CITY OF OREM
CITY COUNCIL MEETING
56 North State Street, Orem, Utah
October 26, 2021

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

3:30 P.M. WORK SESSION - CITY COUNCIL CHAMBERS

PRESENTATION - Central Utah Water Conservancy District - Alpine Aqueduct Project (30 min)
Presentation
Presenter: Mike Whimpey, Central Utah Water Conservancy District

UPDATE - American Rescue Plan Act (ARPA) Funding (20 min)
Information
Presenter: Steven Downs, Deputy City Manager

UPDATE - Water Tank (20 min)
Information
Presenter: Lane Gray, Capital Projects Manager and Ryan Clark, Development Services Director

DISCUSSION - Code Amendment for Massage Establishments (20 min)
Discussion
Presenter: Steve Earl, Deputy City Attorney

1. AGENDA REVIEW & PREVIEW OF UPCOMING AGENDA ITEMS

The City Council will review the items on the agenda.

2. CITY COUNCIL REPORTS (BOARDS & COMMISSIONS, NEW BUSINESS, ETC.)

This is an opportunity for members of the City Council to raise issues of information or concern.
Presenter: Tom Macdonald

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

3. CALL TO ORDER

4. INVOCATION/INSPIRATIONAL THOUGHT: Brent Sumner

5. PLEDGE OF ALLEGIANCE: Brent Sumner

6. MAYOR'S REPORT/ITEMS REFERRED BY COUNCIL

6.1 PRESENTATION - Orem Youth Council
The City Recorders Office will then swear in the Youth Council

Presenter: Heather Schriever, City Attorney

6.2 PRESENTATION - Orem Community Hospital
Presenter: Lenny Lyons, Administrator at Orem Community Hospital

6.3 REPORT - Orem Arts Council Annual Report
Presenter: Barry Merrell, Vice Chair

6.4 REPORT - Recreation Advisory Commission Annual Report
Presenter: Bryce Merrill, Recreation Director and Skip McWhorter, Recreation Advisory Chair

7. PERSONAL APPEARANCES – 15 MINUTES

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

8. CONSENT ITEMS

8.1. APPROVAL OF MEETING MINUTES
Minutes of the City Council Meeting - September 28, 2021

9. SCHEDULED ITEMS

9.1 PUBLIC HEARING / RESOLUTION - The City will receive Public Comment on the Community Development Block Grant (CDBG) Projected Use of Funds for CARES ACT CDBG-CV funding and consider approval of a substantial amendment to the 2019-2020 Annual Action Plan
Presenter: Kenneth Ranson, CDBG Advisory Commission Chairperson and Kena Jo Mathews, Community Services Manager

9.2 PUBLIC HEARING / ORDINANCE - Amending the Current Fiscal Year 2021-2022 Budget
Presenter: Brandon C. Nelson, CPA, Finance Director

9.3 PUBLIC HEARING / ORDINANCE – Amending portions of Section 22-11-56 PD-43 (Auburn Meadows) 2000 South Geneva pertaining to the approved uses in the PD43 zone for Area B. Also amending Appendix LL of the Orem City Code with updated concept plans and elevations pertaining to Area B.
Presenter: Jason Bench, Planning Division Manager

9.4 RESOLUTION - Authorizing the Mayor to Execute a Franchise Agreement Between the City and Rocky Mountain Power
The City's current franchise agreement with Rocky Mountain Power will expire in November.
Presenter: Steve Earl, Deputy City Attorney

10. CITY MANAGER INFORMATION ITEMS

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

11. ADJOURN

THE PUBLIC IS INVITED TO PARTICIPATE IN ALL CITY COUNCIL MEETINGS.
If you need a special accommodation to participate in the City Council Meetings and Study Sessions, please call the City Recorder's Office at least 3 working days prior to the meeting.
(Voice 801-229-7000)

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

12-5-14. Massage Establishments.

A. **Definitions**. For the purposes of this section 12-5-14, the following terms shall have the meaning set forth below.

Employee means an operator, owner, or manager of a massage establishment and any person performing massages at or on the licensed premises of a massage establishment and also any agent or independent contractor who gives massages at a massage establishment.

Massage or Massage Therapy means the systematic manual or mechanical manipulation of the soft tissue of the body (including by rubbing, stroking, kneading, or tapping with the hand or by instrument) for the purpose of:

(a) promoting the therapeutic health and well-being of a client;
(b) enhancing the circulation of the blood and lymph;
(c) relaxing and lengthening muscles;
(d) relieving pain;
(e) restoring metabolic balance;
(f) achieving homeostasis; or
(g) other purposes.

Massage Establishment means any place or business where massages are given for hire.

Masseur means any person who gives massages for hire and any person who is required to obtain a license under the provisions of the Utah Massage Therapy Practice Act (Utah Code Title 58, Chapter 47B).

Specified Anatomical Areas means the pubic region, human genitals, perineum, anal region and female breasts.

B. **License Required**. Except as exempted under Utah Code sections 58-1-307 and 58-47b-304, it is unlawful for any person to operate, conduct, carry on, or maintain a massage establishment without a City massage establishment license.

C. **Requirements for the Issuance of a Massage Establishment License**. Any individual desiring a massage establishment license under this section shall:

1. Be at least twenty-one (21) years of age;
2. Obtain all licenses required by the Massage Therapy Practice Act (Utah Code Title 58, Chapter 47b) and comply with any and all rules promulgated by the Utah State Board of Massage Therapy;
3. Apply to the City for a massage establishment business license and provide the following material and information:
    (a) The address of the place where the applicant proposes to give massages or maintain a massage establishment;
    (b) A written description of all criminal convictions the applicant has had within the previous five years for crimes involving a felony, theft, fraud, deceit, misrepresentation, false statements, dishonesty, prostitution, sexual solicitation or other crimes involving moral turpitude;
    (c) The findings of a background check on the applicant conducted by the Utah Bureau of Criminal Investigations ("BCI") within the last 60 days and the results of a comparable background check from the applicant's state of permanent residency (if different) conducted within the previous 180 days;
    (d) A list of the names and addresses of all other massage establishments which the applicant currently operates or has operated in the previous five years and a statement as to whether the applicant has ever had a license to operate a massage

establishment revoked or suspended and the full reasons for such revocation or suspension; and

(e) Proof that all persons who will perform massages at the proposed massage establishment are licensed to do so by the state of Utah; and

4. Pay all applicable license fees.

D. **Grounds for Denial, Suspension or Revocation**.

1. In addition to the grounds for denial, suspension or revocation of a business license in section 12-4-3, a business license for a massage establishment may be denied, suspended or revoked if the applicant has been convicted of a crime within the previous five years involving a felony, theft, fraud, deceit, misrepresentation, false statements, dishonesty, prostitution, sexual solicitation, or other crimes involving moral turpitude or if the applicant has had a license to operate a massage establishment suspended or revoked in the previous five years in any jurisdiction.

2. Additional grounds for the suspension or revocation of massage establishment license include:

a. The massage establishment has been operated or maintained contrary to state statute or City ordinance;

b. Any employee of a massage establishment has performed or offered to perform massage contrary to state statute or City ordinance; or

c. Any violation of this section 12-5-14 committed by an employee of the massage establishment.

3. Suspensions or revocations of a massage establishment license shall be conducted in accordance with section 12-4-4 of the Orem City Code.

E. **No License to be Issued at Same Location Where Three or More Violations Have Occurred For One Year**. If the City Manager or the City Manager's designee has suspended or revoked any massage establishment license as provided for herein and the City Manager or the City Manager's designee finds that at least three separate violations of this section 12-4-4 have occurred (based on a preponderance of the evidence) at a particular massage establishment within any rolling twelve month period, no application for a massage establishment license shall be accepted or approved for the same location for a period of one year after the date of the suspension or revocation.

F. **Display of Licenses**.

1. Every massage establishment licensed under this section shall prominently display in the establishment all licenses required to be displayed by Utah Code section 58-47b-301 and all licenses required and issued under this section.

2. All masseurs, while on the premises of a licensed massage establishment shall maintain in their possession or immediate presence their masseur license and shall provide proof of such license and valid government-issued personal photo identification upon request of any law enforcement or code enforcement officer as well as to any person to whom the masseur has provided or offered to provide a massage.

G. **Prohibited Acts**. It is unlawful:

1. For a masseur to permit, to offer or agree to permit, or to cause a business patron to administer a massage, or a bath to any person;

2. To serve, store, or allow to be served, or allow to be consumed, any alcoholic beverage on the licensed premises of a massage establishment;

3. Subject to Utah Code Annotated section 58-47b-501(3), for a masseur to intentionally touch or massage, or to offer to touch or massage, or to agree to touch or massage, the specified anatomical areas of any patron;

4. For any person to perform or attempt or offer to perform a massage without holding a current license as a massage therapist or a massage apprentice under Utah Code Title 58, Chapter 47b, or to advertise or represent themselves as practicing massage therapy when not licensed to do so;

5. For any person to own, operate or conduct a massage establishment, or in any other manner to engage in or perform massages without complying with the licensing requirements of this section;

6. For any premises licensed as a massage establishment to be used as living or sleeping quarters by employees or other persons; or

7. For any masseur or other person employed by or allowed on the premises by the massage establishment to display any specified anatomical area to any customer or patron of the massage establishment while on the premises of the massage establishment.

H. **Penalties**. Violations of subsections 12-5-14(F)(3) and (F)(4) constitute violations of Utah Code section 58-47b-503, and shall be classified, prosecuted and penalized as outlined therein. All other violations of this section 12-5-14 are class B misdemeanors.

	CITY OF OREM **CITY COUNCIL MEETING** **OCTOBER 26, 2021**
REQUEST:	**APPROVAL OF MEETING MINUTES**
APPLICANT:	
NOTICES:	
SITE INFORMATION:	
PREPARED BY:	

REQUEST:

BACKGROUND:

RECOMMENDATION:

DRAFT

CITY OF OREM
CITY COUNCIL MEETING
56 North State Street Orem, Utah
September 28, 2021

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

CONDUCTING	Mayor Richard F. Brunst
ELECTED OFFICIALS	Debby Lauret, Tom Macdonald, Terry Peterson, and David Spencer.
ELECTRONIC PARTICIPATION	Brent Sumner
EXCUSED	Jeff Lambson
APPOINTED STAFF	Jamie Davidson, City Manager; Brenn Bybee, Assistant City Manager; Steven Downs, Deputy City Manager; Heather Schriever, City Attorney; Marc Sanderson, Fire Chief; Joshua Adams, Police Chief; Ryan Clark, Development Services Director; Charlene Crozier, Library Director; Jason Bench, Planning Division Manager; and JoD'Ann Bates, City Recorder

NOTE: The referenced report and presentation documents for each discussion may be viewed at orem.org/meetings under "City Council Presentations"

Mr. Spencer stated Mayor Brunst would be joining the meeting later and asked that he start the work session in his absence.

PRESENTATION – Farley Property Water Tank

Mr. Larsen of Bowen Collins & Assoc. stated after the last City Council meeting and the feedback they received they had come back to show the Council some new renderings with the proposed tank being completely underground. He continued to show elevations, sections and 3-D renderings of the proposed area and location of the tank. He indicated there are a few things still to work out but they have provided a good base as to what it will look like.

General discussion ensued regarding a cost for a concrete fence around the 3 sides of the site instead of the chain link fence. Discussion continued regarding a preference of fences around the tank for security for both the tank and the residents.

Mr. Larsen continued to state that nothing is set in stone and changes can continue to be made. He presented proposals of the booster pump station.

General consensus of the council was they were in approval of the presented information and Mr. Larsen was good to proceed presenting it to the public.

Mr. Peterson joined the meeting at 4:23 pm

UPDATE – Utah Valley University

Mr. Whyte, Associate V.P. of University Relations made a presentation as to an update of the Utah Valley University which included the following information:

- Celebrating UVU's 80th anniversary
  - UVU Serves a Diverse Population
  - Student Successes
  - Program Successes
  - Athletic Successes
  - Academic Successes
  - Community Involvement Success
  - Recognitions Received
  - Covid-19 information on campus
  - Parking Issues Update
  - Campus Facilities Update

Mr. Whyte concluded by thanking the City of Orem and others that have helped in contributing to the continued success of Utah Valley University and its students.

Mrs. Laruet inquired as to the parking with the newer apartments and if the online programs will continue to be consistent. Mr. Val Peterson indicated with the covid pandemic, they feel the traffic has been reduced and they would like to do a traffic study to get a true count. He feels the online participation will continue due to the ease of availability.

REPORT – Annual Human Resource Report

Mrs. Rugg, Human Resource Director introduced Jennica Jones and Scott Swift and indicated they would be helping with the presentation. She indicated this is an annual presentation in order to keep the Council up to date with staff and policies. She continued to discuss the following:

- Employee Demographic
- Adoption of the Equal Employment Opportunity plan
- Diversity Efforts
- FY22 Personnel Expenditures

Mrs. Jones presented employee benefits to include the following:

- Health Insurance
- Annual Employee Turnover
    - Specific Sworn Police and Fire Employees

Mr. Swift presented employee recruitment information to include the following:

- New hires in 2021
- Current Open Positions available
- Hardest to fill positions
- Department Directors hired in 2021
- Public Safety Recruitment & Retention
- Compensation

Mrs. Rugg continued with a discussion of Employee Training and Development which included the following:

- Leadership and Management Monthly Sessions for supervisors
- Building a Better Orem quarterly sessions for all employees

She concluded by presenting safety measures the city is working on in order to help in the reduction of the covid-19 numbers.

General comments were made regarding how important the benefits the city provides are for the employees and the positive effect that has been shared regarding the women's scholarship program.

Mayor Brunst joined the meeting at 5:30 p.m.

AGENDA REVIEW & PREVIEW OF UPCOMING AGENDA ITEMS

The City Council reviewed the evening's agenda. Discussion ensued regarding the scheduled items that would be considered.

CITY COUNCIL REPORTS (BOARDS & COMMISSIONS, NEW BUSINESS, ETC)

Mr. Davidson reviewed some upcoming events and information as follows:

- Utah League of Cities and Towns conference begins on Wednesday the 29th.
- Per the majority of the Council the October 12th City Council meeting will be cancelled due to the lack of scheduled items.
- Annual Touch-a-Truck event will be held on Oct 9th at the University Orchard Park from 10 am to 2 pm.
- Restrooms in the City Center are complete and open to the public.
- Updates as to parking concerns in various area along Geneva Road. They have had some productive communications with the apartments and they are working on providing additional parking.

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

CONDUCTING	Mayor Richard F. Brunst
ELECTED OFFICIALS	Debby Lauret, Tom Macdonald, Terry Peterson, and David Spencer
ELECTRONIC PARTICIPATION	Brent Sumner
EXCUSED	Jeff Lambson
APPOINTED STAFF	Jamie Davidson, City Manager; Brenn Bybee, Assistant City Manager; Steven Downs, Deputy City Manager; Heather Schriever, City Attorney; Marc Sanderson, Fire Chief; Joshua Adams, Police Chief; Ryan Clark, Development Services Director; Charlene Crozier, Library Director; Chris Tschirki, Public Works Director; Brandon Nelson, Finance Director; Jason Bench, Planning Division Manager; Steve Earl, Deputy City Attorney; and JoD'Ann Bates, City Recorder

CALL TO ORDER

INVOCATION / INSPIRATIONAL THOUGHT - Terri Smith
PLEDGE OF ALLEGIANCE - John Barrick

MAYOR'S REPORT/ITEMS REFERRED BY COUNCIL

There were no items at this time.

PERSONAL APPEARANCES

Stephanie Visnaw thanked the City Council for continuing to make changes to the State Street Districts. She has heard from several residents that developers and commercial property owners have taken some liberties and are not being held accountable for all city ordinances. She feels larger developers are controlling the meetings and are given preferential treatment and communications with residents are not being heard. During the moratorium it is an opportunity for Orem City to hold discussions with residents and small business owners not just developers.

Debbie Lamb stated she lives in the Hillcrest area and has some concerns with the University Mall and the Woodbury properties. Woodbury continues to purchase property in their neighborhood that are zoned residential and use that area as a staging lot for construction with large trucks and equipment. She questioned why Woodbury does not have to abide by the laws of the city. The traffic in their neighborhood is due to individuals trying to get to the mall or Costco to avoid State Street, once they realize they cannot get to those locations they speed out of the neighborhood.

Ethan Harris stated he is a resident of the Hillcrest neighborhood. Their homes are under constant threat from all sides and feels it is from the Woodbury Corporation. Residential lots are being illegally fenced off and used for construction storage and for commercial purposes. Woodbury has ignored the city code and city zoning in these locations and is destroying the value of the homes. There are rumors of Woodbury opening roads through their neighborhood and Costco is talking about expanding which would illegally encroach into this area. If Orem wants to continue to be known as Family City USA help us and our homes against those that illegally encroach in to residential areas for commercial expansion.

Annette Olsen stated she has lived next to the University Mall for 45 years. They have a traffic problem in their neighborhood with cars looking for an easier way to get to the mall and Costco and additional high density housing will only make it worse. They have watched their neighborhood get crowed out by the commercial around them. She urges the elected officials to look at their stewardship and see if they are serving the developers or the residents who elected them. Please support Orem's residents and preserve our neighborhood.

John Barrick inquired as to the site plan application process, Development Services office and the Development Review Committee (DRC). Orem City Municipal Code 22-14-20 talks about

site plans. He continued to quote from the city code regarding the requirements for an application for site plan submittal, approval and neighborhood meetings. Through Grama requests made, he feels there have been submissions accepted and approved that did not meet the requirements as called for in the city code. Legal counsel for the Wright development filed an application without a neighborhood meeting due to information they received from city employee that the neighborhood meeting was not required for their project. Is Orem City going to be subject to lawsuit and damages due to the actions of the employees? He continued to state they need more transparency and not more back room deals and violations of Orem city codes.

CONSENT ITEMS

- APPROVAL OF MEETING MINUTES
  - Minutes of City Council Meeting – September 14, 2021
- APPOINTMENTS TO BOARDS AND COMMISSIONS
  Heritage Advisory Commission:
  - Russ Sneddon, Appointment
- ORDINANCE – City Code Updates – **This item was pulled by Mr. Peterson**
- RESOLUTION – 2021 Utility Financial Plan

Mr. Peterson motioned to move the item approving an Ordinance regarding City Code Update to a scheduled item.

Mr. Macdonald moved to approve the Consent Agenda as listed without the Ordinance for the City Code Updates item. **Mrs. Lauret Seconded** the motion. Those voting aye: Richard F. Brunst, Tom Macdonald, Terry Peterson, Debby Lauret, David Spencer, and Brent Sumner. The motion **passed.**

SCHEDULED ITEMS

<u>PUBLIC HEARING / RESOLUTION – Crandall Orchard Open Space Conservation Easement Resolution of Support</u>

Mr. Taylor stated the proposal is related to four separate properties owned by Tim and Natalie Crandall and utilized as orchards. Together they are 12.76 acres in size and located at 66 N 800 East St., 825 E Center St., and 101 S 800 East St. Two other properties used as part of the same orchard operation are located at 31 and 75 S 800 East St and consistent of 4.09 acres. Although they are owned by separate parties at this time, they will also be considered as part of the easement proposal should the owner's consent to it in the future. Darren Hawkins has requested this action of the Council on behalf of Tim and Natalie Crandall (all Orem residents). In order to

complete the property owner's application to Utah State's LeRay McAllister Critical Lands Conservation Fund for partial funding of the proposed easement. The fund requires property owners to have a "letter of support from the local government where the project is located." A resolution seems to be the most practical way for the City Council to state that support.

Mrs. Lauret inquired as to who retains the funds from the easement and how long does this stay and easement. Mr. Taylor indicated the funds would go to the property owner and it is meant to be in pertuity but there are ways to undo the easement but they do not see that happening in the near future.

Mayor Brunst opened the public hearing at 6:28 pm.

Don Lysky stated he and his wife have been residents in the area for 34 years. He feels using the orchard for the open space is critical and feels they need to maintain the green visual. The Crandall farm is a treasure and tribute to the quality of life and feels once the open space is lost it is lost forever.

Quinn Mecham thanked his fellow residents regarding the Hillcrest neighborhood. He has had the opportunity to be the neighborhood historian and found that orchards are a fundamental part of the history of Orem. Orchards are a monument to the past and a quality of life. Orem is a place that is tied to the land and nature and thanks city staff for their time and energy. He concluded by urging the Council to support this effort.

Corey Ramich grew up down the street from this farm. He feels this is noble of the Crandall's to have this open space in perpetuity. Most other orchards are gone and the land has been turned into housing and feels this will give back to the heritage of Orem.

Jim Crandall stated this is something their family had been looking at doing for a long time. He has watched his family for generations struggle and even at one time loose this property, later having the ability to get it back and would now like to give back. He feels it is great opportunity and future and will only become more important.

Darren Hawkins wanted to thank the city staff in helping with this idea and the Council in their consideration.

Hearing no further comments, Mayor Brunst closed the public hearing at 6:38 pm and brought the item back to the Council for further discussion.

Mr. Macdonald stated he fully supports this proposal and feels there are a few issues that will need to be addressed during this process in regards to possible future roads. Mr. Taylor indicated it is addressed in the resolution that the easement cannot stop the Orem Master Plan.
Mayor Brunst moved by Resolution to approve the Crandall Orchard Open Space Conservation Easement Resolution of Support. **Mrs. Lauret seconded** the motion. Those voting aye: Richard F. Brunst, Tom Macdonald, Terry Peterson, Debby Lauret, David Spencer, and Brent Sumner. The motion **passed.**

ORDINANCE – City Code Updates – Item pulled from Consent Items

Mr. Peterson stated it was his understanding this change is to clean up outdated information in the city code. His concern was a change to some of the GRAMA policies in relation to the Development Review Committee (DRC) information being availability through that request process.

Mrs. Schriever reviewed the changes to the city code being proposed and discussed the changes in 2-26-9 by stating in 2018 Senator Bramble proposed and these changes were approved that not just written and recorded information of a closed meeting are protected but also the transcript. These changes are to update and codify the city code with the state code that was not changed prior. A closed meeting is not to be discussed and is protected under GRAMA. Mr. Peterson inquired if the DRC fit under that language of a closed meeting. Mrs. Schriever stated the DRC is not a public body and would fall under the State code amendment of 2018.

Mr. Clark indicated the DRC meeting is not a meeting with the developer. It is a meeting of several staff members that review the proposal and ensure their plans meet code. Comments are made and issues and concerns are redlined then returned to the applicant.

Further discussion continued regarding the DRC and what is a public record and what constitutes protected records.

Mayor Brunst moved by Ordinance to approve the City Code Updates as presented. **Mrs. Lauret seconded** the motion. Those voting aye: Richard F. Brunst, Tom Macdonald, Terry Peterson, Debby Lauret, David Spencer, and Brent Sumner. The motion **passed.**

COMMUNICATION ITEMS
There were no communication items at this time

CITY MANAGER INFORMATION ITEMS

Mr. Davidson had no additional items at this time.

ADJOURNMENT

Mr. Spencer moved to adjourn. **Mr. Macdonald seconded** the motion. Those voting aye: Richard F. Brunst, Jeff Lambson, Tom Macdonald, Terry Peterson, Debby Lauret, David Spencer, and Brent Sumner. The motion **passed.**

Meeting adjourned at 6:38 pm.

CITY OF OREM

CITY COUNCIL MEETING

OCTOBER 26, 2021

REQUEST:	PUBLIC HEARING / RESOLUTION - The City will receive Public Comment on the Community Development Block Grant (CDBG) Projected Use of Funds for CARES ACT CDBG-CV funding and consider approval of a substantial amendment to the 2019-2020 Annual Action Plan
APPLICANT:	Kena Mathews
NOTICES:	
SITE INFORMATION:	
PREPARED BY:	Kena Mathews, Community Services Manager

REQUEST:

BACKGROUND:

In response to the Coronavirus Pandemic (COVID-19), the U.S. Department of Housing and Urban Development Community Development Block Grant provided the City of Orem with a second CDBG allocation of $287,940 to be used to prevent, prepare for, and respond to COVID-19. The CDBG Advisory Commission recommends that the Orem City Council allocates $5,500 of the previously allocated $39,681.68 in CDBG-CV public service funding to Parkside Elementary School to help purchase five picnic tables to help prevent and mitigate COVID-19. The CDBG Advisory Commission recommends that the Orem City Council also re-allocates $100,000 in CDBG-CV funding previously allocated to the Topham's Care Center for a HVAC project to public services.

RECOMMENDATION:

The Community Services Manager recommends that the City Council hold a public hearing to receive public comment on the projected uses of the funds for the CARES ACT CDBG-CV funding, adopt the recommendations of the CDBG Advisory Commission, and approve a substantial amendment to the 2019-2020 Annual Action Plan.

