Mr. Crossett said other cities have nicer facilities; however, the City is doing the best it can  
7 with what it has. He noted there needs to be a vision tied to the money. Spanish Fork brings a lot of  
8 money into that community with baseball tournaments. The City needs to decide what is important.

9  
10 Mr. Sumner asked whether the fifty/fifty split is for every year or just over the ten-year period. Mr.  
11 Crossett said he would like it to be over the ten years. He would not want to tie hands for good  
12 opportunities, but he would like an overall fifty split.

13  
14 Mrs. McCandless noted that she would like the opportunity to speak with anyone who thought  
15 promises were made by the City Council that were not fulfilled. She would like to understand their  
16 concerns.

17  
18 Mr. Andersen remarked that there is a need for more sports fields, but they cannot find the land. He  
19 asked where the funds would go if it were a fifty/fifty split, and they cannot purchase property. Mr.  
20 Crossett indicated it could go into maintaining the existing facilities. Recreation keeps youth out of  
21 trouble, and sometimes the City needs to spend more money to make that happen.

22  
23 Mr. Stephens read a list of what the CARE funds could be used for.

24  
25 Mr. Hirst noted there are many requests in the Recreation Strategic Plan that far exceed the funds  
26 available.

27  
28 Mrs. Street said everyone might not be aware of all of the CARE grant requests that have come to  
29 the City Council. She went back and looked at the requests that came to the City Council prior to her  
30 being elected. The first year, the Council had a recreation request for \$16 million. That was almost  
31 as much as they had for the entire CARE grant period.

32  
33 Richard Davis, Deborah Escalante, and Randy Park introduced themselves. Mr. Davis said they are  
34 the executive officers of the “Citizens for CARE” group. The arts and recreation enthusiasts have  
35 come together. They feel the Councilmembers should be more specific about what they want to do  
36 with the funds in the future, and come up with a process. He said there should be a group of citizens  
37 who provide a recommendation to the City Council.

38  
39 Ms. Escalante asked the difference in the ballot language and the resolution in terms of excluding  
40 cultural facilities.

41  
42 Mr. Stephens said that whatever is put in the ballot language is what becomes law for the next ten  
43 years. If it is put in the resolution, future Councils could change that.

44  
45 Randy Park indicated their intent is not to put the fifty/fifty split language on the ballot. They wanted  
46 to see the City Council bound in spirit.

# DRAFT

1 Mrs. Street said it seems to her that it is not the overall ballot language they are concerned with, but  
2 the strategic direction they are going. She recommended the resolution language give guidance that  
3 the funds will be equitable for arts and recreation.

4  
5 Mr. Stephens gave some suggestions for the language in the resolution.

6  
7 Mrs. McCandless noted she would like to see cultural arts facilities put back on the list. Mrs. Black  
8 agreed.

9  
10 Mrs. Street requested language that states the recommending commission would work with the Orem  
11 Arts Council and Recreation Advisory Commission to get their input for the funding in order to  
12 make the best recommendations for the community as a whole.

13  
14 Mr. Crossett said he would like the fifty/fifty split in the law, because the resolution can be changed.

15  
16 Adam Robertson, SCERA, said he is a recreation guy, and he is not opposed to a split. However, if  
17 the City were to locate property for sports fields and all of the funds were to go to recreation one  
18 year, that would be a problem for the arts. He said he liked Mr. Seastrand's remark about the ability  
19 to find other funds for recreation. There has been a change in Councilmembers over the years, but  
20 things remain relatively constant. One of those things has been City funding for recreation. The City  
21 has used CARE funds for recreation as well, and the arts organizations have not complained about  
22 that. Mr. Robertson expressed his understanding that the money that has been going to the facility at  
23 the Library is not going to carry over to the new funding, and that amount could go to recreation.  
24 The CARE Tax is mostly funding nonprofits and the Cultural Arts Strategic Plan is for arts in the  
25 entire city. He stated some kind of citizen group to look at the applications is important, and there  
26 should be more checks and balances for recreation. He would like to see the ballot language more  
27 vague to allow for flexibility.

28  
29 Mayor Evans asked Mr. Robertson how he felt about having the cultural arts facilities brought back  
30 into the language. Mr. Robertson questioned whether the buildings near the arts district could use the  
31 recreation funds to pay for them since they are near the park.

32  
33 Mr. Stephens said that, in order to use the recreation funds, they would really have to prove they had  
34 a recreation use. The improvements to Scera Shell could not have been taken from recreation.

35  
36 Mr. Robertson said he is fine with the things Mrs. Black mentioned being added in; however, he is  
37 not in favor of building a large facility.

38  
39 Barry McLaren, resident, suggested the ballot language state the fifty/fifty split would be over the  
40 ten-year period. He questioned whether that would give the City Council the flexibility it needs. Mr.  
41 Stephens said they can do that; however, the City would be bound to that split.

42  
43 Elizabeth Farnsworth, Orem Arts Council, requested clarification from Mrs. Black about whether  
44 they would be excluding buildings. Mrs. Black said she is not excluding anything. She just listed  
45 what she is thinking of right now.

# DRAFT

1 Ms. Farnsworth said she would not want buildings to be excluded.

2  
3 Kurt Hale, Hale Center Theater, indicated what is important to him is that the wording on the ballot  
4 is easy enough for the residents to understand, so they can support it. He leans towards flexibility as  
5 well as equality.

6  
7 LoriAnne Eldridge, Recreation Advisory Commission, asked what would happen if land were to  
8 become available, and the SCERA and Hale did not get their money for that year or a couple of  
9 years. She said she would not want to hurt the art organizations. She said she is leaning toward the  
10 even split. There is a need for land. The City is putting the shades at the ball fields, which is great,  
11 but they need more fields. The people coming for the sports games are eating at the local restaurants,  
12 and that just brings in more money to the City. Other cities are doing tournaments right now, and  
13 that brings money into their communities. She asked if they can put it to a vote to the residents to see  
14 if they can use the funds to buy land if an opportunity were to become available.

15  
16 Mrs. Street said that is difficult. They usually only have about \$1.6 million each year to allocate,  
17 which is not enough to purchase property, They would have to create a savings account. The  
18 problem with setting money aside is that they are not doing any upgrades on the existing fields.

19  
20 Mr. Seastrand stated the City had looked at purchasing the Williams Farm property. They had set  
21 aside money for the purchase, but they did not have enough. The land would have had multiple uses,  
22 and they needed part of it for storm water drainage. They could have used storm water funds to help  
23 with the purchase; however, it was still not enough. It all comes down to finding the property and  
24 having enough money to purchase the property.

25  
26 Mr. Hirst said he has not given up on purchasing property. There are still some options, and he is  
27 exploring them.

28  
29 Mrs. Black noted she does not foresee a year that she would give all of the money to recreation and  
30 nothing to cultural arts. There needs to be a balanced approach as they go along, and the Council has  
31 tried to do that with the buckets concept.

32  
33 Mr. Andersen asked Ms. Eldridge if she wanted the fifty/fifty split. Ms. Eldridge said she is fine with  
34 the language that says it will be an approximate equitable split.

35  
36 David Spencer, resident, noted the bottom line of the problem is that the residents are not seeing any  
37 progress. He cannot go to the baseball people and show them what the City has done with the CARE  
38 Tax funds. He is 100 percent in favor of the CARE Tax. The fifty/fifty language is a little extreme;  
39 however, the Council set the money aside for the Center for Story, and that money could have been  
40 used to purchase the Williams Farm property. The fifty/fifty split would not work because there  
41 might be a time that arts needs more and another time that recreation needs more. He said he does  
42 not agree with the way the tax has previously been allocated.

43  
44 Mr. Davidson explained that the Williams Farm purchase price would have required all of the CARE  
45 Tax dollars as well as additional funds. It is not relevant to say they could have taken money from  
46 one pot and put it in another to purchase the property. At the time they made the bid, there was one

# DRAFT

1 pot, which was all of the CARE Tax. They also had money from the Water Fund and the Storm  
2 Water Fund, and it was still not enough to purchase the land.

3  
4 Mrs. McCandless noted the bidding had gone up too high, and the small amount that was set aside  
5 for the Center for Story would not have made a difference.

6  
7 Mrs. Street advised there was more to it than just the bidding cost. They did not want to get in a  
8 bidding war with a developer, and the City did not have the funds to match their bid.

9  
10 Karl Hirst, Recreation Director, said it was a worry that they had nothing to show for the money for  
11 many years. Right now they are in the process of drilling the holes for the shade structures at the ball  
12 diamonds, and they are working on the backstops on two fields. They sent the dog park out to bid,  
13 but the costs came in too high, They are working on solutions for the Lakeside parking issue, and  
14 they are also working on the remodel of the Fitness Center.

15  
16 Mr. Sumner noted the Recreation Advisory Commission made the decisions on what the CARE  
17 funds would be used for; staff did not.

18  
19 Mr. Davidson stated that, in addition to the park property they were pursuing to purchase which  
20 would have been all of the money they had and then some, there was an equal cost associated with  
21 the development of that property, Mr. Davidson indicated there were some comments made about  
22 what other cities, such as Spanish Fork and Draper, are doing. The difference is that those  
23 communities charge a development impact fee. Those communities are growing and are getting a lot  
24 of funds from that. Orem is basically built out, so that is not an option.

25  
26 Mr. Spencer said maybe better communication would solve the misperception. The residents just  
27 want to know and understand what is going on.

28  
29 Mr. Robertson asked if they can add language to say that any General Fund money given to  
30 recreation can be counted toward its CARE allocation, knowing there is no other arts funding  
31 available.

32  
33 Mrs. Black advised the Recreation Department has done a wonderful job at becoming self-  
34 sustaining. They do not take General Fund money at this time.

35  
36 Mrs. McCandless **moved**, by resolution, to (1) place an opinion question on the November 5, 2013,  
37 Municipal General Election ballot as to whether or not Orem should renew a citywide sales and use  
38 tax of 1/10 of 1% to fund City-owned recreational facilities, the ongoing operating expenses of City-  
39 owned recreational and cultural arts facilities, and the ongoing operating expenses of private  
40 nonprofit cultural organizations in Orem, and (2) approve the ballot title and proposition as stated in  
41 Option 1 with the inclusion of City-owned cultural arts facilities. She would like the resolution to  
42 include language that approximately fifty percent of the allocation would go towards cultural arts  
43 and fifty percent to go towards recreation over the ten years of the CARE Tax. She would also like a  
44 Citizens CARE Tax Advisory Commission be created to review that CARE applications. Mrs. Black  
45 **seconded** the motion.

# DRAFT

1 Mr. Andersen said he read in the paper that Provo has a splash pad, and there was some concern that  
2 City employees would have to be on location to supervise it. Mr. Hirst indicated they do not have to  
3 have a City employee there every day. There is maintenance that is governed by the health  
4 department, but they are not required to have someone there staffing it all of the time.  
5

6 Mr. Seastrand asked whether the benefit of the CARE Tax is adequately expressed. He questioned if  
7 the economic benefit could be added to the language, as well as the benefit for the youth who  
8 participate in the programs. Mr. Stephens cautioned that State law does not give the option to  
9 editorialize on the ballot. That would be better accomplished in the voter information pamphlet.  
10

11 Mrs. McCandless noted that when they started this process three hours ago, she was concerned with  
12 the language on the ballot being what was in the best interest for the community. However, she feels  
13 they have worked through all of those issues with the language on the ballot and resolution to have a  
14 win-win for everyone.  
15

16 Mayor Evans called for a vote. Those voting aye: Councilmembers Hans Andersen, Margaret Black,  
17 Jim Evans, Karen A. McCandless, Mark E. Seastrand, Mary Street, and Brent Sumner. The motion  
18 **passed** unanimously.  
19

## 20 **ADJOURNMENT**

21  
22 Mr. Andersen **moved** to adjourn the meeting. Mrs. Black **seconded** the motion. Those voting aye:  
23 Councilmembers Hans Andersen, Margaret Black, Jim Evans, Karen A. McCandless, Mark E.  
24 Seastrand, Mary Street, and Brent Sumner. The motion **passed** unanimously.  
25

26 The meeting adjourned at 7:43 p.m.

# DRAFT

CITY OF OREM  
CITY COUNCIL MEETING  
56 North State Street Orem, Utah  
August 27, 2013

## **3:30 P.M. FIELD TRIP – PUBLIC WORKS**

CONDUCTING Mayor James Evans

ELECTED OFFICIALS Councilmembers Hans Andersen, Margaret Black, Mark E. Seastrand, Mary Street, and Brent Sumner

APPOINTED STAFF Jamie Davidson, City Manager; Jon Amundson, Assistant City Manager; Greg Stephens, City Attorney; Richard Manning, Administrative Services Director; Bill Bell, Interim Development Services Director; Scott Gurney, Interim Public Safety Director; Chris Tschirki, Public Works Director; Charlene Crozier, Interim Library Director; and Rachelle Conner, Deputy City Recorder

EXCUSED Councilmember Karen McCandless

### TOUR – Public Works Facility

Chris Tschirki, Public Works Director, took those present on a tour of the Public Works building. The tour included the traffic operation centers, a water computer program demonstration, the sign shop, fleet maintenance, and the warehouse.

## **5:00 P.M. STUDY SESSION – OREM PUBLIC WORKS**

### **REVIEW OF AGENDA ITEMS**

The Council and staff reviewed the agenda items.

### **CITY COUNCIL/STAFF NEW BUSINESS**

Jamie Davidson, City Manager, introduced Jon Amundson as the new assistant city manager. Mr. Amundson comes from Richland, Washington, where he was the assistant city manager.

Mr. Davidson gave a UTOPIA update to the Councilmembers.

The Council adjourned at 5:55 p.m. to the City Council Chambers for the regular meeting.

## **6:00 P.M. REGULAR SESSION**

CONDUCTING Mayor James Evans

# DRAFT

1 ELECTED OFFICIALS Councilmembers Hans Andersen, Margaret Black, Mark E.  
2 Seastrand, Mary Street, and Brent Sumner

3  
4 APPOINTED STAFF Jamie Davidson, City Manager; Jon Amundson, Assistant  
5 City Manager; Greg Stephens, City Attorney; Richard  
6 Manning, Administrative Services Director; Bill Bell,  
7 Interim Development Services Director; Scott Gurney,  
8 Interim Public Safety Director; Chris Tschirki, Public  
9 Works Director; Charlene Crozier, Interim Library  
10 Director; Donna Weaver, City Recorder; and Rachelle  
11 Conner, Deputy City Recorder

12  
13 EXCUSED Councilmember Karen McCandless

14  
15 INVOCATION /  
16 INSPIRATIONAL THOUGHT Bill Bell

17  
18 PLEDGE OF ALLEGIANCE Jon Amundson

## 19 20 APPROVAL OF MINUTES

### 21 22 City Council Meeting of July 30, 2013

23 Mr. Andersen **moved** to approve the minutes of the July 30, 2013, meeting of the Orem City  
24 Council. Mrs. Black **seconded** the motion. Those voting aye: Councilmembers Hans Andersen,  
25 Margaret Black, Jim Evans, Mark E. Seastrand, Mary Street, and Brent Sumner. The motion  
26 **passed** unanimously.

## 27 28 MAYOR'S REPORT/ITEMS REFERRED BY COUNCIL

### 29 30 Upcoming Events

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

32  
33 Charlene Crozier, Interim Library Director, invited everyone to attend the 24<sup>th</sup> Annual  
34 Timpanogos Storytelling Festival. The event will be held this weekend at the Mt. Timpanogos  
35 Park and the Scera Shell.

36  
37 Mayor Evans indicated there is a new event this year that he would like to see become an annual  
38 event. It is a motorcycle ride fundraiser to raise money to buy equipment for Public Safety. It is  
39 called the Bacon Run and will be held on September 28, 2013.

### 40 41 Upcoming Agenda Items

42 The Mayor referred the Council to the upcoming agenda items listed in the agenda packet.

### 43 44 Appointments to Boards and Commissions

45 Margaret Black recommended Sean Orullian be appointed to serve on the Beautification  
46 Advisory Commission.

47

# DRAFT

1 Mrs. Black **moved** to appoint Sean Orullian to serve as a member of the Beautification Advisory  
2 Commission. Mr. Sumner **seconded** the motion. Those voting aye: Councilmembers Hans  
3 Andersen, Margaret Black, Jim Evans, Mark E. Seastrand, Mary Street, and Brent Sumner. The  
4 motion **passed** unanimously.

5  
6 Brent Sumner recommended David Squires be appointed and Kay Bradford, LaRae Adams, and  
7 Judy Charles Womack be reappointed to serve on the Senior Citizen Advisory Commission.

8  
9 Mr. Sumner **moved** to appoint David Squires and to reappoint Kay Bradford, LaRae Adams, and  
10 Judy Charles Womack to serve as members of the Senior Citizen Advisory Commission. Mr.  
11 Seastrand **seconded** the motion. Those voting aye: Councilmembers Hans Andersen, Margaret  
12 Black, Jim Evans, Mark E. Seastrand, Mary Street, and Brent Sumner. The motion **passed**  
13 unanimously.

## 14 15 Recognition of New Neighborhoods in Action Officers

16 No new Neighborhood in Action officers were recognized.

## 17 18 AWARD – Walter C Orem

19 Mr. Seastrand read a list of accomplishments that Joyce Johnson has achieved, which included:

- 20 • First female Mayor in Orem
  - 21 ○ Also first female Mayor of a large city in Utah
- 22 • SCERA Board of Directors
- 23 • Provo/Orem Chamber of Commerce Board of Directors
- 24 • Orem Planning Commission
- 25 • Vice Chair of Utah County Republican Party
- 26 • Neighborhood in Actions Director, City of Orem
- 27 • Awards
  - 28 ○ Woman in Leadership
  - 29 ○ Chamber Community Service Award
  - 30 ○ 2005 Outstanding Citizen, Arthur V. Watkins

31  
32 Mayor Evans presented Mrs. Johnson with a plaque and thanked her for all of her service to the  
33 City of Orem.

## 34 35 PROCLAMATION – Ovarian Cancer Awareness Month

36 Charlotte Lawrence advised ovarian cancer causes more deaths each year than any other cancer  
37 of the female reproductive system. She is a single mother of four and was recently diagnosed  
38 with this cancer. This has become a cause dear to her and her children's hearts.

39  
40 Mayor Evans read a proclamation for Ovarian Cancer Awareness month in September.