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING PROJECTS AND A SUBSTANTIAL AMENDMENT TO THE CITY OF OREM ANNUAL ACTION PLAN FOR FISCAL YEAR 2019-2020

WHEREAS, the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), signed in March 2020 authorized Community Development Block Grant Coronavirus (CDBG-CV) Funds, made available from the United States Department of Housing and Urban Development (HUD), to be allocated to prevent, prepare for, and respond to the COVID-19 Pandemic; and

WHEREAS the City of Orem, a CDBG entitlement, has been allocated a second round of CDBG-CV funding in the amount of $287,940; and

WHEREAS, the Orem City Council approved a Substantial Amendment to the City of Orem's Annual Action Plan and budget for FY 2019-2020 on January 12, 2021, Resolution No. 2021-0002; and

WHEREAS, the approved amendment allocated $258,049.16 of CDBG-CV Funds to public service projects; and

WHEREAS, the City of Orem seeks to dedicate $5,500 in CDBG-CV public services funding to Parkside Elementary School to purchase five picnic tables to prevent the spread of COVID-19 during school meals; and

WHEREAS, the City of Orem also seeks to re-allocate $100,000 in CDBG-CV funding previously allocated to the Topham's Care Center for an HVAC project to public services; and

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

1. That the City Council will authorize the use of CDBG-CV funds described above by adopting this Resolution and will approve the proposed Substantial Amendment to the City of Orem's Annual Action Plan.

2. This Resolution shall take effect immediately upon passage.

3. All other resolutions and policies in conflict herewith, either in whole or in part, are hereby repealed.

PASSED, APPROVED, AND ORDERED PUBLISHED this **26th** day of **October** 2021.

_____

Richard F. Brunst, Jr., Mayor

ATTEST:

_____

JoD'Ann Bates, City Recorder

COUNCILMEMBER	AYE	NAY	ABSTAIN
Mayor Richard F. Brunst	☐	☐	☐
Jeff Lambson	☐	☐	☐
Debby Lauret	☐	☐	☐
Tom Macdonald	☐	☐	☐
Terry Peterson	☐	☐	☐
David Spencer	☐	☐	☐
Brent Sumner	☐	☐	☐

CITY OF OREM

CITY COUNCIL MEETING

OCTOBER 26, 2021

REQUEST:	**PUBLIC HEARING / ORDINANCE** - Amending the Current Fiscal Year 2021-2022 Budget
APPLICANT:	Brandon Nelson
NOTICES:	Public Hearing
SITE INFORMATION:	
PREPARED BY:	Brandon Nelson, Finance Director

REQUEST:

BACKGROUND:

The Fiscal Year 2021-2022 City of Orem budget has many adjustments that occur throughout the fiscal year. These adjustments include grants received from Federal, State, and other governmental or private entities or organizations; appropriating funds for library ARPA grant funds received; and appropriating budget funds for the police department related to public auction funds received near the end of the prior fiscal year.

RECOMMENDATION:

The City Manager recommends the City Council hold a public hearing to discuss amending the current Fiscal Year 2021-2022 Budget and, by ordinance, amend the Fiscal Year 2021-2022 Budget.

DRAFT

ORDINANCE NO. _____

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF OREM, UTAH, AMENDING THE FISCAL YEAR 2021-2022 BUDGET.

WHEREAS On June 15, 2021, the City Council adopted a final budget following State law; and

WHEREAS the City Council held a public hearing on October 26, 2021, to receive input from the public regarding proposed amendments to the Fiscal Year 2021-2022 budget; and

WHEREAS the budget has been revised as deemed appropriate to accommodate unexpected revenues and expenses.

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

1. The Council hereby amends the Fiscal Year 2021-2022 Budget as shown in Exhibit "A" which is attached hereto and incorporated herein by reference.

2. The City Manager is directed to implement these budget amendments in accordance with State laws and appropriate City procedures.

3. This ordinance shall take effect immediately upon publication.

PASSED AND APPROVED this **26th** day of **October 2021**.

_____
CITY OF OREM, by
Richard F. Brunst, Mayor

ATTEST:

_____
JoD'Ann Bates, City Recorder

COUNCIL MEMBERS	AYE	NAY	ABSTAIN
Mayor Richard F. Brunst	☐	☐	☐
Jeff Lambson	☐	☐	☐
Debby Lauret	☐	☐	☐
Tom Macdonald	☐	☐	☐
Terry Peterson	☐	☐	☐
David Spencer	☐	☐	☐
Brent Sumner	☐	☐	☐

EXHIBIT "A"
BUDGET AMENDMENTS
FISCAL YEAR 2021-2022

REVENUES

Account Number	Note	Description	Previous Budget	Current Budget
		GENERAL FUND		
10-3314-001	1	Grant - ARPA - U.S. Treasury - Library	-	68,530.00
10-3316-001	1	Library - UAC Onstage Utah Grant	-	2,000.00
10-3316-002	1	Library - Westaf - TourWest Grant	-	1,800.00
10-3316-003	1	Grant - Various - Misc Grantons	-	500.00
10-3316-006	1	Library - Book Festival Partner Grant - UHC	-	2,700.00
10-3316-025	1	Library - LSTA ARPA Grant	-	16,065.00
10-3318-018	1	Justice Assistance Grant - CCJJ	-	8,165.00
10-3318-023	1	State Asset Forfeiture Grant - CCJJ - FY 2022	-	1,500.00
10-3341	1	EMS Grant	-	7,743.00
10-3620-007		Rental Revenues - Credit Union	-	113.22
10-3690-007	2	Misc Revenues - Police - Auction Funds	-	5,691.98
10-3995-013	1	Cont. From - Fund 73 - Orem Foundation	-	4,930.00
10-3995-042	1	Cont From - Fund 74 - CARES Act Grant - Victim Srvcs	-	24,000.00
10-3997-018		App. Surp - Operations - Financial Literacy	-	456.84
10-3997-018		App. Surp - Operations - Reading with Police - RMP	-	2,000.00
10-3997-018	3	App. Surp - Operations - Econ. Dev. Strategic Plan	-	108,768.00
Total			$ -	$ 254,963.04
Net Fund Increase				$ 254,963.04
		MAJOR CRIMES TASK FORCE (MCTF)		
25-3318-005-001	1	JAG Grants - SAFG/STFG	275,000.00	295,000.00
25-3424-004-003	1	MCTF - Forfeitures Revenues - Federal (Justice-Safe St)	-	42,500.00
Total			$ 275,000.00	$ 337,500.00
Net Fund Increase				$ 62,500.00
		CAPITAL IMPROVEMENT PROJECT FUND		
45-3698-005-000	1	Donation Funds - Fitness Center	-	100,000.00
Total			$ -	$ 100,000.00
Net Fund Increase				$ 100,000.00
		OREM FOUNDATION TRUST FUND		
73-3910-004	1	Donations - Orem City	-	3,750.00
73-3997-002	1	App Surplus - Donations	-	1,180.00
Total			$ -	$ 4,930.00
Net Fund Increase				$ 4,930.00
		COMMUNITY & NEIGHBORHOOD SERVICE FUND		
74-3342	1	Grant - CARES Act - CDBG	$ -	$ 287,940.00
Total			$ -	$ 287,940.00
Net Fund Increase				$ 287,940.00
Total City Funds			$ 275,000.00	$ 985,333.04
Net City Funds Increase				$ 710,333.04

EXHIBIT "A"
BUDGET AMENDMENTS
FISCAL YEAR 2021-2022

EXPENDITURES

Account Number	Note	Description	Previous Budget	Current Budget
		GENERAL FUND		
10-4120-600-007		Financial Literacy Program	-	570.06
10-4140-310-002	3	Prof & Tech Services - Econ Dev Strategic Plan	-	108,768.00
10-6510-743-099	2	Equipment - Police - Auction Funds	-	5,691.98
10-6520-250-005	1	Equipment - JAG Grant	-	8,165.00
10-6530-250-006	1	Equipment - SAFG Grant	-	1,500.00
10-6533-240-005		Supplies - Reading with Police Grant - Rocky Mountain Power	-	2,000.00
10-6550-250-012	1	Equipment - VIPS	-	3,750.00
10-7043-450	1	Public Safety Supplies - EMS Grant	-	7,743.00
10-8510-310-001	1	Prof. & Technical Services - UAC Onstage Utah Grant	-	2,000.00
10-8510-310-002	1	Prof. & Technical Services - Westaf - TourWest Grant	-	1,800.00
10-8510-310-006	1	Prof. & Technical Services - UHC - Book Festival Grant	-	2,700.00
10-8520-250-025	1	Equipment LSTA ARPA Grant	-	16,065.00
10-8520-462-011	1	Child Collection	-	12,000.00
10-8520-464-011	1	Media Collection - e-books Donation	-	56,530.00
10-8530-240-013	1	Supplies - Maker Space - Donations	1,171.00	2,351.00
10-8530-310	1	Professional & Technical Services	-	320.00
10-8530-480	1	Special Department Supplies	-	180.00
10-9910-999-003	1	Contingency - Budget Shortfall	509,966.00	533,966.00
Total			$ 511,137.00	$ 766,100.04
Net Fund Increase				$ 254,963.04
		MAJOR CRIMES TASK FORCE (MCTF)		
25-6531-140-001	1	Overtime - JAG Grant	69,099.84	89,099.84
25-6531-250-007	1	Equipment - Forfeitures (Justice - Safet St)	45,218.80	87,718.80
			$ 114,318.64	$ 176,818.64
Net Fund Increase				$ 62,500.00
		CAPITAL IMPROVEMENT PROJECT FUND		
45-6034-720-306	1	Fitness Center	503,928.00	603,928.00
Total			$ 503,928.00	$ 603,928.00
Net Fund Increase				$ 100,000.00
		OREM FOUNDATION TRUST FUND		
73-8591-920-002	1	Cont. To - Fund 10 - Orem Library	$ -	$ 1,180.00
73-8591-920-004	1	Cont. To - Fund 10 - Orem City	-	3,750.00
Total			$ -	$ 4,930.00
Net Fund Increase				$ 4,930.00
		COMMUNITY & NEIGHBORHOOD SERVICE FUND		
74-9911-310	1	Professional & Technical Services	-	287,940.00
Net Fund Increase			$ -	$ 287,940.00
				$ 287,940.00
Total City Funds			$ 1,129,383.64	$ 1,839,716.68
Net City Funds Increase				$ 710,333.04

BUDGET AMENDMENTS
FISCAL YEAR 2021-2022

NOTES

These notes are attached to the budget amendments summary to describe the more unusual or extraordinary amendments to the Fiscal Year 2021-2022 City of Orem Budget that have been necessitated to this point in the fiscal year. Many of the amendments listed in the summary are immaterial and/or are technical corrections that any organization of this size would expect to encounter during an operating year and therefore, no specific note has been given for these items. Please contact Brandon C. Nelson, CPA, Finance Director, at 801-229-7010, if you have any questions or concerns.

1) The City receives grant or donation funds during the year to aid many different operations such as federal funding for the COVID pandemic (CDBG CARES & Library ARPA), Police Department (Major Crimes Task Force Grants), Fire Department (EMS Grant), and the City's new fitness center (private donations). The funds are received from Federal, State, and other governmental (or private) entities. These entries represent the adjustments necessary to adjust the appropriate budgets.

2) The Police Department holds an auction each year of various lost and unclaimed items (primarily bikes). The auction occurs late in the fiscal year so it is not until the following fiscal year that the City is able to do a budget amendment to add these funds to the budget to purchase various equipment. This amendment adds these funds to the budget for this purpose.

3) The EDA revolving loan fund (RLF) the City operates was defederalized a few months ago. The funds are now available but still must be used for economic development purposes. This budget amendment provides the ability to use these funds for an Economic Development Strategic Plan.

	CITY OF OREM **CITY COUNCIL MEETING** **OCTOBER 26, 2021**
REQUEST:	**PUBLIC HEARING / ORDINANCE** – Amending portions of Section 22-11-56 PD-43 (Auburn Meadows) 2000 South Geneva pertaining to the approved uses in the PD43 zone for Area B. Also amending Appendix LL of the Orem City Code with updated concept plans and elevations pertaining to Area B.
APPLICANT:	Jeff Mansell, Boardwalk Industries, LLC
NOTICES:	
SITE INFORMATION:	
PREPARED BY:	JoD`Ann Bates, Recorder

REQUEST:

BACKGROUND:

RECOMMENDATION:

CITY OF OREM **CITY COUNCIL MEETING** OCTOBER 26, 2021	
REQUEST:	**PUBLIC HEARING** – Amending Appendix LL of the Orem City Code to expand Area B and to add new concept plans and elevations for Area B of the PD-43 zone (Auburn Meadows) located at 2000 South Geneva Road. Also making minor language amendments to portions of Section 22-11-56 PD-43 (Auburn Meadows).
APPLICANT:	Jeff Mansell, Boardwalk Industries, LLC
FISCAL IMPACT:	None

NOTICES:
- Posted in 2 public places
- Posted on City webpage and City hotline
- Faxed to newspapers
- E-mailed to newspapers
- Posted at utah.gov/pmn
- Notices sent to 315 property owners within 1,000+ feet.

SITE INFORMATION:
- General Plan: MDR
- Current Zone: PD43
- Acreage: 2.4
- Neighborhood: Lakeview

PLANNING COMMISSION RECOMMENDATION
Vote: 5-0 for approval

PREPARED BY:
Cheryl Vargas
Associate Planner

REQUEST:
The applicant requests that the City Council amend Appendix LL of the Orem City Code to expand Area B and to add new concept plans and elevations for Area B of the PD-43 zone (Auburn Meadows) located at 2000 South Geneva Road. The applicant also requests that the City Council make minor language amendments to portions of Section 22-11-56 PD-43(Auburn Meadows).

BACKGROUND:
The City Council continued this item on September 24, 2021 to allow the applicant additional time to hold an additional neighborhood meeting and to deal with the parking situation on Geneva Road. The applicant is prepared to discuss the neighborhood meeting and solutions to the parking issues on Geneva Road.

The original concept plan for the PD-43 zone established an Area A and an Area B. The original concept plan shows Area A being developed with attached residential units and Area B being developed as a senior independent living facility. As the area has developed over the last few years, the developer of the PD-43 zone now believes that Area B would be more productively developed as a grocery store and other commercial uses. Area B is located at the corner of Geneva Road and 2000 South and is a desirable location for commercial uses. The applicant also proposes to expand the area of Area B (by taking land from Area A) in order to facilitate the development of a grocery store.

The applicant proposes to amend Appendix "LL" of the Orem City Code to amend the concept plan for the PD-43 zone to increase the size of Area B and to show two alternate development possibilities for two different-sized grocery stores. Plan A has a small grocery store and commercial space fronting on Geneva Road. Plan B has a larger grocery store and one commercial pad, possibly for a fast food establishment, in the southeast corner of Area B.

Moving a portion of Area A to Area B will also require the applicant to relocate 12 residential units to other parts of Area A and to eliminate nine residential units from the project.

In addition to the proposed amendment to the concept plan, a few technical

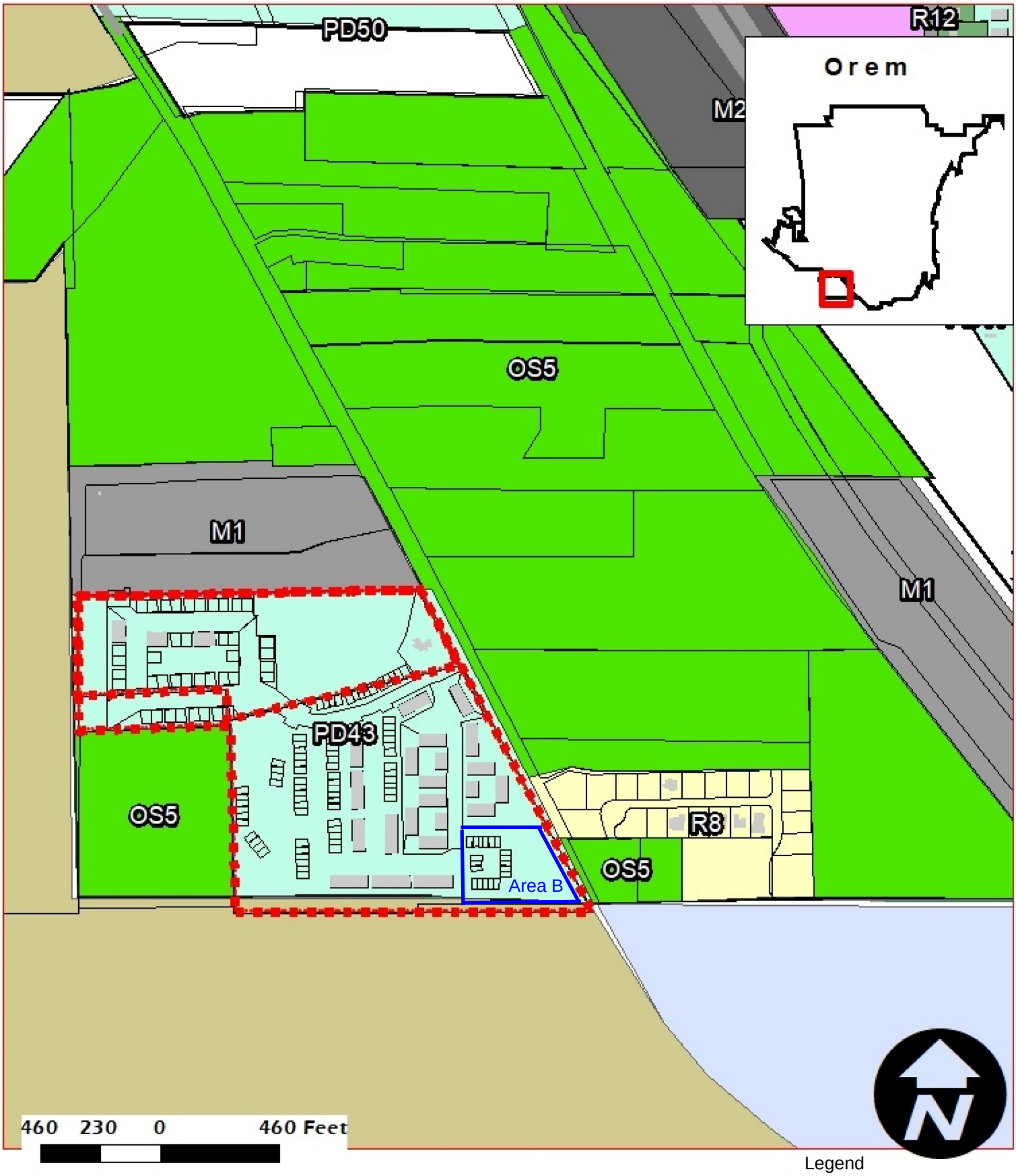
amendments are also proposed to the text of the PD-43 zone (Section 22-11-56).

A neighborhood meeting was held on May 14, 2021 with four people in attendance.

RECOMMENDATION:
The Planning Commission recommends the City Council, by ordinance, amend Appendix LL of the Orem City Code to expand Area B and to add new concept plans and elevations for Area B of the PD-43 zone (Auburn Meadows) located at 2000 South Geneva Road and to make minor language amendments to portions of Section 22-11-56 (PD-43 zone).

1810 South
1230 West
1150 West
1860 South
1860 South
1860 South
1860 South
1860 South
1860 South
1860 South
1140 West
1120 West
1940 South
1120 West
1080 West
1970 South
1970 South
1120 West
1950 South
1950 South
Geneva Road
Geneva Road
2000 South
2000 South
2000 South

Fields at Lakeview



Zoning Ordinance Text Amendment
PD43
37.5 Acres

NEIGHBORHOOD
Lakeview

Legend
Fields at Lakeview
Buildings
Parcels
1961 S Geneva Road

EXISTING SITE PLAN

STANDARD NOTES

1. THE FIRE PROTECTION ITEMS (FIRE HYDRANTS, WATER MAINS, ACCESS ROADS, ETC.) SHOWN ON THIS SITE PLAN ARE PRELIMINARY ONLY. DETAILED FIRE PROTECTION PLANS SHALL BE SUBMITTED WITH THE BUILDING PLANS. PLAN REVIEWS BY THE CITY OF OREM FIRE PREVENTION BUREAU SHALL BE COMPLETED PRIOR TO THE ISSUANCE OF A BUILDING PERMIT. THE PLAN REVIEWS BY THE CITY OF OREM FIRE PREVENTION BUREAU MAY IDENTIFY ADDITIONAL FIRE PROTECTION REQUIREMENTS MANDATED BY THE INTERNATIONAL FIRE CODE. FIRE HYDRANT FOOT VALVES SHALL BE INSTALLED AT THE CONNECTION POINT WITH THE MAIN WATER LINES. THE CONNECTION POINT WITH THE MAIN WATER LINES.

2. ALL LANDSCAPED AREAS SHALL HAVE AN AUTOMATIC, UNDERGROUND SPRINKLING SYSTEM WHICH INCLUDES A BACK-FLOW DEVICE TO THE BUILDING. BACK-FLOW DEVICES SHALL BE INSTALLED AND TESTED IN ACCORDANCE WITH SECTION 21-1-14 OF THE OREM CITY CODE. WATER METER SIZES SHALL BE DETERMINED BY THE CITY OF OREM BUILDING DIVISION AT THE TIME OF BUILDING PERMIT APPROVAL OR WHEN THERE IS A REQUEST TO CHANGE THE WATER METER SIZE. WATER METERS SHALL BE LOCATED AT THE BACK OF SIDEWALK OR CURB IN AN AREA THAT IS ACCESSIBLE FOR READING AND SERVICING. WATER METERS SHALL NOT BE LOCATED WITHIN AREAS ENCLOSED WITH FENCES OR WITHIN TEN FEET (10') OF ANY EXISTING OR PROPOSED STRUCTURE.

3. IF REQUIRED BY CHAPTER 20 OF THE OREM CITY CODE OR BY THE APPLICANT'S PERMIT FOR INDUSTRIAL WASTEWATER DISCHARGE, A SAMPLING MANHOLE AND FAT AND OIL SEPARATOR/GREASE TRAP SHALL BE INSTALLED IN ACCORDANCE WITH THE CITY OF OREM STANDARDS AND SPECIFICATIONS.

4. ALL SIGNAGE SHALL COMPLY WITH THE REQUIREMENTS OF THE OREM CITY CODE.

5. ALL UTILITIES, INCLUDING WATER AND SEWER LATERALS, WATER AND SEWER MAINS, STORM WATER DRAINS, STORM WATER SUMPS, SEWER MANHOLES, WATER VALVES, ETC., WATER LATERALS OR MAINS SHALL NOT BE LOCATED UNDER COVERED PARKING AREAS AND SHALL BE INSTALLED ACCORDING TO CHAPTER 21 OF THE OREM CITY CODE.

6. ALL ROOF DRAINAGE SHALL BE ROUTED THROUGH ON-SITE STORM WATER MANAGEMENT FACILITIES.

7. AT THE TIME OF CONSTRUCTION, THE CITY OF OREM MAY DETERMINE BASED ON PROFESSIONAL EXPERIENCE AND JUDGMENT AND AT ITS SOLE DISCRETION, THE NEED FOR THE OWNER/DEVELOPER TO PAY FOR, REMOVE, AND REPLACE ANY EXISTING SUBSTANDARD IMPROVEMENTS SUCH AS CURBS, GUTTERS, SIDEWALKS, DRIVE APPROACHES, DRIVEWAYS, DECORATIVE CONCRETE, WHEELCHAIR RAMPS, ETC., OR ANY UNUSED DRIVE APPROACHES.

8. ALL CONSTRUCTION SHALL CONFORM TO THE CITY OF OREM CONSTRUCTION STANDARDS AND SPECIFICATIONS UNLESS THE IMPROVEMENT IS WITHIN THE UDOT RIGHT-OF-WAY, IN WHICH CASE THE CONSTRUCTION SHALL CONFORM TO UDOT CONSTRUCTION STANDARDS AND SPECIFICATIONS.

9. NO DRIVEWAY OR DRIVE ACCESS MAY BE LOCATED WITHIN TWENTY-FIVE (25') OF AN EXISTING FENCE WHICH IS GREATER THAN THREE FEET (3') IN HEIGHT.

REVISIONS

Rev.	Date	Description
1	11/16/15	REVISED AS PER CITY COMMENTS
2	12/21/15	REVISED AS PER CITY COMMENTS
3	01/12/16	REVISED AS PER CITY COMMENTS

BOARDWALK INDUSTRIES
2825 EAST COTTONWOOD PARKWAY, #527
Salt Lake City, Utah 84121
(801) 990-3154

EXCEL ENGINEERING
David W. Peterson, P.E., License #270393
12 West 100 North, Suite 201, American Fork, UT 84003
P: (801) 756-4504; F: (801) 756-4511

LAKEVIEW FIELDS

OREM — 1900 SOUTH GENEVA ROAD — UTAH

Drawn by: D.W.P.
Designed by: D.W.P.
Checked by: D.W.P.

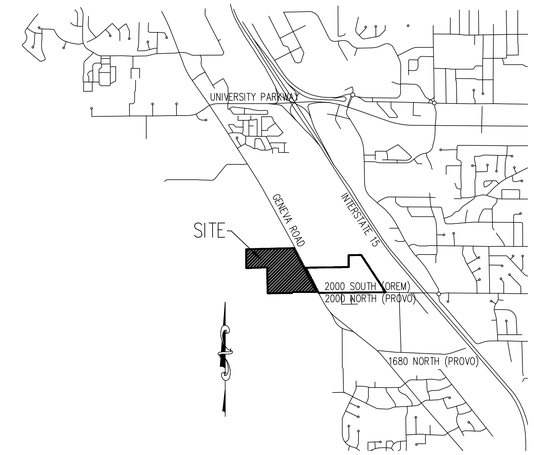
SITE PLAN SOUTH

Scale: 1"=50'
Date: 10/08/15
C3

PROPOSED SITE PLAN

LAKEVIEW FIELDS PHASES

ROAD SECTION TO BE BLOCKED WITH JERSEY BARRIERS ON EACH SIDE OF HATCHED AREA WHEN 2000 SOUTH IS COMPLETED. NO HAMMER HEAD IS NEEDED ON EAST SIDE OF ROAD BLOCK BECAUSE TURNAROUND ACCESS WILL BE PROVIDED IN FUTURE SITE PARKING LOT. FIRE CODE DOES NOT REQUIRE TURNAROUNDS ON ACCESSES SHORTER THAN 150'.



VICINITY MAP

OVERALL SITE TABULATIONS

TOTAL PROPERTY AREA:	37.13 ACRES
PUBLIC R.O.W. AREA:	3.26 ACRES
FUTURE LOT AREA:	1.16 ACRES
TOTAL RESULTING SITE AREA:	32.71 ACRES = 100%
BUILDING AREA:	7.92 ACRES = 24.2%
IMPERVIOUS AREA:	10.58 ACRES = 32.3%
LANDSCAPE/WETLAND AREA:	14.21 ACRES = 43.5%
PARKING SPACES:	672 / 2.55 P.U
ZONE:	PD43 FOR RESIDENTIAL
ZONE:	COMMERCIAL FOR FUTURE SOUTHEAST LOT

OVERALL PARKING TABULATIONS:

61 – ACTIVE ADULT TWINHOMES
137 – GARDEN TOWNHOMES
66 – TERRACE TOWNHOMES
264 TOTAL UNITS
REQUIRED PARKING STALLS = 660 / 2.5 P.U
PROVIDED COVERED STALLS = 528 / 2 P.U
REQUIRED VISITOR PARKING STALLS = 144
TOTAL PARKING STALLS PROVIDED = 672 / 2.55 P.U

100 50 0 100 200 300

Scale 1" = 100'

CALL BEFORE YOU DIG
IT'S FREE &
IT'S THE LAW
(TOLL-FREE)
1-800-662-4111
208-2100
(SALT LAKE METRO)
Blue Stakes of Utah
UTILITY NOTIFICATION CENTER, INC.
205 WEST 700 SOUTH, SUITE 101
SALT LAKE CITY, UTAH 84101

Surveyor: Aztec Engineering, Inc.
491 North 450 West
Orem, UT 84057
(801) 224-7308

BENCH MARK

SOUTHEAST CORNER,
SECTION 28, TOWNSHIP 6S,
RANGE 2E, SLB&M
ELEVATION = 4539.23

REVISIONS

Rev.	Date	Description

BOARDWALK INDUSTRIES
2825 EAST COTTONWOOD PARKWAY, #527
Salt Lake City, Utah 84121
(801) 990-3154

EXCEL ENGINEERING
David W. Peterson, P.E., License #270393
12 West 100 North, Suite 201, American Fork, UT 84003
P: (801) 756-4504; F: (801) 756-4511

LAKEVIEW FIELDS
OREM 1900 SOUTH GENEVA ROAD UTAH

Drawn by: D.W.P.
Designed by: D.W.P.
Checked by: D.W.P.

OVERALL SITE PLAN

Scale: 1"=100'
Date: 08/16/21
C1

DRAFT

ORDINANCE NO. _____

AN ORDINANCE BY THE OREM CITY COUNCIL AMENDING APPENDIX LL OF THE OREM CITY CODE TO EXPAND AREA B AND TO ADD NEW CONCEPT PLANS AND ELEVATIONS FOR AREA B OF THE PD-43 ZONE AND MAKING MINOR AMENDMENTS TO SECTION 22-11-56 (PD-43 ZONE)

WHEREAS on April 19, 2021, Jeff Mansell, Boardwalk Industries, LLC filed an application to amend Appendix LL of the Orem City Code to expand Area B and to add new concept plans and elevations for Area B of the PD-43 zone and to make other minor amendments to Section 22-11-56 (PD-43 zone; and

WHEREAS a public hearing considering the subject application was held by the Planning Commission on September 1, 2021, and the Planning Commission recommended that the City Council approve the proposed amendments; and

WHEREAS a public hearing considering the subject application was held by the City Council on September 14, 2021 and October 26, 2021; and

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

WHERAS notice of the public hearing to be held by the Planning Commission and City Council on the subject application was mailed to 276 property owners within 500 feet of the subject property; 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 surrounding neighborhoods; and the special conditions applicable to the request.

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

1. The City Council finds that the request is in the best interest of the City.

2. The City Council hereby amends Appendix LL of the Orem City Code to expand Area B and to add new concept plans and elevations for Area B of the PD-43 zone and also amends Section 22-11-56 of the Orem City Code (PD-43 zone) as shown in Exhibit "A" which is attached hereto and incorporated herein by 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. 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 26th day of October 2021.

_____
Richard F. Brunst, Jr., Mayor

ATTEST:

_____
JoD'Ann Bates, City Recorder

COUNCILMEMBER	AYE	NAY	ABSTAIN
Mayor Richard F. Brunst	☐	☐	☐
Jeff Lambson	☐	☐	☐
Debby Lauret	☐	☐	☐
Tom Macdonald	☐	☐	☐
Terry Peterson	☐	☐	☐
David Spencer	☐	☐	☐
Brent Sumner	☐	☐	☐

EXHIBIT A

22-11-56. PD-43 (Auburn Meadows) 2000 South Geneva

A. **Purpose.** The purpose of the PD-43 zone is to allow for a medium density development of attached residentialunits consisting of townhouses and twin-homes.

(Ord. No. O-2014-0036, Enacted 08/26/2015)

B. **Location.** The PD-43 zone shall apply only to a parcel of property located generally at 2000 South Geneva Roadas shown in the Concept Plan.

(Ord. No. O-2014-0036, Enacted 08/26/2015)

C. **Concept Plan.** Property in the PD-43 zone shall be developed in substantial conformance with the Concept Plan included as Appendix LL of the Orem City Code which is incorporated herein by reference. Area A shall consist of a medium-density residential development and Area B shall consist of a ~~senior independent living facility or~~ commercial development.

(Ord. No. O-2014-0036, Enacted 08/26/2015)

D. **Permitted Uses.** Attached or detached residential dwelling units including townhouses and twin-homes are permitted in Area A. However, no stacked units shall be allowed in Area A. Common recreation Amenities that are customarily incidental to and accessory to attached unit residential developments shall also be permitted in Area A. ~~A senior independent living facility and a~~Any use permitted in the C2 zone shall be permitted in Area B.

(Ord. No. O-2014-0036, Enacted 08/26/2015)

E. **Prohibited Uses.** Any use that is not listed as a permitted use in subsection (D) above is prohibited.

(Ord. No. O-2014-0036, Enacted 08/26/2015)

F. **Final Plat.** A final plat that conforms to all development standards and requirements of CHAPTER 17 shall be approved and recorded by the City prior to any development in the PD-43 zone.

(Ord. No. O-2014-0036, Enacted 08/26/2015)

G. **Site Plan.** All development standards and site plan requirements of Section 22-14-20 shall apply to any development in the PD-43 zone. No development, construction, revisions, or additions shall take place on a site in the PD-43 zone, except for demolition and preliminary site grading, until the site plan has been approved, the final plat has been recorded, the necessary bonds have been posted, all fees have been paid, and the appropriate permits have been obtained.

1. Additional Site Plan Requirements. In addition to the requirements of Section 22-14-20, the site plan shall include details of Amenities and their locations within the project.
2. Phasing. Development phases are permitted provided that all phases include, in accordance with City policies and procedures: 1) sufficient traffic circulation for the development phase to existing dedicated streets; 2) sufficient infrastructure, such as sewer and culinary water; 3) surface water detention, ifapplicable; and 4) appropriate Amenities for that phase as specified on the site plan.
3. Soils Report. A soils report prepared by a soils engineer shall be submitted concurrent with the submittal of any site plan to identify any special engineering needs of the site. All development shall be slab on grade unless a soils engineer determines that below grade development can be developed without present or future ground water problems and the City Engineer concurs in the analysis. Ground water drains shall be required if the soils report recommends them.
4. Army Corps of Engineers Requirements. No site plan shall be approved unless all requirements of the Army Corps of Engineers have been satisfied with respect to the land included within such site plan.

H. **Development Standards and Requirements.** The following development standards shall apply to alldevelopment in the PD-43 zone.

1. **Density**. The maximum residential density allowed shall be twelve (12) dwelling units per acre.
2. **Height**. No structure in Area A shall exceed a height of thirty-five feet (35'). No structure in Area B shallexceed a height of forty-five feet (45').
3. **Setbacks**.
   a. **Area A.** All buildings in Area A shall be set back a minimum of twenty feet (20') from all outside boundary lines of the PD-43 zone, from all private streets and from the shared boundary line between Area A and Area B. All parking spaces shall be set back a minimum of twenty feet (20') from all outside boundary lines of the PD-43 zone and ten feet (10') from the shared boundary line between Area A and Area B. No setback is required from the outside boundaries of the PD-43 zone (except for boundaries adjacent to public streets) for accessory structures that have a footprint of less than one thousand (1000) square feet. Porches, cantilevers, canopies and "pop out" windows may encroach into the setback a maximum of two feet (2'). Landscaping shall be maintained in all required setback areas.
   b. **Area B.** All buildings in Area B shall be set back from all public streets and the shared boundary line between Area A and Area B a distance equal to the height of the building or twenty feet (20'), whichever is greater. All parking spaces shall be set back a minimum of twenty feet (20') from all outside boundary lines of the PD-43 zone ~~and ten feet (10') from the shared boundary line between Area A and Area B~~. Landscaping shall be maintained in the areas shown in the Concept Plan.
4. **Architectural Style.** All buildings in the PD-43 zone shall substantially conform to the architectural design and quality illustrated in the Concept Plan.
5. **Exterior Finish Materials**. The exterior finish materials of all exterior walls on all dwelling units in the PD- 43 zone shall consist entirely of brick, stone, stucco, concrete fiber-board siding, or a combination thereof. Wood or vinyl siding shall not be used on units in the PD-43 zone. However, metal or vinyl soffits and trimsare permitted.
6. **Buffered Sidewalks**. A buffered sidewalk separated from the street by a landscaped strip shall be installed and maintained adjacent to all public streets. The sidewalk shall be at least six feet (6') in width. The landscaped strip shall be at least eight feet (8') in width and shall be bermed to a height of at least onefoot above the grade of the adjacent sidewalk. The landscaped strip shall be maintained with grass and trees with trees being planted and maintained in the buffering landscaped strip and spaced no more than forty feet (40') apart. Trees in the buffering landscaped strip shall be selected from Appendix U of the Orem City Code and shall be at least two inches (2") in caliper when planted. At least a proportionate share of the required sidewalk and buffering landscaped strip improvements shall be constructed with each phase of development in the PD-43 zone.
7. **Interior Streets**. All streets located within the interior of the PD-43 zone shall be private. Interior streets shall have a minimum asphalt width of twenty-eight feet (28'), Interior streets and sidewalks shall be common area and shall be maintained by the unit owners' association that has jurisdiction of the area in which they are located.
8. **Drive Accesses**. Drive accesses shall be designed and built as shown in the Concept Plan. All drive accesses shall be constructed with at least two travel lanes with each travel lane being a minimum of (12) feet in width exclusive of areas available for parking.
9. **Interior Sidewalks**. A sidewalk at least five feet (5') in width shall be constructed and maintained along at least one side of all private streets.
10. **Parking**. At least two and one-half (2.5) parking stalls, two of which must be covered, shall be

provided for each dwelling unit. Driveways shall not count towards the parking requirement. All parking spaces shall measure at least nine feet (9') by eighteen feet (18'). All parking spaces, parking areas, and driveways shall be paved with asphalt and/or concrete and shall be designed to drain properly. Drainage shall not be channeled or caused to flow across pedestrian walk ways.

11. **Fences**. A masonry fence with a minimum height of seven feet (7') shall be erected around the entire perimeter of the PD-43 zone and along the boundary between Area A and Area B except that no fenceshall be required along street frontages, and no masonry fencing is allowed over any water main unless the water main is sleeved. The entire perimeter fence shall be constructed of the same materials and have the same design, color and style to ensure a uniform appearance. The developer shall paint the masonry fence with a high grade oil base paint/sealant or with a paint/sealant approved by the City that resists graffiti. A fence may only be allowed along the frontage of a public street if the City Engineer determines that such a fence will not cause any traffic safety concerns, the fence is set back at least ten feet (10') behind the back of sidewalk and the fence does not exceed a height of seven feet (7').
12. **Landscaping.** Landscaping shall be provided and maintained as generally shown in the Concept Plan. Landscaping shall be maintained in all required setback areas. A landscaping plan shall be submitted to the City for approval as a part of the site plan for any phase of development. All required landscaping within the area of any phase shall be completed within ninety (90) days of completion of the building construction within that phase. In the event that the building is completed between October 15 and March 15, completion of the landscaping may be delayed until the next June 15 following said March 15 date.
    a. All land within the PD-43 zone not covered by buildings, driveways, sidewalks, and parking areas, shall be permanently landscaped and maintained in accordance with good landscaping practices. A permanent underground sprinkling system shall be installed for all landscaped areas.
    b. For every two (2) dwelling units there shall be required on the site at least one (1) deciduous tree at least two inches (2") in caliper measured six inches (6") above ground level, one (1) evergreen tree at least five (5) gallons in size, and sixteen (10) shrubs at least five (5) gallons in size.
13. **Lighting Plan**. Each site plan shall include a lighting plan that is designed to discourage crime, enhance the safety of the residents and guests of the project, prevent glare onto adjacent properties and enhance the appearance and design of the project. Exterior wall pack lighting shall be provided on each building.

Parking lots and structures shall be well lit. Interior street pole lights shall have a decorative style and shall be dark-sky sensitive. No cobra-style light standards are allowed. The general design of the interior street pole lights shall follow the general theme of the development.

14. **Off-site Improvements**. Off-site curb, gutter and sidewalk along street rights-of-way bordering the sitemay be required by the City when safety or surface water drainage is impaired as a result of the proposed PD-43 zone.
15. **Irrigation Ditches**. Irrigation ditches within the development or along street rights-of-way adjacent to the development shall be piped.
16. **Storm Water Runoff Plan**. All developments in the PD-43 zone shall have a storm water runoff plan designed to accommodate a 25-year storm. Any on-site detention ponds may be considered in and part of required landscaped areas. All surface water runoff shall be detained on site.
17. **Signs**. Except as otherwise provided below, signage in the PD-43 zone shall comply with CHAPTER 14 of the Orem City Code. The following additions and modifications shall apply to signage in the PD-43 zone:

a. One monument sign with a maximum height of six feet and a maximum area of forty-eight square feetshall be allowed in Area B.

b. Three monument signs shall be allowed in Area A with each monument sign limited to a height of sixfeet and a maximum size of twenty-four (24) square feet.

c. All permitted monument signs shall be constructed in accordance with the setback and landscapingrequirements of CHAPTER 14 of the Orem City Code.

18. **Accessory Apartments**. Accessory apartments are not permitted in the PD-43 zone.

19. **RV Storage**. Open storage of recreational vehicles (RVs), utility trailers, boats and similar items shall beprohibited in the PD-43 zone.

20. **Utilities**. All dwelling units shall be served by the public sewer system and public water supply. All utilities shall be placed underground. No water or sewer lines shall be placed under covered parking areas.

21. **Amenities**. Amenities shown on the Concept Plan shall be incorporated into the development.

22. So**lid Waste Receptacles and Storage Areas.** All outside storage areas and solid waste receptacles which are not located within a building shall be enclosed on three sides with a masonry wall at least six feet (6')in height and shall have a sight-obscuring gate.

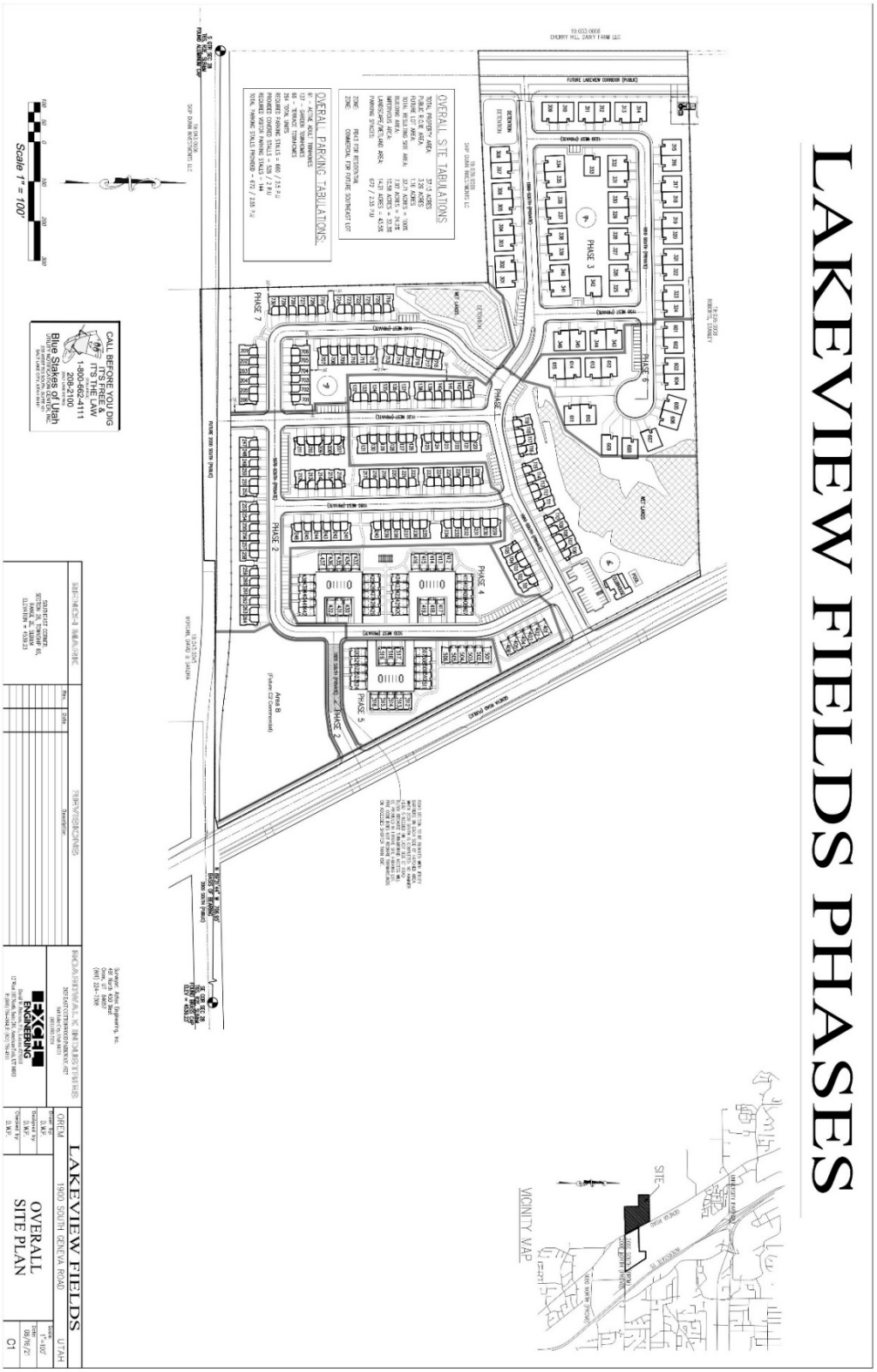
23. **Unit Owners' Association**. A unit owners' association shall be formed and maintained to provide maintenance and upkeep of all common areas in the PD-43 zone. Prior to receiving a building permit for any property in the PD-43 zone, the owner/developer shall provide proof to the City of Orem that a unit owners' association has been established for the property on which the building permit is requested.

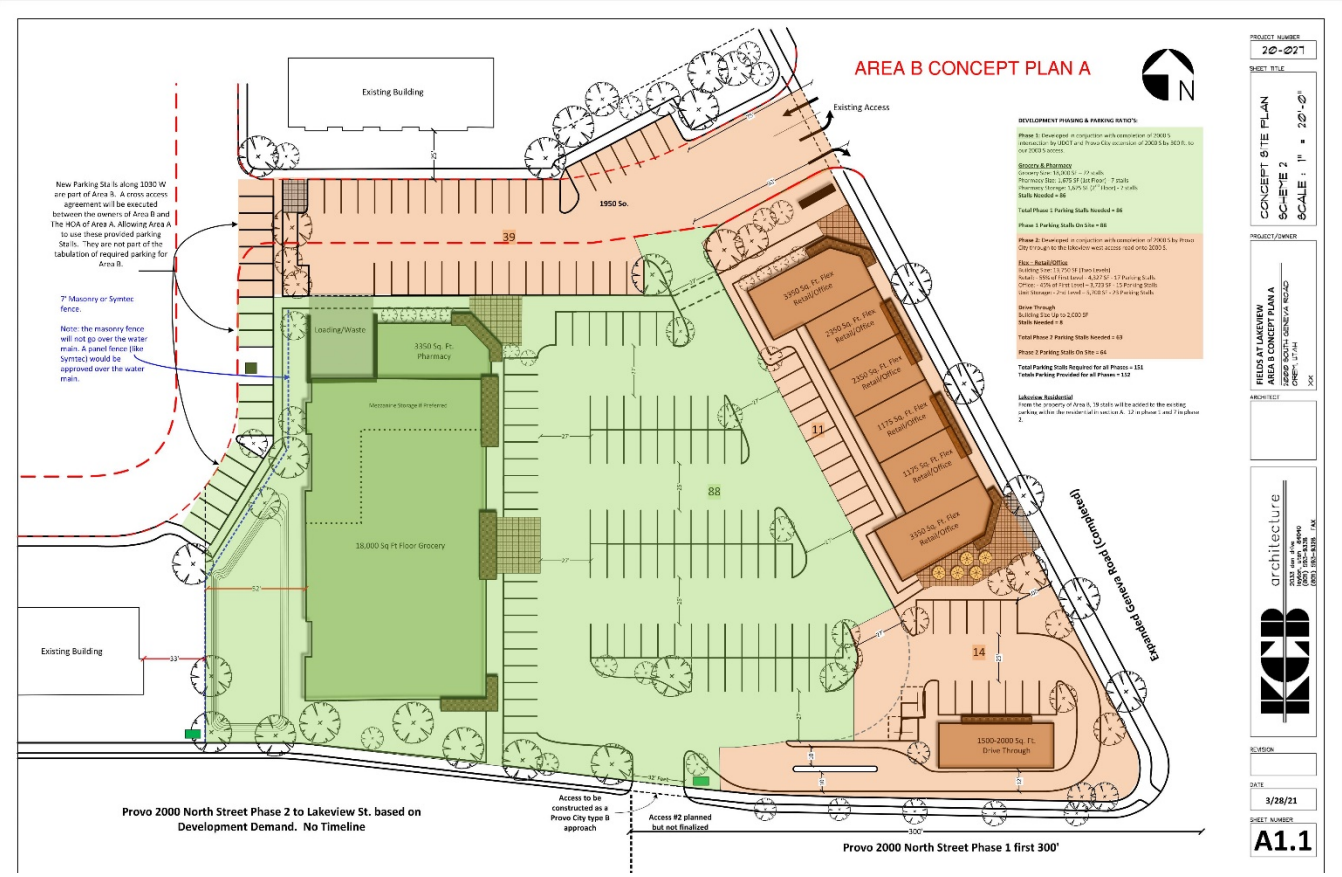
24. **Mechanical Equipment**. All mechanical equipment shall be screened from view, either by enclosure or parapet wall. Any truck dock areas shall also be similarly screened from view.

25. **Default Standards**. Except as otherwise provided herein, the provisions and standards of the PRD zone shall apply in Area A and the standards of the C2 zone shall apply in Area B of the PD-43 zone.

26. **Neighborhood Meeting**. The owner/developer of any development in the PD-43 zone shall conduct atleast one (1) neighborhood meeting in accordance with Section 22-14-20(I) to explain the proposed development and to address all neighborhood concerns. Written notice shall be given by the owner/developer to all residents within five hundred feet (500') in all directions of the proposed development. Notice of the meeting shall be delivered by the owner/developer at least seven (7) days prior to the date of the meeting. Phone calls or informal door-to-door contacts are not consideredneighborhood meetings. Such meeting(s) shall be accomplished prior to any site plan being submitted to the City. The owner/developer shall write a summary of the neighborhood meeting and submit it as part of the site plan.