## 41 42 REPORT – Orem Municipal Justice Court

43  
44 Judge Reed Parkin, Orem Municipal Court Judge, indicated the Orem Municipal Court has been  
45 in operation since September 10, 2010. The Justice Court hears all Class B misdemeanors and  
46 lesser crimes. Most of their filings are traffic offenses. Judge Parkin advised they were the first

# DRAFT

1 paperless court in the State of Utah. He reviewed five areas of efficiencies in the court, which  
2 included:

- 3 • Clearance Rates
  - 4 ○ FY 2011-12
    - 5 ▪ 13,769 Filed
    - 6 ▪ 13,581Cleared
  - 7 ○ FY 2012-13
    - 8 ▪ 13,737 Filed
    - 9 ▪ 14,480 Cleared
- 10 • Case Life
  - 11 ○ How many days to disposition
    - 12 ▪ Orem clears cases quickly
- 13 • Fingerprints
  - 14 ○ 98 percent case files with prints
- 15 • Warrants Recalled
  - 16 ○ FY 2011-12
    - 17 ▪ 89 percent recall rate
  - 18 ○ FY 2012-13
    - 19 ▪ 101 percent recall rate
- 20 • Cases Under Advisement
  - 21 ○ Explanation
    - 22 ▪ Time to resolve issues
    - 23 ▪ Disagreements among parties
    - 24 ▪ Standard is 60 days by rule
  - 25 ○ Currently there are no cases under advisement in the Orem Municipal Justice  
26 Court

27  
28 Judge Parkin indicated Orem has the best run court in the State due to:

- 29 • Technology
- 30 • Passion for service
- 31 • Good people
- 32 • Little or no complaints

33  
34 Judge Parkin complimented the executive branch of Orem government. He stated they do their  
35 job well and professionally. He also complimented the Legal staff.

36  
37 Mayor Evans asked the range of crimes the Judge deals with. Judge Parkin replied his court  
38 hears all Class B misdemeanors and lesser crimes and small claims cases. A typical Class B is  
39 DUI, retail theft, simple possession of marijuana, some levels of child abuse, etc.

40  
41 Mrs. Street questioned what the greatest benefit the residents receive by having a justice court  
42 rather than a district court. Judge Parkin expressed his opinion that justice courts are, by  
43 tradition, more approachable by the lay person than a district court. The setting is allowed to be a  
44 little more casual; although, all of the rules are followed. There is also a consistency with having  
45 the same judge hear the cases. They do not rotate through a variety of judges.

# DRAFT

1 Mr. Andersen inquired what percentage of the fines levied pay for the services of the court and  
2 police. Jude Parkin replied he does not have those figures. There are monthly reports, but he does  
3 not spend a lot of time with those. He is interested more in adjudication than worrying about how  
4 much the court is collecting. He would not consider the enforcement arm of the executive branch  
5 as a court expense. Judge Parkin then explained that with a \$90 fine, the City of Orem gets \$43.  
6 The rest goes to a security surcharge or to the State General Fund.

## 7 8 REPORT – Metropolitan Water District of Orem

9 Jack Jones, chair, recognized board members--LaDell Gillman, Vern Stratton, Russ Brown, Rick  
10 Lewis, and Paul Lott, He also introduced staff members, Bruce Chesnut, Manager, and Ruth Ann  
11 Ivie, secretary.

12  
13 Mr. Jones gave a brief history of the Metropolitan Water District of Orem.

14  
15 Bruce Chesnut, Manager, noted he has been involved with the Metropolitan Water District for a  
16 long time. The District was organized in 1935. Since then, they have been aggressive in  
17 acquiring water rights. Every year, someone tries to change water law, and the players involved  
18 are trying to protect their rights.

19  
20 Mr. Tschirki reiterated that the City of Orem enjoys a great relationship with the Metropolitan  
21 Water District of Orem. The Metro Board manages all of the surface water rights that the City  
22 has an interest in, and sixty percent of the water consumed in the city comes from surface water.  
23 The City also has rights under its name. About twenty-five percent of the water consumed comes  
24 from nine of the City's wells and about fifteen percent comes from Alta Springs and Canyon  
25 Springs.

26  
27 Mr. Chesnut noted it is a benefit to have the members on the board that the Metro Board has.  
28 These individuals have a sound knowledge of water, the irrigation systems, and how water is  
29 utilized within the community. They are an asset to Orem in helping to manage the water rights.  
30 Mr. Jones does a great job in the administration as chairman of the board, and Ruth Ann does a  
31 great job in keeping track of the finances and helping them with funding the District.

32  
33 Mr. Andersen asked whether they have to give up surface water in order to get under ground  
34 water. Mr. Tschirki said the new well will go under the water rights they have right now, and the  
35 City cannot go over that amount. They have to go through a process with the State Engineers  
36 Office for approval prior to drilling the well. It is a separate ground water right.

## 37 38 PERSONAL APPEARANCES

39 Mayor Evans indicated the City is trying a new process for personal appearances. They will  
40 allow fifteen minutes at the beginning of the meeting for personal appearances. Those wanting to  
41 speak should have signed in prior to the meeting, and they will be allowed two minutes to  
42 present their items.

43  
44 Aaron Orullian, Beautification Advisory Commission chair, said people have asked him why  
45 there are no flowers in the parks, but there are hanging flower baskets at the City Center and on  
46 Center Street. He clarified that the funds to purchase the flower baskets and materials were all  
47 privately donated.

# DRAFT

1 Mr. Orullian noted his wife got on him because of the weeds on the islands on Center Street near  
2 the post office. He spoke with Steve Weber about the problem, and Mr. Weber jokingly gave  
3 him an orange vest. Mr. Orullian said he will be working on the weeds. He noted the  
4 Beautification Advisory Commission is dedicated to beautifying the city and will do what they  
5 need to in order to make it better.

6  
7 Mayor Evans said he and Mr. Davidson met with the new athletic director at Utah Valley  
8 University, and they talked about having banners on the poles. They were very open to looking at  
9 that.

## 10 11 **CONSENT ITEMS**

12  
13 Mr. Seastrand **moved** to approve the following consent item. Mrs. Black **seconded** the motion.  
14 Those voting aye: Councilmembers Hans Andersen, Margaret Black, Jim Evans, Mark E.  
15 Seastrand, Mary Street, and Brent Sumner. The motion **passed** unanimously.

16  
17 RESOLUTION - Appointing Judges to be Considered as Alternate Municipal Justice Court  
18 Judges When the Sitting Judge Cannot Hear a Case

## 19 20 **SCHEDULED ITEMS**

21  
22 MOTION - CANVASS AND CERTIFICATION - 2013 Municipal Primary Election  
23 Results

24  
25 Donna Weaver, City Recorder, presented a staff recommendation that the City Council complete  
26 the canvass and, by motion, certify the 2013 Municipal Primary Election results.

27  
28 Pursuant to State law, it is necessary for the City Council, as the Board of Canvassers, to canvass  
29 the election no sooner than fourteen days after the completion of the ballot. After the canvassing  
30 has been completed, it will be necessary for the Council, by motion, to officially certify the  
31 results of the Canvass.

32  
33 Mrs. Black **moved** that the City Council:

- 34  
35 1. Verify the results of the election by ratifying the results of the prec canvass.  
36  
37 2. Change District #7 for Total Voted from 219 to 292.  
38  
39 3. Certify the election results with the following changes:

40  
41 Chris Nichols ..... 3869 ..... to.....3918  
42 Richard Brunst ..... 2452 ..... to.....2506  
43 Hans Andersen ..... 2244 ..... to.....2290  
44 Robert (Bob) Wright ..... 325 ..... to.....332  
45  
46 Tom Macdonald ..... 4346 ..... to.....4409  
47 Mary Street..... 3232 ..... to.....3279  
48 Brent Sumner ..... 3182 ..... to.....3221

# DRAFT

1	Wayne Burr .....	2468	to.....	2518
2	Sharon Price Anderson .....	2138	to.....	2185
3	David M. Spencer .....	2103	to.....	2139
4	Jared Jardine.....	1957	to.....	2002
5	Debby Lauret .....	1586	to.....	1607
6	Skyler Hamilton .....	1273	to.....	1310
7	Claude Richards .....	1285	to.....	1306
8	Charles Hart .....	589	to.....	599
9	Brian Earl Jenkins .....	396	to.....	406
10	Robert A. Davis .....	352	to.....	356

- 11
- 12 4. Declare 4-year term Mayoral candidates Chris Nichols and Richard Brunst to be nominated  
13 to the General Municipal Election on November 5, 2013.  
14
- 15 5. Declare 4-year term City Council candidates Tom Macdonald, Mary Street, Brent Sumner,  
16 Wayne Burr, Sharon Price Anderson, and David M. Spencer to be nominated to the  
17 General Municipal Election on November 5, 2013.  
18

19 Mr. Seastrand **seconded** the motion. Those voting aye: Councilmembers Hans Andersen,  
20 Margaret Black, Jim Evans, Mark E. Seastrand, Mary Street, and Brent Sumner. The motion  
21 **passed** unanimously.  
22

23 6:00 P.M. PUBLIC HEARING  
24 ORDINANCE - Amending Section 22-5-3(A) of the Orem City Code and the Zoning Map  
25 of Orem, Utah, by Rezoning Property Located Generally at 775 East 1600 North from R12  
26 to R8  
27

28 Jason Bench, Planning Division Manager, advised that due to a noticing error, this item must be  
29 continued to September 10, 2013, at 6:20 p.m.  
30

31 Mrs. Black **moved** to continue this item to September 10, 2013, at 6:20 p.m. Mr. Seastrand  
32 **seconded** the motion. Those voting aye: Councilmembers Hans Andersen, Margaret Black, Jim  
33 Evans, Mark E. Seastrand, Mary Street, and Brent Sumner. The motion **passed** unanimously.  
34

35 6:00 P.M. PUBLIC HEARING  
36 ORDINANCE – Approving a Boundary Line Adjustment with the City of Provo for  
37 Property Located Generally at 1450 South 1140 East  
38

39 Mr. Bench presented an applicant request that the City Council, by ordinance, adjust a common  
40 boundary line with the City of Provo for property located generally at 1450 South 1140 East.  
41

42 The applicant owns property located generally at 1465 South 1140 East. He recently purchased  
43 property previously owned by Riverside Country Club with the intent to add the parcel to his  
44 property as one-single lot. The property purchased is within the Provo City limits. The applicant  
45 requests the common boundary line between Orem City and Provo City be adjusted.  
46

47 On June 11, 2013, the City Council approved a Resolution of Intent for a Boundary Line  
48 Agreement with the City of Provo. A sixty-day protest period is required by law to provide

# DRAFT

1 opportunity for citizens to comment on the proposed request. To date, no concerns have been  
2 received.

3  
4 Currently, the City of Provo is also processing the applicant's request. The Provo City Council  
5 meets on September 17, 2013, regarding this issue.

6  
7 Staff concurs with the positive recommendation from the Planning Commission and  
8 recommends the City Council approve the boundary line adjustment.

9  
10 Mayor Evans opened the public hearing. No one came forward to speak, so Mayor Evans closed  
11 the public hearing.

12  
13 Mr. Seastrand **moved**, by ordinance, to adjust a common boundary line with the City of Provo  
14 for property located generally at 1450 South 1140 East. Mrs. Black **seconded** the motion. Those  
15 voting aye: Councilmembers Hans Andersen, Margaret Black, Jim Evans, Mark E. Seastrand,  
16 Mary Street, and Brent Sumner. The motion **passed** unanimously.

## 17 6:00 P.M. PUBLIC HEARING

### 18 ORDINANCE - Amending Section 22-19-1 and Appendix A of the Orem City Code as 19 They Pertain to Various Uses in the M1, M2, and CM Zones

20  
21  
22 Mr. Seastrand recused himself from this discussion because his family owns property in the  
23 M2 zone.

24  
25 *\*\*Mr. Seastrand left the meeting at 7:55 p.m.*

26  
27 Mr. Bench presented a staff request that the City Council, by ordinance, amend Section 22-19-1  
28 and Appendix A of the Orem City Code as they pertain to various uses in the M1, M2, and CM  
29 zones.

30  
31 The M1, M2, and CM zones are generally located west of the I-15 corridor in Orem. The uses  
32 currently allowed in these zones are industrial uses such as manufacturing, shipping, storage,  
33 warehousing, and other similar types of uses.

34  
35 As part of an ongoing long range plan review for the Geneva Road corridor, the Development  
36 Services Department requests that certain uses in the M1, M2, and CM zones be changed from  
37 "Permitted" to "Not Permitted" to facilitate future changes along the corridor as a result of the  
38 improvements to Geneva Road, the continued development of Vineyard and the potential  
39 redevelopment of many areas in Orem along the corridor.

40  
41 The Orem General Plan states, "Heavy industrial uses should be reduced in the future by  
42 developing more light and controlled manufacturing areas to encourage high-tech jobs." This  
43 proposal is consistent with the General Plan.

44  
45 Other uses more consistent with business parks and light industrial types of development, as well  
46 as retail uses, are perceived to become more fitting to this area. Without these and other changes,

# DRAFT

1 the area along the Geneva Road corridor will continue to be a heavy industrial area for many  
2 years to come.

3  
4 Any business that exists prior to the change will be considered a legal nonconforming use and  
5 would be allowed to operate their business, but would not be able to expand their use in the  
6 future. Once the revised General Plan (Geneva Road Corridor Plan) is approved, certain SLU  
7 Codes could be reconsidered as options within the area.

8  
9 In addition to changing several of the SLU codes from permitted to not permitted, SLU code  
10 4851 *Green Waste Composting and Recycling* is proposed and listed as not permitted in any zone  
11 in the city. Currently, there is one green waste facility in the city. They currently are classified  
12 under the SLU code 5193 *Scrap and Recycling Materials*. This SLU code clarifies green waste  
13 composting and will not be permitted in any zone in the city.

14  
15 In regard to SLU code 4850 *Solid Waste Disposal and Incineration*, there is currently only one  
16 such facility in the city. This facility would be classified as a legal nonconforming use and would  
17 be allowed to continue to operate but would not be able to expand the use to additional property.  
18 The City contracts with the North Pointe Transfer Station, located in Lindon, to handle its solid  
19 waste needs.

20  
21 SLU Code 4850 *Solid Waste Incineration and Disposal* was discussed in the Planning  
22 Commission held on June 19, 2013. The Planning Commission considered the other SLU code  
23 changes on August 7, 2013.

24  
25 The Planning Commission unanimously recommends the City Council approve this request.  
26 Staff concurs with the Planning Commission based on the fact that this request is in accordance  
27 to the Orem General Plan, is necessary to encourage light industrial and controlled  
28 manufacturing developments and associated high-tech jobs, and it improves the aesthetic quality  
29 of the Geneva Road corridor.

30  
31 Mr. Andersen asked how many businesses are in these zones. Mr. Bench indicated there are over  
32 200 businesses, and there are 10-15 that would be affected by these changes.

33  
34 Mayor Evans opened the public hearing.

35  
36 Bruce Baird, attorney for Mike Dunn, stated Dunn Recycling is impacted by this change. This  
37 would prohibit expansion plans that Mr. Dunn has in the works. Mr. Baird said he understands  
38 the general goals of the City by doing this; however, he worked with Salt Lake and their grand  
39 master plan for Beck Street. That plan has been on the books for thirty years, and nothing has  
40 been implemented to date. All it has done is to negatively impact the businesses in the area. Mr.  
41 Baird expressed his opinion that the City is premature in doing this. Most of the expansion has  
42 not been occurring on Geneva Road. He noted that becoming a legal nonconforming use is not  
43 without penalty. It limits the ability of a business to move forward. Mr. Baird said they have  
44 been in discussion with City staff, and they are working on a development agreement that would  
45 help with their plans. He asked the City Council to allow SLU code 4850 *Solid Waste*  
46 *Incineration and Disposal* to be permitted in the M2 zone.

# DRAFT

1 Mrs. Street asked what uses his client would like to do under that Code that he is not doing now.  
2 Mr. Baird said it is just doing what he is doing now. He runs a solid waste transfer station.

3  
4 In response to a query by Mrs. Street if this is a garage collection station, Mr. Baird explained  
5 that it is a garbage transfer station. They compact it and transfer it in larger vehicles.

6  
7 Mike Dunn, Dunn Recycling, explained his plans for the expansion of his business. He noted he  
8 only picks up commercial garbage. He does not pick up any residential.

9  
10 Mrs. Black asked if the development agreement addresses the concerns Mr. Dunn has expressed.  
11 Mr. Bench explained that Mr. Dunn has been approved for construction recycling. He has not  
12 been approved for the municipal solid waste (MSW). He was in the process of applying for that  
13 but it has not been officially approved as a solid waste incineration site. As staff was going  
14 through the process to make these changes, the option to do a development agreement was  
15 suggested to allow Mr. Dunn to do that.

16  
17 Mrs. Black questioned whether it would allow Mr. Dunn to do the expansion he was planning on  
18 doing. Mr. Bench replied Mr. Dunn could expand on his current property; however, his ultimate  
19 plan was to buy the property to the south. This application would not allow him to do that. The  
20 development agreement would allow Mr. Dunn to add the facilities with City would like to see if  
21 he is going to stay in use. The transfer station would have all of their trash enclosed. Right now  
22 Mr. Dunn is doing it all in the open, so when the wind comes up, things blow off the site.

23  
24 Mrs. Black inquired if Mr. Dunn would have the space to do his pellet business with this  
25 agreement. Mr. Bench noted it could be added to the development agreement if the City Council  
26 wanted to do that.

27  
28 Mrs. Black said she would like to take care of this situation with a development agreement  
29 without opening the use to the entire zone.

30  
31 Mr. Earl responded that they could not do that with a development agreement; however, they  
32 could create a PD zone for his property. That way they could specify his unique uses as  
33 permitted uses. That would be the cleanest and easiest way to do it.

34  
35 Mr. Baird indicated they could also do the development agreement and then the rezone. The  
36 development agreement would then be grandfathered in under the new rezone.

37  
38 Sharon Anderson, resident, asked whether all of the property owners that would be affected by  
39 this ordinance were notified of this change. Mr. Bench said they did not notice the businesses  
40 individually; however, staff did all of the required State law noticing.

41  
42 Mrs. Anderson expressed a desire to have the Council continue this item in order to notify the  
43 property owners that could be affected by this change. It is a matter of fairness. Orem does not  
44 have a great reputation for promoting business, and this could be viewed as the City being  
45 underhanded.

46  
47 Mayor Evans closed the public hearing.

# DRAFT

1 Mr. Davidson said it is important to note that in the event there is a specific person making an  
2 application for a change that will affect the property owners adjacent to the use, the City would  
3 mail notices to the property owners in the area. However, when there is a modification that  
4 directly applies citywide, the City does not have the requirement to mail 25,000 to the residents  
5 to let them know. The law requires it be posted in the newspaper. There is a difference with this  
6 application. The City is trying to follow the law and help all of the community understand what  
7 they are trying to do. Mr. Dunn and his representatives are here because the City made them  
8 aware of this situation, and it has a direct impact on their operations. There might be others that  
9 could have come tonight based on the notifications that were delivered by way of newspapers.  
10 The City has complied with State law as it relates to this application. This is not a request  
11 sponsored by Mr. Dunn but rather by the City of Orem; therefore, the notification provisions are  
12 different.

13  
14 Mr. Sumner noted it seems that Mr. Dunn's situation is very unique. Mr. Sumner asked whether  
15 there are any other businesses that would be affected.

16  
17 Mr. Davidson said he has not inventoried every property owner in that area. The City Council  
18 can move forward with what has been outlined in the General Plan. Mr. Bench is representing  
19 that the changes here tonight are consistent with moving forward and meeting the ends of the  
20 General Plan. Mr. Davidson said he understands that there are concerns with going forward. The  
21 City Council set the path it is on with the Planning Commission in determining what they would  
22 like in the General Plan. They have charged staff with trying to arrive at the destination they  
23 have set by way of adoption of the General Plan. This application is consistent with that effort.

24  
25 Mr. Andersen stated that he is not sure if Mr. Dunn was planning to buy this adjacent property,  
26 but this application would stop him.

27  
28 Mr. Dunn said he has been working on his plan for a couple of years. This change would stop  
29 him from expanding his operation, and someone else might show up "someday" with another use  
30 for the adjacent property. He raised the same issue in the work session about who was contacted  
31 about this application. He has heard complaints too many times about zones being changed and  
32 the residents not knowing about it. He would like to be more sensitive to the commercial. This  
33 information might have been put in the newspaper, but that does not mean many people have  
34 seen it. The City has met the legal requirement, but that does not mean people have read it.

35  
36 Mr. Davidson stated that if Mr. Andersen has specific concerns as it relates to notification  
37 requirements, the Utah State Legislature is the appropriate forum to air his concern. The City of  
38 Orem is complying as they are required to do. In some circumstances, the City does even more  
39 than is required as requested or as what is deemed appropriate. Mr. Davidson noted there are  
40 some businesses in these areas that would be positively impacted by these recommended  
41 changes.

42  
43 Mr. Baird said they have an active application they are working on right now, and they do not  
44 buy land without knowing what uses are allowed. They found out about this application from  
45 staff because of the process they are in right now. Mr. Dunn intends to purchase the property  
46 next to him, as long as he can use it how he wants. Mr. Baird indicated the City complied with

# DRAFT

1 the minimum noticing standard, but there is nothing that says the City cannot adopt greater  
2 standards of notice. The City would only have to notify the people in these zoning districts.

3  
4 Mrs. Street thanked Mr. Davidson for his clarification of the noticing requirements. She was  
5 thinking as well when Mr. Andersen was speaking that, if they as Councilmembers do not agree  
6 with the State law in regards to noticing, they can get active at the State level and advocate for  
7 changes that make sense. Mrs. Street said she serves at large as an elected Councilmember, and a  
8 change that affects landowners in the M2 zone really affects the entire community. As they look  
9 at the General Plan that has been adopted for the City, the Council is required to uphold their  
10 responsibility and move in the direction of the adopted General Plan unless they want to change  
11 the General Plan. When she considers land use changes along that corridor and what has  
12 happened over the last forty years, she knows they are looking to increase the intensity of use  
13 and change the zoning along that corridor to promote more general commercial and retail uses.  
14 Mrs. Street said she has to consider the general welfare of all the residents in Orem. She does not  
15 think it is appropriate to say they are being short-sided by not noticing the people in the M2  
16 zone. The City makes the information available on the City website. Anyone can subscribe to RS  
17 feeds to find out what is going on in Orem. The Chamber of Commerce regularly monitors the  
18 agendas for cities in Utah Valley to find out what items related to businesses and other groups do  
19 as well. She would hate for the Council to make this a conversation because of one single land  
20 owner or about a single use or a single piece of property. They need to be considering the general  
21 welfare of all the residents.

22  
23 Mrs. Black agreed with Mrs. Street in that they are looking at the general welfare of Orem. Mrs.  
24 Black said she is glad to hear there are options for Mr. Dunn's concerns with the development  
25 agreement, as well as options if Mr. Dunn purchases the adjacent property. She does not see this  
26 application prohibiting Mr. Dunn from proceeding with his plans. This application is moving  
27 forward with the goals of the General Plan, and the Planning Commission is recommending  
28 approval.

29  
30 Mr. Andersen said he is trying to figure out how to contact these other people. He was thinking  
31 of making a motion to put this decision off for another year so Mr. Dunn can finish his project.  
32 Mr. Andersen said he wanted to know how much it would cost and how much time it would take  
33 to notify the other people.

34  
35 Mr. Dunn indicated that what the City is trying to do on Geneva Road is great, and he wants to  
36 build according to those desires. He is all for Geneva Road becoming a better place to be. He  
37 believes his business can expand inside a building and said that Geneva Road does need to be  
38 cleaned up. What he would like to build will fit the area.

39  
40 Mr. Sumner noted that the Planning Commission had met to discuss this on both June 19<sup>th</sup> and  
41 August 7<sup>th</sup>. Mr. Bench explained they had two separate Planning Commission meetings. One  
42 dealt with this specific use, and staff combined the applications in bringing it to the City Council.

43  
44 Mr. Sumner said it has been quite a lot of time since the meeting on the 19<sup>th</sup> and questioned why  
45 people were not informed that this is coming down the pike. Mr. Dunn said he has been busy  
46 working in Tooele County, so he has not had a lot of time to talk to his neighbors. He started this

# DRAFT

1 application in March and did not hear anything else until three days before the Planning  
2 Commission meeting.

3  
4 Mr. Davidson recommended that the City Council continue this item in order to work on the  
5 development agreement. What they are recommending tonight will not limit the plans Mr. Dunn  
6 has on his current property. Mr. Dunn is concerned about the opportunity to expand his business  
7 on property that is not currently his. From the perspective of the City, they cannot predict exactly  
8 what the future is going to be, but they can work directly with Mr. Dunn on his specific property.  
9 What they can include in the development agreement is something that would allow him to  
10 continue to operate in a way that is consistent with how he would like to operate. The City did  
11 provide some terms to Mr. Dunn and Mr. Baird last week, and that might require some additional  
12 discussion. Staff is happy to have that conversation.

13  
14 Mr. Baird said he would be happy to have a discussion with staff. He then suggested the City  
15 Council adopt everything except that one SLU Code. The City could table that for six months  
16 while Mr. Dunn tries to get the property and do a development agreement.

17  
18 Mrs. Street asked whether staff has had any discussion about making this a conditional use. Mr.  
19 Bench noted the Council directed staff several years ago to eliminate as many conditional uses as  
20 possible, so they did not consider any conditional uses. A conditional use is permitted with  
21 conditions.

22  
23 Mrs. Street said the other Councilmembers may not agree with her, but a change to land use in  
24 the city impacts all of the residents of Orem because they are talking about the economic  
25 viability of a sector of a long corridor in the city. She does not agree that they are doing service  
26 to the community by saying they are only going to notice a certain section. The City publishes  
27 notices about the City Council meetings on the webpage and Facebook. The City also gets email  
28 addresses to send the electronic newsletters. She understands the need to over communicate  
29 rather than under communicate, but they have to consider that every action the City takes from  
30 this day forward, if it involves land use, needs to be consistent. She is not sure if they are trying  
31 to set up a situation where the City has to send a notice to everyone in the city every time they  
32 add a permitted, conditional, or not permitted use to the Standard Land Use Code.

33  
34 Mayor Evans said he is not sure they have to send a notice. He suggested a sign in the zone being  
35 changed saying public notice. People will notice that more than the newspaper or website. They  
36 could get twenty or thirty signs and place them throughout the zone. Mayor Evans noted when he  
37 was on the Alpine School District Board, he knew a lot about what was going on in the District.  
38 The minute he got off the board, he did not have a clue about what was going on. Right or  
39 wrong, people do not always take the time to see what is going on in the city. The realities of life  
40 do not always accommodate that.

41  
42 Mrs. Street stated that is why they have a representative government. When people vote to elect  
43 the Councilmembers, they are electing people whose ideas represent their own. She feels an  
44 obligation to either abide by the General Plan or amend it if that is what the majority of the  
45 Council wants. In terms of noticing, the City needs to set a precedent.

# DRAFT

1 Mr. Sumner noted he ran a newspaper for thirty plus years, and public notices were a very  
2 lucrative business. He made a lot of money off them; however, not a lot of people read them. He  
3 knows the City is complying with all of the requirements, but they need to better communicate  
4 what is going on with everything in the city and not just this one item. Staff is making great  
5 strides in communication, but they need to do even better. Mr. Sumner stated he is all for the  
6 General Plan, but they need to be fair to established businesses and the impact it may cause  
7 them.

8  
9 The Councilmembers, staff, and applicants then discussed options for continuing this item and  
10 the noticing involved.

11  
12 Mr. Andersen **moved** to continue this item until October 8, 2013, Mrs. Street **seconded** the  
13 motion. Those voting aye: Councilmembers Hans Andersen, Margaret Black, Jim Evans, Mary  
14 Street, and Brent Sumner. The motion **passed** unanimously.

15  
16 *\*\*Mr. Seastrand returned to the meeting at 8:58 p.m.*

## CONTINUED DISCUSSION

### ORDINANCE – Amending Section 22-14-7(B)(2) of the Orem City Code to Permit Gravel 17 Driveways Along Carterville Road

18  
19  
20  
21  
22 The applicant requests the City Council, by ordinance, amend Section 22-14-7(B)(2) of the Orem  
23 City Code to permit gravel driveways along Carterville Road.

24  
25 The applicant purchased property on Carterville Road in 2011. At that time, the driveway was  
26 constructed of asphalt. After purchasing the home, the owner tore out the asphalt and replaced it  
27 with gravel. A resident called Orem City to see if what the applicant had done was acceptable or  
28 against the Orem City Code. According to Section 22-14-7, the first seventy feet of a driveway  
29 must be a paved (asphalt or concrete) surface. The applicant wishes to amend the Orem City  
30 Code to allow for other alternatives.

31  
32 The City Council originally considered this request on July 9, 2013, but continued the item to  
33 allow staff time to consider other options and to work with the Carterville Road neighborhood by  
34 holding a neighborhood meeting to allow neighborhood input. On August 8, 2013, staff met with  
35 several residents from the neighborhood and came to a compromise concerning gravel driveways  
36 on Carterville Road. The exception outlined below requires a twenty-five foot access to be paved  
37 from the edge of the road asphalt along Carterville Road for the full width of the driveway. The  
38 method to achieve the paved surface to keep soil, rock, and mud off the road and out of the  
39 drainage system is left to the property owner, provided the method is approved by the  
40 Development Services Director. Since Carterville Road is a rural road with limited sidewalk,  
41 curb, and gutter, and has gravel shoulders, staff determined that the option outlined below would  
42 be an acceptable option for the area.

43  
44 Other issues concerning Carterville Road were discussed at the neighborhood meeting including  
45 a street dedication plat, maintenance of trees that overhang the road, and other issues. Staff  
46 suggests forming a Carterville Road Neighborhood Committee to discuss and resolve these and

# DRAFT

1 other issues relating to Carterville Road. The City has several individuals from the neighborhood  
2 who are willing to serve on the committee.

## 3 4 **22-14-7 Conservation of values.**

5 B. Any lot in any zone shall be improved and maintained as follows:

6 2. Driveways leading from a street to a parking lot, private garage, carport or other off-street  
7 parking space shall be a paved surface except that the paved surface need not extend more than seventy feet  
8 (70') from the street right-of-way line. The paved surface shall be completed within one year from the date of  
9 the occupancy of the building. Parking on grass or landscaped areas of the front yard or side yard adjacent to a  
10 street in residential zones is prohibited. Exception: A driveway accessing Carterville Road must be paved for  
11 a distance of 25 feet from the existing edge of road asphalt and the full width of the driveway must be paved.  
12 A paved surface for a driveway accessing Carterville Road shall be considered compliant with this section if it  
13 is of a type that will not generate any soil, rock or mud which may be tracked onto Carterville Road or storm  
14 water drainage system. The pavement method used must be approved by the Development Services Director  
15 prior to installation.

## 16 17 Advantages:

- 18 • The proposed ordinance requires a twenty-five foot paved surface;
- 19 • The proposed ordinance requires soil, rock and mud to be kept from being tracked onto  
20 Carterville Road or into the storm water drainage system; and
- 21 • The proposed ordinance allows alternatives for paved surfaces on Carterville Road which  
22 is considered a rural road;

## 23 24 Disadvantages:

- 25 • Long term maintenance of the paved surface. However, this issue is not exclusive of  
26 Carterville Road.

27  
28 The Planning Commission recommended the City Council deny the request to allow gravel  
29 driveways along Carterville Road. However, based on the revised ordinance and advantages  
30 outlined above staff recommends the City Council approve the proposed amendment.

31  
32 Mrs. Street asked whether there is already a Neighborhoods in Action committee that is  
33 responsible for the Carterville Road area. Mr. Bench replied Carterville Road is actually broken  
34 up into several different neighborhoods because it is a two-mile stretch.

35  
36 Steve Saiz, applicant, thanked Mr. Bench for pursuing other options for his application. They  
37 came up with a great solution for keeping the rocks and mud off the road, which would also  
38 allow him to keep his driveway. This is a good compromise.

39  
40 Mayor Evans asked what they can do with the driveway to make it compliant. Mr. Bench said  
41 there are many options available, such as sprays and adhesives.

42  
43 Mr. Seastrand questioned how this will be addressed if there are future problems with the  
44 driveway maintenance. Mr. Bench said if they receive a complaint, staff will contact the  
45 homeowners to have them come into compliance.

46  
47 Mrs. Street inquired if the gravel driveways that existed prior to the ordinance change would  
48 have to conform to these new requirements. Mr. Bench explained they are legal nonconforming  
49 and they would be allowed to stay the same.

# DRAFT

1 Mrs. Black clarified that this is only applying to Carterville Road. Mr. Bench responded that is  
2 correct. This is specific to Carterville Road.

3  
4 Mrs. Street said she was opposed to this application previously because she felt they were being  
5 asked to amend the City zoning ordinance to make an exception for someone who had  
6 inadvertently violated the ordinance. She has to consider what is best for the entire community,  
7 so she is not in favor of this.

8  
9 Mr. Saiz said they ended up in this situation because there are many gravel driveways on  
10 Carterville Road, so he did not realize they were not allowed. This is a great compromise for him  
11 and the City, and it allows other materials for driveways while keeping the gravel off the road.

12  
13 Mrs. Street explained that she does not want the applicant to think she is picking on him. She  
14 lives in a cul-de-sac and everyone has grass, which is required by the City's zoning ordinance. If  
15 she took out all of her landscaping, she would be in violation. She could come in and ask for an  
16 ordinance change, and she would be in the same situation Mr. Saiz is in. She noted this is how  
17 she philosophically views the issue.

18  
19 Mr. Saiz indicated he understands that; however, the reason for not allowing the gravel  
20 driveways is because the debris gets on the roadway. This change requires additional steps that  
21 will prevent that from happening.

22  
23 Mr. Seastrand remarked that he understands Mrs. Street's perspective on this; however, he thinks  
24 that some of the laws and ordinances have been on the books for a long time. For any number of  
25 reasons, it is okay to question and rethink the laws that are there. He believes this is a valid  
26 reason to look at it and, if necessary, modify it. He does not have an issue with the nature of how  
27 this came about because his intent would be to take a realistic look at the ordinance and to look  
28 at the proposed change to see what the overall impact would be to the city. There are a few  
29 circumstances on this particular case that he thinks are unique, such as Carterville Road being a  
30 distinctively different environment. There are characteristics of this street that are different from  
31 other streets in Orem, so they do not have to assume that the changes they make on this street  
32 would have to be made in other parts of the city. Mr. Seastrand said he understands the safety  
33 concerns of the gravel driveways, and the changes proposed appear to accomplish the safety  
34 objective. He does have a concern that others will see the gravel driveways and do the same  
35 thing the applicant did without checking the requirements; however, he is okay with taking that  
36 risk.

37  
38 Mr. Saiz said it troubles him that the only time an ordinance violation is addressed is when a  
39 complaint is made. That enables people to be singled out.

40  
41 Mr. Bench clarified that when staff sees a violation, they pursue it whether a complaint has been  
42 made or not.

43  
44 Mrs. Black **moved**, by ordinance, to amend Section 22-14-7(B)(2) of the Orem City Code to  
45 permit gravel driveways along Carterville Road. Mr. Seastrand **seconded** the motion. Those  
46 voting aye: Councilmembers Hans Andersen, Margaret Black, Jim Evans, Mark E. Seastrand,  
47 and Brent Sumner. Those voting nay: Mary Street. The motion **carried** with a majority vote of 5  
48 to 1.

1 **COMMUNICATION ITEMS**

2  
3 There were no communication items.

4  
5 **CITY MANAGER INFORMATION ITEMS**

6  
7 UTOPIA

8 Mr. Davidson updated the City Council on progress made with the \$16 million stimulus grant for  
9 UTOPIA. They had a 30 percent match, which totaled \$21 million. This money was to be used  
10 for extending the middle mile infrastructure. The main cities involved in this were Orem, Layton,  
11 and West Valley City. He displayed maps showing the before and after. Mr. Davidson stated  
12 there is still a challenge with how to connect those homes that are in proximity of this  
13 infrastructure due to limited funds. Mr. Davidson indicated the cities receive weekly reports on  
14 how the network is doing, There are subscriber increases each month, which is a great sign. They  
15 are having a \$2,500 to \$5,000 net revenue increase each month. It is encouraging to see the trend  
16 moving in the right direction.

17  
18 Mr. Andersen asked what the difference is between the overhead build and the underground  
19 build. Mr. Davidson explained a lot of the overhead build took place as part of the original build.  
20 If there was an opportunity to attach to the utility poles, they did that.

21  
22 Mrs. Street thanked Mr. Davidson for his comments. She noted she was recently contacted by a  
23 business owner who told her that UTOPIA was too expensive. She told him to contact them  
24 again because there have been a lot of changes since he contacted them two or three years ago.  
25 He made contact and found out it would only cost him \$200 to connect to the network. This  
26 business owner was very happy. She suggested there is a lot of old information out there.  
27 UTOPIA has been able to make significant progress in the past few years. While it is a challenge  
28 to get updated and to understand the new information, it is incumbent on the City to tell that  
29 good news and to make that information available to the residents and businesses.