DRAFT


LAKEVIEW FIELDS PHASES
OVERALL SITE TABULATIONS
OVERALL PARKING TABULATIONS
PHASE 1
PHASE 2
PHASE 3
PHASE 4
PHASE 5
PHASE 6
PHASE 7
Scale 1" = 100'
CALL BEFORE YOU DIG
IT'S THE LAW
1-800-662-4111
208-2100
Blue Stakes of Utah
VICINITY MAP
SITE
LAKEVIEW FIELDS
1900 SOUTH GENEVA ROAD
OREM
UTAH
OVERALL SITE PLAN
C1



LAKEVIEW AREA B CONCEPT RENDERINGS

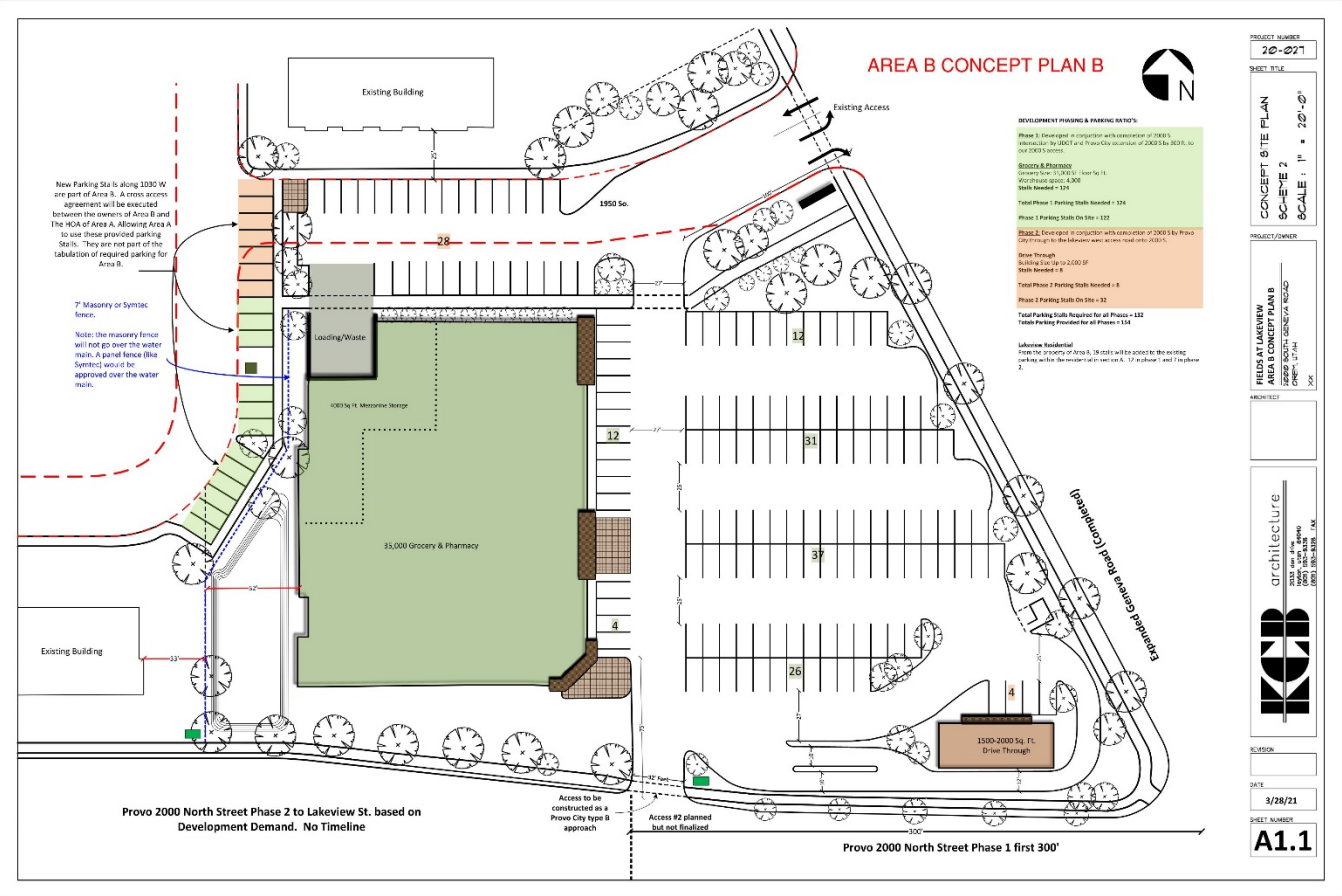
GROCERY

FLEX: RETAIL / OFFICE

DRIVE -THRU SITE

SMALL FORMAT DRIVE-THRU

DRAFT


AREA B CONCEPT PLAN B
N
Existing Building
Existing Access
New Parking Stalls along 1030 W are part of Area B. A cross access agreement will be executed between the owners of Area B and The HOA of Area A. Allowing Area A to use these provided parking Stalls. They are not part of the tabulation of required parking for Area B.
7' Masonry or Symtec fence.
Note: the masonry fence will not go over the water main. A panel fence (like Symtec) would be approved over the water main.
1950 So.
28
Loading/Waste
4080 Sq. Ft. Mezzanine Storage
35,000 Grocery & Pharmacy
12
12
31
37
4
26
4
Existing Building
Expanded Geneva Road (Completed)
1500-2000 Sq. Ft. Drive Through
Provo 2000 North Street Phase 2 to Lakeview St. based on Development Demand. No Timeline
Access to be constructed as a Provo City type B approach
Access #2 planned but not finalized
Provo 2000 North Street Phase 1 first 300'
DEVELOPMENT PHASING & PARKING RATIO'S
Phase 1: Developed in conjuction with connection of 2000 S intersection by UDOT and Provo City extension of 2000 S by SECR, so our 2000 S access.
Grocery & Pharmacy
Grocery Size: 35,000 SF - floor Sq. Ft.
Warehouse space: 4,300
Stalls Needed = 124
Total Phase 1 Parking Stalls Needed = 124
Phase 1 Parking Stalls On Site = 122
Phase 2: Developed in conjuction with connection of 2000 S by Provo City through to the lakeview west access road onto 2000 S.
Drive Through
Building Size: Up to 2,000 SF
Stalls Needed = 8
Total Phase 2 Parking Stalls Needed = 8
Phase 2 Parking Stalls On Site = 32
Total Parking Stalls Required for all Phases = 132
Totals Parking Provided for all Phases = 154
Lakeview Residential
From the property of Area B, 18 stalls will be added to the existing parking within the residential in section A. 12 in phase 1 and 7 in phase 2.
PROJECT NUMBER
20-027
SHEET TITLE
CONCEPT SITE PLAN
SCALE 1" = 20'-0"
PROJECT/OWNER
FIELDS AT LAKEVIEW
AREA B CONCEPT PLAN B
2000 SOUTH GENEVA ROAD
PROVO, UTAH
ARCHITECT
architecture
REVISION
DATE
3/28/21
SHEET NUMBER
A1.1

CODE OF ORDINANCES

CHAPTER 22. ZONING

Article 22-11. PD Zone

22-11-56. PD-43 (Auburn Meadows) 2000 South Geneva

A. **Purpose.** The purpose of the PD-43 zone is to allow for a medium density development of attached residential units consisting of townhouses and twin-homes.

(Ord. No. O-2014-0036, Enacted 08/26/2015)

B. **Location.** The PD-43 zone shall apply only to a parcel of property located generally at 2000 South Geneva Road as shown in the Concept Plan.

(Ord. No. O-2014-0036, Enacted 08/26/2015)

C. **Concept Plan.** Property in the PD-43 zone shall be developed in substantial conformance with the Concept Plan included as Appendix LL of the Orem City Code which is incorporated herein by reference. Area A shall consist of a medium-density residential development and Area B shall ~~consist of a senior independent living facility or~~ ~~be~~ consist of a commercial development.

(Ord. No. O-2014-0036, Enacted 08/26/2015)

D. **Permitted Uses.** Attached or detached residential dwelling units including townhouses and twin-homes are permitted in Area A. However, no stacked units shall be allowed in Area A. Common recreation Amenities that are customarily incidental to and accessory to attached unit residential developments shall also be permitted in Area A. ~~A senior independent living facility and~~ Any use permitted in the C2 zone shall be permitted in Area B.

(Ord. No. O-2014-0036, Enacted 08/26/2015)

E. **Prohibited Uses.** Any use that is not listed as a permitted or permitted by conditional use in subsection (D) above is prohibited.

(Ord. No. O-2014-0036, Enacted 08/26/2015)

F. **Final Plat.** A final plat that conforms to all development standards and requirements of CHAPTER 17 shall be approved and recorded by the City prior to any development in the PD-43 zone.

(Ord. No. O-2014-0036, Enacted 08/26/2015)

G. **Site Plan.** All development standards and site plan requirements of Section 22-14-20 shall apply to any development in the PD-43 zone. No development, construction, revisions, or additions shall take place on a site in the PD-43 zone, except for demolition and preliminary site grading, until the site plan has been

approved, the final plat has been recorded, the necessary bonds have been posted, all fees have been paid, and the appropriate permits have been obtained.

1. Additional Site Plan Requirements. In addition to the requirements of Section 22-14-20, the site plan shall include details of Amenities and their locations within the project.
2. Phasing. Development phases are permitted provided that all phases include, in accordance with City policies and procedures: 1) sufficient traffic circulation for the development phase to existing dedicated streets; 2) sufficient infrastructure, such as sewer and culinary water; 3) surface water detention, if applicable; and 4) appropriate Amenities for that phase as specified on the site plan.
3. Soils Report. A soils report prepared by a soils engineer shall be submitted concurrent with the submittal of any site plan to identify any special engineering needs of the site. All development shall be slab on grade unless a soils engineer determines that below grade development can be developed without present or future ground water problems and the City Engineer concurs in the analysis. Ground water drains shall be required if the soils report recommends them.
4. Army Corps of Engineers Requirements. No site plan shall be approved unless all requirements of the Army Corps of Engineers have been satisfied with respect to the land included within such site plan.

(Ord. No. O-2014-0036, Enacted 08/26/2015)

H. **Development Standards and Requirements.** The following development standards shall apply to all development in the PD-43 zone.

1. **Density**. The maximum residential density allowed shall be twelve (12) dwelling units per acre.
2. **Height**. No structure in Area A shall exceed a height of thirty-five feet (35'). No structure in Area B shall exceed a height of forty-five feet (45').
3. **Setbacks**.
   a. **Area A.** All buildings in Area A shall be set back a minimum of twenty feet (20') from all outside boundary lines of the PD-43 zone, from all private streets and from the shared boundary line between Area A and Area B. All parking spaces shall be set back a minimum of twenty feet (20') from all outside boundary lines of the PD-43 zone and ten feet (10') from the shared boundary line between Area Aand Area B. No setback is required from the outside boundaries of the PD-43 zone (except for boundaries adjacent to public streets) for accessory structures that have a footprint of less than one thousand (1000) square feet. Porches, cantilevers, canopies and "pop out" windows may encroach intothe setback a maximum of two feet (2'). Landscaping shall be maintained in all required setback areas.
   b. **Area B.** All buildings in Area B shall be set back from all public streets and the shared boundary line between Area A and Area B a distance equal to the height of the building or twenty feet (20'), whichever is greater. All parking spaces shall be set back a minimum of twenty feet (20') from all outside boundary lines of the PD-43 zone ~~and ten feet (10') from the shared boundary line between Area A and Area B~~. Landscaping shall be maintained in the areas shown in the Concept Plan. ~~all required setback areas.~~
4. **Architectural Style.** All buildings in the PD-43 zone shall substantially conform to the architectural design and quality illustrated in the Concept Plan.
5. **Exterior Finish Materials**. The exterior finish materials of all exterior walls on all dwelling units in the PD- 43 zone shall consist entirely of brick, stone, stucco, concrete fiber-board siding, or a combination thereof. Wood or vinyl siding shall not be used on units in the PD-43 zone. However, metal or vinyl soffits and trims are permitted.
6. **Buffered Sidewalks**. A buffered sidewalk separated from the street by a landscaped strip shall be installed and maintained adjacent to all public streets. The sidewalk shall be at least six feet (6') in width. The

landscaped strip shall be at least eight feet (8') in width and shall be bermed to a height of at least one foot above the grade of the adjacent sidewalk. The landscaped strip shall be maintained with grass and trees with trees being planted and maintained in the buffering landscaped strip and spaced no more than forty feet (40') apart. Trees in the buffering landscaped strip shall be selected from Appendix U of the Orem City Code and shall be at least two inches (2") in caliper when planted. At least a proportionateshare of the required sidewalk and buffering landscaped strip improvements shall be constructed with each phase of development in the PD-43 zone.

7. **Interior Streets**. All streets located within the interior of the PD-43 zone shall be private. Interior streets shall have a minimum asphalt width of twenty-eight feet (28'), Interior streets and sidewalks shall be common area and shall be maintained by the unit owners' association that has jurisdiction of the area in which they are located.
8. **Drive Accesses**. Drive accesses shall be designed and built as shown in the Concept Plan. All drive accesses shall be constructed with at least two travel lanes with each travel lane being a minimum of (12) feet in width exclusive of areas available for parking.
9. **Interior Sidewalks**. A sidewalk at least five feet (5') in width shall be constructed and maintained along at least one side of all private streets.
10. **Parking**. At least two and one-half (2.5) parking stalls, two of which must be covered, shall be provided for each dwelling unit. Driveways shall not count towards the parking requirement. All parking spaces shall measure at least nine feet (9') by eighteen feet (18'). All parking spaces, parking areas, and driveways shall be paved with asphalt and/or concrete and shall be designed to drain properly. Drainage shall not be channeled or caused to flow across pedestrian walk ways.
11. **Fences**. A masonry fence with a minimum height of seven feet (7') shall be erected around the entire perimeter of the PD-43 zone and along the boundary between Area A and Area B except that no fence shall be required along street frontages, and no masonry fencing is allowed over any ~~existing new~~ water main unless the water main is sleeaved. The entire perimeter fence shall be constructed of the same materials and have the same design, color and style to ensure a uniform appearance. The developer shall paint the masonry fence with a high grade oil base paint/sealant or with a paint/sealant approved by the City that resists graffiti. A fence may only be allowed along the frontage of a public street if the City Engineer determines that such a fence will not cause any traffic safety concerns, the fence is set back at least ten feet (10') behind the back of sidewalk and the fence does not exceed a height of seven feet (7').
12. **Landscaping.** Landscaping shall be provided and maintained as generally shown in the Concept Plan. Landscaping shall be maintained in all required setback areas. A landscaping plan shall be submitted to the City for approval as a part of the site plan for any phase of development. All required landscaping within the area of any phase shall be completed within ninety (90) days of completion of the building construction within that phase. In the event that the building is completed between October 15 and March 15, completion of the landscaping may be delayed until the next June 15 following said March 15 date.
    a. All land within the PD-43 zone not covered by buildings, driveways, sidewalks, and parking areas, shall be permanently landscaped and maintained in accordance with good landscaping practices. A permanent underground sprinkling system shall be installed for all landscaped areas.
    b. For every two (2) dwelling units there shall be required on the site at least one (1) deciduous tree at least two inches (2") in caliper measured six inches (6") above ground level, one (1) evergreen tree at least five (5) gallons in size, and sixteen (10) shrubs at least five (5) gallons in size.
13. **Lighting Plan**. Each site plan shall include a lighting plan that is designed to discourage crime, enhance the safety of the residents and guests of the project, prevent glare onto adjacent properties and enhance the appearance and design of the project. Exterior wall pack lighting shall be provided on each building.

Parking lots and structures shall be well lit. Interior street pole lights shall have a decorative style and shall be dark-sky sensitive. No cobra-style light standards are allowed. The general design of the interior street pole lights shall follow the general theme of the development.

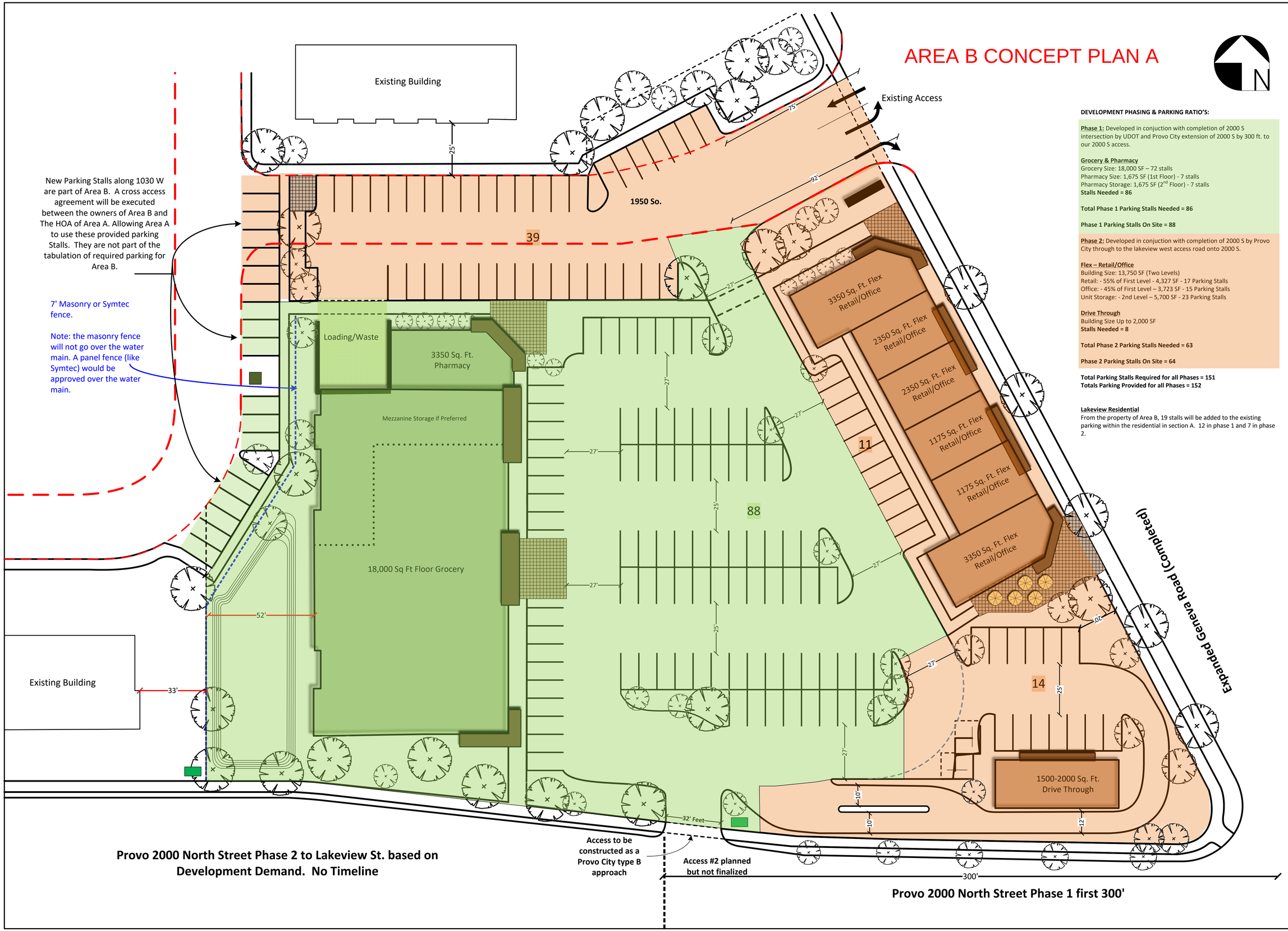
14. **Off-site Improvements**. Off-site curb, gutter and sidewalk along street rights-of-way bordering the site may be required by the City when safety or surface water drainage is impaired as a result of the proposed PD-43 zone.
15. **Irrigation Ditches**. Irrigation ditches within the development or along street rights-of-way adjacent to the development shall be piped.
16. **Storm Water Runoff Plan**. All developments in the PD-43 zone shall have a storm water runoff plan designed to accommodate a 25-year storm. Any on-site detention ponds may be considered in and part of required landscaped areas. All surface water runoff shall be detained on site.
17. **Signs**. Except as otherwise provided below, signage in the PD-43 zone shall comply with CHAPTER 14 of the Orem City Code. The following additions and modifications shall apply to signage in the PD-43 zone:
    a. One monument sign with a maximum height of six feet and a maximum area of forty-eight square feet shall be allowed in Area B.
    b. Three monument signs shall be allowed in Area A with each monument sign limited to a height of six feet and a maximum size of twenty-four (24) square feet.
    c. All permitted monument signs shall be constructed in accordance with the setback and landscaping requirements of CHAPTER 14 of the Orem City Code.
18. **Accessory Apartments**. Accessory apartments are not permitted in the PD-43 zone.
19. **RV Storage**. Open storage of recreational vehicles (RVs), utility trailers, boats and similar items shall be prohibited in the PD-43 zone.
20. **Utilities**. All dwelling units shall be served by the public sewer system and public water supply. All utilities shall be placed underground. No water or sewer lines shall be placed under covered parking areas.
21. **Amenities**. Amenities shown on the Concept Plan shall be incorporated into the development.
22. So**lid Waste Receptacles and Storage Areas.** All outside storage areas and solid waste receptacles which are not located within a building shall be enclosed on three sides with a masonry wall at least six feet (6')in height and shall have a sight-obscuring gate.
23. **Unit Owners' Association**. A unit owners' association shall be formed and maintained to provide maintenance and upkeep of all common areas in the PD-43 zone. Prior to receiving a building permit for any property in the PD-43 zone, the owner/developer shall provide proof to the City of Orem that a unit owners' association has been established for the property on which the building permit is requested.
24. **Mechanical Equipment**. All mechanical equipment shall be screened from view, either by enclosure or parapet wall. Any truck dock areas shall also be similarly screened from view.
25. **Default Standards**. Except as otherwise provided herein, the provisions and standards of the PRD zone shall apply in Area A and the standards of the C2 zone shall apply in Area B of the PD-43 zone.
26. **Neighborhood Meeting**. The owner/developer of any development in the PD-43 zone shall conduct at least one (1) neighborhood meeting in accordance with Section 22-14-20(I) to explain the proposed development and to address all neighborhood concerns. Written notice shall be given by the owner/developer to all residents within five hundred feet (500') in all directions of the proposed development. Notice of the meeting shall be delivered by the owner/developer at least seven (7) days prior to the date of the meeting. Phone calls or informal door-to-door contacts are not considered neighborhood meetings. Such meeting(s) shall be accomplished prior to any site plan being submitted to

the City. The owner/developer shall write a summary of the neighborhood meeting and submit it as part of the site plan.

(Ord. No. O-2014-0036, Enacted 08/26/2015; Ord. No. O-2019-0013, Amended 5/14/2019)

Effective on: 5/14/2019

AREA B CONCEPT PLAN A



DEVELOPMENT PHASING & PARKING RATIO'S:

Phase 1: Developed in conjuction with completion of 2000 S intersection by UDOT and Provo City extension of 2000 S by 300 ft. to our 2000 S access.

Grocery & Pharmacy
Grocery Size: 18,000 SF – 72 stalls
Pharmacy Size: 1,675 SF (1st Floor) - 7 stalls
Pharmacy Storage: 1,675 SF (2nd Floor) - 7 stalls
Stalls Needed = 86

Total Phase 1 Parking Stalls Needed = 86

Phase 1 Parking Stalls On Site = 88

Phase 2: Developed in conjuction with completion of 2000 S by Provo City through to the lakeview west access road onto 2000 S.

Flex – Retail/Office
Building Size: 13,750 SF (Two Levels)
Retail: - 55% of First Level - 4,327 SF - 17 Parking Stalls
Office: - 45% of First Level – 3,723 SF - 15 Parking Stalls
Unit Storage: - 2nd Level – 5,700 SF - 23 Parking Stalls

Drive Through
Building Size Up to 2,000 SF
Stalls Needed = 8

Total Phase 2 Parking Stalls Needed = 63

Phase 2 Parking Stalls On Site = 64

Total Parking Stalls Required for all Phases = 151
Totals Parking Provided for all Phases = 152

Lakeview Residential
From the property of Area B, 19 stalls will be added to the existing parking within the residential in section A. 12 in phase 1 and 7 in phase 2.

PROJECT NUMBER
20-027

SHEET TITLE
CONCEPT SITE PLAN
SCHEME 2
SCALE : 1" = 20'-0"

PROJECT/OWNER
FIELDS AT LAKEVIEW
AREA B CONCEPT PLAN A
12000 SOUTH GENEVA ROAD
OREM, UTAH
XX

ARCHITECT

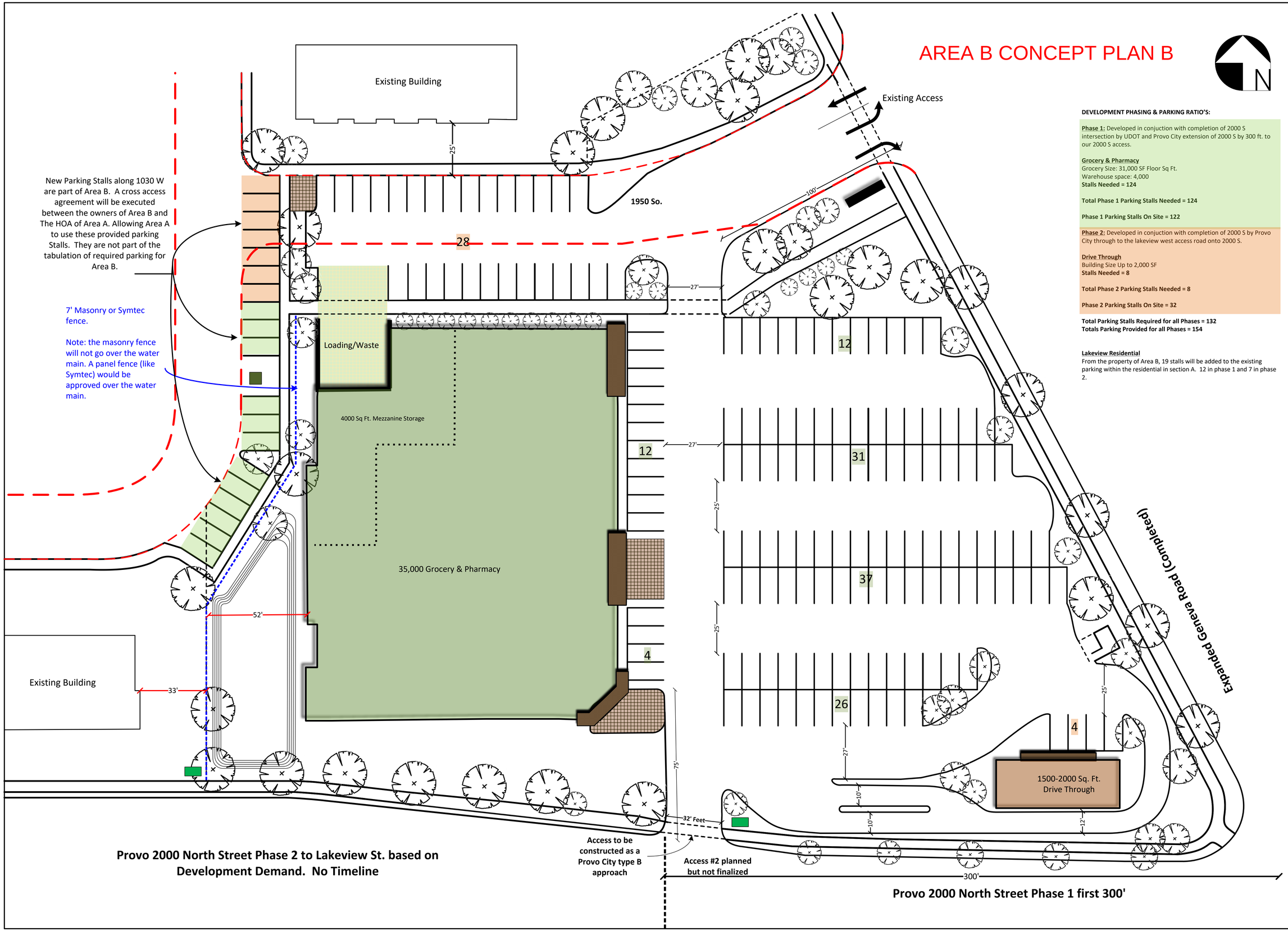
architecture
20133 dam drive
lehi, utah 84040
(801) 583-9336
(801) 583-9326 FAX

REVISION

DATE
3/28/21

SHEET NUMBER
A1.1

AREA B CONCEPT PLAN B



New Parking Stalls along 1030 W are part of Area B. A cross access agreement will be executed between the owners of Area B and The HOA of Area A. Allowing Area A to use these provided parking Stalls. They are not part of the tabulation of required parking for Area B.

7' Masonry or Symtec fence.

Note: the masonry fence will not go over the water main. A panel fence (like Symtec) would be approved over the water main.

DEVELOPMENT PHASING & PARKING RATIO'S:

Phase 1: Developed in conjuction with completion of 2000 S intersection by UDOT and Provo City extension of 2000 S by 300 ft. to our 2000 S access.

Grocery & Pharmacy
Grocery Size: 31,000 SF Floor Sq Ft.
Warehouse space: 4,000
Stalls Needed = 124

Total Phase 1 Parking Stalls Needed = 124

Phase 1 Parking Stalls On Site = 122

Phase 2: Developed in conjuction with completion of 2000 S by Provo City through to the lakeview west access road onto 2000 S.

Drive Through
Building Size Up to 2,000 SF
Stalls Needed = 8

Total Phase 2 Parking Stalls Needed = 8

Phase 2 Parking Stalls On Site = 32

Total Parking Stalls Required for all Phases = 132
Totals Parking Provided for all Phases = 154

Lakeview Residential
From the property of Area B, 19 stalls will be added to the existing parking within the residential in section A. 12 in phase 1 and 7 in phase 2.

PROJECT NUMBER
20-027

SHEET TITLE
CONCEPT SITE PLAN
SCHEME 2
SCALE : 1" = 20'-0"

PROJECT/OWNER
FIELDS AT LAKEVIEW
AREA B CONCEPT PLAN B
1200 SOUTH GENEVA ROAD
OREM, UTAH
XX

ARCHITECT

architecture
2033 dam drive
provo, utah 84040
(801) 593-9338
(801) 593-9328 FAX

REVISION

DATE
3/28/21

SHEET NUMBER
A1.1

LAKEVIEW AREA B CONCEPT RENDERINGS

GROCERY

FLEX: RETAIL / OFFICE

DRIVE -THRU SITE

SMALL FORMAT DRIVE-THRU

PROJECT NUMBER
20-027

SHEET TITLE
CONCEPT SITE PLAN
SCHEME 2
SCALE : 1" = 20'-0"

PROJECT/OWNER
FIELDS AT LAKEVIEW
CORNER COMMERCIAL RENDERINGS
12000 SOUTH GENEVA ROAD
OREM, UTAH
XX

ARCHITECT

architecture
2033 dom drive
bountiful, utah 84040
(801) 593-9338
(801) 593-9328 FAX

REVISION

DATE
3/28/21

SHEET NUMBER
A1.3

38
37
36
90
89
88
87

42
43
45
46

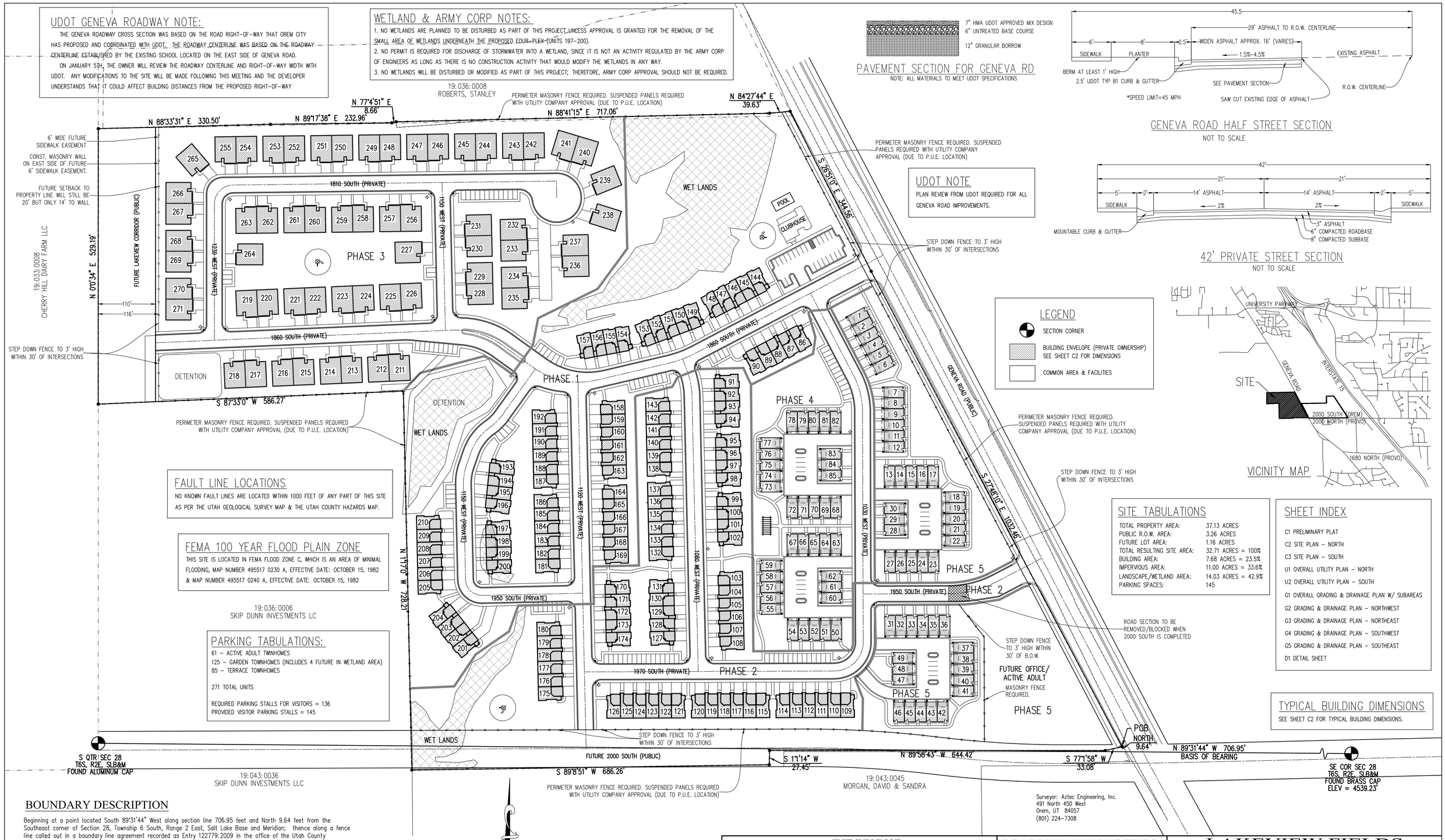
UDOT GENEVA ROADWAY NOTE:

THE GENEVA ROADWAY CROSS SECTION WAS BASED ON THE ROAD RIGHT-OF-WAY THAT OREM CITY HAS PROPOSED AND COORDINATED WITH UDOT. THE ROADWAY CENTERLINE WAS BASED ON THE ROADWAY CENTERLINE ESTABLISHED BY THE EXISTING SCHOOL LOCATED ON THE EAST SIDE OF GENEVA ROAD.

ON JANUARY 5TH, THE OWNER WILL REVIEW THE ROADWAY CENTERLINE AND RIGHT-OF-WAY WIDTH WITH UDOT. ANY MODIFICATIONS TO THE SITE WILL BE MADE FOLLOWING THIS MEETING AND THE DEVELOPER UNDERSTANDS THAT IT COULD AFFECT BUILDING DISTANCES FROM THE PROPOSED RIGHT-OF-WAY

WETLAND & ARMY CORP NOTES:

1. NO WETLANDS ARE PLANNED TO BE DISTURBED AS PART OF THIS PROJECT UNLESS APPROVAL IS GRANTED FOR THE REMOVAL OF THE SMALL AREA OF WETLANDS UNDERNEATH THE PROPOSED FOUR-PLEX (UNITS 197-200).
2. NO PERMIT IS REQUIRED FOR DISCHARGE OF STORMWATER INTO A WETLAND, SINCE IT IS NOT AN ACTIVITY REGULATED BY THE ARMY CORP OF ENGINEERS AS LONG AS THERE IS NO CONSTRUCTION ACTIVITY THAT WOULD MODIFY THE WETLANDS IN ANY WAY.
3. NO WETLANDS WILL BE DISTURBED OR MODIFIED AS PART OF THIS PROJECT; THEREFORE, ARMY CORP APPROVAL SHOULD NOT BE REQUIRED.



FAULT LINE LOCATIONS

NO KNOWN FAULT LINES ARE LOCATED WITHIN 1000 FEET OF ANY PART OF THIS SITE AS PER THE UTAH GEOLOGICAL SURVEY MAP & THE UTAH COUNTY HAZARDS MAP.

FEMA 100 YEAR FLOOD PLAIN ZONE

THIS SITE IS LOCATED IN FEMA FLOOD ZONE C, WHICH IS AN AREA OF MINIMAL FLOODING, MAP NUMBER 495517 0230 A, EFFECTIVE DATE: OCTOBER 15, 1982 & MAP NUMBER 495517 0240 A, EFFECTIVE DATE: OCTOBER 15, 1982

PARKING TABULATIONS:

61 – ACTIVE ADULT TWINHOMES
125 – GARDEN TOWNHOMES (INCLUDES 4 FUTURE IN WETLAND AREA)
85 – TERRACE TOWNHOMES

271 TOTAL UNITS

REQUIRED PARKING STALLS FOR VISITORS = 136
PROVIDED VISITOR PARKING STALLS = 145

PAVEMENT SECTION FOR GENEVA RD

NOTE: ALL MATERIALS TO MEET UDOT SPECIFICATIONS

7" HMA UDOT APPROVED MIX DESIGN
6" UNTREATED BASE COURSE
12" GRANULAR BORROW

UDOT NOTE

PLAN REVIEW FROM UDOT REQUIRED FOR ALL GENEVA ROAD IMPROVEMENTS.

GENEVA ROAD HALF STREET SECTION

NOT TO SCALE

45.5'
29' ASPHALT TO R.O.W. CENTERLINE
6' SIDEWALK | 8' PLANTER | 2.5' | WIDEN ASPHALT APPROX. 16' (VARIES) | 1.5%-4.5% | EXISTING ASPHALT
BERM AT LEAST 1' HIGH
2.5' UDOT TYP B1 CURB & GUTTER
*SPEED LIMIT=45 MPH
SEE PAVEMENT SECTION
SAW CUT EXISTING EDGE OF ASPHALT
R.O.W. CENTERLINE

42' PRIVATE STREET SECTION

NOT TO SCALE

42'
21' | 21'
5' SIDEWALK | 2' | 14' ASPHALT ← 2% | 14' ASPHALT 2% → | 2' | 5' SIDEWALK
MOUNTABLE CURB & GUTTER
3" ASPHALT
6" COMPACTED ROADBASE
8" COMPACTED SUBBASE

LEGEND

SECTION CORNER
BUILDING ENVELOPE (PRIVATE OWNERSHIP) SEE SHEET C2 FOR DIMENSIONS
COMMON AREA & FACILITIES

VICINITY MAP

UNIVERSITY PARKWAY
GENEVA ROAD
INTERSTATE 15
SITE
2000 SOUTH (OREM)
2000 NORTH (PROVO)
1680 NORTH (PROVO)

SITE TABULATIONS

TOTAL PROPERTY AREA:	37.13 ACRES
PUBLIC R.O.W. AREA:	3.26 ACRES
FUTURE LOT AREA:	1.16 ACRES
TOTAL RESULTING SITE AREA:	32.71 ACRES = 100%
BUILDING AREA:	7.68 ACRES = 23.5%
IMPERVIOUS AREA:	11.00 ACRES = 33.6%
LANDSCAPE/WETLAND AREA:	14.03 ACRES = 42.9%
PARKING SPACES:	145

SHEET INDEX

C1 PRELIMINARY PLAT
C2 SITE PLAN – NORTH
C3 SITE PLAN – SOUTH
U1 OVERALL UTILITY PLAN – NORTH
U2 OVERALL UTILITY PLAN – SOUTH
G1 OVERALL GRADING & DRAINAGE PLAN W/ SUBAREAS
G2 GRADING & DRAINAGE PLAN – NORTHWEST
G3 GRADING & DRAINAGE PLAN – NORTHEAST
G4 GRADING & DRAINAGE PLAN – SOUTHWEST
G5 GRADING & DRAINAGE PLAN – SOUTHEAST
D1 DETAIL SHEET

TYPICAL BUILDING DIMENSIONS

SEE SHEET C2 FOR TYPICAL BUILDING DIMENSIONS.

BOUNDARY DESCRIPTION

Beginning at a point located South 89°31'44" West along section line 706.95 feet and North 9.64 feet from the Southeast corner of Section 28, Township 6 South, Range 2 East, Salt Lake Base and Meridian; thence along a fence line called out in a boundary line agreement recorded as Entry 122779:2009 in the office of the Utah County Recorder the following four courses and distances: 1) South 77°01'58" West 33.08 feet, 2) North 89°58'43" West 644.42 feet, 3) South 1°01'14" West 27.45 feet, and 4) South 89°08'51" West 686.26 feet; thence North 1°17'00" West 728.21 feet; thence South 87°33'00" West 586.27 feet; thence North 00°00'34" East along a fence line 529.19 feet; thence along a fence line the following five courses and distances: 1) North 88°33'31" East 330.50 feet, 2) North 89°17'38" East 232.96 feet, 3) North 77°04'51" East 8.66 feet, 4) North 88°41'15" East 717.06 feet, and 5) North 84°27'44" East 39.63 feet; thence South 26°51'00" East 344.56 feet; thence South 27°48'10" East 1032.46 feet to the point of beginning.
Area = 37.127 Acres

REVISIONS

Rev.	Date	Description
1	11/16/15	REVISED AS PER CITY COMMENTS
2	12/21/15	REVISED AS PER CITY COMMENTS

Surveyor: Aztec Engineering, Inc.
491 North 450 West
Orem, UT 84057
(801) 224-7308

BOARDWALK INDUSTRIES
2825 EAST COTTONWOOD PARKWAY, #527
Salt Lake City, Utah 84121
(801) 990-3154

EXCEL ENGINEERING
David W. Peterson, P.E., License #270393
12 West 100 North, Suite 201, American Fork, UT 84003
P: (801) 756-4504; F: (801) 756-4511

LAKEVIEW FIELDS

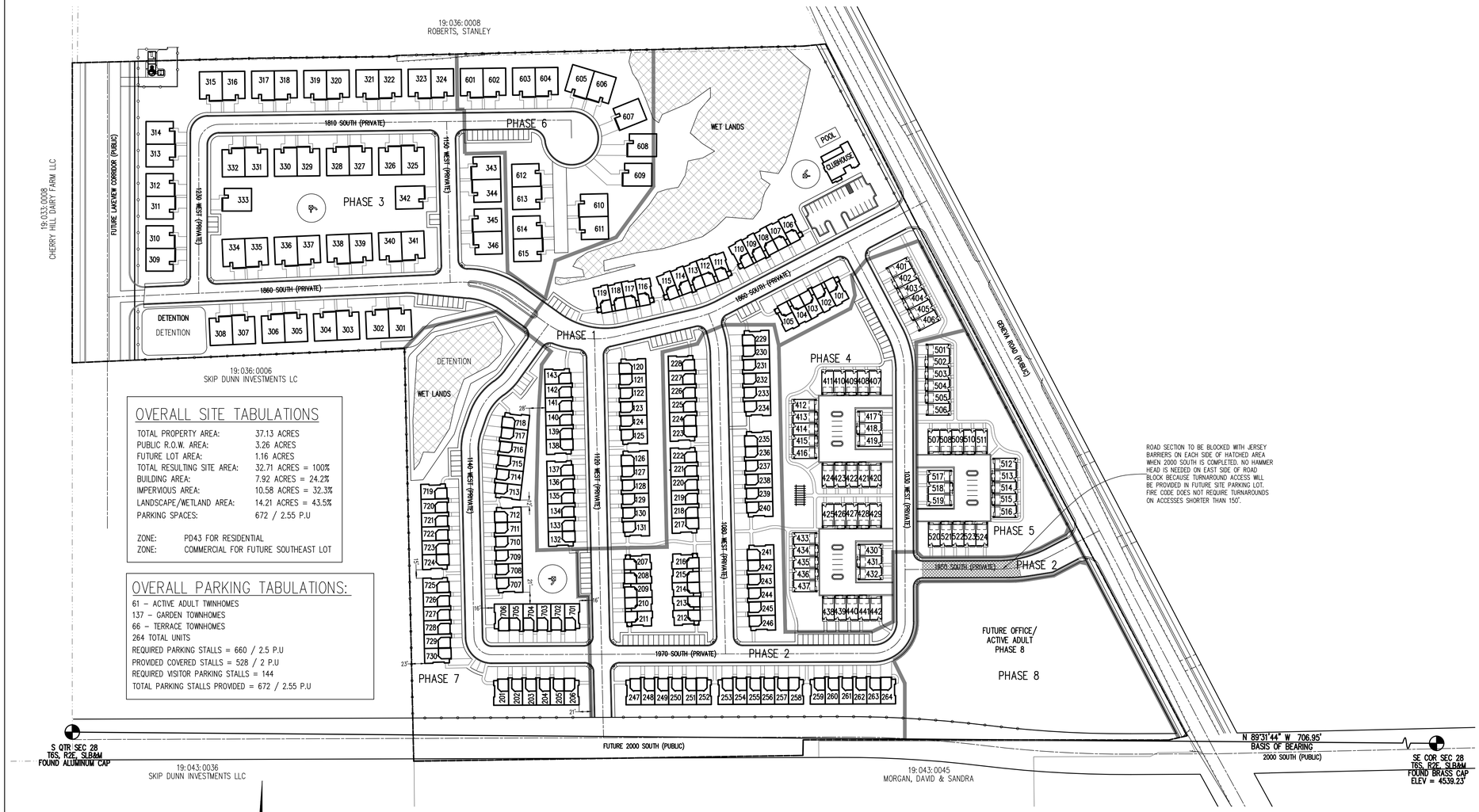
OREM | 1900 SOUTH GENEVA ROAD | UTAH

Drawn by: D.W.P.
Designed by: D.W.P.
Checked by: D.W.P.

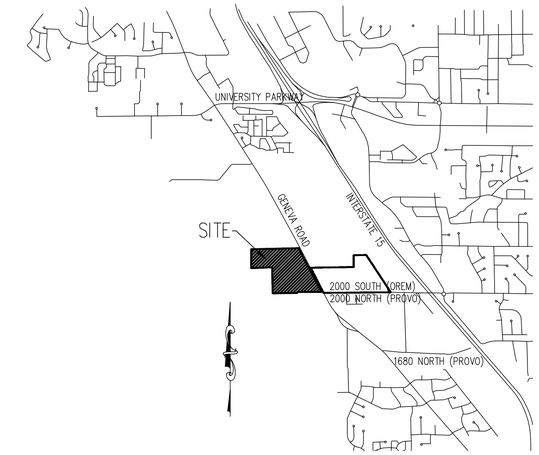
PRELIMINARY PLAT

Scale: 1"=80'
Date: 10/08/15
C1

LAKEVIEW FIELDS PHASES



ROAD SECTION TO BE BLOCKED WITH JERSEY BARRIERS ON EACH SIDE OF HATCHED AREA WHEN 2000 SOUTH IS COMPLETED. NO HAMMER HEAD IS NEEDED ON EAST SIDE OF ROAD BLOCK BECAUSE TURNAROUND ACCESS WILL BE PROVIDED IN FUTURE SITE PARKING LOT. FIRE CODE DOES NOT REQUIRE TURNAROUNDS ON ACCESSES SHORTER THAN 150'.