30  
31 Street Lighting Fee

32 Mr. Davidson then noted a few months ago the City Council had a discussion during the budget  
33 process about an adjustment to the street lighting fee. At the time, there was some concern with  
34 the noticing requirements in making this part of the FY 2014 budget. Staff has done some  
35 additional research and come across some paperwork they believe is pertinent to the  
36 conversation associated with the street lighting and going forward with consideration of  
37 continuing to work towards a self-sustaining Street Lighting Fund. The City operates most of the  
38 street lights through a Special Service Lighting District (SSLD). Mr. Davidson distributed some  
39 information to the Council regarding when the SSLD was formed. At the time the City decided  
40 to move forward with a street lighting system, they chose the Municipal Building Authority to  
41 facilitate the financing of that project. Then in turn, they created a SSLD to facilitate the  
42 construction and the ongoing maintenance of the street lights. They entered into an interlocal  
43 agreement that outlined how the future street light program would be constructed, how it would  
44 be financed, what would happen long term as the debt was paid down, and the ongoing  
45 maintenance of the street lights.

# DRAFT

1 Mr. Davidson referred to a section in the agreement that discussed the implementation of the  
2 street lighting fee. There was an expectation that the increase in the franchise fee would result in  
3 those monies being dedicated to the funding of the street lighting and its operations. However, a  
4 lot has changed in the last thirteen years. He referenced another section of the agreement that  
5 stated the SSLD would pay all ongoing costs related to the operations, repair, and maintenance  
6 of the street lighting system including electricity costs. Staff has spoken to the Council about  
7 how the General Fund continues to provide that contribution. In part, that contribution is a direct  
8 result of this agreement. The City is reaching a point that, as they continue, the costs of  
9 maintaining and operating that system are exceeding the contributions they have made from the  
10 Franchise and Municipal Sales and Energy Use Tax. In addition, the Franchise and Municipal  
11 Sales and Energy Use Tax that were assessed in 2000 have now been modified, and they are no  
12 longer a full six percent.

13  
14 Mr. Davidson noted that he is not asking for any action from the Council this evening. However,  
15 he would like consideration in the future in finding a way to implement a fee that is consistent  
16 with the cost of covering the construction and ongoing maintenance of the street lighting system.  
17 He is not recommending a specific fee adjustment at this time, but he is suggesting that staff will  
18 be moving forward with an evaluation as to what an appropriate charge should be so they can  
19 respect the interlocal agreement while at the same time, cover all of the costs that are necessary  
20 to operate the street lights within the SSLD.

21  
22 Mayor Evans noted the agreement states they should implement a fee sufficient to pay the costs  
23 involved, so the City needs to evaluate what is sufficient.

## 24 Communication

25 Mr. Davidson reviewed efforts staff has made to better communicate with the Council and  
26 residents. He distributed a departmental brief so the Council can see what the staff has been  
27 working on for the past couple of weeks. This brief will be presented to the City Council on a  
28 regular basis. He encouraged the Council to forward this information on to interested parties.  
29 This will also be posted on the website.

## 30 **ADJOURN TO A CLOSED-DOOR MEETING – Property Acquisition**

31  
32 Mrs. Street **moved** to adjourn to a closed door meeting for a strategy session to discuss the  
33 purchase, sale, exchange, or lease of real property pursuant to Utah Code Section 52-4-  
34 205(1)(d)(ii). The meeting will be held in room #107, and they will adjourn when it is over. Mr.  
35 Seastrand **seconded** the motion. Those voting aye: Councilmembers Hans Andersen, Margaret  
36 Black, Mark E. Seastrand, Mary Street, and Brent Sumner. The motion **passed** unanimously.

## 37 **CLOSED-DOOR SESSION – Property Acquisition**

38  
39 A closed-door session was held at 9:51 p.m. to discuss property acquisition pursuant to Section  
40 52-4-205(1)(d)(ii) of the Utah State Code Annotated. Those in attendance were: Mayor Jim  
41 Evans; Councilmembers: Hans Andersen, Margaret Black, Mark Seastrand, Mary Street, Brent  
42 Sumner, and Staff: Jamie Davidson, Jon Amunson, Greg Stephens, and Rachelle Conner.

43  
44 The meeting adjourned at 10:10 p.m.

CITY OF OREM  
**CITY COUNCIL MEETING**  
 SEPTEMBER 10, 2013



<b>REQUEST:</b>	<b>6:00 P.M. PUBLIC HEARING          ORDINANCE – Amending a Portion of Section 14-3-3 of the Orem City Code as it Pertains to Billboards</b>
<b>APPLICANT:</b>	City of Orem
<b>FISCAL IMPACT:</b>	None

**NOTICES:**

- Posted in 2 public places
- Posted on City webpage
- Faxed to newspapers
- Emailed to newspapers
- Posted on State website

**SITE INFORMATION:**

- General Plan  
N/A
- Current Zones  
N/A
- Acreage  
N/A
- Neighborhood  
N/A
- Neighborhood Chair  
N/A

<b>PLANNING COMMISSION RECOMMENDATION</b>
<b>Vote: 5-0 Deny</b>

<b>PREPARED BY:</b> David Stroud, AICP Planner
<b>APPROVED BY:</b>

**REQUEST:**

**The applicant requests the City Council amend Section 14-3-3 of the Orem City Code pertaining to billboard regulations.**

**BACKGROUND:**

This item was first heard at the July 30, 2013, City Council meeting but was continued to September 10, 2013, at the request of Reagan Outdoor Advertising and Top Ad Media. Top Ad Media has since submitted a document that discusses the economic impact of billboard advertising.

Staff recently completed a visual survey of all billboards from Spanish Fork Main Street (Exit 258) to Lehi 2100 North (Exit 282) and identified 220 billboard faces along the I-15 corridor with some billboards containing more than 1 advertising face such as LED or a split-face. Within the corporate boundaries of Orem City along I-15, there are 52 billboard faces. Of these faces, 20 (38 percent) are used to advertise a business located in Orem. The majority of these businesses are not exclusive to Orem such as Maverick, Central Bank, and Famous Footwear.

Staff contacted Lehi, American Fork, Pleasant Grove, Lindon, Provo, Springville, and Spanish Fork concerning permitting new billboards within each jurisdiction. Only Spanish Fork currently allows new billboards to be constructed.

The City recently considered a request to create the PD-36 zone on the former Williams Farm property. Included in that preliminary request was language that would allow two additional billboards adjacent to I-15. The City's current sign ordinance does not allow any new billboards in the city. The City's legal staff felt it would be difficult to allow new billboards on the Williams Farm property without opening the door to new billboards on other potential locations along the I-15 corridor. Therefore, legal staff suggested that if allowing any new billboards along I-15 were to be considered, it ought to be done in the context of a change to the general sign ordinance that would open up the entire I-15 corridor to new billboards rather than in the context of allowing new billboards on just the Williams Farm property.

In order to facilitate this broader discussion, City of Orem filed an application to allow new billboards all along the I-15 corridor subject to the spacing and other requirements of State law. However, the filing of the application does not necessarily imply support of the request.

State law requires a separation of at least 500 feet between billboards. If the City Code were amended to allow new billboards along I-15, there is the potential for five new billboards in the city based on an analysis of existing billboards and the City Surveyor providing detailed information pertaining to “Points of Gore” at the existing interchanges. These additional locations have been identified on a map, which is included for the City Council’s review.

Advantages:

- May promote the development of some properties along the I-15 corridor (The owners of the Williams Farm property claim that having billboards on the property will encourage businesses to locate on their property and promote economic development in Orem).
- Would allow additional opportunities for property owners and billboard companies.

Disadvantages:

- Additional billboards would increase visual blight along the I-15 corridor.
- Based on the visual survey completed by staff, the majority of billboards located in the city limits do not advertise businesses located in Orem.

The Planning Commission recommends the City Council deny this request.

DRAFT

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE BY THE OREM CITY COUNCIL AMENDING A  
PORTION OF SECTION 14-3-3 OF THE OREM CITY CODE AS IT  
PERTAINS TO BILLBOARDS

WHEREAS on May 13, 2013, the City of Orem filed an application to amend a portion of Section 14-3-3 of the Orem City Code; and

WHEREAS the proposed amendment would permit additional billboards in the M2 zone which is currently located only along the west side of the Interstate-15 corridor; and

WHEREAS on July 30, 2013, the City Council held a public hearing to consider the subject application and continued the item to September 10, 2013; and

WHEREAS the City Council finds that under the proposed amendment there would only be five additional locations along I-15 where new billboards could be erected; and

WHEREAS the City Council finds that allowing new billboards only on the west side of I-15 would have less of an impact on the aesthetic quality of the city than billboards in other areas of the city because the west side of I-15 is zoned manufacturing and is largely developed with existing industrial uses and the east side of I-15 also has many industrial-type uses and buildings; vehicles travel at higher speeds on I-15 than on other roads in the city and are therefore less likely to appreciate the aesthetic quality of the I-15 corridor; the width of the I-15 corridor makes it less likely that travelers will appreciate the aesthetic quality of the I-15 corridor as compared with other roads in the city; and travelers are generally less aware that they are in Orem while traveling on I-15 than while traveling in other parts of Orem; and

WHEREAS the City Council finds that allowing additional billboards along the I-15 corridor will promote economic growth in the city by attracting new businesses and development to properties that have a billboard which can be used to advertise their businesses and products; and

# DRAFT

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 finds this request is in the interest of the public because it will promote economic development and because the City's interest in the aesthetic quality of the I-15 corridor is significantly less than the City's interest in the aesthetic quality of all other areas of the city.
2. The City Council hereby amends a portion of Section 14-3-3 to read as shown on Exhibit A, which is attached hereto and incorporated herein by this 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. All other ordinances in conflict herewith are hereby repealed.
5. 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 **10<sup>th</sup>** day of **September** 2013.

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James T. Evans, Mayor

ATTEST:

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Donna R. Weaver, City Recorder

DRAFT

COUNCILMEMBERS VOTING "AYE"

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COUNCILMEMBERS VOTING "NAY"

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### 14-3-3. Specific Regulations by Sign Type.

All signs shall comply with the following listed requirements.

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#### Billboard Signs:

1. Billboard signs are only permitted in the M2 zone and PD-36 zone within three hundred feet (300') of the I-15 corridor in accordance with applicable state law. not permitted in any zone. All other lawfully existing billboards shall be nonconforming uses. No new billboards or outdoor advertising signs shall be permitted outside the M2 zone or PD-36 zone in the areas described above. as of November 5, 2004. However, off-premise public information signs and logo signs located in the State owned right-of-way shall be allowed as described in Utah Code Section 72-7-504.

2. A lawfully existing billboard sign on or adjacent to State Street, Interstate 15 or 800 North may be reconstructed or relocated by the owner of the billboard (but no other person or entity) on the same lot or adjacent property under the same ownership.

~~3. One or more billboard signs located adjacent to State Street, Geneva Road, Center Street, or 800 North may be exchanged by the owner of the billboard (but no other person or entity) for a new billboard sign to be located adjacent to I-15 in the M2 zone provided that the total square footage of the sign(s) removed is equal to or greater than the square footage of the new sign(s) adjacent to I-15.~~

34. If any billboard sign may not be continued because of the widening, construction, or reconstruction along an interstate, federal aid primary highway existing as of June 1, 1991, national highway systems highway, or state highway, such billboard sign may be remodeled or relocated under the circumstances and conditions allowed by Utah Code Sections 72-7-510 and 72-7-513, as amended.

45. A billboard sign that is not reconstructed within one year of its removal or destruction shall be considered abandoned and may not be reconstructed or relocated.

56. A billboard sign that is erected, relocated or reconstructed under this section 14-3-3 shall:

a. Comply with the outdoor advertising regulations of the Utah State Department of Transportation;

b. Not exceed a maximum height of thirty-five feet (35') from the base of the sign, or twenty-five feet (25') above I-15 grade level at a point perpendicular to the sign, whichever is greater;

c. Not have an area exceeding six hundred seventy-five (675) square feet per sign face ~~in the M2 zone or three hundred (300) square feet in any other zone;~~

d. Be allowed two faces or back-to-back sign faces, provided there is no more than five feet (5') separating the sign faces;

e. Not be located any closer than five hundred feet (500') from any other billboard or off-premise sign. Notwithstanding the foregoing, if an existing billboard is currently within five hundred feet of another billboard, it may be

reconstructed or relocated within five hundred feet of such other billboard provided that it is not moved any closer to such billboard.

f. Not be located any closer than fifty feet (50') from any other freestanding pole sign;

g. Not be erected in a clear vision area of a corner lot unless the sign face is at least ten feet (10') above the adjacent street grade;

h. Not unreasonably obstruct any traffic control device;

i. Not overhang public property or public right-of-way;

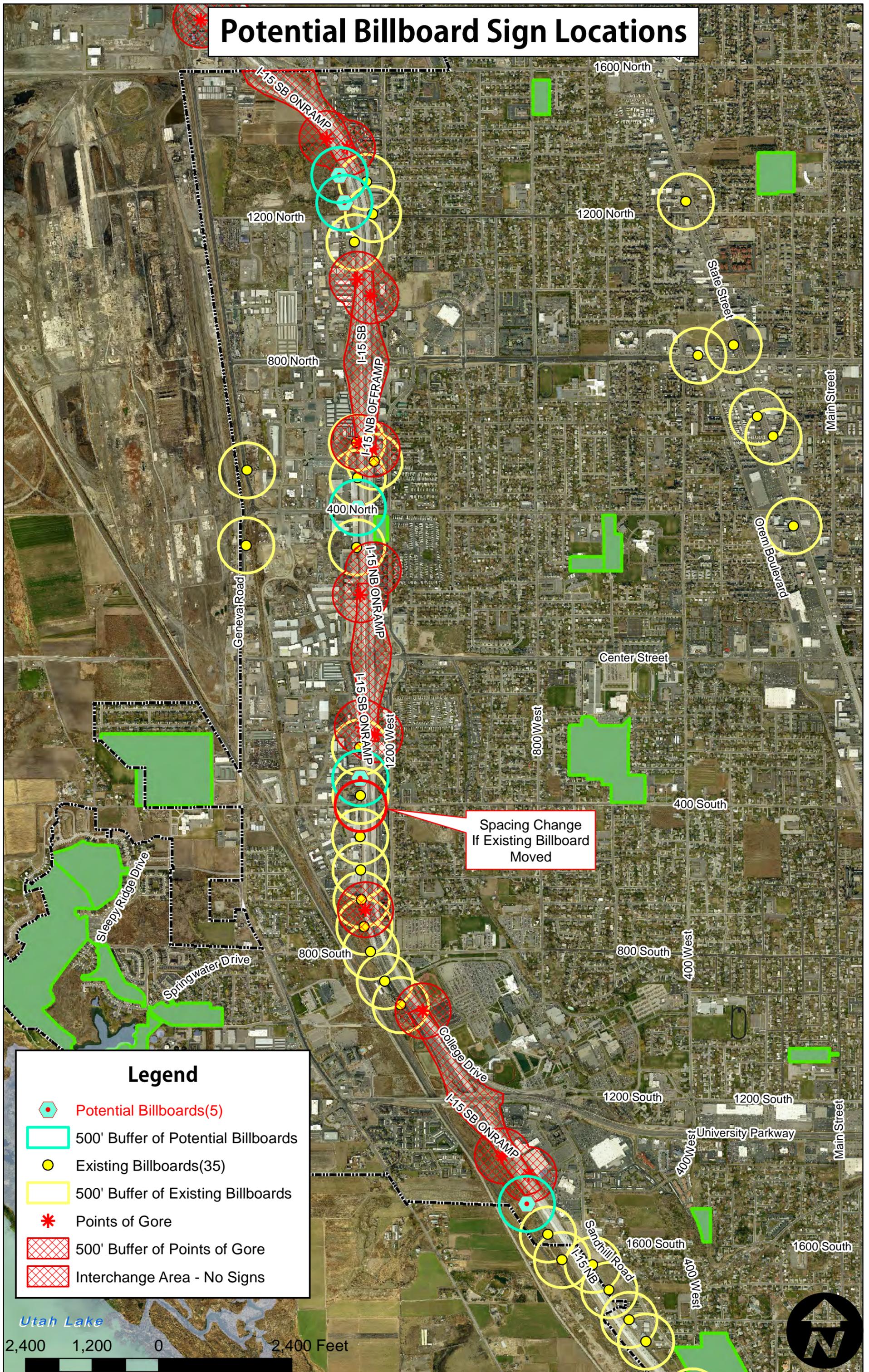
j. Not be within two hundred feet (200') of any residential zone;

k. Not be enlarged or expanded beyond the size of the original billboard sign. ~~However, the size of a new billboard sign that is allowed adjacent to I-15 pursuant to an exchange under subsection 3 above, may have up to six hundred seventy five square feet of sign face provided that at least an equal amount of signage has been removed as part of the exchange;~~

l. Not be increased in height if relocated pursuant to subsection 2 above;  
and

m. Be constructed and maintained with neutral color.

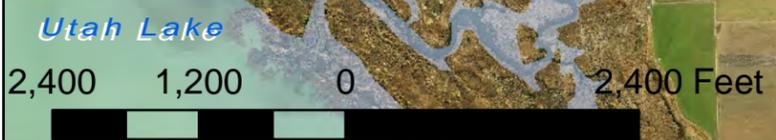
# Potential Billboard Sign Locations



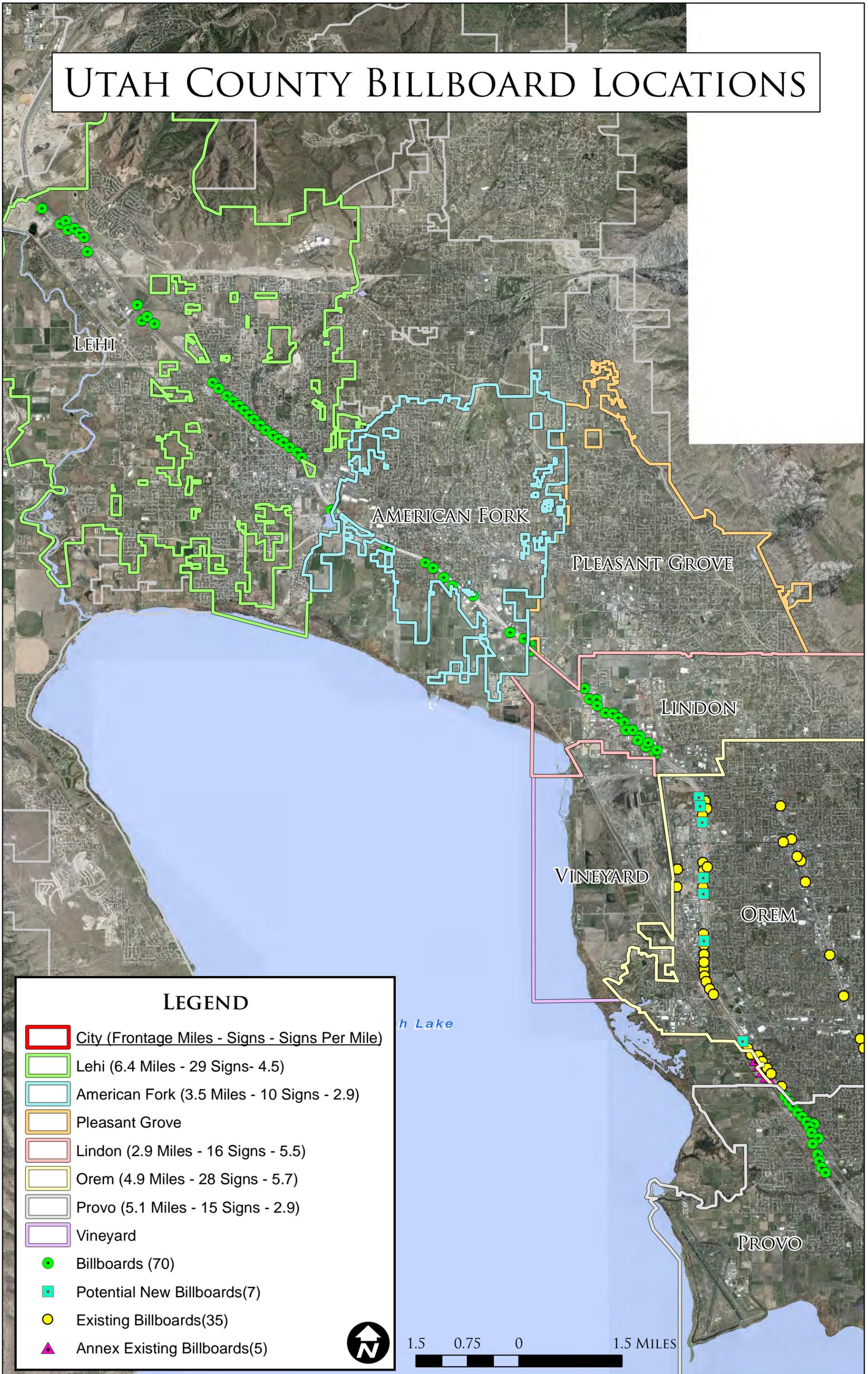
## Legend

-  Potential Billboards(5)
-  500' Buffer of Potential Billboards
-  Existing Billboards(35)
-  500' Buffer of Existing Billboards
-  Points of Gore
-  500' Buffer of Points of Gore
-  Interchange Area - No Signs

Spacing Change  
If Existing Billboard  
Moved



# UTAH COUNTY BILLBOARD LOCATIONS



## **Project Timeline**

### **Project: Rezone Billboards**

1. DRC application date: 5/13/2013
2. Neighborhood meeting held by applicant on: N/A
3. Obtained Development Review Committee clearance on: 5/16/2013 by: David
4. Publication notice for PC sent to Records office on: 6/17/2013 by: David
5. Neighborhood notice for Planning Commission mailed on: N/A
6. Planning Division Manager received neighborhood notice on: N/A
7. Planning Commission recommended denial on: 7/10/2013
8. Publication notice for CC sent to Records office on: 7/8/2013 by: David
9. Notice for City Council mailed on: N/A
10. Planning Division Manager received neighborhood notice on: N/A
11. Property posted for City Council on: N/A
12. City Council approved/denied on: 7/30/2013

**DRAFT PLANNING COMMISSION MINUTES – JULY 10, 2013**

**AGENDA ITEM 3.9** is a request by Department of Legal Services to amend a portion of **SECTION 14-3-3 TO ALLOW NEW BILLBOARDS ALONG THE I-15 CORRIDOR OF THE OREM CITY SIGN CODE.**

**Staff Presentation:** David Stroud said the Planning Commission recently considered a request to create the PD-36 zone on the former Williams Farm property. Included in that request was language that would allow two additional billboards adjacent to I-15. The City’s current sign code does not allow any new billboards in the City. The City’s legal staff felt that it would be difficult to allow new billboards on the Williams Farm property without opening the door to new billboards on other potential locations along the I-15 corridor. Therefore, legal staff suggested that if allowing any new billboards along I-15 was going to be considered, it ought to be done in the context of a change to the general sign ordinance that would open up the entire I-15 corridor to new billboards rather than in the context of allowing new billboards on just the Williams Farm property.

In order to facilitate this broader discussion, Legal Services filed an application to allow new billboards all along the I-15 corridor subject to the spacing and other requirements of state law. However, the filing of the application does not necessarily imply support of the request.

State law requires a separation of at least 500 feet between billboards. If the City Code were amended to allow new billboards along I-15, there is the potential for seven new billboards in the City. These additional locations have been identified on a map which is included for the Planning Commission’s review.

**Advantages of the proposal include:**

- May promote the development of some properties along I-15 (the owners of the Williams Farm property claim that having billboards on the property will encourage businesses to locate on the property as the availability of the billboards to advertise their businesses is viewed as a significant positive)
- Would allow additional opportunities for property owners and billboard companies

**Disadvantages of the proposal include:**

- Additional billboards increase visual blight

**14-3-3. Specific Regulations by Sign Type.**

All signs shall comply with the following listed requirements.

...

**Billboard Signs:**

1. Billboard signs are only permitted in the M2 zone within three hundred feet (300’) of the I-15 corridor in accordance with applicable state law. All other lawfully existing billboards shall be nonconforming uses. No new billboards or outdoor advertising signs shall be permitted outside the M2 zone in the areas described above. However, off-premise public information signs and logo signs located in the State owned right-of-way shall be allowed as described in Utah Code Section 72-7-504.

2. A lawfully existing billboard sign on or adjacent to State Street, Interstate 15 or 800 North may be reconstructed or relocated by the owner of the billboard (but no other person or entity) on the same lot or adjacent property under the same ownership.

3. If any billboard sign may not be continued because of the widening, construction, or reconstruction along an interstate, federal aid primary highway existing as of June 1, 1991, national highway systems highway, or state highway, such billboard sign may be remodeled or relocated under the circumstances and conditions allowed by Utah Code Sections 72-7-510 and 72-7-513, as amended.

4. A billboard sign that is not reconstructed within one year of its removal or destruction shall be considered abandoned and may not be reconstructed or relocated.

5. A billboard sign that is erected, relocated or reconstructed under this section 14-3-3 shall:
- a. Comply with the outdoor advertising regulations of the Utah State Department of Transportation;
  - b. Not exceed a maximum height of thirty-five feet (35’) from the base of the sign, or twenty-five feet (25’) above I-15 grade level at a point perpendicular to the sign, whichever is greater;
  - c. Not have an area exceeding six hundred seventy-five (675) square feet per sign face in the M2 zone or three hundred (300) square feet in any other zone;

- d. Be allowed two faces or back-to-back sign faces, provided there is no more than five feet (5') separating the sign faces;
- e. Not be located any closer than five hundred feet (500') from any other billboard or off-premise sign. Notwithstanding the foregoing, if an existing billboard is currently within five hundred feet of another billboard, it may be reconstructed or relocated within five hundred feet of such other billboard provided that it is not moved any closer to such billboard.
- f. Not be located any closer than fifty feet (50') from any other freestanding pole sign;
- g. Not be erected in a clear vision area of a corner lot unless the sign face is at least ten feet (10') above the adjacent street grade;
- h. Not unreasonably obstruct any traffic control device;
- i. Not overhang public property or public right-of-way;
- j. Not be within two hundred feet (200') of any residential zone;
- k. Not be enlarged or expanded beyond the size of the original billboard sign.
- l. Not be increased in height if relocated pursuant to subsection 2 above; and
- m. Be constructed and maintained with neutral color.

Chair Brewer asked if the Planning Commission had any questions for Mr. Earl.

Mr. Earl said this has come forward because William Farms wanted two billboards along their property. If this is allowed the City cannot deny anyone else so that would make seven more billboards at new locations along the west side of I-15.

Chair Brewer opened the public hearing and invited those from the audience who had come to speak to this item to come forward to the microphone.

Leslie Nelson, Orem, said her business has suffered significantly because of the economic downturns. This change will increase her income and other businesses.

Mike Whimpey, Orem, said he is the neighborhood chair for the Lakeview Neighborhood in Action Committee. The neighbors have concerns about having more signs along the freeway. He felt that denying this does not prevent these properties from making money.

Chair Brewer 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. Walker indicated he has concerns about having seven more signs along the I-15 corridor. If City staff feels there is a need there needs to more discussion.

**Planning Commission Action:** Chair Brewer moved to recommend the City Council deny the amendment to a portion of section 14-3-3 of the Sign Code to allow new billboards along I-15 corridor. Ms. Buxton seconded the motion. Those voting aye: John Brewer, Mike Colledge, Karen Jeffreys, David Moulton, and Michael Walker. The motion passed unanimously.



## Message Points

- Most outdoor advertising promotes local goods and services
- Small business relies on outdoor advertising to communicate with customers
- Advertisers who rely on outdoor advertising say they'd lose significant revenue without billboards
- Small business is the job engine of the economy



## Background

Small business depends on outdoor advertising to direct customers to business locations and to drive sales. Many of these businesses do not have affordable, effective alternatives to outdoor advertising.

Three out of four businesses using billboards say they'd lose sales if they lost their billboards. Of those who expected losses, they estimated decreased sales of 18%, according to a survey conducted by Villanova Marketing Professor Charles R. Taylor.

In 2006, 73% of billboard messages promoted local advertisers, 18% national goods and services, and 9% displayed public service and other ads.

Four out five of these local businesses are considered "Small and Medium Sized Enterprises" (SMEs), with fewer than 50 employees. The typical business relying on billboard advertising employs 35 workers.

Nationwide, more than 300,000 unique local businesses use billboard advertising; these local businesses employ more than 9 million people. While billboard companies directly employ approximately 17,744 workers.

Top Types of Billboard Advertisers by category in 2011

Industry Categories
MISC SERVICES & AMUSEMENTS
MEDIA & ADVERTISING
RETAIL
FINANCIAL
RESTAURANTS
PUBLIC TRANS., HOTELS & RESORTS
COMMUNICATIONS
INSURANCE & REAL ESTATE
GOVERNMENT, POLITICS & ORGS
SCHOOLS, CAMPS, SEMINARS

These key segments of the local economy are part of the broad "voice" for outdoor advertising, and form coalitions at the local, state, and national level.

The link between travel/tourism and outdoor advertising is strong. One-third of outdoor ads support the travel/tourism industry, a top employer in most states. Travel-generated employment equals 7.5 million jobs in America, according to the Travel Industry Association (TIA).

Plus, tens of thousands of landowners benefit from lease payments for billboards located on their property, helping pay property taxes, mortgages, and living expenses. A comprehensive analysis of land parcels in Hillsborough County, FL (Tampa) showed billboards enhance property values.

## Resources

"The Importance of the Availability of Billboards to Rural Business," Charles R. Taylor, Professor of Marketing, Villanova University; testimony to the U.S. House Small Business Subcommittee on Rural Enterprise, Agriculture and Technology, May 15, 2003

Crews, Carl, Field Marketing Manager, Bob Evans Farms, Inc, letter to OAAA regarding impact of lost billboards, September 27, 2002

"The Economics of Outdoor Advertising in Local and State Economies," iMapData, Inc., Washington, DC, 2001

**Congressional testimony of Charles R. Taylor, Professor of Marketing, Villanova University, "The Importance of the Availability of Billboards to Rural Business" (House Small Business Subcommittee on Rural Enterprise, Agriculture and Technology, May 15, 2003)**

Chairman Graves, distinguished members of the Committee, thank you for inviting me to testify today. Over the past fourteen years I have conducted research on outdoor advertising, its regulation, and its impact on businesses. Today, as you requested, I will provide you with an overview of how small businesses use billboards, along with an assessment of the economic impact of billboards on small businesses, particularly those in rural areas. I will also offer my views on the potential impacts on businesses in rural areas not having access to billboards.

## **The Importance of the Availability of Billboards to Rural Businesses**

Billboards are a medium that serves a disproportionately large number of small businesses, most of which are local retail and service businesses. Due to the effectiveness of billboards allowing businesses to communicate directions and other types of information to potential consumers at a reasonable cost, they are especially important to small businesses located in rural areas. In the remainder of this testimony, I will detail the reasons why billboards are so important to small businesses, especially those in rural areas. In addition, I will provide my thoughts about billboards and how they are used by businesses.

### ***In rural areas, billboards predominately serve small, local businesses***

A large-scale study of three rural towns conducted in 1995 showed conclusively that a majority of billboards in small town America serve small local businesses (Lilley and DeFranco 1995). Fully 90 percent of the billboards in the study contained advertising for locally owned businesses, and almost all of these (more than 96%) were for small businesses. Content analysis studies (Taylor and Taylor 1994; Taylor 1997) verify that a large majority of billboard advertisers in rural areas are small, locally owned businesses. Thus, when we talk about billboards in rural areas, we are talking about an advertising medium that is dominated by small local businesses.

*Billboards provide bottom line value to many small businesses.*

Access to billboards is vitally important to the ability of many small, local businesses to compete and stay in business. For small businesses in general, billboards are a low-cost medium that is especially effective in providing high reach and frequency in a localized trade area. Here, reach is defined as the number of people in the target audience exposed to the message, while frequency refers to the average number of times a member of the target audience is exposed to the message. For businesses that serve local areas or draw their business from motorists passing through an area, billboards allow large numbers of potential patrons to be exposed to the message at a reasonable cost. As I will discuss in more detail, for many businesses in rural areas, billboards may be the only viable media alternative.

In a recent national survey of billboards that I conducted, the importance of billboards to businesses, and especially to small businesses was very evident (Taylor, 2001; Taylor and Franke 2003). The findings of this large-scale sample of billboard users indicate that 82.2% of small businesses that use billboards would lose sales if they did not have access to billboards. The average predicted loss of sales was over 18% (Taylor 2001). Notably, a large majority of businesses in the travel-related retail category that consisted of hotels/motels, resorts, restaurants, gas stations and other businesses that rely on travelers predicted an average loss of 20%.

My national survey findings are also supported by follow-up analyses of samples from Texas and Missouri. In Texas, 81.5% of all billboard users (both large and small combined) reported that they would lose sales if billboards were banned, with an average estimated revenue loss of over 20%. In Missouri, 78% of billboard users as a whole indicated that they would lose sales, with an average loss of sales of 18%. In both states, an even higher proportion of small businesses indicated that they would lose sales if billboards were banned. Given the high average level of losses reported, it is clear that many small businesses need their billboards in order to survive, as many businesses do not have margins of more than 18%.

#### *Small Businesses Use Billboards to Provide Information to Consumers*

For small businesses, the most common purpose of billboard advertising is to provide directional information to a place of business for passersby. A 1994 content analysis study of Michigan billboards that I conducted showed that nearly three quarters (73%) of billboards contain directional information to a place of business (e.g., "7 miles ahead; "turn left at light"). An even higher proportion of billboards located in rural areas contained directional information. In the same study, it was shown that 74.2% of billboards in rural areas provide information that is potentially useful to tourists (Taylor 1994).

In addition to directions, billboards are used to communicate a wide variety of other types of information to consumers, such as types of products and services

offered, indications of quality, and information on price, convenience, etc. These types of information help the business to distinguish itself in a way that appeals to the consumer. The ability to communicate information to the consumer on the product or service offering is essential to small businesses in attracting consumers and billboards often provide the only cost effective option in rural areas for reasons that I will now discuss.

### ***Motorist Information Panels on Highway Right of Ways are Not an Adequate Alternative to Billboards***

My content analysis study of Michigan billboards found that billboards in rural areas tend to provide more information to consumers and that billboards for companies in the travel-related retail category (e.g., hotels, resorts, attractions, restaurants, gas stations) contain more different types of information than do other product categories (Taylor and Taylor 1994). The need for small businesses in rural areas to communicate directional information as well as other types of information to consumers is clear. While motorist information panels can be designed to provide limited directional information, the size of these panels generally makes them ineffective in communicating such information.

In terms of other types of information, state-owned motorist information panels are completely inadequate for getting the message across to the consumer. For example, a business wanting to communicate the quality of its product offering might include cues such as "AAA approved," "AARP," or "100% beef" on a billboard, something it cannot do on a motorist information panel. Another example would be providing information on convenience of the product or service, such as "Open 24 hours," "Open Sunday" or "Open 7 days." It may also be critical for some businesses to provide more nuanced information on their product or service offering such as a combination gas station and mini-mart stating that it offers "soda and sandwiches" has handicapped accessible facilities (indicated by a symbol), or has a "Car Wash." Since motorist information panels do not allow these types of information to be communicated, they are not a viable substitute for billboards as they only provide identification information. For many stores or other businesses in hard to find locations, these panels cannot even provide adequate directional information.

### ***Other Media and On-Premise Signs are Also Not Adequate Substitutes for Billboards***

It has sometimes been argued by critics of billboards that businesses have readily available alternatives. My research indicates that this is simply not the case, and that small businesses know it. When surveyed, billboard users in general, and small businesses in particular, do not rate other media such as television, radio, newspapers, magazines, flyers, or the internet as substitutes for

billboards. They also do not view on-premise signs as acceptable substitutes for billboards.

There are clear reasons why other media are not good substitutes for billboards. Traditional mass media such as newspapers, radio and television are much more expensive than billboards, both in raw dollars and in terms of cost per thousand exposures. These media are associated with higher waste circulation, meaning that many people who are exposed to the ad are not potential customers. Flyers are also an inadequate alternative to billboards in that they are associated with lower attention level, are ineffective in reaching those passing through an area (as are television, radio, and newspapers) and are also normally more expensive than billboards. In fact, commonly available media planning measures consistently show that billboards are the lowest cost medium on a cost per thousand exposures basis, both in general and for businesses that serve local trade areas. The internet is also largely ineffective for local retail and service businesses as the internet by its nature is an international medium. Finally, on-premise signs are generally not good substitutes for billboards as their primary function is to identify the business at its site and not to communicate directions from other locations or other types of advertising messages.

While it is generally true that small businesses do not see other media as being able to replace billboards, in rural areas it is obvious that there are not good alternatives. The use of mass media in these contexts is a waste of money, and other local media often do not exist. Even if local media do exist, they normally do not reach a sufficient number of people in the target market. Hence, many small businesses in rural areas that do not have access to billboards are put at a distinct disadvantage.