VICINITY MAP

OVERALL SITE TABULATIONS

TOTAL PROPERTY AREA:	37.13 ACRES
PUBLIC R.O.W. AREA:	3.26 ACRES
FUTURE LOT AREA:	1.16 ACRES
TOTAL RESULTING SITE AREA:	32.71 ACRES = 100%
BUILDING AREA:	7.92 ACRES = 24.2%
IMPERVIOUS AREA:	10.58 ACRES = 32.3%
LANDSCAPE/WETLAND AREA:	14.21 ACRES = 43.5%
PARKING SPACES:	672 / 2.55 P.U
ZONE:	PD43 FOR RESIDENTIAL
ZONE:	COMMERCIAL FOR FUTURE SOUTHEAST LOT

OVERALL PARKING TABULATIONS:

61 – ACTIVE ADULT TWINHOMES
137 – GARDEN TOWNHOMES
66 – TERRACE TOWNHOMES
264 TOTAL UNITS
REQUIRED PARKING STALLS = 660 / 2.5 P.U
PROVIDED COVERED STALLS = 528 / 2 P.U
REQUIRED VISITOR PARKING STALLS = 144
TOTAL PARKING STALLS PROVIDED = 672 / 2.55 P.U

100 50 0 100 200 300

Scale 1" = 100'

CALL BEFORE YOU DIG
IT'S FREE &
IT'S THE LAW
(TOLL-FREE)
1-800-662-4111
208-2100
(SALT LAKE METRO)
Blue Stakes of Utah
UTILITY NOTIFICATION CENTER, INC.
205 WEST 700 SOUTH, SUITE 101
SALT LAKE CITY, UTAH 84101

Surveyor: Aztec Engineering, Inc.
491 North 450 West
Orem, UT 84057
(801) 224-7308

BENCH MARK

SOUTHEAST CORNER,
SECTION 28, TOWNSHIP 6S,
RANGE 2E, SLB&M
ELEVATION = 4539.23

REVISIONS

Rev.	Date	Description

BOARDWALK INDUSTRIES
2825 EAST COTTONWOOD PARKWAY, #527
Salt Lake City, Utah 84121
(801) 990-3154

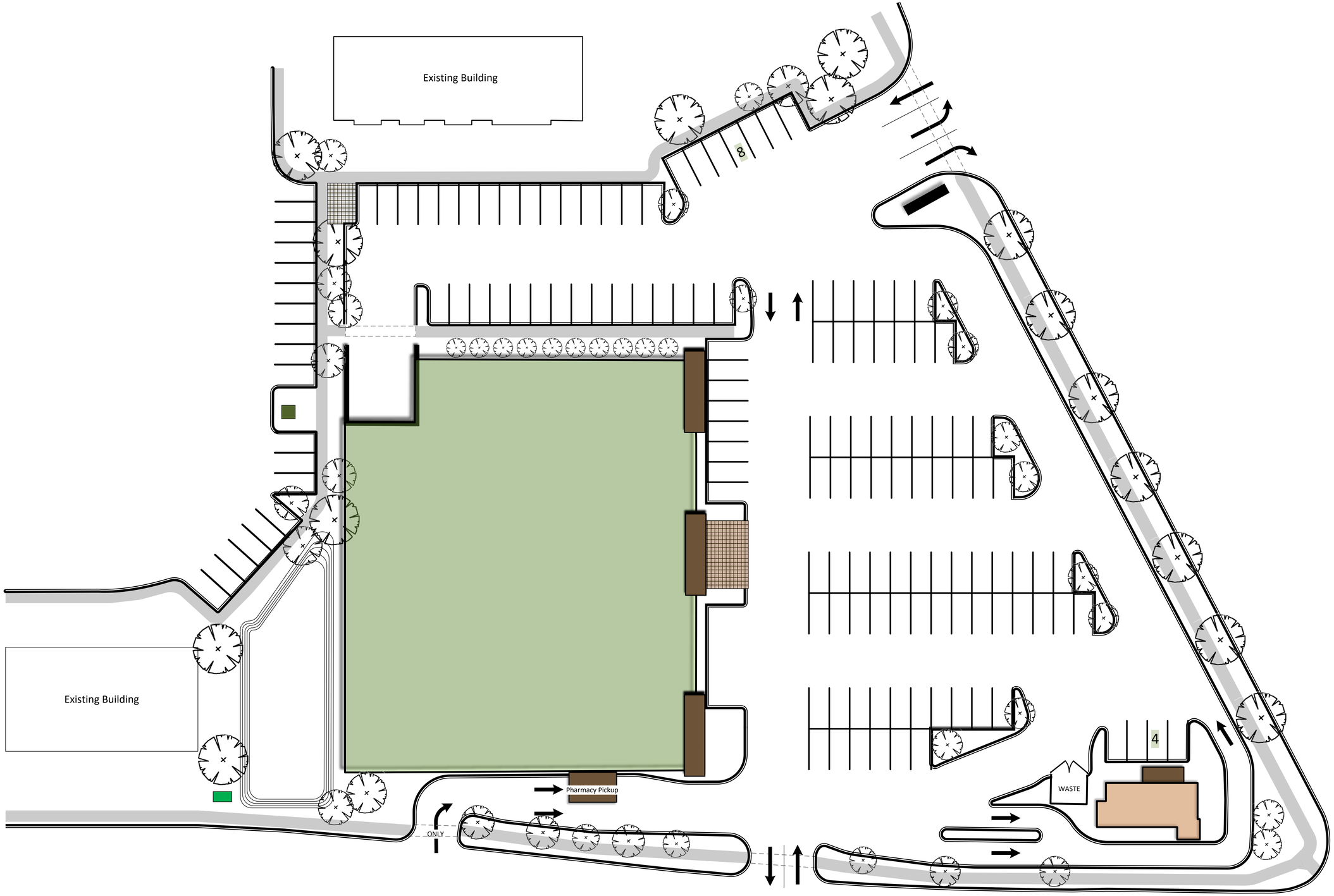
EXCEL ENGINEERING
David W. Peterson, P.E., License #270393
12 West 100 North, Suite 201, American Fork, UT 84003
P: (801) 756-4504; F: (801) 756-4511

LAKEVIEW FIELDS
OREM 1900 SOUTH GENEVA ROAD UTAH

Drawn by: D.W.P.
Designed by: D.W.P.
Checked by: D.W.P.

OVERALL SITE PLAN

Scale: 1"=100'
Date: 08/16/21
C1


Existing Building
8
Existing Building
Pharmacy Pickup
ONLY
WASTE
4

Tenant Contact Information, Vehicle Registration and Acknowledgment

As a Tenant within The Fields at Lakeview Community, we send you monthly statements, newsletters, and notices of community events. To ensure these communications reach you, we need your most current contact information, community registration of your vehicles (annually), so that we can regulate parking within the development, and your acknowledgment of receipt of the community rules and regulations. Please fill out the information requested below, and return it either by, email or mail. The information you provide is confidential and will be used only by Evolve Management and The Fields at Lakeview HOA.

UNIT ADDRESS: _____

NAME OF TENANT:	Email Address:
Mailing Address:	Cell Phone:
Home Phone/ Work Phone:	Emergency Contact & Phone Number:
Move-In Date:	Age:
Landlord Name:	Relationship to Owner(s):

I, and/or the occupants of my Unit, drive the following vehicle(s), which we intend to park at The Fields at Lakeview LLC:

Vehicle #1

Make: _____ Model: _____ Year: _____

License Plate #: _____ State: _____

Vehicle #2

Make: _____ Model: _____ Year: _____

License Plate #: _____ State: _____

By signing below, I as a Tenant residing within The Fields at Lakeview Homeowners Association, represent that the information set forth above is true and accurate. I further acknowledge receipt of the Community Rules and Regulations of The Fields at Lakeview HOA and agree to abide by the rules and regulations adopted by the Management Committee, including those concerning vehicles and parking, and to any revisions of the rules as authorized by the Management. I further agree to inform all Tenants occupants and guests of this unit of those rules and to cause them to abide by the same

Tenant Signature_____ Date_____

Please complete and return this information using one of the following methods:
Email sadie@evolveut.com
Mail: Evolve Real Estate Management, 79 W 900 N Suite C, Springville, UT 84663

Street View

Tenant Contact Information, Vehicle Registration and Acknowledgment

As a Tenant within The Fields at Lakeview Community, we send you monthly statements, newsletters, and notices of community events. To ensure these communications reach you, we need your most current contact information, community registration of your vehicles (annually), so that we can regulate parking within the development, and your acknowledgment of receipt of the community rules and regulations. Please fill out the information requested below, and return it either by, email or mail. The information you provide is confidential and will be used only by Evolve Management and The Fields at Lakeview HOA.

UNIT ADDRESS: _____

NAME OF TENANT:	Email Address:
Mailing Address:	Cell Phone:
Home Phone/ Work Phone:	Emergency Contact & Phone Number:
Move-In Date:	Age:
Landlord Name:	Relationship to Owner(s):

I, and/or the occupants of my Unit, drive the following vehicle(s), which we intend to park at The Fields at Lakeview LLC:

Vehicle #1

Make: _____ Model: _____ Year: _____

License Plate #: _____ State: _____

Vehicle #2

Make: _____ Model: _____ Year: _____

License Plate #: _____ State: _____

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Tenant Signature_____ Date_____

Please complete and return this information using one of the following methods:
Email sadie@evolveut.com
Mail: Evolve Real Estate Management, 79 W 900 N Suite C, Springville, UT 84663

CODE OF ORDINANCES

CHAPTER 22. ZONING

Article 22-11. PD Zone

22-11-56. PD-43 (Auburn Meadows) 2000 South Geneva

A. **Purpose.** The purpose of the PD-43 zone is to allow for a medium density development of attached residential units consisting of townhouses and twin-homes.

(Ord. No. O-2014-0036, Enacted 08/26/2015)

B. **Location.** The PD-43 zone shall apply only to a parcel of property located generally at 2000 South Geneva Road as shown in the Concept Plan.

(Ord. No. O-2014-0036, Enacted 08/26/2015)

C. **Concept Plan.** Property in the PD-43 zone shall be developed in substantial conformance with the Concept Plan included as Appendix LL of the Orem City Code which is incorporated herein by reference. Area A shall consist of a medium-density residential development and Area B shall ~~consist of a senior independent living facility or~~ consist of a commercial development.

(Ord. No. O-2014-0036, Enacted 08/26/2015)

D. **Permitted Uses.** Attached or detached residential dwelling units including townhouses and twin-homes are permitted in Area A. However, no stacked units shall be allowed in Area A. Common recreation Amenities that are customarily incidental to and accessory to attached unit residential developments shall also be permitted in Area A. ~~A senior independent living facility and~~ Any use permitted in the C2 zone shall be permitted in Area B.

(Ord. No. O-2014-0036, Enacted 08/26/2015)

E. **Prohibited Uses.** Any use that is not listed as a permitted or permitted by conditional use in subsection (D) above is prohibited.

(Ord. No. O-2014-0036, Enacted 08/26/2015)

F. **Final Plat.** A final plat that conforms to all development standards and requirements of CHAPTER 17 shall be approved and recorded by the City prior to any development in the PD-43 zone.

(Ord. No. O-2014-0036, Enacted 08/26/2015)

G. **Site Plan.** All development standards and site plan requirements of Section 22-14-20 shall apply to any development in the PD-43 zone. No development, construction, revisions, or additions shall take place on a site in the PD-43 zone, except for demolition and preliminary site grading, until the site plan has been

approved, the final plat has been recorded, the necessary bonds have been posted, all fees have been paid, and the appropriate permits have been obtained.

1. Additional Site Plan Requirements. In addition to the requirements of Section 22-14-20, the site plan shall include details of Amenities and their locations within the project.
2. Phasing. Development phases are permitted provided that all phases include, in accordance with City policies and procedures: 1) sufficient traffic circulation for the development phase to existing dedicated streets; 2) sufficient infrastructure, such as sewer and culinary water; 3) surface water detention, if applicable; and 4) appropriate Amenities for that phase as specified on the site plan.
3. Soils Report. A soils report prepared by a soils engineer shall be submitted concurrent with the submittal of any site plan to identify any special engineering needs of the site. All development shall be slab on grade unless a soils engineer determines that below grade development can be developed without present or future ground water problems and the City Engineer concurs in the analysis. Ground water drains shall be required if the soils report recommends them.
4. Army Corps of Engineers Requirements. No site plan shall be approved unless all requirements of the Army Corps of Engineers have been satisfied with respect to the land included within such site plan.

(Ord. No. O-2014-0036, Enacted 08/26/2015)

H. **Development Standards and Requirements.** The following development standards shall apply to all development in the PD-43 zone.

1. **Density**. The maximum residential density allowed shall be twelve (12) dwelling units per acre.
2. **Height**. No structure in Area A shall exceed a height of thirty-five feet (35'). No structure in Area B shall exceed a height of forty-five feet (45').
3. **Setbacks**.
   a. **Area A.** All buildings in Area A shall be set back a minimum of twenty feet (20') from all outside boundary lines of the PD-43 zone, from all private streets and from the shared boundary line between Area A and Area B. All parking spaces shall be set back a minimum of twenty feet (20') from all outside boundary lines of the PD-43 zone and ten feet (10') from the shared boundary line between Area Aand Area B. No setback is required from the outside boundaries of the PD-43 zone (except for boundaries adjacent to public streets) for accessory structures that have a footprint of less than one thousand (1000) square feet. Porches, cantilevers, canopies and "pop out" windows may encroach intothe setback a maximum of two feet (2'). Landscaping shall be maintained in all required setback areas.
   b. **Area B.** All buildings in Area B shall be set back from all public streets and the shared boundary line between Area A and Area B a distance equal to the height of the building or twenty feet (20'), whichever is greater. All parking spaces shall be set back a minimum of twenty feet (20') from all outside boundary lines of the PD-43 zone ~~and ten feet (10') from the shared boundary line between Area A and Area B~~. Landscaping shall be maintained in the areas shown in the Concept Plan.
4. **Architectural Style.** All buildings in the PD-43 zone shall substantially conform to the architectural design and quality illustrated in the Concept Plan.
5. **Exterior Finish Materials**. The exterior finish materials of all exterior walls on all dwelling units in the PD- 43 zone shall consist entirely of brick, stone, stucco, concrete fiber-board siding, or a combination thereof. Wood or vinyl siding shall not be used on units in the PD-43 zone. However, metal or vinyl soffits and trims are permitted.
6. **Buffered Sidewalks**. A buffered sidewalk separated from the street by a landscaped strip shall be installed and maintained adjacent to all public streets. The sidewalk shall be at least six feet (6') in width. The

landscaped strip shall be at least eight feet (8') in width and shall be bermed to a height of at least one foot above the grade of the adjacent sidewalk. The landscaped strip shall be maintained with grass and trees with trees being planted and maintained in the buffering landscaped strip and spaced no more than forty feet (40') apart. Trees in the buffering landscaped strip shall be selected from Appendix U of the Orem City Code and shall be at least two inches (2") in caliper when planted. At least a proportionateshare of the required sidewalk and buffering landscaped strip improvements shall be constructed with each phase of development in the PD-43 zone.

7. **Interior Streets**. All streets located within the interior of the PD-43 zone shall be private. Interior streets shall have a minimum asphalt width of twenty-eight feet (28'), Interior streets and sidewalks shall be common area and shall be maintained by the unit owners' association that has jurisdiction of the area in which they are located.
8. **Drive Accesses**. Drive accesses shall be designed and built as shown in the Concept Plan. All drive accesses shall be constructed with at least two travel lanes with each travel lane being a minimum of (12) feet in width exclusive of areas available for parking.
9. **Interior Sidewalks**. A sidewalk at least five feet (5') in width shall be constructed and maintained along at least one side of all private streets.
10. **Parking**. At least two and one-half (2.5) parking stalls, two of which must be covered, shall be provided for each dwelling unit. Driveways shall not count towards the parking requirement. All parking spaces shall measure at least nine feet (9') by eighteen feet (18'). All parking spaces, parking areas, and driveways shall be paved with asphalt and/or concrete and shall be designed to drain properly. Drainage shall not be channeled or caused to flow across pedestrian walk ways.
11. **Fences**. A masonry fence with a minimum height of seven feet (7') shall be erected around the entire perimeter of the PD-43 zone and along the boundary between Area A and Area B except that no fence shall be required along street frontages, and no masonry fencing is allowed over any water main unless the water main is sleeved. The entire perimeter fence shall be constructed of the same materials and have the same design, color and style to ensure a uniform appearance. The developer shall paint the masonry fence with a high grade oil base paint/sealant or with a paint/sealant approved by the City that resists graffiti. A fence may only be allowed along the frontage of a public street if the City Engineer determines that such a fence will not cause any traffic safety concerns, the fence is set back at least ten feet (10') behind the back of sidewalk and the fence does not exceed a height of seven feet (7').
12. **Landscaping.** Landscaping shall be provided and maintained as generally shown in the Concept Plan. Landscaping shall be maintained in all required setback areas. A landscaping plan shall be submitted to the City for approval as a part of the site plan for any phase of development. All required landscaping within the area of any phase shall be completed within ninety (90) days of completion of the building construction within that phase. In the event that the building is completed between October 15 and March 15, completion of the landscaping may be delayed until the next June 15 following said March 15 date.
    a. All land within the PD-43 zone not covered by buildings, driveways, sidewalks, and parking areas, shall be permanently landscaped and maintained in accordance with good landscaping practices. A permanent underground sprinkling system shall be installed for all landscaped areas.
    b. For every two (2) dwelling units there shall be required on the site at least one (1) deciduous tree at least two inches (2") in caliper measured six inches (6") above ground level, one (1) evergreen tree at least five (5) gallons in size, and sixteen (10) shrubs at least five (5) gallons in size.
13. **Lighting Plan**. Each site plan shall include a lighting plan that is designed to discourage crime, enhance the safety of the residents and guests of the project, prevent glare onto adjacent properties and enhance the appearance and design of the project. Exterior wall pack lighting shall be provided on each building.

Parking lots and structures shall be well lit. Interior street pole lights shall have a decorative style and shall be dark-sky sensitive. No cobra-style light standards are allowed. The general design of the interior street pole lights shall follow the general theme of the development.

14. **Off-site Improvements**. Off-site curb, gutter and sidewalk along street rights-of-way bordering the site may be required by the City when safety or surface water drainage is impaired as a result of the proposed PD-43 zone.
15. **Irrigation Ditches**. Irrigation ditches within the development or along street rights-of-way adjacent to the development shall be piped.
16. **Storm Water Runoff Plan**. All developments in the PD-43 zone shall have a storm water runoff plan designed to accommodate a 25-year storm. Any on-site detention ponds may be considered in and part of required landscaped areas. All surface water runoff shall be detained on site.
17. **Signs**. Except as otherwise provided below, signage in the PD-43 zone shall comply with CHAPTER 14 of the Orem City Code. The following additions and modifications shall apply to signage in the PD-43 zone:
    a. One monument sign with a maximum height of six feet and a maximum area of forty-eight square feet shall be allowed in Area B.
    b. Three monument signs shall be allowed in Area A with each monument sign limited to a height of six feet and a maximum size of twenty-four (24) square feet.
    c. All permitted monument signs shall be constructed in accordance with the setback and landscaping requirements of CHAPTER 14 of the Orem City Code.
18. **Accessory Apartments**. Accessory apartments are not permitted in the PD-43 zone.
19. **RV Storage**. Open storage of recreational vehicles (RVs), utility trailers, boats and similar items shall be prohibited in the PD-43 zone.
20. **Utilities**. All dwelling units shall be served by the public sewer system and public water supply. All utilities shall be placed underground. No water or sewer lines shall be placed under covered parking areas.
21. **Amenities**. Amenities shown on the Concept Plan shall be incorporated into the development.
22. So**lid Waste Receptacles and Storage Areas.** All outside storage areas and solid waste receptacles which are not located within a building shall be enclosed on three sides with a masonry wall at least six feet (6')in height and shall have a sight-obscuring gate.
23. **Unit Owners' Association**. A unit owners' association shall be formed and maintained to provide maintenance and upkeep of all common areas in the PD-43 zone. Prior to receiving a building permit for any property in the PD-43 zone, the owner/developer shall provide proof to the City of Orem that a unit owners' association has been established for the property on which the building permit is requested.
24. **Mechanical Equipment**. All mechanical equipment shall be screened from view, either by enclosure or parapet wall. Any truck dock areas shall also be similarly screened from view.
25. **Default Standards**. Except as otherwise provided herein, the provisions and standards of the PRD zone shall apply in Area A and the standards of the C2 zone shall apply in Area B of the PD-43 zone.
26. **Neighborhood Meeting**. The owner/developer of any development in the PD-43 zone shall conduct at least one (1) neighborhood meeting in accordance with Section 22-14-20(I) to explain the proposed development and to address all neighborhood concerns. Written notice shall be given by the owner/developer to all residents within five hundred feet (500') in all directions of the proposed development. Notice of the meeting shall be delivered by the owner/developer at least seven (7) days prior to the date of the meeting. Phone calls or informal door-to-door contacts are not considered neighborhood meetings. Such meeting(s) shall be accomplished prior to any site plan being submitted to

the City. The owner/developer shall write a summary of the neighborhood meeting and submit it as part of the site plan.

(Ord. No. O-2014-0036, Enacted 08/26/2015; Ord. No. O-2019-0013, Amended 5/14/2019)

Effective on: 5/14/2019

16/4/2(

NEIGHBORHOOD MEETING ATTENDENCE

1. Brent Sumner. EMAILED PACKAGE + PHONE CALL
Kelly Flygare 801 623 3934
BARRY BROWN
Linda Brown
RANDY JOHNSON 801-420-~~3725~~ 3715
Jamie Johnson 801-787-522
Byron Taylor 801-310-6698
Paula Rowe
ROBIN McKinley 801 560-9536
Linda R. Boice 801-295-4841
Dennis and Martha Harrison 435 720-151
Rochelle Pantuliano 801 358 935
Grant Olsen 801-360 6108
Cody Johnson 951-233-2851
Dylan Cook
Brandon Luna
Sara Mathews
Marit Lindhorst
LyAnn Flerner 801-739-6169
Chris and Jim Liechty 510.868.2645
Sherry Otto 714-~~310~~ 321-9565
LaMont + Elaine Schofield 801.225-6264
Adam & Emily Manwaring 805-551-7547