### ***There Are Additional Reasons Why Billboards are Valuable to Small Rural Businesses***

Some additional findings from my 2001 survey of billboard uses shed light on why small businesses believe billboards are valuable. Small businesses rate billboards higher than other advertising media on several dimensions. When asked about various media in terms of their ability to allow the business to communicate information at a price the company can afford, billboards were rated higher than other media (local and national television, local and regional newspapers, radio, magazines, flyers, and the internet) by a wide margin. Similarly, the small businesses rated billboards substantially higher than all other advertising media in terms of both their ability to bring customers and to increase sales. Notably, small businesses also rated billboards high in terms of their ability to reach the company's trade area. Thus, it is clear that many small businesses understand that billboards are an advertising medium that provides them with unique benefits. To summarize, small businesses see billboards as an

affordable medium that allows them to communicate information to potential customers and is effective at bringing in business because it helps customers.

### ***A Large Majority of the Public Understands the Benefits of Billboards***

Critics of the billboard industry have sometimes argued that billboards should be more heavily regulated because many in the public are opposed to them. In fact, a recent analysis of 24 major studies of public opinion conducted over the last 30 years shows that a large majority of the American public understands the benefits of billboards (Taylor 2003). In fact, 85% of Americans believe billboards are useful to travelers, 82% agree that billboards help business to attract customers, and 80% believe that billboards create jobs. Conversely, only a minority of the public (21%) favors bans on billboards. Hence, it is fair to say that the public is not opposed to billboards, especially when they are being used by businesses to communicate useful information to consumers. Therefore, it is likely that most of the public would not be opposed to some billboards being erected in lawful locations in rural areas.

### ***Conclusion***

Many rural businesses need access to billboards to be able to attract customers and compete. Any situation in which billboards are removed from rural areas when they were previously being used by small local businesses is very likely to be harmful to those businesses. In fact, lack of access to billboards would threaten the very existence of numerous businesses in rural areas. Moreover, lack of access to billboards in rural areas stunts the possibility of new retail and service businesses being created. For these reasons, I believe that it is important for Congress to ensure that small businesses in rural areas that need access to billboards get such access.



September 27, 2002

OAAA  
Kenneth Klein  
1850 M Street, N.W.  
Suite 1040  
Washington, D.C. 20036

RE: Billboards

Dear Mr. Klein:

Bob Evans Farms, Inc. owns and operates 500 full service family restaurants in 22 states. Nearly 80% of these restaurants are located on Interstate or major US Highways and consequently require outdoor directional advertising.

Our use of outdoor billboards for nearly 40 years has confirmed the importance and cost effectiveness of this advertising medium. Billboards drive sales and generate customer awareness. Specifically they identify each restaurant location to the traveling customer. We know they work because we put each billboard to a scrutinizing evaluation each year. In some cases we test the billboards effectiveness by temporarily covering the advertising copy. The result being an immediate loss of at least 10% in sales. In other cases we have lost billboards due to storms or highway construction and have suffered a loss in sales until a replacement board could be found.

Bob Evans Farms, Inc. has a workforce of more than 40,000 employees and continues to grow. We have for the past several years been adding 30 new restaurants per year. Over the 40+ years that we have been in business we have had to close a few restaurants due to performance. It has never been easy telling employees the bad news. In terms of sales, profit and the future growth of our company we need the effectiveness of outdoor billboards.

In conclusion, the most compelling truth about the need for billboards is to have our traveling customers call us and tell us we need them. Our response has been immediate and fortunate. do hope that billboards will continue to be viable.

Sincerely,

Carl Crews  
Field Marketing Manager  
BOB EVANS FARMS, INC.

CC/SM

**“The Economics of Outdoor Advertising in Local and State Economies,”  
iMapData, Inc., Washington, DC, 2001**

Economic analyses consistently show that most outdoor advertisements are for local businesses, and that those businesses employ a significant percentage of the local workforce. For example, more than 1,000 local businesses use billboards in San Antonio: those companies employ nearly 45,000 workers.

Studies conducted by iMapData Research, Inc. compiled these specific findings:

i.) Buffalo, NY

- 79 percent of billboard ads in Buffalo are for local businesses;
- 76 percent of local advertisers are small businesses that cannot afford other forms of advertising;
- 377 local businesses using billboard ads employ 16,080 workers in the Buffalo area (Erie and Niagara counties).

ii.) State of Delaware

- 79 percent of billboard ads in Delaware are for local businesses;
- 83 percent of local advertisers are small businesses that cannot afford other forms of advertising;
- 595 local businesses using billboard ads employ 22,120 workers in state.

iii.) San Antonio, TX

- 74 percent of the billboard ads in San Antonio are for local businesses;
- 79 percent of local advertisers are small businesses that cannot afford other forms of advertising;
- 1,064 local businesses using billboard ads employ 44,956 workers in San Antonio.

iv.) San Francisco, CA

- 70 percent of the billboard ads in San Francisco are for local businesses;
- 84 percent of local advertisers are small businesses that cannot afford other forms of advertising;
- 334 local businesses using billboard ads employ 16,926 workers in San Francisco.

v.) Tampa, FL

- 74 percent of the billboard ads in Tampa are for local businesses;

- 79 percent of local advertisers are small businesses that cannot afford other forms of advertising;
- 911 local businesses using billboard ads employ 39,092 workers in Tampa.

CITY OF OREM  
**CITY COUNCIL MEETING**  
 SEPTEMBER 10, 2013



<b>REQUEST:</b>	<b>6:20 P.M. PUBLIC HEARING</b> <b>ORDINANCE - Amending Section 22-5-3(A) of the Orem City Code and the Zoning Map of Orem, Utah, by Rezoning Property Located Generally at 775 East 1600 North From R12 to R8</b>
<b>APPLICANT:</b>	Jack Potter
<b>FISCAL IMPACT:</b>	None

**NOTICES:**

- Posted in 2 public places
- Posted on City webpage
- Faxed to newspapers
- Emailed to newspaper
- Posted property on 8/29/13
- Mailed 35 notices on 8/21/13

**SITE INFORMATION:**

- General Plan  
     **Low Density Residential**
- Current Zone  
     **R12**
- Acreage  
     **17,149 square feet or 0.39 acres**
- Neighborhood  
     **Heatheridge**
- Neighborhood Chair  
     **Carol Hinckley**

<b>PLANNING COMMISSION RECOMMENDATION</b>
<b>Vote: 5-0 Deny</b>

<b>PREPARED BY:</b> David Stroud, AICP Planner
<b>APPROVED BY:</b>  

**REQUEST:**

**The applicant requests the City Council, by ordinance, amend Section 22-5-3(A) of the Orem City Code and the Zoning Map of Orem, Utah, by rezoning property located generally at 775 East 1600 North from R12 to R8.**

**BACKGROUND:**

The applicant owns a vacant lot in the R12 zone, which requires at least 12,000 square feet per lot. The applicant's lot is 17,149 square feet. As the property and zoning exist, the lot is legal for a single dwelling. The applicant requests the zoning of the property be changed to R8, which requires a minimum of 8,000 square feet per lot. In the R12 and R8 zones, a dwelling must have at least a finished footprint area (exclusive of a garage) of 1,000 square feet for a single-story home or 650 square feet on the main level and 550 on the second level if the home is two stories.

The General Plan identifies future land uses and states the location of the subject property is suitable for Low Density Residential (LDR). The LDR classification is implemented by the PRD, R8, R12, and R20 zones. The property surrounding the subject property is zoned R12 and PD-6, which is the former WordPerfect office campus. The General Plan goes on to state:

*The Low Density Residential (LDR) classification is established to provide the majority of the housing stock within Orem. Typical suburban neighborhoods with single-family homes on individual building lots should comprise the majority of development within the LDR classification. Low Density Planned Residential Developments should be scattered evenly through the City subordinate to the single family home. Except for PRDs, the appropriate housing density shall be up to 4 units per gross acre.*

At the Planning Commission meeting on July 10, 2013, there was some discussion as to whether this request constitutes a "spot zone." Utah Code Section 10-9a-505.5(3)(a) states that "There is no minimum area or diversity of ownership requirement for a zone designation." Based on the State Code and the Orem General Plan, the City can rezone properties within the LDR designation to an R8, R12, R20, or PRD zone or a combination of the zones in the LDR designation as indicated above and still conform to the Orem General Plan.

A neighborhood meeting was held on April 26, 2013, with nine people in attendance. A majority of those at the meeting were not supportive of the request.

Advantages:

- The proposed lots meet the requirements of the R8 zone
- The plot plans provided for both lots show how homes can fit on the proposed lots exceeding the minimum finished floor area requirement of 1,000 square feet

Disadvantage:

- The proposed lots are odd shaped and are not the typical lot size or shape found in the area

The Planning Commission made a recommendation that the City Council deny this request based on the size of the lots not fitting into the R12 neighborhood. However, based on compliance with the General Plan, and the fact that the proposed subdivision meets the minimum requirements of the R8 zone, staff recommends the City Council consider approving the rezone as requested.

DRAFT

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE BY THE OREM CITY COUNCIL AMENDING SECTION 22-5-3(A) OF THE OREM CITY CODE AND THE ZONING MAP OF OREM, UTAH, BY REZONING PROPERTY LOCATED GENERALLY AT 775 EAST 1600 NORTH FROM R12 TO R8

WHEREAS on May 8, 2013, Jack Potter filed an application with the City of Orem requesting the City Council amend Section 22-5-3(A) of the Orem City Code and the Zoning Map of Orem, Utah, by rezoning property located generally at 775 East 1600 North from R12 to R8; and

WHEREAS on July 10, 2013, the Planning Commission held a public hearing to consider the subject application and forwarded a negative recommendation to the City Council; and

WHEREAS on September 10, 2013, the City Council held a public hearing to consider the subject application; and

WHEREAS notice were mailed to all adjacent property owners within 300 feet of the subject property and the property was posted; 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 neighborhood; the compliance of the request with all applicable City ordinances and the Orem General Plan; 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 encourage the development of the subject property while still conforming to the General Plan.
2. The City Council hereby amends Section 22-5-3(A) of the Orem City Code and the Zoning Map of Orem, Utah, by changing the zone on property located generally at 775 East 1600 North from R12 to R8 as shown on Exhibit A, which is attached hereto and incorporated herein by this reference.

DRAFT

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. All other ordinances in conflict herewith are hereby repealed.

5. 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 10<sup>th</sup> day of September 2013.

\_\_\_\_\_  
James T. Evans, Mayor

ATTEST:

\_\_\_\_\_  
Donna R. Weaver, City Recorder

COUNCILMEMBERS VOTING "AYE"

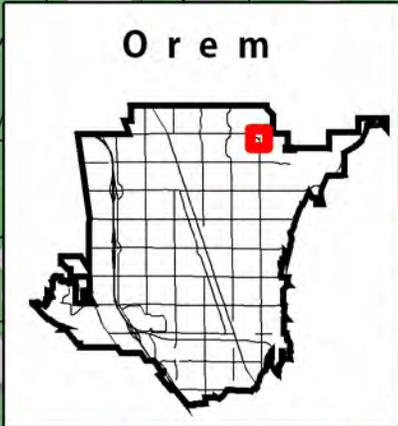
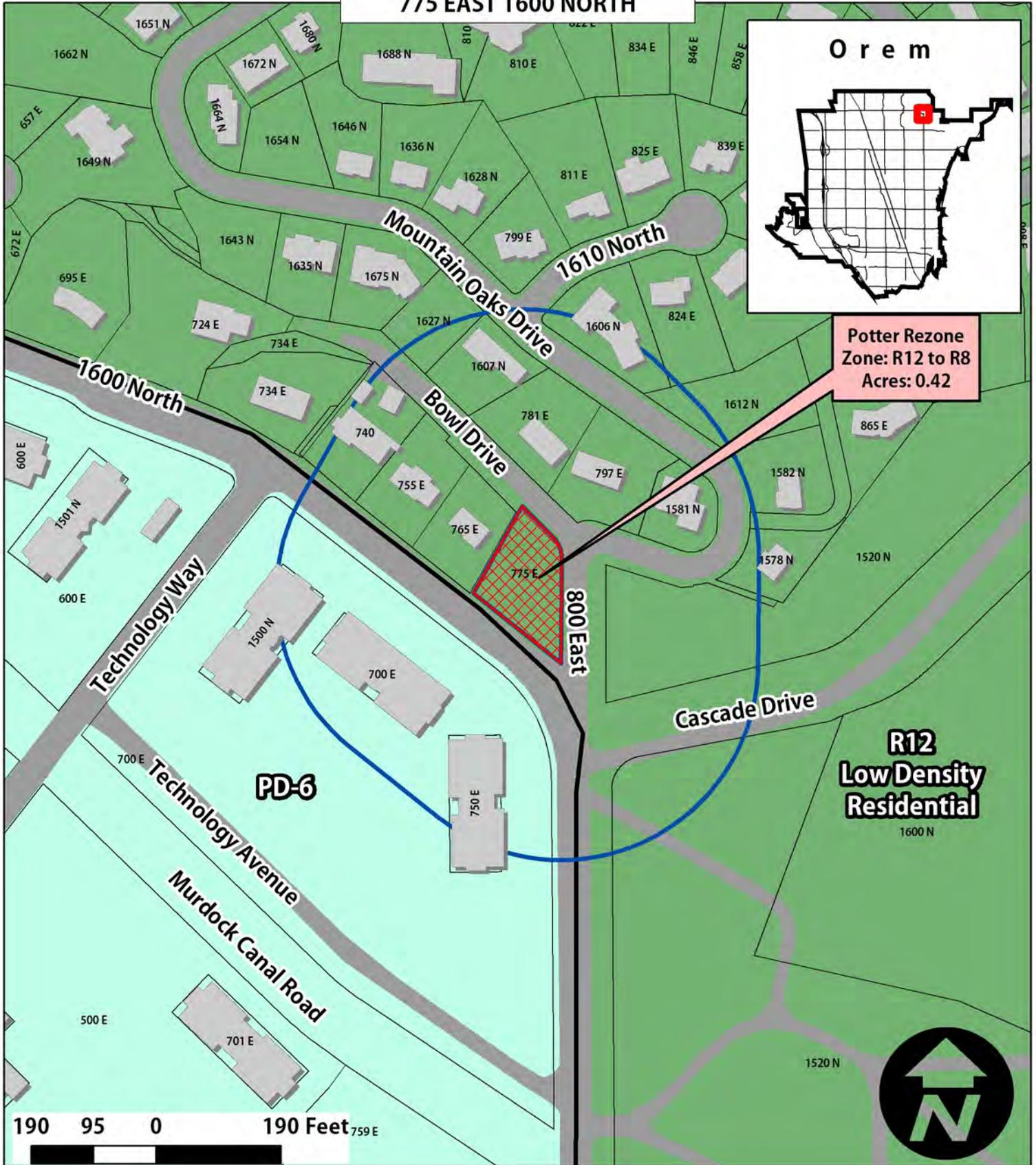
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COUNCILMEMBERS VOTING "NAY"

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# Potter Rezone

775 EAST 1600 NORTH



Potter Rezone  
Zone: R12 to R8  
Acres: 0.42

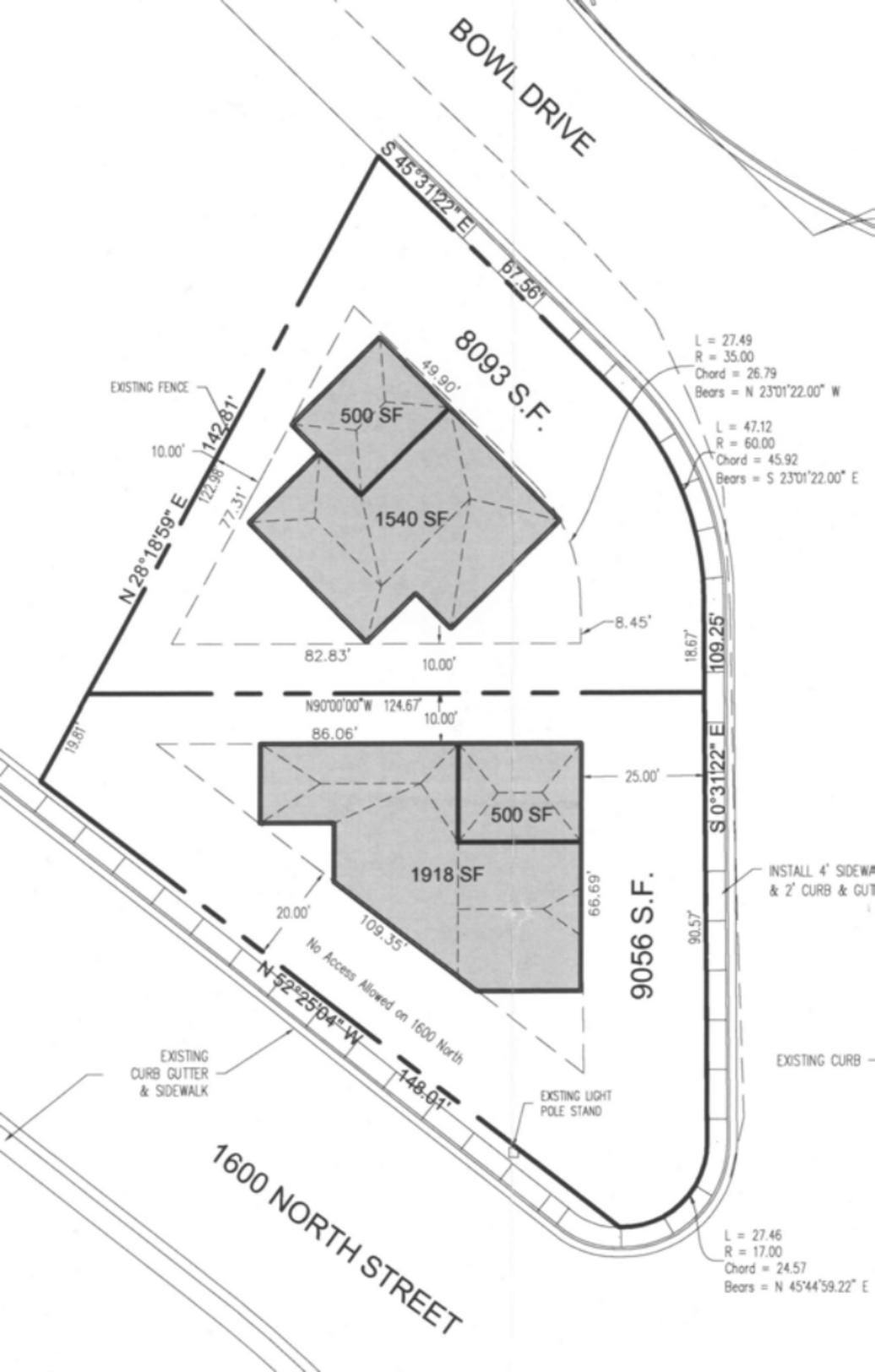
**R12**  
**Low Density Residential**  
1600 N

**PD-6**

◆ **Potter Rezone:**  
**Zone: R12 to R8; Acres: 0.42**

**NIA CONTACT:**  
**Heatheridge Neighborhood**  
**Carol Hinckley**

- Legend**
- Potter Rezone
  - Buildings
  - Notification Boundary
  - Parcels









PICTURED

MAY 08 2013

CITY OF OREM

LOT 2 8093



**Wesley**

MAY 28 2013

By \_\_\_\_\_  
CITY OF OREM

## **Project Timeline**

### **Project: Potter Rezone 775 East 1600 North**

1. DRC application date: 5/8/2013
2. Neighborhood meeting held by applicant on: 4/26/2013
3. Obtained Development Review Committee clearance on: 6/17/2013 by: David
4. Publication notice for PC sent to Records office on: 6/13/2013 by: David
5. Neighborhood notice for Planning Commission mailed on: 7/1/2013
6. Planning Division Manager received neighborhood notice on: 7/2/2013
7. Planning Commission recommended denial on: 7/10/2013
8. Publication notice for CC sent to Records office on: 8/1/2013 by: David
9. Notice for City Council mailed on: 8/21/2013 by: David
10. Planning Division Manager received neighborhood notice on: 8/22/2013
11. Property posted for City Council on: 8/29/2013
12. City Council approved/denied on: 9/10/2013

**JULY 10, 2013 PLANNING COMMISSION MINUTES**

**AGENDA ITEM 4.1** is a request by Jack Potter to amend **SECTION 22-5-3(A) AND THE ZONING MAP OF OREM CITY BY CHANGING THE ZONE ON PROPERTY AT 775 EAST 1600 NORTH FROM R12 TO R8.**

**Staff Presentation:** David Stroud said the applicant owns a vacant lot in the R12 zone which requires at least 12,000 square feet per lot. The applicant's lot is 17,149 square feet. As the property and zoning exist, the lot is legal for a single dwelling. The applicant requests the zoning of the property be changed to R8 which requires a minimum of 8,000 square feet per lot. Included with this report is a proposed subdivision layout that also indicates the size of homes that can be constructed. In the R12 and R8 zones, a dwelling must have at least a finished footprint area (exclusive of a garage) of 1,000 square feet for single-story home or 650 square feet on the main level and 550 on the second level if the home is two stories.