VOGEL ENT LLC
PO BOX 1046
PLEASANT GROVE, UT 84062

UTAH DEPARTMENT OF
TRANSPORTATION
%RIGHT OF WAY FOURTH FLOOR
PO BOX 148420
SALT LAKE CITY, UT 84114

HL1 LLC
PO BOX 367
PANGUITCH, UT 84759

KEEPIN IT REAL ESTATE LLC
PO BOX 681875
PARK CITY, UT 84068

JOHNSON, MERLIN & DIANE
PO BOX 777
MENTONE, CA 92359

JTLP INVESTMENTS LLC
PO BOX 971165
OREM, UT 84097

SADDLE CREEK 101 LLC
%LINDQUIST, SHAWN
12 BENTBROOK LN
SANDY, UT 84092

B4 REAL ESTATE LLC
47 E SOUTH TEMPLE
SALT LAKE CITY, UT 84150

D2 LAND DEVELOPMENT LLC
51 W CENTER ST # 170
OREM, UT 84057

KRISTIE SNYDER
56 N STATE STREET
OREM, UT 84057

DOME PARK PROPERTIES LLC
58 E 2650 N
LEHI, UT 84043

DZJ HOLDINGS LC
90 N 100 E
PROVO, UT 84606

KAIWI, CLINT (ET AL)
96 PUEO DR
KULA, HI 96790

COMMON AREA
100 E CENTER ST
PROVO, UT 84606

SHAMROCK HOMES LLC
125 3 300 N
LEHI, UT 84043

JEFF LAMBSON
156 E 1060 N
OREM, UT 84057

CANDIDE CHARTIABLE
ENTERPRISES LLC
175 W CANYON CREST RD STE 305
ALPINE, UT 84004

PALATIAL LIVING LLC
241 N VINE STREET 1004 W
SALT LAKE CITY, UT 84103

LAKEVIEW PLACE IP LLC
259 RIVER BEND WAY 102
NORTH SALT LAKE, UT 84054

MILLHAVEN CONSTRUCTION LLC
272 W 200 N STE 100
LINDON, UT 84042

DE LEEUW, DOLAN J
276 W 130 S
LINDON, UT 84042

PROVO CITY CORPORATION
351 W CENTER ST
PROVO, UT 84601

CLYDE HOMES LLC
360 N STATE STEET STE A
LINDON, UT 84042

HODGE, IAN A & DONALD M
372 N 800 E
PROVO, UT 84606

ASAY, ANDREA L & JOHNATHAN
386 W 1600 S
OREM, UT 84057

ZHOU, WENJING
418 CRANBROOK LN
LEAGUE CITY, TX 77573

PETERSON, JEREMY & AMANDA
459 W 1840 S
OREM, UT 84058

GREEN, BRITTON D
471 S 2100 W
OREM, UT 84058

THOMAS MACDONALD
489 NORTH PALISADES DR
OREM, UT 84097

HEATON, GERRY L & KAYE B
501 W MAIN CANYON RD
WALLSBURG, UT 84082

GENEVA ROAD 44 LLC
519 W STATE ST STE 202
PLEASANT GROVE, UT 84062

PETERSON, ALLEN
588 W 1600 S
OREM, UT 84058

DEBBY LAURET
641 S 1920 W
OREM, UT 84059

PAULSON, JORDAN MARTELL & BAILEY LYNN
670 W 1000 N
OREM, UT 84057

MOUNTAIN VALLEY INVESTMENTS LLC
713 HIGHLAND DR
LA GRANDE, OR 97850

BRENT SUMNER
744 WEST 550 SOUTH
OREM, UT 84058

BROWN, BARRY E & LINDA B (ET AL)
782 W 2000 S
OREM, UT 84058

GREEN, DARREN E
812 E PENNI LN
OREM, UT 84097

VARGAS, LEANDRO DAVID & ALISSA KITCHEN
819 W 1950 S
OREM, UT 84058

PULHAM, KURT TERRY
822 W 1950 S
OREM, UT 84058

TRONSON, TANNER DON (ET AL)
827 W 1950 S
OREM, UT 84058

MORRILL, JENNIFER
835 W 1950 S
OREM, UT 84058

GROO, DENIS E & NANCY M
838 W 2000 S
OREM, UT 84058

KIRLEW, AIMEE & STEPHEN
849 W 1950 S
OREM, UT 84058

ANDERTON, PARKER (ET AL)
854 W 1950 S
OREM, UT 84058

HL1 LLC
--OR CURRENT RESIDENT--
868 W 2000 SOUTH
OREM, UT 84058

PRICE, ZACHARIAH LEE & CARLYN
871 W 1950 S
OREM, UT 84058

CLASSIC JACK CONSTRUCTION LLC
878 W 1950 S
OREM, UT 84057

KARWANDE, SARINA
887 MOUNTAIN PL
PASADENA, CA 91104

D2 LAND DEVELOPMENT LLC
898 E 670 N
OREM, UT 84097

DAVID SPENCER
899 NORTH 550 EAST
OREM, UT 84097

MAYOR RICHARD F. BRUNST, JR.
900 E HIGH COUNTRY DRIVE
OREM, UT 84097-2389

VILLAGE OF LAKEVIEW FIELDS LLC THE
--OR CURRENT RESIDENT--
1006 W 1950 SOUTH
OREM, UT 84058

VILLAGE OF LAKEVIEW FIELDS LLC THE
--OR CURRENT RESIDENT--
1008 W 1950 SOUTH
OREM, UT 84058

BATEMAN, BRYN & MICHAEL
1013 E 2570 N
PROVO, UT 84604

VILLAGE OF LAKEVIEW FIELDS LLC THE
--OR CURRENT RESIDENT--
1014 W 1950 DS
OREM, UT 84058

VILLAGE OF LAKEVIEW FIELDS LLC THE
--OR CURRENT RESIDENT--
1018 W 1950 SOUTH
OREM, UT 84058

VILLAGE OF LAKEVIEW FIELDS LLC THE
--OR CURRENT RESIDENT--
1022 W 1950 SOUTH
OREM, UT 84058

CHOWDHARY, PRATAPRAI R & KIRAN B
--OR CURRENT RESIDENT--
1033 W 1970 SOUTH
OREM, UT 84058

THOMPSON, BEAU
1036 W 1970 S
OREM, UT 84057

MATTHEWS, ROBERT JOSHUA & MADISON
1037 W 1970 S
OREM, UT 84058

SADDLE CREEK 101 LLC
--OR CURRENT RESIDENT--
1039 W 1860 SOUTH
OREM, UT 84058

SHEPHERD, BRYNDI LEE
1041 W 1970 S
OREM, UT 84058

KARWANDE, SARINA
--OR CURRENT RESIDENT--
1043 W 1860 SOUTH
OREM, UT 84058

MISBACH, GRANT H & GREGORY C (ET AL)
1044 W 1970 S
OREM, UT 84058

ADVANTA IRA ADMINISTRATION LLC (ET AL)
--OR CURRENT RESIDENT--
1047 W 1860 SOUTH
OREM, UT 84058

PALATIAL LIVING LLC
--OR CURRENT RESIDENT--
1047 W 1970 SOUTH
OREM, UT 84058

YANG, SERENE
1048 W 1970 S
OREM, UT 84058

WEST, JESSICA
1049 W 1970 S
OREM, UT 84058

HALL, BREK
1051 W 1860 S
OREM, UT 84058

PALATIAL LIVING LLC
--OR CURRENT RESIDENT--
1053 W 1970 SOUTH
OREM, UT 84058

MOUNTAIN VALLEY INVESTMENTS LLC
--OR CURRENT RESIDENT--
1057 W 1860 SOUTH
OREM, UT 84058

SANT, ANTHON GARRETT & JACQUELINE
1067 W 1970 S
OREM, UT 84058

ZEYER, RODNEY
1071 W 1970 S
OREM, UT 84058

WHIPPY, MOANA & JOSHUA
1077 W 1970 S
OREM, UT 84058

FISHER, KRISTY
1079 W 1970 S
OREM, UT 84058

DAVIS, MATTHEW (ET AL)
1083 W 1970 S
OREM, UT 84058

BOARDWALK INDUSTRIES LLC
--OR CURRENT RESIDENT--
1089 W 1810 SOUTH
OREM, UT 84058

BOARDWALK INDUSTRIES LLC
--OR CURRENT RESIDENT--
1089 W 1970 SOUTH
OREM, UT 84058

BOARDWALK INDUSTRIES LLC
--OR CURRENT RESIDENT--
1092 W 1810 SOUTH
OREM, UT 84058

BOARDWALK INDUSTRIES LLC
--OR CURRENT RESIDENT--
1093 W 1810 SOUTH
OREM, UT 84058

BOARDWALK INDUSTRIES LLC
--OR CURRENT RESIDENT--
1093 W 1970 SOUTH
OREM, UT 84058

HURST WOOD EDUCATION FOUNDATION INC
1095 S 800 E
OREM, UT 84097

BOARDWALK INDUSTRIES LLC
--OR CURRENT RESIDENT--
1097 W 1970 SOUTH
OREM, UT 84058

BOARDWALK INDUSTRIES LLC
--OR CURRENT RESIDENT--
1101 W 1810 SOUTH
OREM, UT 84058

BOARDWALK INDUSTRIES LLC
--OR CURRENT RESIDENT--
1102 W 1810 SOUTH
OREM, UT 84058

BOARDWALK INDUSTRIES LLC
--OR CURRENT RESIDENT--
1103 W 1970 SOUTH
OREM, UT 84058

BOARDWALK INDUSTRIES LLC
--OR CURRENT RESIDENT--
1107 W 1810 SOUTH
OREM, UT 84058

BOARDWALK INDUSTRIES LLC
--OR CURRENT RESIDENT--
1107 W 1970 SOUTH
OREM, UT 84058

BOARDWALK INDUSTRIES LLC
--OR CURRENT RESIDENT--
1108 W 1810 SOUTH
OREM, UT 84058

BOARDWALK INDUSTRIES LLC
--OR CURRENT RESIDENT--
1111 W 1810 SOUTH
OREM, UT 84058

BOARDWALK INDUSTRIES LLC
--OR CURRENT RESIDENT--
1111 W 1970 SOUTH
OREM, UT 84058

BOARDWALK INDUSTRIES LLC
--OR CURRENT RESIDENT--
1113 W 1810 SOUTH
OREM, UT 84058

BOARDWALK INDUSTRIES LLC
--OR CURRENT RESIDENT--
1118 W 1810 SOUTH
OREM, UT 84058

BOARDWALK INDUSTRIES LLC
--OR CURRENT RESIDENT--
1119 W 1810 SOUTH
OREM, UT 84058

BOARDWALK INDUSTRIES LLC
--OR CURRENT RESIDENT--
1123 W 1810 SOUTH
OREM, UT 84058

TERRY PETERSON
1125 LYNNWOOD DRIVE
OREM, UT 84097

BOARDWALK INDUSTRIES LLC
--OR CURRENT RESIDENT--
1126 W 1810 SOUTH
OREM, UT 84058

BOARDWALK INDUSTRIES LLC
--OR CURRENT RESIDENT--
1136 W 1810 SOUTH
OREM, UT 84058

BRAY, DANIEL & CARIANNE PATRICE
1138 N 1270 E
AMERICAN FORK, UT 84003

BOARDWALK INDUSTRIES LLC
--OR CURRENT RESIDENT--
1142 W 1810 SOUTH
OREM, UT 84058

PUTUTAU, ROCHELLE (ET AL)
1168 W 1860 S
OREM, UT 84058

MEYER, TIMOTHY K
1177 W 1810 S
OREM, UT 84058

JOHNSON, RANDY LEE & JAMIE LYNN
1178 W 1860 S
OREM, UT 84058

BELT, TERRY D & HOLLIE
1183 W 1860 S
OREM, UT 84058

ALEXANDER, BROOKE ANN & THOMAS GLEN
1184 W 1860 S
OREM, UT 84058

FURNER, LUANN
1193 W 1810 S
OREM, UT 84058

SANDSTROM, STEPHEN W & NANCY L
1197 W 1810 S
OREM, UT 84058

STREET, DAVID (ET AL)
1199 W 1860 S
OREM, UT 84058

HAMILTON, L LARKIN & LAWRENCE LARKIN (ET AL)
1207 W 1860 S
OREM, UT 84058

CLARK, LISA
1212 W 1860 S
OREM, UT 84058

OLSEN, BRENT HOWARD (ET AL)
1213 W 1810 S
OREM, UT 84058

FIELDS AT LAKEVIEW HOA INC
1216 W 1295 S
OREM, UT 84058

FARNER, MICHAEL & KIMBERLY
1217 W 1860 S
OREM, UT 84058

HARRISON, MARTHA & DENNIS
1218 W 1860 S
OREM, UT 84058

ATCHISON, JOHN
1219 W 1810 S
OREM, UT 84058

MOE, SARAH & AUOMANU JR
1223 W 1860 S
OREM, UT 84058

CHOWDHARY, PRATAPRAI R & KIRAN B
1373 W RAMES RD
SOUTH JORDAN, UT 84095

RYAN CLARK
1405 N. 1430 WEST
PLEASANT GROVE, UT 84062

MORGAN, DAVID S & SANDRA C
1476 LAKESHORE DR
PROVO, UT 84601

CLINGER, EDITH S
1493 S GENEVA RD
OREM, UT 84058

CLINGER FAMILY PARTNERSHIP
1511 S GENEVA RD
OREM, UT 84058

WELCH, JOHN & DEBRA (ET AL)
--OR CURRENT RESIDENT--
1526 S GENEVA RD
OREM, UT 84058

HOLLAND, CINDY B (ET AL)
1600 GROVE CREEK CT
ROSEVILLE, CA 95747

JOHNSON, WALLACE K & ALICE H (ET AL)
1605 S GENEVA RD
OREM, UT 84058

PETERSON, JEFF M
1621 S GENEVA RD
OREM, UT 84058

PETERSON, ALLEN
--OR CURRENT RESIDENT--
1635 S GENEVA RD
OREM, UT 84058

SMITH, RYAN
1660 W 525 S
LEHI, UT 84043

ROBERTS, STANLEY H JR
1675 CLARK CIR
OREM, UT 84058

ASAY, EUNICE HUGHES
1709 S GENEVA RD
OREM, UT 84058

JOHNSON, DALE C & CHERYL B
1738 S GENEVA RD
OREM, UT 84058

CHERRY HILL DAIRY FARM
%TAYLOR, BYRON
1785 S GENEVA RD
OREM, UT 84058

DA SILVA, CASSIA & NELSON M
1812 S 1230 W
OREM, UT 84058

EXO INVESTMENTS LLC
1815 N 1820 W
PROVO, UT 84604

EXO INVESTMENTS LLC
1815 N 1880 W
PROVO, UT 84604

CHERRY HILL DAIRY FARM
--OR CURRENT RESIDENT--
1815 S GENEVA RD
OREM, UT 84058

BOICE, LINDA A
1818 S 1230 W
OREM, UT 84058

ARMSTRONG, ROBERT C & CATHY B
1823 S 1150 W
OREM, UT 84058

OTTO, SHERRY LAVON (ET AL)
1828 S 1230 W
OREM, UT 84058

DEPUTY, PENNY
1829 S 1150 W
OREM, UT 84058

PACADA, MAXIMINIANO PAET JR & LESLIE J
1834 S 1230 W
OREM, UT 84058

LEVINGSTON, CONNIE
1841 S 1150 W # 345
OREM, UT 84058

ELDER, JON DON & JOE DON (JD) (ET AL)
1844 S 1230 W
OREM, UT 84058

CAMPBELL, SUZANNE H
1847 S 1150 W
OREM, UT 84058

LIECHTY, JAMES K & CHRISTENA H
1852 S 1230 W
OREM, UT 84058

FICKLIN, KAYLOR
1867 S 1030 W
OREM, UT 84058

TAYLOR, CADEN & ERIKA
1869 S 1080 W
OREM, UT 84058

HOGAN, WILLIAM (ET AL)
1871 S 1120 W
OREM, UT 84058

COBB, CALVIN
1873 S 1030 W
OREM, UT 84057

BELL, MASON & SYDNIE
1873 S 1080 W
OREM, UT 84058

HURST WOOD EDUCATION
FOUNDATION INC
--OR CURRENT RESIDENT--
1875 S GENEVA RD
OREM, UT 84058

MABBUTT, HAYDEN & JEFFREY
1877 S 1030 W # 405
OREM, UT 84057

CORDON, SAIDI M & VALERI V
1881 S 1080 W
OREM, UT 84058

WALKER, JARON
1886 S 1030 W
OREM, UT 84058

D2 LAND DEVELOPMENT LLC
--OR CURRENT RESIDENT--
1887 S 1080 WEST
OREM, UT 84058

KEEPIN IT REAL ESTATE LLC
--OR CURRENT RESIDENT--
1889 S 1080 WEST
OREM, UT 84058

FORBUSH, SKYLAR TALON
1892 S 1080 W
OREM, UT 84058

FARABEE, BRYCE
1894 S 1030 W
OREM, UT 84058

VILLAGE OF LAKEVIEW FIELDS LLC
THE
--OR CURRENT RESIDENT--
1897 S 1030 WEST
OREM, UT 84058

RILEY, STEVEN & SALLY
1898 S 1030 W # 413
OREM, UT 84057

VORWALLER, CHASE
1877 S 1080 W
OREM, UT 84058

BOARDWALK INDUSTRIES LLC
--OR CURRENT RESIDENT--
1878 S 1080 WEST
OREM, UT 84058

LINDHORST, MARIT & CHANDLER
1882 S 1080 W
OREM, UT 84058

STROBEHN, RYAN & HAYLEY
1886 S 1080 W
OREM, UT 84058

PAGE, VIVIAN
1888 S 1030 W # 409
OREM, UT 84057

VILLAGE OF LAKEVIEW FIELDS LLC
THE
--OR CURRENT RESIDENT--
1891 S 1030 WEST
OREM, UT 84058

VILLAGE OF LAKEVIEW FIELDS LLC
THE
--OR CURRENT RESIDENT--
1893 S 1030 WEST
OREM, UT 84058

BATEMAN, BRYN & MICHAEL
--OR CURRENT RESIDENT--
1894 S 1080 WEST
OREM, UT 84058

HEADRICK, ADAM
1897 S 1080 W
OREM, UT 84058

VILLAGE OF LAKEVIEW FIELDS LLC
THE
--OR CURRENT RESIDENT--
1899 S 1030 WEST
OREM, UT 84058

MATHEWS, JUSTIN (ET AL)
1877 S 1120 W
OREM, UT 84058

MILLER MAKAY
1879 S 1030 W
OREM, UT 84057

VILLAGE OF LAKEVIEW FIELDS LLC
THE
--OR CURRENT RESIDENT--
1883 S 1030 WEST
OREM, UT 84058

VILLAGE OF LAKEVIEW FIELDS LLC
THE
--OR CURRENT RESIDENT--
1887 S 1030 WEST
OREM, UT 84058

VILLAGE OF LAKEVIEW FIELDS LLC
THE
--OR CURRENT RESIDENT--
1889 S 1030 WEST
OREM, UT 84058

LUNDQUIST, MARCIA
1892 S 1030 W
OREM, UT 84058

JOHNSON, MERLIN & DIANE
--OR CURRENT RESIDENT--
1893 S 1080 WEST
OREM, UT 84058

MAPLE MOUNTAIN BUILDERS LLC
1896 N 1120 W
PROVO, UT 84604

ADAMS, JOSH
1898 S 1080 W
OREM, UT 84058

VILLAGE OF LAKEVIEW FIELDS LLC
THE
--OR CURRENT RESIDENT--
1901 S 1030 WEST
OREM, UT 84058

FREEMAN, MATT
1902 S 1030 W
OREM, UT 84058

BOWMAN, ANDREW & TERAN
--OR CURRENT RESIDENT--
1902 S 1080 WEST
OREM, UT 84058

VILLAGE OF LAKEVIEW FIELDS LLC THE
--OR CURRENT RESIDENT--
1903 S 1030 WEST
OREM, UT 84058

SIEBERT, MARK JIALI (ET AL)
1904 S 1030 W # 415
OREM, UT 84058

GENEVA ROAD 44 LLC
--OR CURRENT RESIDENT--
1906 N GENEVA RD UNIT# 103
PROVO, UT 84601

GENEVA ROAD 44 LLC
--OR CURRENT RESIDENT--
1906 N GENEVA RD UNIT# 104
PROVO, UT 84601

GENEVA ROAD 44 LLC
--OR CURRENT RESIDENT--
1906 N GENEVA RD UNIT# 105
PROVO, UT 84601

GENEVA ROAD 44 LLC
--OR CURRENT RESIDENT--
1906 N GENEVA RD UNIT# 106
PROVO, UT 84601

GENEVA ROAD 44 LLC
--OR CURRENT RESIDENT--
1906 N GENEVA RD UNIT# 203
PROVO, UT 84601

GENEVA ROAD 44 LLC
--OR CURRENT RESIDENT--
1906 N GENEVA RD UNIT# 204
PROVO, UT 84601

GENEVA ROAD 44 LLC
--OR CURRENT RESIDENT--
1906 N GENEVA RD UNIT# 205
PROVO, UT 84601

GENEVA ROAD 44 LLC
--OR CURRENT RESIDENT--
1906 N GENEVA RD UNIT# 206
PROVO, UT 84601

GENEVA ROAD 44 LLC
--OR CURRENT RESIDENT--
1906 N GENEVA RD UNIT# 303
PROVO, UT 84601

GENEVA ROAD 44 LLC
--OR CURRENT RESIDENT--
1906 N GENEVA RD UNIT# 304
PROVO, UT 84601

VILLAGE OF LAKEVIEW FIELDS LLC THE
--OR CURRENT RESIDENT--
1907 S 1030 WEST
OREM, UT 84058

TANG, ALEXANDER & MEI LIN
--OR CURRENT RESIDENT--
1908 S 1080 WEST
OREM, UT 84058

VILLAGE OF LAKEVIEW FIELDS LLC THE
--OR CURRENT RESIDENT--
1909 S 1030 WEST
OREM, UT 84058

FERNANDEZ, LEOPOLDO APUMAYTA (ET AL)
1909 S 1080 W
OREM, UT 84058

JASON BENCH
1911 N MAIN STREET
OREM, UT 84057-2101

VILLAGE OF LAKEVIEW FIELDS LLC THE
--OR CURRENT RESIDENT--
1911 S 1030 WEST
OREM, UT 84058

VILLAGE OF LAKEVIEW FIELDS LLC THE
--OR CURRENT RESIDENT--
1913 S 1030 WEST
OREM, UT 84058

WONG, CURTIS (ET AL)
1913 S 1080 W
OREM, UT 84058

MOE, TYUS & SARAH K
1914 S 1080 W
OREM, UT 84058

TERRY, NICHOLE A
1916 S 1030 W
OREM, UT 84058

VILLAGE OF LAKEVIEW FIELDS LLC THE
--OR CURRENT RESIDENT--
1917 S 1030 WEST
OREM, UT 84058

LAI, TAK MING (ET AL)
--OR CURRENT RESIDENT--
1918 S 1080 WEST
OREM, UT 84058

BARTON, JACOB HUNTER & JENNIFER
1918 S 1030 W # 423
OREM, UT 84058

VILLAGE OF LAKEVIEW FIELDS LLC THE
--OR CURRENT RESIDENT--
1919 S 1030 WEST
OREM, UT 84058

ARNER, DAVID & LISA
--OR CURRENT RESIDENT--
1919 S 1080 WEST
OREM, UT 84058

HEATON, GERRY L & KAYE B
--OR CURRENT RESIDENT--
1921 N GENEVA RD
PROVO, UT 84601

VILLAGE OF LAKEVIEW FIELDS LLC THE
--OR CURRENT RESIDENT--
1921 S 1030 WEST
OREM, UT 84058

VILLAGE OF LAKEVIEW FIELDS LLC THE
--OR CURRENT RESIDENT--
1923 S 1030 WEST
OREM, UT 84058

3 PLUS 1 REAL ESTATE LLC
--OR CURRENT RESIDENT--
1923 S 1080 WEST
OREM, UT 84058

EARL, JACOB & JACOB (ET AL)
1924 S 1030 W
OREM, UT 84058

ZHOU, WENJING
--OR CURRENT RESIDENT--
1924 S 1080 WEST
OREM, UT 84058

VILLAGE OF LAKEVIEW FIELDS LLC THE
--OR CURRENT RESIDENT--
1927 S 1030 WEST
OREM, UT 84058

BRINKERHOFF, WALTER A & CONI JO (ET AL)
1928 SIYTG 1030 W3ST # 429
OREM, UT 84058

2656 TEAL LLC
1928 S 1080 W
OREM, UT 84058

VILLAGE OF LAKEVIEW FIELDS LLC THE
--OR CURRENT RESIDENT--
1929 S 1030 WEST
OREM, UT 84058

OYANEDEL, ANGEL PATRICIO
1929 S GENEVA RD
OREM, UT 84058

NIELSON, LINDA E
1931 N 3100 W
PROVO, UT 84601

ARNER, DAVID & LISA
1932 S 1030 W
OREM, UT 84058

CISNEROS, JESUS JR & CHRISTIAN A
1936 N 3100 W
PROVO, UT 84601

GENEVA ROAD 44 LLC
--OR CURRENT RESIDENT--
1936 N GENEVA RD UNIT# 101
PROVO, UT 84601

GENEVA ROAD 44 LLC
--OR CURRENT RESIDENT--
1936 N GENEVA RD UNIT# 102
PROVO, UT 84601

GENEVA ROAD 44 LLC
--OR CURRENT RESIDENT--
1936 N GENEVA RD UNIT# 103
PROVO, UT 84601

GENEVA ROAD 44 LLC
--OR CURRENT RESIDENT--
1936 N GENEVA RD UNIT# 104
PROVO, UT 84601

GENEVA ROAD 44 LLC
--OR CURRENT RESIDENT--
1936 N GENEVA RD UNIT# 201
PROVO, UT 84601

GENEVA ROAD 44 LLC
--OR CURRENT RESIDENT--
1936 N GENEVA RD UNIT# 202
PROVO, UT 84601

GENEVA ROAD 44 LLC
--OR CURRENT RESIDENT--
1936 N GENEVA RD UNIT# 203
PROVO, UT 84601

GENEVA ROAD 44 LLC
--OR CURRENT RESIDENT--
1936 N GENEVA RD UNIT# 204
PROVO, UT 84601

GENEVA ROAD 44 LLC
--OR CURRENT RESIDENT--
1936 N GENEVA RD UNIT# 301
PROVO, UT 84601

GENEVA ROAD 44 LLC
--OR CURRENT RESIDENT--
1936 N GENEVA RD UNIT# 302
PROVO, UT 84601

GENEVA ROAD 44 LLC
--OR CURRENT RESIDENT--
1936 N GENEVA RD UNIT# 303
PROVO, UT 84601

GENEVA ROAD 44 LLC
--OR CURRENT RESIDENT--
1936 N GENEVA RD UNIT# 304
PROVO, UT 84601

KIMBALL, CASEY & EMILY CLEGG
1936 S 1080 W
OREM, UT 84058

B4 REAL ESTATE LLC
--OR CURRENT RESIDENT--
1937 S 1080 WEST
OREM, UT 84058

ESCALANTE, ANNA LESLIE & EDWARD PETER
1938 S 1030 W
OREM, UT 84057

JOHNSON, BLAINE E
1939 N 3100 W
PROVO, UT 84601

WEIGHT, DON ROGER (ET AL)
1941 N 3050 W
PROVO, UT 84601

HOOVER, BRAD & SHAUNA L (ET AL)
%ROYLANCE, SHAUNA
1941 S 800 W
OREM, UT 84058

SCHAAP, HAYDEN
--OR CURRENT RESIDENT--
1941 S 1080 WEST
OREM, UT 84058

SCHAAP, HAYDEN
1941 S 1080 W # 242
OREM, UT 84058

NORDSTROM, MACKENZIE & TANNER
1942 N 3100 W
PROVO, UT 84601

PAJIMOLA, TANYA
1942 S 1030 W
OREM, UT 84057

CHANDLER, KATHLEEN ELZABETH (ET AL)
1942 S 1080 W
OREM, UT 84058

AMPUERO, SAVANNAH & GABRIELA
--OR CURRENT RESIDENT--
1943 S 1080 WEST
OREM, UT 84058

AMPUERO, SAVANNAH & GABRIELA
1943 S 1080 W # 243
OREM, UT 84058

BANKS, JONATHAN M & SARAH
1944 N 3050 W
PROVO, UT 84601

JTLP INVESTMENTS LLC
--OR CURRENT RESIDENT--
1948 S 1080 WEST
OREM, UT 84058

MOOSE, ALAN L & PAMELA C
1949 S 800 W
OREM, UT 84058

SPINDLER, JACQUELINE RACHEL
1949 S 1080 W
OREM, UT 84058

THENOT, JODY R
1953 N 3050 W
PROVO, UT 84601

D2 LAND DEVELOPMENT LLC
--OR CURRENT RESIDENT--
1953 S 1080 WEST
OREM, UT 84058

CHRISTENSEN, COLTER J & PENNY
1954 S 1030 W
OREM, UT 84058

JTLP INVESTMENTS LLC
--OR CURRENT RESIDENT--
1954 S 1080 WEST
OREM, UT 84058

WELLS, SPENCER (ET AL)
1956 N 3050 W
PROVO, UT 84601

AVERY, SHANNON
1956 S 1030 W # 436
OREM, UT 84058

WILLIAMS, TANNER
1958 S 1030 W
OREM, UT 84057

MAXFIELD, MICHAEL & TIFFANY
1958 S 1080 W
OREM, UT 84058

FLYGARE, KELLY
1959 N 3100 W
PROVO, UT 84601

CUMMINGS, KELSIE
1959 S 1080 W
OREM, UT 84058

MERRILL, SETH & BROOKE
1965 N 3050 W
PROVO, UT 84601

GENEVA ROAD 44 LLC
--OR CURRENT RESIDENT--
1966 N GENEVA RD UNIT# 101
PROVO, UT 84601

GENEVA ROAD 44 LLC
--OR CURRENT RESIDENT--
1966 N GENEVA RD UNIT# 102
PROVO, UT 84601

GENEVA ROAD 44 LLC
--OR CURRENT RESIDENT--
1966 N GENEVA RD UNIT# 103
PROVO, UT 84601

GENEVA ROAD 44 LLC
--OR CURRENT RESIDENT--
1966 N GENEVA RD UNIT# 104
PROVO, UT 84601

GENEVA ROAD 44 LLC
--OR CURRENT RESIDENT--
1966 N GENEVA RD UNIT# 105
PROVO, UT 84601

GENEVA ROAD 44 LLC
--OR CURRENT RESIDENT--
1966 N GENEVA RD UNIT# 106
PROVO, UT 84601

GENEVA ROAD 44 LLC
--OR CURRENT RESIDENT--
1966 N GENEVA RD UNIT# 201
PROVO, UT 84601

GENEVA ROAD 44 LLC
--OR CURRENT RESIDENT--
1966 N GENEVA RD UNIT# 202
PROVO, UT 84601

GENEVA ROAD 44 LLC
--OR CURRENT RESIDENT--
1966 N GENEVA RD UNIT# 203
PROVO, UT 84601

GENEVA ROAD 44 LLC
--OR CURRENT RESIDENT--
1966 N GENEVA RD UNIT# 204
PROVO, UT 84601

GENEVA ROAD 44 LLC
--OR CURRENT RESIDENT--
1966 N GENEVA RD UNIT# 205
PROVO, UT 84601

GENEVA ROAD 44 LLC
--OR CURRENT RESIDENT--
1966 N GENEVA RD UNIT# 206
PROVO, UT 84601

GENEVA ROAD 44 LLC
--OR CURRENT RESIDENT--
1966 N GENEVA RD UNIT# 301
PROVO, UT 84601

GENEVA ROAD 44 LLC
--OR CURRENT RESIDENT--
1966 N GENEVA RD UNIT# 302
PROVO, UT 84601

GENEVA ROAD 44 LLC
--OR CURRENT RESIDENT--
1966 N GENEVA RD UNIT# 303
PROVO, UT 84601

GENEVA ROAD 44 LLC
--OR CURRENT RESIDENT--
1966 N GENEVA RD UNIT# 304
PROVO, UT 84601

BUONFORTE, HANK & TARYN
1968 N 3050 W
PROVO, UT 84601

BAHR, DON F & VONDA P
1969 N GENEVA RD
PROVO, UT 84601

NARCISO, DAVID L JR & TATIANA H
1971 N 3100 W
PROVO, UT 84601

BACKUS, KRISTOPHER C & JILL R
1975 S 800 W
OREM, UT 84058

HERNANDEZ, GABRIELA COMPRES & GABRIELA
1979 N 3100 W
PROVO, UT 84601

HERIFORD, HANK & AUBREY
1987 N 3100 W
PROVO, UT 84601

GERMAN, EDWARD & JEANNETTE VARGAS
1988 N 3100 W
PROVO, UT 84601

PROVO CITY CORPORATION
--OR CURRENT RESIDENT--
1992 N GENEVA RD
PROVO, UT 84601

BOARDWALK INDUSTRIES LLC
2000 S GENEVA RD
OREM, UT 84058

ADVANTA IRA ADMINISTRATION LLC (ET AL)
%KHANDKAR, UMS
2116 S LAKELINE DR
SALT LAKE CITY, UT 84109

COLE, DARIN FUHRIMAN
2142 NW ROBIN HOOD ST
CORVALLIS, OR 97330

CANDIDE CHARITABLE ENTERPRISE LLC
--OR CURRENT RESIDENT--
2296 W 2000 SOUTH
OREM, UT 84058

SSJB PRICE FAMILY LIMITED PARTNERSHIP
2299 E 3480 S
SAINT GEORGE, UT 84790

TANG, ALEXANDER & MEI LIN
2733 CALLE DE LA LOMA
PLEASANTON, CA 94566

LAKEVIEW FIELDS COTTAGES LLC
2825 E COTTONWOOD PKWY # 500
SALT LAKE CITY, UT 84121

PYNE, JEREMY & ERIN
3033 W 1930 N
PROVO, UT 84601

STOCKTON, RICHARD S & KRISTI D
3047 W 1930 N
PROVO, UT 84601

WARNER, NEIL K & TAMARA JEAN
3059 W 1930 N
PROVO, UT 84601

MERCER, CORBIN JOHN & LINDEY GENEAL
--OR CURRENT RESIDENT--
3077 W 1930 NORTH
PROVO, UT 84601

MERCER, CORBIN JOHN & LINDEY GENEAL
3077 W 1939 N
PROVO, UT 84601

ORION PROPERTIES COMPANY LLC
3089 W 1930 N
PROVO, UT 84601

JAUREGUI, JOSE ARMANDO