The General Plan identifies future land uses and states the location of the subject property is suitable for low density residential. The Low Density Residential classification is implemented by the PRD, R8, R12, and R20 zones. The property surrounding the subject property is zoned R12 and PD6, which is the former WordPerfect office campus. The General Plan goes on to state:



*The Low Density Residential (LDR) classification is established to provide the majority of the housing stock within Orem. Typical suburban neighborhoods with single-family homes on individual building lots should comprise the majority of development within the LDR classification. Low Density Planned Residential Developments should be scattered evenly through the City subordinate to the single family home. Except for PRDs, the appropriate housing density shall be up to 4 units per gross acre.*

A neighborhood meeting was held on April 26, 2013 with nine (9) people in attendance. A majority of those at the meeting are not supportive of the request.

**Recommendation:** Based on compliance with the General Plan, staff recommends the Planning Commission forward a positive recommendation to the City Council.

Chair Brewer asked if the Planning Commission had any questions for Mr. Stroud.

Chair Brewer invited the applicant to come forward. Jack Potter introduced himself.

Mr. Potter thanked the Planning Commission for giving him the opportunity to present the proposal to rezone from R12 to R8 and allow them to subdivide the property into two lots. The south lot would be 9056 square feet and the north lot is 8093 square feet. They have been trying to sell the property for seven to eight years. They realized it was not a highly desirable piece of land. The traffic on 800 East and 1600 North are bad, there is a field of brush nearby, and the surrounding homes are 40-60 years old. Their desire is to divide the property into mid-size parcels and lower the price of the land, making it easier to sell. Dudley and Associates did the specs on the lot and assured them they could build homes up to 3800 square feet. In the neighborhood meeting, a neighbor expressed that two smaller lots will lower all the property values in the neighborhood. They totally disagree. These lots are smaller, but the surrounding larger lots have areas that are not usable. In reviewing the older homes surrounding this property, Mr. Potter doubted that two new homes with curb, gutter and sidewalk on that corner will do nothing but beautify the area. They are noticing that construction workers are dumping on the property, even cars are being left abandoned. It is not a good situation right now. Four Star Construction will build the homes and Dave Simmons will be the realtor.

Chair Brewer opened the public hearing and invited those from the audience who had come to speak to this item to come forward to the microphone.

Dave Simmons, realtor, said the option of splitting the lot makes the most sense. If this were to sell as one lot, the value of the home that would have to be built to justify the comparative market values is too high. All the homes in

the area are 40-60 years old and the footprint of the two homes would be as large as any of the homes in the neighborhood. It would substantially improve the value of the immediate homes in the area.

Jan Peterson, Orem, said she lives on Mountain Oaks Drive near this property. Her home was built in 1999 and is not 40-60 years old. The ages of her neighbor's homes are in the single digits. She is concerned with the small homes lowering the value of her home. She wondered if the sale price has been too high to sell.

Teresa Horn, Orem, said she has not seen the property for sale for very long. The For Sale sign has been out for the last year. When she originally purchased the property they talked about one home and it was purchased from the aunt. She echoed the value concern.

Nita Park, Orem, said she sold the property to Jack Potter. When they came to her they were going to build a home in order to be near his mother-in-law. She asked them not to build a two story home and they assured her they would build a rambler. Now they changed it to a two homes. There was a meeting to discuss the change. The lot is only .37 acre and with this change it will be 1/8 of an acre. Mr. Potter promised her he would not do this. It is not fair that he wants to change it, a promise is a promise. She noted there are four roads going into the property, 1600 North, 800 East, Bowl Drive, and Mountain Oaks Drive. If someone purchases the homes then they will not be safe there.

Eric Park, Orem, said she is Nita's eldest son. Ms. Park's home is kitty-corner and if they build a second story and it will block her view entirely. There was a neighborhood meeting and the neighbors overwhelmingly rejected this idea. There are traffic and safety issues. His sister built a 5000 square foot home across from Ms. Park's and it was done about five years ago.

Ron Wilkinson, Orem, said he lives four doors away. He is opposed to this situation from the standpoint it is spot zoning. He asked where the nearest R8 zone is. Mr. Stroud said the closest R8 is north/west about a half mile away.

Mr. Wilkinson continued by stating that he is aware of the agreement between Mr. Potter and Nita Park to put in a single story home. He is opposed to spot zoning for the same reason the applicant could not sell the lot. There is heavy traffic between 800 East and 1600 North. There is too much traffic to put in little children. He leaves his home at 5:30-6:00 in the morning and driving down Bowl Drive there is traffic backed up to that property. That means that it is a congested area.

Dale Delomis, Springville, said that Mr. Potter is planning on building ramblers and so Ms. Park's view should not be taken away. The quality will be some of the finest and will add to the neighborhood.

Ms. Horn said in the neighborhood meeting that it was not ramblers that were being shown. It was two story homes with a bonus room on top. She said that is like her three story home.

Mr. Potter indicated when they held the neighborhood meeting they showed a couple of plans that they might build there. That was before Dudley & Associates did the engineering on it. Both homes will be ramblers. He wants to build on the north lot. When they purchased the lots eight years ago, the economy was doing well and they were going to build right away. Then the economy dived and so they are just trying to make it economical to build a house.

Ms. Buxton asked if the applicant was building two houses to sell. Mr. Potter said he planned to build a house to sell on the south lot.

Mr. Wilkinson said that the home will definitely block Ms. Nita's view. He supported a single rambler. Ms. Jeffreys said that having two ramblers would not block the view. Mr. Wilkinson said it is not a rambler that they are showing.

Ms. Peterson said she is not sure what they are building. They state it is a rambler, but the pictures were not ramblers. The letter that was sent out said that it was all subject to change after it passed.

Chair Brewer said the issue before the Planning Commission is a zoning change, not the style of the home.

Mr. Walker said once the zoning is established and the owner meets the requirements it is up to the landowner. The City cannot control the landowner and demand not to block someone's view. The Planning Commission looks just at the zoning of the land and does it meet the neighborhood.

Mr. Park indicated that Mr. Potter has a history of building homes and living in it for a year or two and then moving on.

Mr. Wilkinson said the spot zoning is concerning. Cherry picking the zoning will open up a can of worms. It is fine to build one home. There is property owned by the City across the street and if it was ever sold and developed that would increase the traffic a lot.

Chair Brewer closed the public hearing and asked if the Planning Commission had any more questions for the applicant or staff.

Mr. Earl said this would be a spot zone; it is a small parcel, not surrounded by the same zone. However, it is not necessarily an illegal spot zone. In the past the Utah Legislature has considered the size of the parcel surrounded by a dissimilar zone. Now the size does not matter, but the compatibility of the spot zone with the surrounding parcels and whether there would be any negative impacts to the surrounding area.

Chair Brewer informed the audience that the Planning Commission is a recommending body in this situation.

Ms. Jeffreys said looking at the proposed square footage and the houses in the area, it appears there are a variety of homes in the neighborhood, and this size would fit in. Here is a piece that has never been built on and there is a lot of brush and weeds. It does not look well kept. It might be better to have something built. She wonders why something has not been built there already.

Mr. Moulton said he lives in this general neighborhood and he thinks the lot should be cleaned up. When looking at the potential two lots, if this were bigger, he would not have any problem. He felt it was a small lot going to two smaller lots.

Chair Brewer said he has some concern about the spot zoning aspect.

Ms. Buxton said she liked the creative use of the lot. She is not seeing a compelling reason to rezone this property. It clearly is a difficult lot to build on, yet two homes does not seem to fit and maneuvering with the traffic will be too difficult.

Chair Brewer called for a motion on this item.

**Planning Commission Action:** Mr. Walker moved to recommend the City Council deny the application to amend Section 22-5-3(A) and the zoning map of the City of Orem by rezoning property located at 775 East 1600 North from the R12 zone to the R8 zone. Ms. Buxton seconded the motion. Those voting aye: John Brewer, Becky Buxton, Karen Jeffreys, David Moulton, and Michael Walker. The motion passed unanimously.

June 28, 2013

## Public Hearing Notice

Jack Potter requests the City rezone property at approximately 800 East Bowl Drive from R12 to R8 for the purpose of creating a two-lot subdivision. The Orem General Plan identifies the subject property at “Low Density Residential” which is implemented through the zoning designations of R8, R12, and R20. A location map identifying the property in this request is located on the reverse of this notice.

The Planning Commission will hold a public hearing on **Wednesday, July 10, 2013, at 5:00 PM** in the City Council chambers at 56 North State Street. This meeting is open to the public and you are invited to attend.

The City Council will hold a public hearing on **Tuesday, August 27, 2013, at 6:00 PM** in the City Council chambers at 56 North State Street. This meeting is open to the public and you are invited to attend.

Questions can be directed to David Stroud at 229-7095 or Jason Bench at 229-7238.

This notice has been mailed to all property owners and residents within 300 feet of the subject properties. If you are aware of other persons who would be interested in this matter, it would be appreciated if you make them aware of this public meeting. If you are not the owner of the residence, please notify the owner regarding this notice.

**The public is invited to participate in all public meetings.  
If you need special accommodations to participate, please contact the City at  
Phone: 229-7058 or TDD: 229-7146.**



August 21, 2013

## Change of Meeting - Public Hearing Notice

This item, originally scheduled for August 27, 2013, has been rescheduled for that date listed below.

Jack Potter requests the City rezone property at approximately 800 East Bowl Drive from R12 to R8 for the purpose of creating a two-lot subdivision. The Orem General Plan identifies the subject property as *Low Density Residential* which is implemented through the zoning designations of R8, R12, and R20. A location map identifying the property in this request is located on the reverse of this notice.

The City Council will hold a public hearing on **Tuesday, September 10, 2013, at 6:20 PM** in the City Council chambers at 56 North State Street. This meeting is open to the public and you are invited to attend.

Questions can be directed to David Stroud at 229-7095 or Jason Bench at 229-7238.

This notice has been mailed to all property owners and residents within 300 feet of the subject properties. If you are aware of other persons who would be interested in this matter, it would be appreciated if you make them aware of this public meeting. If you are not the owner of the residence, please notify the owner regarding this notice.

**The public is invited to participate in all public meetings.  
If you need special accommodations to participate, please contact the City at  
Phone: 229-7058 or TDD: 229-7146.**



**MAILED**

8/21/13

PROFIT POWER SYSTEMS LLC  
734 BOWL DR  
OREM, UT 84097

POTTER, JACK & NAN  
740 BOWL DR  
OREM, UT 84097

MORTENSEN, TERRIL D & GRANT A  
534 N 900 E  
OREM, UT 84097

SHURTLIFF, MARK ALAN & TANNA  
LARKELL  
755 E 1600 N  
OREM, UT 84097

BECKMAN, ANDREW & LINDA  
765 E 1600 N  
OREM, UT 84097

PARK, JERRY  
740 E BOWL DR  
OREM, UT 84097

JAMSHED, HASSAN  
781 E BOWL DR  
OREM, UT 84097

BRUNST, TAMMY SUE & RICHARD F  
900 HIGH COUNTRY DR  
OREM, UT 84097

POTTER, JACK & NAN  
--OR CURRENT RESIDENT--  
775 E 1600 NORTH  
OREM, UT 84097

DECKER, RICHARD E & DIANN W  
824 E 1610 N  
OREM, UT 84097

PETERSON, JAN H  
1578 N MOUNTAIN OAKS DR  
OREM, UT 84097

PARK, NITA B  
--OR CURRENT RESIDENT--  
797 E BOWL DR  
OREM, UT 84097

PARK, JERRY  
--OR CURRENT RESIDENT--  
1566 N BOWL DR  
OREM, UT 84097

MORTENSEN, TERRIL D & GRANT A  
--OR CURRENT RESIDENT--  
1606 N MOUNTAIN OAKS  
OREM, UT 84097

PARK, NITA B  
--OR CURRENT RESIDENT--  
1581 N MOUNTAIN OAKS DR  
OREM, UT 84097

PROFIT-POWER SYSTEMS LLC  
--OR CURRENT RESIDENT--  
1582 N MOUNTAIN OAKS DR  
OREM, UT 84097

JASON BENCH  
1911 N MAIN STREET  
OREM, UT 84057

KULINA, CHRISTOPHER P (ET AL)  
1607 N MOUNTAIN OAKS DR  
OREM, UT 84097

BRUNST, TAMMY SUE & RICHARD F  
--OR CURRENT RESIDENT--  
1612 N MOUNTAIN DR  
OREM, UT 84097

CAROL HINCKLEY  
HEATHERIDGE NEIGHBORHOOD  
1879 N HEATHER DR  
OREM, UT 84057

DE VORE, STEVEN A  
--OR CURRENT RESIDENT--  
1691 N MOUNTAIN OAKS DR  
OREM, UT 84097

ALPINE SCHOOL DISTRICT  
ATTN: SUPERINTENDENT  
575 NORTH 100 EAST  
AMERICAN FORK, UT 84003

ROCKY MOUNTAIN POWER  
70 NORTH 200 EAST  
AMERICAN FORK, UT 84003

DTS/AGRC MANAGER  
STATE OFFICE BLDG, RM 5130  
SALT LAKE CITY, UT 84114

PROFIT-POWER SYSTEMS LLC  
%DARLA WILKINSON  
734 BOWL DR  
OREM, UT 84097

MAG  
586 EAST 800 NORTH  
OREM, UT 84097

CENTURY LINK  
75 EAST 100 NORTH  
PROVO, UT 84606

TCU-CANYON PARK LLC  
--OR CURRENT RESIDENT--  
750 E TECHNOLOGY AVE  
OREM, UT 84097

POTTER, JACK & NAN  
740 BOWL DR  
OREM, UT 84097

MORTENSEN, TERRIL D & GRANT A  
534 N 900 E  
OREM, UT 84097

POTTER, JACK & NAN  
--OR CURRENT RESIDENT--  
775 E 1600 NORTH  
OREM, UT 84097

SHURTLIFF, MARK ALAN & TANNA  
LARKELL  
755 E 1600 N  
OREM, UT 84097

TCU-CANYON PARK LLC  
--OR CURRENT RESIDENT--  
700 E TECHNOLOGY AVE  
OREM, UT 84097

PARK, NITA B  
--OR CURRENT RESIDENT--  
797 E BOWL DR  
OREM, UT 84097

JAMSHED, HASSAN  
781 E BOWL DR  
OREM, UT 84097

PARK, JERRY  
740 E BOWL DR  
OREM, UT 84097

TCU-CANYON PARK LLC  
1501 N TECHNOLOGY S-3300 WY  
OREM, UT 84097

DECKER, RICHARD E & DIANN W  
824 E 1610 N  
OREM, UT 84097

BECKMAN, ANDREW & LINDA  
765 E 1600 N  
OREM, UT 84097

PARK, NITA B  
--OR CURRENT RESIDENT--  
1581 N MOUNTAIN OAKS DR  
OREM, UT 84097

TCU-CANYON PARK LLC  
--OR CURRENT RESIDENT--  
1500 N TECHNOLOGY WAY  
OREM, UT 84097

PARK, NITA B  
797 BOWL DR  
OREM, UT 84097

KULINA, CHRISTOPHER P (ET AL)  
1607 N MOUNTAIN OAKS DR  
OREM, UT 84097

PARK, JERRY  
--OR CURRENT RESIDENT--  
1566 N BOWL DR  
OREM, UT 84097

BRUNST, TAMMY SUE & RICHARD F  
900 E. HIGH COUNTRY DR  
OREM, UT 84097

JASON BENCH  
1911 N MAIN STREET  
OREM, UT 84057

PROFIT-POWER SYSTEMS LLC  
--OR CURRENT RESIDENT--  
1582 N MOUNTAIN OAKS DR  
OREM, UT 84097

TCU-CANYON PARK LLC  
1501 N TECHNOLOGY S-300 WY  
OREM, UT 84097

COMCAST  
9602 SOUTH 300 WEST  
SANDY, UT 84070

DE VORE, STEVEN A  
--OR CURRENT RESIDENT--  
1691 N MOUNTAIN OAKS DR  
OREM, UT 84097

PETERSON, JAN H  
1578 N MOUNTAIN OAKS DR  
OREM, UT 84097

CAROL HINCKLEY  
HEATHERIDGE NEIGHBORHOOD  
CHAIR  
1879 N HEATHER DR  
OREM, UT 84057

UTAH CNTY SOLID WASTE DISTRICT  
C/O RODGER HARPER  
2000 WEST 200 SOUTH  
LINDON, UT 84042

MORTENSEN, TERRIL D & GRANT A  
--OR CURRENT RESIDENT--  
1606 N MOUNTAIN OAKS  
OREM, UT 84097

UTOPIA  
2175 S REDWOOD ROAD  
WEST VALLEY CITY, UT 84119

QUESTAR GAS COMPANY  
1640 NORTH MTN. SPRINGS PKWY.  
SPRINGVILLE, UT 84663

4/26/2013

SIGN IN PLEASE

YES

NO

	YES	NO
Jerry Park	✓	
Peter Merrill		✓
Nita Park		✓
Jan Peterson		✓
Teresa Horn		✓
Tauni Merrell		✓
Pick Brown		✓
<del>Robert Brown</del>		✓
Andrew Beckman	✓	

RECEIVED

MAY 08 2013

By \_\_\_\_\_  
CITY OF OREM

April 26th 2013

Minutes of the neighborhood meeting at Jack and Nan Potter's home in reference the re-zoning of the lot at 775 East 1600 North in Orem, Utah.

Discussion held about re-zoning the lot in question into 2 lots with sq. footage of lot 1 (south lot) 9056 sq. feet and lot 2 (north lot) at 8093 sq feet.

Meeting was opened by Jack welcoming guests and gave a short synapse about the purpose of such a meeting deemed necessary by Orem City planning commission.

Nine families attended and various comments were considered. Some thought that smaller lot would devalue their property even though they lived five blocks up above. It was also stated that the homes on Bowl Drive were all at least built as long ago as 1950, 1970, 1980 and one in 2010. This lot has been unused for all of that time, and it would up the value of the homes around it.

Comments from all were respected and listened too. Meeting was closed with refreshments and ended.

**RECEIVED**

MAY 08 2013

By \_\_\_\_\_  
CITY OF OREM

WE WANT TO THANK THE COUNCIL FOR THE OPPORTUNIT GIVEN US TO PRESENT OUR PROPOSAL TO REZONE THE LOT AT THE CORNER OF 8<sup>TH</sup> EAST AND 1600 NORTH FROM A ZONE 12 TO A ZONE 8 ALLOWING US TO SUB DIVIDE THE PROPERTY INTO 2 LOTS.

775 E  
1600 N

THE SOUTH LOT WOULD BE 9,056 SQ. FT. AND THE NORTH LOT IS 8093 SQ FT.

WE HAVE BEEN TRYING TO SELL THE PROPERTY AS IS FOR SEVERAL YEARS BUT REALIZE THE LOT IS NOT HIGHLY DESIREABLE. WE BELIEVE THIS FOR SEVERAL REASONS:

1. THE TRAFFIC ON 1600 NORTH
2. SURROUNDING AREA OF BRUSH AND WEEDS
3. OLDER HOMES AND LANDSCAPING
4. PHOTOS ARE PROVIDED TO SHOW THE THINGS MAKING THE LOT A HARD SALE

WE FELT IF WE COULD DIVIDE THE LOT INTO 2 MID SIZED PARCELS WITH NEW MEDIUM PRICED HOMES ON EACH WE WOULD BE MORE SUCCESSFUL IN OUR DEVELOPMENT.

ROGER DUDLEY ENGEERING DID THE SPECS ON THE LOT AND ASSURED US OF THE ABILITY TO CONSTRUCT HOMES OF ' <sup>UP</sup> TO 3800 TOTAL SQ FOOTAGE.

THE NEW LOTS WOULD BE DEVELOPED WITH SOUND QUALITY MEDIUM PRICED HOMES.

WITH EACH LOT HAVING SIDEWALK AND CURB AND GUTTER.

AT OUR NEIGHBOROOD MEETING IT WAS A CONCERN THAT 2 SMALLER SIZED LOTS WOULD LOWER EVERYONE'S PROPERTY VALUE. WE FEEL JUST THE OPPOSITE WOULD HAPPEN. MANY OF THE LOTS AROUND WOULD BE LARGER BUT IN MANY CASES THEIR EXTRA FOOTAGE IS UNUSEABLE DUE TO EXTREME SLOPES. AS YOU SEE IN MANY OF THE PICTURES THERE IS A LOT OF WEEDS AND HARD SLOPES TO CREATE A NICE YARD.

WE WOULD USE EVERY SQ. FOOTAGE OF OUR LAND FOR BEAUTIFYING THE OLDER PART OF THE AREA.

~~\_\_\_\_\_~~  
~~\_\_\_\_\_~~  
~~\_\_\_\_\_~~



# OREM DRC APPLICATION

Development Services Department • 56 North State Street, Orem, Utah 84057 • (801) 229-7183 • FAX (801) 229-7191

www.orem.org

### APPLICANT INFORMATION

FORM EXPIRES: 06-30-2013

Name: **JACK & NAN POTTER**

Phone: **801-225-0718**

Address: **740 EAST BOWL DRIVE**

FAX: **801-225-2654**

City: **OREM**

State: **UTAH**

Zip: **84097**

e-mail: **jack@parksportsman.com**

### PROJECT INFORMATION

Project Name: **POTTER LOTS**

**R12-R8**

Project Address: **775 EAST 1600 NORTH OREM, UTAH 84097**

### Nature of Request (Check all that apply) and Filing Fee Amount

SUBDIVISION PLATS/LOT LINE ADJUSTMENT	ORDINANCE AMENDMENTS	OREM GENERAL PLAN AMENDMENTS	MISCELLANEOUS	APPEALS/OTHER
<input type="checkbox"/> Preliminary/PRD \$500 + \$20/lot or unit <input type="checkbox"/> Preliminary deep lot sign fee \$25 <input type="checkbox"/> Final \$200 + \$20/lot or unit, not including recording fees <input type="checkbox"/> Vacation/Amendment \$400 + \$20/lot or unit + \$25 sign fee, not including recording fees <input type="checkbox"/> Final PRD \$200 + \$30/lot or unit + recording fees <input type="checkbox"/> Lot Line Adjustment \$400 + \$25 sign fee, not including recording fees	<input type="checkbox"/> Sign \$400 <input type="checkbox"/> Subdivision \$400 <input type="checkbox"/> Zoning, Text \$400 +25 sign fee for PD zone <input checked="" type="checkbox"/> Rezone \$400 + \$25 sign fee	<input type="checkbox"/> Land Use Map Change \$525 + \$25 sign fee <input type="checkbox"/> Text Change \$525	<input type="checkbox"/> Site Plan Admin. Approval \$300 <input type="checkbox"/> Site Plan \$1,000 + \$25 sign fee for following PD Zones: 1,4,5,15,16,21 <input type="checkbox"/> Concrete/Masonry Fence \$50 <input type="checkbox"/> Temporary Site Plan Approval \$100 <input type="checkbox"/> Conditional Use Permit \$400.00 + \$25 sign fee <input type="checkbox"/> Fence Modification/Waiver \$100 <input type="checkbox"/> Condominium Conversion \$300.00 + \$55/Unit + \$25 sign fee; + \$30 building inspection fee/Unit	<input type="checkbox"/> To City Council \$400 <input type="checkbox"/> To Planning Commission \$400 <input type="checkbox"/> Street Vacation \$400 <input type="checkbox"/> Annexation \$750 + \$25 sign fee & cost of legal noticing <input type="checkbox"/> Driveway Entrance Modification \$175 <input type="checkbox"/> Resubmittal Fee \$100/review After three reviews <input type="checkbox"/> Other \$200

### FILING FEES AND REQUIRED COPIES

**FILING FEES:** The filing fee for each "Nature of Request" checked above is required at the time the application is filed with the City. The fee amount is listed above. One DRC Application may be used for more than one Nature of Request.

**REQUIRED COPIES:** Two (2) full size copies 24" by 36", one (1) copy reduced to an 11" by 17", and one (1) copy reduced to an 8½" by 11" shall be submitted with each application for Subdivision Plats, Conditional Use Permits, Site Plans, and Condominium Conversions.

### APPLICANT NOTES, SIGNATURE, AND CONTACT PERSON

**PLANNING COMMISSION/CITY COUNCIL MEETINGS:** Once the Development Review Committee determines your application is complete the Staff will forward it to the Planning Commission and City Council. **The applicant's attendance at the Planning Commission and City Council meetings is required.** The City Council is the final approving authority on the following items: 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 the City Code for the following requests: **General Plan Amendments; Zoning Ordinance Amendment, Map; Commercial developments adjacent to residential zones; all non-residential uses in a residential zone.**

**DRC APPLICATION:** This DRC Application must be **complete** at the time it is submitted to the City or it may not be accepted.

**FILING FEE NOTICE:** Applications filed after July 1 are subject to fee changes.

Applicant's Signature:	Contact Person <b>JACK OR NAN POTTER J.</b> Phone: <b>801-221-9826</b> Phone: <b>801-225-0227</b>
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### OFFICE USE ONLY

Date Filed: <b>5/8/13</b>	Fees Paid: <b>\$425.00</b>	Received By: <i>[Signature]</i>
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**Please Note:** The deadline for filing this application to be considered at the next DRC Meeting is Monday at noon. If Monday is a Holiday the deadline is extended to the following Tuesday at noon. Once filed with the City, you may contact any of the following individuals to learn of the status of this application: Jason Bench, 229-7238; David Stroud, 229-7095; or Clinton Spencer, 229-7267.

CITY OF OREM  
**CITY COUNCIL MEETING**  
 SEPTEMBER 10, 2013



<b>REQUEST:</b>	<b>MOTION – Designation of Argument Drafters for Voter Information Pamphlet</b>
<b>APPLICANT:</b>	City of Orem
<b>FISCAL IMPACT:</b>	N/A

**NOTICES:**

- Posted in 2 public places
- Posted on City webpage
- Posted on City hotline
- Posted on the State website
- Faxed to newspapers
- E-mailed to newspapers
- Neighborhood Chair

**SITE INFORMATION:**

- General Plan Designation:  
N/A
- Current Zone:  
N/A
- Acreage:  
N/A
- Neighborhood:  
N/A
- Neighborhood Chair:  
N/A

<b>PREPARED BY:</b> Greg Stephens City Attorney
<b>APPROVED BY:</b>

**RECOMMENDATION:**

**The City Manager recommends the City Council, by motion, designate the drafters of the “for” arguments and the “against” arguments for the CARE Tax opinion question and the property tax referendum.**

**BACKGROUND:**

Orem voters will consider two ballot propositions at the November 5, 2013, election – the CARE Tax opinion question and the property tax referendum.

State law (U.C.A. §20A-7-402) requires the City to distribute a voter information pamphlet that includes one “for” argument and one “against” argument for each ballot proposition.

Several people and organizations have requested the opportunity to prepare the arguments for the voter information pamphlet. Because only one “for” and one “against” argument for each ballot proposition can be included in the voter information pamphlet, the City Council must designate one person, group or entity to submit each argument.

State law requires the City Council to make the designation according to the following criteria:

- (1) Sponsors have priority in preparing an argument regarding a ballot proposition; and
- (2) Members of the local legislative body have priority over others.

**CITY OF OREM**  
**BUDGET REPORT FOR THE MONTH ENDED JULY 2013**

Percent of Year Expired: 8%

Fund	Current Appropriation	Monthly Total	Year-To-Date Total	Encumbrances	Balance	% To Date FY 2014	% To Date FY 2013	Notes
<b>10 GENERAL FUND</b>								
Revenues	41,407,039	1,069,862	1,069,862			3%		
Appr. Surplus - Current	282,000		282,000			100%		
Appr. Surplus - Prior Year	1,037,610		1,037,610			100%		
Std. Interfund Transactions	4,623,406	4,623,406	4,623,406			100%		
<b>Total Resources</b>	<b>47,350,055</b>	<b>5,693,268</b>	<b>7,012,878</b>		<b>40,337,177</b>	<b>15%</b>	<b>15%</b>	
Expenditures	47,350,055	4,876,019	4,876,019	1,998,975	40,475,061	15%	13%	
<b>20 ROAD FUND</b>								
Revenues	2,260,000							
Appr. Surplus - Prior Year	1,554,240		1,554,240			100%		
<b>Total Resources</b>	<b>3,814,240</b>		<b>1,554,240</b>		<b>2,260,000</b>	<b>41%</b>	<b>26%</b>	
Expenditures	3,814,240	301,496	301,496	1,780,976	1,731,768	55%	33%	1
<b>21 CARE TAX FUND</b>								
Revenues	1,700,000	2,092	2,092			0%		
Appr. Surplus - Current	133,035		133,035			100%		
Appr. Surplus - Prior Year	8,354,408		8,354,408			100%		
<b>Total Resources</b>	<b>10,187,443</b>	<b>2,092</b>	<b>8,489,535</b>		<b>1,697,908</b>	<b>83%</b>	<b>84%</b>	
Expenditures	10,187,443	930,999	930,999	1,054	9,255,390	9%	10%	
<b>30 DEBT SERVICE FUND</b>								
Revenues	7,331,861	59,044	59,044			1%		
Appr. Surplus - Prior Year	4,820		4,820			100%		
<b>Total Resources</b>	<b>7,336,681</b>	<b>59,044</b>	<b>63,864</b>		<b>7,272,817</b>	<b>1%</b>	<b>2%</b>	
Expenditures	7,336,681	47,801	47,801	3,308	7,285,572	1%	1%	
<b>45 CIP FUND</b>								
Revenues	240,000	32,417	32,417			14%		
Appr. Surplus - Prior Year	869,126		869,126			100%		
<b>Total Resources</b>	<b>1,109,126</b>	<b>32,417</b>	<b>901,543</b>		<b>207,583</b>	<b>81%</b>	<b>55%</b>	2
Expenditures	1,109,126	58,169	58,169	153,383	897,574	19%	16%	
<b>51 WATER FUND</b>								
Revenues	10,904,031	1,661,991	1,661,991			15%		
Appr. Surplus - Prior Year	2,913,995		2,913,995			100%		
<b>Total Resources</b>	<b>13,818,026</b>	<b>1,661,991</b>	<b>4,575,986</b>		<b>9,242,040</b>	<b>33%</b>	<b>26%</b>	
Expenditures	13,818,026	2,902,138	2,902,138	618,263	10,297,625	25%	29%	
<b>52 WATER RECLAMATION FUND</b>								
Revenues	6,954,851	508,968	508,968			7%		
Appr. Surplus - Prior Year	1,496,982		1,496,982			100%		
<b>Total Resources</b>	<b>8,451,833</b>	<b>508,968</b>	<b>2,005,950</b>		<b>6,445,883</b>	<b>24%</b>	<b>21%</b>	
Expenditures	8,451,833	1,770,530	1,770,530	814,828	5,866,475	31%	30%	
<b>55 STORM SEWER FUND</b>								
Revenues	2,880,300	251,459	251,459			9%		
Appr. Surplus - Prior Year	977,969		977,969			100%		
<b>Total Resources</b>	<b>3,858,269</b>	<b>251,459</b>	<b>1,229,428</b>		<b>2,628,841</b>	<b>32%</b>	<b>45%</b>	
Expenditures	3,858,269	996,127	996,127	784,965	2,077,177	46%	20%	3
<b>56 RECREATION FUND</b>								
Revenues	1,694,500	156,650	156,650			9%		
Appr. Surplus - Prior Year	18,255		18,255			100%		
<b>Total Resources</b>	<b>1,712,755</b>	<b>156,650</b>	<b>174,905</b>		<b>1,537,850</b>	<b>10%</b>	<b>16%</b>	
Expenditures	1,712,755	151,994	151,994	215,545	1,345,216	21%	23%	
<b>57 SOLID WASTE FUND</b>								
Revenues	3,379,600	287,515	287,515			9%		
Appr. Surplus - Prior Year	10,094		10,094			100%		
<b>Total Resources</b>	<b>3,389,694</b>	<b>287,515</b>	<b>297,609</b>		<b>3,092,085</b>	<b>9%</b>	<b>9%</b>	
Expenditures	3,389,694	489,713	489,713	200	2,899,781	14%	15%	

**CITY OF OREM**  
**BUDGET REPORT FOR THE MONTH ENDED JULY 2013**

Percent of Year Expired: **8%**

Fund	Current Appropriation	Monthly Total	Year-To-Date Total	Encumbrances	Balance	% To Date FY 2014	% To Date FY 2013	Notes
<b>61 FLEET MAINTENANCE FUND</b>								
Appr. Surplus - Prior Year	595		595			100%		
Std. Interfund Transactions	585,000		585,000			100%		
<b>Total Resources</b>	<b>585,595</b>		<b>585,595</b>			<b>100%</b>	<b>100%</b>	
Expenditures	585,595	144,152	144,152	17,469	423,974	28%	28%	
<b>62 PURCHASING/WAREHOUSING FUND</b>								
Revenues		15	15			100%		
Std. Interfund Transactions	340,000		340,000			100%		
<b>Total Resources</b>	<b>340,000</b>	<b>15</b>	<b>340,015</b>		<b>-15</b>	<b>100%</b>	<b>100%</b>	
Expenditures	340,000	68,621	68,621	731	270,648	20%	19%	
<b>63 SELF INSURANCE FUND</b>								
Revenues	490,000	39,198	39,198			8%		
Std. Interfund Transactions	1,175,000	1,175,000	1,175,000			100%		
<b>Total Resources</b>	<b>1,665,000</b>	<b>1,214,198</b>	<b>1,214,198</b>		<b>450,802</b>	<b>73%</b>	<b>76%</b>	
Expenditures	1,665,000	441,150	441,150	217,097	1,006,753	40%	27%	
<b>74 CDBG FUND</b>								
Revenues	875,083	13,882	13,882			2%		
Appr. Surplus - Prior Year	241,343		241,343			100%		
<b>Total Resources</b>	<b>1,116,426</b>	<b>13,882</b>	<b>255,225</b>			<b>23%</b>	<b>16%</b>	
Expenditures	1,116,426	107,475	107,475	7,800	1,001,151	10%	14%	
<b>CITY TOTAL RESOURCES</b>	<b>104,735,143</b>	<b>9,881,499</b>	<b>28,700,971</b>		<b>75,172,971</b>	<b>27%</b>	<b>26%</b>	
<b>CITY TOTAL EXPENDITURES</b>	<b>104,735,143</b>	<b>13,286,384</b>	<b>13,286,384</b>	<b>6,614,594</b>	<b>84,834,165</b>	<b>19%</b>	<b>17%</b>	

**NOTES TO THE BUDGET REPORT FOR THE MONTH ENDED JULY 2013:**

- 1) The current year expenditures are higher in comparison to the prior year due to the current year encumbrances (\$1,780,976) being significantly more than in the prior fiscal year (\$764,677) at this date in time.
- 2) Current year revenues are higher in comparison to the prior year due to receiving a cell tower lease payment that is normally not received until September.
- 3) The current year expenditures are higher in comparison to the prior year due to the current year encumbrances (\$784,965) being significantly more than in the prior fiscal year (\$52,206) at this date in time. Primarily due to Williams Farm capital project.

<p>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).</p>
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