3103 W 1930 N
PROVO, UT 84601

VINDEL, JOSUE MORENO & KELLY MORENO
3713 N 600 E
PROVO, UT 84604

LAI, TAK MING (ET AL)
3899 E CLUBHOUSE LN
EAGLE MOUNTAIN, UT 84005

PALATIAL LIVING LLC
3946 W FARMINGDALE CT
SOUTH JORDAN, UT 84009

ALVARENGA, BORIS & JOSIE
4393 SHADYHOLLOW LOOP
LEHI, UT 84043

UTAH DEPARTMENT OF TRANSPORTATION
4501 S 2700 W
SALT LAKE CITY, UT 84114

WELCH, JOHN & DEBRA (ET AL)
5148 S COTTONWOOD LN
SALT LAKE CITY, UT 84117

CHURCH, MATTHEW J & MELISSA K (ET AL)
5501 W 10600 N
HIGHLAND, UT 84003

KAUL, DHRUV & LYNDI
6472 W SCARLET OAK DR
WEST JORDAN, UT 84081

BOWMAN, ANDREW & TERAN
6767 W 10125 N
HIGHLAND, UT 84003

BOARDWALK INDUSTRIES LLC
6955 UNION PARK CTR # 160
MIDVALE, UT 84047

3 PLUS 1 REAL ESTATE LLC
9161 S BARONAY CIR
SANDY, UT 84093

TORNOW, MICHAEL S & IVY A
11302 N NORMANDY WAY
HIGHLAND, UT 84003

GKM FAMILY LLC (ET AL)
%MCDOUGAL, GARY
11723 S HIGHLAND OAKS CIR
SANDY, UT 84092

ARNER, DAVID & LISA
17922 TEKLANIKA DR
EAGLE RIVER, AK 99577

Neighborhood Meeting Minutes Oct 4th 6:00 PM Meeting held in person at Lakeview Fields Clubhouse

Meeting Officiator: Jeff Mansell Applicant

Attendance: See attached attendance roll

Jeff Mansell – Introduced the purpose of the meeting as a text change to the zoning of PD43

See exhibit A the information package given to the attendees.

Discussion Items:

Reason for application:

Jeff Mansell: The reason for the application for this text change is to eliminate the 19 units adjacent to the current Area B. Expand area B and its permitted use of C2, and allow 12 additional units to be moved to the western part of the project. We began working on this a year ago because we were seeing increased parking problems related to this specific product type (3 Story Courtyard Parked)

This product came from a project in Sandy called Quarry Bend where they do not have this parking problem, and we never assumed neither did the city that we would have illegal tenant leasing in this area. It clearly was an oversight. So instead of adding more fuel to the fire we have decided to eliminate these 19 units.

This is something we do not have to do these units are approved, and the utilities are already installed. This is a conscious decision that cost us a great deal of money.

Questions on this topic:

Byron Taylor: Are the 12 units being moved elsewhere they same type of townhome?

Jeff Response: No. They are our 2 story townhome with a 2 car garage and a full driveway. We are not have any parking problems from this townhome segment. So we feel confident that it is a practical replacement.

Dennis Harrison: Why does 1950 south have to be blocked off? We need that as an exit.

Jeff Response: If you will look at page 1 you will see that 1950 south is deginated by UDOT mandate to cease as a road and revert to only an access to the commercial property once 2000 So is constructed and our project can have a second access via 1120 West onto 2000 So.

Dennis follow-up: Was that your idea?

Jeff Response: No this was a requirement by UDOT, we would have liked to keep 1950 So as it is but it does not meet their distance requirement for a road once 2000 So. is constructed as a road.

Adam Manwaring: I don't understand. What is the difference between the two, the access is still right there on Geneva?

Jeff Response: UDOT regs state that two roads on a state highway cannot be less that 650 Ft. apart. An access to a property is viewed differently and does not have that distance requirement. Like an access into a convenience store right off the corner.

Adam Follow-up: Thank you for the clarification I understand now.

Emily Manwaring: Is it 100% certain that a grocery store will go there?

Jeff Response: At this point no. Until this is approved no, We are hoping that it happens but as of right now it is not a certainty.

Sandi Morgan: Jeff there is already a small grocery store going in across the street.

Jeff: I was unaware of that where?

Sandi: just on the east side across the street.

Jeff: I was told that it was going to be a convenience store not a grocery store.

Note: Generally there was for sure majority support for a grocery store. People who expressed opposition to this were Byron Taylor, Sandi Morgan and Elaine Schofield.

Sandi Morgan: Jeff what is going in on the corner?

Jeff Response: We'll again that is uncertain, it could be a drink place or a toco bell or something loke that. We have people expressing interest but we do not have anything solidified at this time, and wont pursue anything until this is approved.

Jim Liechty: When will this commercial be developed?

Jeff Response: That all depends on Provo City and when the build out 2000 So. A small portion may be able to be developed when the intersection of 2000 So and Geneva is constructed later this fall. But it cannot be developed in it entirety until 2000 So is built and we have our 1120 West access.

Jim: I understand that the horse property owns the land up to the intersection and they won't allow 2000 so to be built.

Jeff: Jim Sandi sitting behind you owns that property, Sandi what is its status?

Sandi Morgan: I do own a section that must be purchased for the road to be built and I am not planning on selling that any time soon.

Jeff Response: So the construction of 2000 So. Depends on Provo City and the Morgan's. I do know that the intersection will be built and Provo will improve 2000 So back to the Morgan's property to continue their access.

Parking on Geneva:

As we discussed this situation has put cars onto Geneva Rd.

Luann Furner: Yes I cannot get out of the project.

Jeff: I will get to that in just a minute:

Getting the cars off Geneva permanently is a 2 stage approach 1. Changes internally with the HOA rules and regulations for parking and for Landlords and Tenants. And 2. Getting this text change completed so we can get more parking into the project.

Let me go over what we are doing on the HOA side of things.

We have built a temporary parking lot on the property where the 19 units are supposed to go. This is a 40 stall paved parking lot and will remain a lot until the full development of that area takes place.

It is my understanding that UDOT will prohibit parking on both sides of Geneva in this area. Which will help greatly for sure:

Byron Taylor: Jeff what about trailers do you allow them in the project?

Jeff Response: No we do not and I assume that UDOT will be enforcing their rules as well meaning no trailers parked on the street.

Moving On: We have also added 16 permanent stalls on 1970 so for the project between the 2 that is 56 new parking stalls. We are moving the 8 permitted stalls in the clubhouse lot to the temporary lot and the clubhouse parking lot will now only be used for clubhouse visitors.

Note: a small group of residents then gave out a small cheer for that.

So now that we have the parking stalls on site we need to get cars off of Geneva Rd. This coincides with new rules for Landlords and Tenants. In summary they are

1. All landlords must be licensed by the city and comply with all city ordinances especially no more that 3 non-related people leasing a residence.
2. The HOA must have a copy of the lease signed by all tenants.
3. No subletting of any kind be it rooms or beds etc. is allowed if people are found to be subletting, they will be evicted immediately.
4. All tenants of a residence must receive the rules and regulation. sign an acknowledgement that they have read and received them, provide all of their contact information and register their vehicle with the HOA.
5. Tenants must prove they have parking for their vehicle by inspection of the management company either in their garage, driveway or with a permitted parking stall within the project.

The absolute best way to manage that Landlords and Tenants are following the rules is through parking enforcement. By requiring that all tenants register their cars we can know who is parking where and fine or tow appropriately. The only owners required to register their cars are those who chose to have a reserved permitted spot.

We are starting with the cars on Geneva, over the next week we will be getting them processed and into their parking stalls.

Simultaneously we are getting the new rules out to the community, and we have begin the process of the landlord and tenant information gathering. We are giving the landlords 30 days to comply with the Landlord requirements for their residence.

We believe that if this is managed property that it will significantly reduce the number of cars overall by weeding out the illegal subletting going on. And ultimately give us better landlords and tenants within the project.

Byron Taylor: Jeff I simply just do not believe this will happen, I am skeptical to say the least.

Jeff Response: Byron at this point I would feel the same way. I have been involved in HOA's that are run poorly and those that are run very well. What it comes down to is enforcement of the rules and regulations. The best HOA's strictly enforce their rules with penalties levied. That is a must for this community for sure. And to truly solve this problem.

We do have a little help now that the city has hired a code enforcement person. They have assured me they will assist us in the occupancy numbers in the units. That position did not exists 2 months ago.

Byron: we'll ill believe it when I see it.

Jeff: I commit that we will do our part, making sure the HOA enforces the rules. Ultimately the proof is in the pudding.

Robin McKinlay: So, help me understand, how does enforcing parking help manage the tenants?

Jeff Response: Well, when the HOA receives a new lease with the tenant information and vehicle registration it will then inspect the parking for those tenants. They will go to the unit see that they have parking in their garage or driveway. If a reserved stall is required for one of the tenants, the HOA know which car it to be parked where. If they begin finding the other cars in that unit parking in visitor stalls or in other permitted stalls they know which unit is a violator. They will fine and tow the cars and then fin the landlord for not making sure their tenants are obeying the rules. It becomes quite easy to tie problems to specific units.

Dalyn Cook: But how do you prevent people from subleasing a room say?

Jeff Response: Again, that person has to park somewhere right. So, if the unit already is maxed out on allowable people on the lease. And this sublease starts to park in areas they shouldn't be. We will know that 1. The car is not registered with the HOA, if the HOA cannot link the car to an owner-occupied unit. And 2. It is parking in non-authorized areas. The car will be towed. When the owner of the car comes to retrieve the car the HOA will find the unit that person is living in, make a final determination they are there illegally by checking the unit documentation. If found to be illegal they will notify the Landlord, fine the landlord notifies the city and have the person evicted.

Now this is a perfect scenario, I assume it can and will get messy at times. But it all has to be about the HOA enforcing its rules and regulations.

Dalyn: Ok I get it.

Marit Lindhorst: Do all owners and people have to register their cars?

Jeff Response: No just tenants and those owners who have permitted spaces.

Adam Manwaring: What about when we have family come for a couple days and they need to park in a visitor space?

Jeff: There are provisions for this in the new parking regs. You simply have to notify the HOA and give them the license number and the amount of time they will be in the stall.

At this point of the meeting the questions began to extend out past the topic of the application and parking. Elaine Scofield and Sandi Morgan asked questions about Geneva Rd. Elaine stating that the Mayor said the Geneva would be expanded to 5 lanes. I answered that the plans show that it will be extended to 5 lanes from University parkway south to the Lakeview Corridor intersection (in the Johnsons' property) but south of that is would remain a 3 lane rd.

Many of the other topics were when will Lakeview be built? What about wetland weed management? And so on. The meeting was essentially over at this point and these discussions were conversational in nature.

The meeting ended at 6:45 PM

For more information, contact
Cheryl Vargas at (801) 229-7183
or chvargas@orem.org

OREM

Master
10/13/2021
US POSTAGE $000.40⁰

ZIP 84057
011E11671995

City Council Chambers, 56 N State Street

PUBLIC HEARING – Amending portions of Section 22-11-56 PD-43 (Auburn Meadows) 2000 South Geneva pertaining to the approved uses in the PD43 zone for Area B. Also amending Appendix LL of the Orem City Code with updated concept plans and elevations pertaining to Area B (this item was continued from the September 14, 2021 meeting).

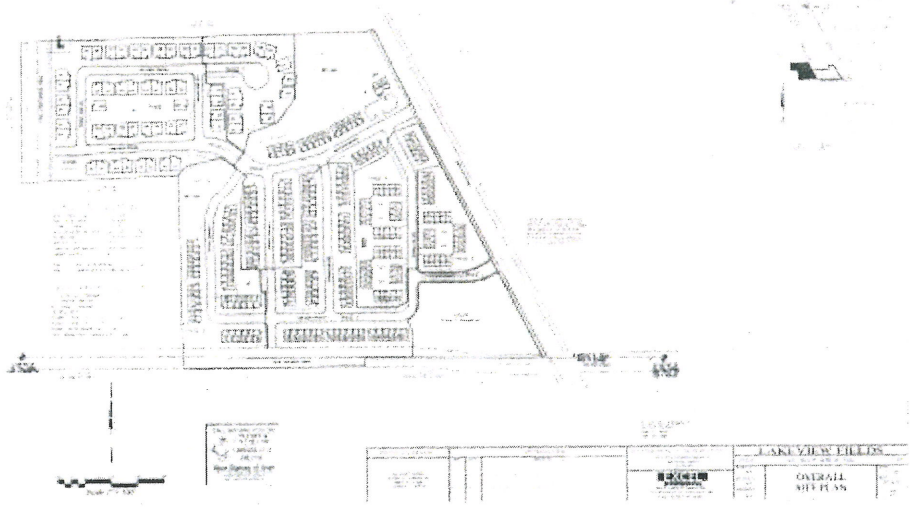
Additional information can be viewed on orem.org/planning under "Current Planning (Public Hearing Notices)" tab.

City Council
Tue, Oct 26, 2021
6:00 pm

[redacted]
OREM, UT 84057-2101

10/15/21

LAKEVIEW FIELDS PHASES



CITY OF OREM **CITY COUNCIL MEETING** OCTOBER 26, 2021	
REQUEST:	**Resolution** – Authorizing the Mayor to Execute a Franchise Agreement Between the City and Rocky Mountain Power.
APPLICANT:	Rocky Mountain Power
FISCAL IMPACT:	None

NOTICES:
- Posted in 2 public places
- Posted on City webpage and City hotline
- Faxed to newspapers
- E-mailed to newspapers
- Posted at utah.gov/pmn

PREPARED BY:
Steve Earl, Deputy City Attorney

REQUEST:
Rocky Mountain Power requests the City Council authorize the Mayor to execute a new franchise agreement between the City and Rocky Mountain Power.

BACKGROUND:
Pacificorp, doing business as Rocky Mountain Power, provides electric power and energy to the residents, businesses and other users of power in the City. In order to provide power to the City, Rocky Mountain Power has installed, and operates and maintains power poles, lines and other related facilities within the public rights-of-way of the City.

The City's current franchise agreement with Rocky Mountain Power will expire on November 9, 2021, and the City and Rocky Mountain Power would like to execute a new franchise agreement that will set forth the terms and conditions under which Rocky Mountain Power will continue to use the City's rights-of-way for the provision of power in the City.

RECOMMENDATION:
Staff recommends that the City Council, by resolution, authorize the Mayor to execute the proposed franchise agreement between the City and Rocky Mountain Power.

DRAFT

RESOLUTION NO. _____

A RESOLUTION OF THE OREM CITY COUNCIL AUTHORIZING THE MAYOR TO EXECUTE A FRANCHISE AGREEMENT WITH PACIFICORP DBA ROCKY MOUNTAIN POWER

WHEREAS Pacificorp doing business as Rocky Mountain Power is a regulated public utility that provides electric power and energy to the citizens of Orem and other surrounding areas; and

WHEREAS providing electrical power and energy requires the installation, operation and maintenance of power poles and other related facilities to be located within the public ways of the City; and

WHEREAS the City has the authority to regulate power line facilities within public ways and to grant Rocky Mountain Power a franchise for the use of the same; and

WHEREAS the City's current franchise agreement with Rocky Mountain Power will expire on November 9, 2021; and

WHEREAS the City and Rocky Mountain Power desire to enter into a new franchise agreement that sets forth the terms and conditions under which Rocky Mountain Power shall have the right to use the City's public ways for the provision of electrical power and energy to the residents, businesses and other users of power in the City; and

WHEREAS the City Council finds that it is in the best interest of the City to execute a new franchise agreement with Rocky Mountain Power in a form substantially as shown in Exhibit "A" which is attached hereto and by reference is made a part hereof.

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

1. The City Council hereby authorizes and directs the Mayor to execute a franchise agreement between the City and Rocky Mountain Power substantially in the form shown in Exhibit "A" which is attached hereto and by reference is made a part hereof.
2. This resolution shall become effective immediately upon passage.

PASSED and APPROVED this **26th** day of October 2021.

_____
Richard F. Brunst, Jr., Mayor

ATTEST:

_____
JoD'Ann Bates, City Recorder

DRAFT

COUNCILMEMBER	AYE	NAY	ABSTAIN
Mayor Richard F. Brunst	☐	☐	☐
Jeff Lambson	☐	☐	☐
Debby Lauret	☐	☐	☐
Tom Macdonald	☐	☐	☐
Terry Peterson	☐	☐	☐
David Spencer	☐	☐	☐
Brent Sumner	☐	☐	☐

DRAFT

EXHIBIT A

FRANCHISE AGREEMENT

This Franchise Agreement (hereinafter "Agreement" or "Franchise") is entered into by and between the City of Orem (hereinafter the "City"), a municipal corporation of the State of Utah, with its principal offices at 56 North State Street, Orem, Utah 84057, and PacifiCorp, an Oregon corporation doing business in Utah as Rocky Mountain Power (hereinafter "Rocky Mountain Power"), a regulated public utility, whose address is 1407 West North Temple, Salt Lake City, Utah 84116. The City and Rocky Mountain Power are sometimes referred to individually as a "Party" or collectively as the "Parties."

RECITALS

WHEREAS Rocky Mountain Power is a regulated public utility that provides electric power and energy to the citizens of the City of Orem (the "City") and other surrounding areas; and

WHEREAS providing electrical power and energy requires the installation, operation and maintenance of power poles and other related facilities to be located within the public ways of the City; and

WHEREAS the City, pursuant to the provisions of Utah Code Ann. § 10-8-21, has the authority to regulate power line facilities within public ways and to grant to Rocky Mountain Power a franchise for the use thereof; and

WHEREAS the City desires to set forth the terms and conditions under which Rocky Mountain Power shall use the public ways of the City; and

NOW, THEREFORE in consideration of the mutual covenants and agreements of the Parties contained herein, and for other good and valuable consideration, the receipt and sufficiency of which City and Rocky Mountain Power acknowledge, the City and the Rocky Mountain Power agree as follows.

COVENANTS

SECTION 1. <u>Grant of Franchise</u>. The City hereby grants to Rocky Mountain Power the non-exclusive right and franchise to construct, maintain, operate, upgrade, and relocate, at Rocky Mountain Power's sole cost and expense, its electrical distribution and transmission lines and related appurtenances, including underground conduits and structures, poles, towers, wires, guy anchors, vaults, transformers, transmission lines, and communication lines (collectively referred to herein as "Electric Facilities") in, under, along, over and across the present and future streets, alleys, and rights-of-way, not including City parks, buildings or other spaces not associated with City-owned rights-of-way (collectively referred to herein as "Public Ways") within the City, for the purpose of supplying and transmitting electric power and energy to the inhabitants of the City and persons and corporations beyond the limits thereof.

SECTION 2. Term. The term of this Franchise Agreement is for Ten (10) years commencing on the execution date of this Agreement, unless sooner terminated as herein provided.

SECTION 3. Municipal Energy Sales and Use Tax. Rocky Mountain Power will collect and otherwise comply with the Municipal Energy Sales and Use Tax, provided for in Article 18-2 of the Orem City Code enacted pursuant to Utah Code Ann. 10-1-304, *et. seq*., or any successor City Ordinance establishing a municipal energy tax in compliance with state law.

SECTION 4. Non-Exclusive Franchise. The right to use and occupy the Public Ways of the City shall be nonexclusive and the City reserves the right to use the Public Ways for itself or any other entity that provides service to City residences, businesses or properties. Rocky Mountain Power shall work with the City Engineer to find an acceptable location within the Public Ways for Rocky Mountain Power's Electric Facilities. Rocky Mountain Power shall locate the Electric Facilities so as to not unreasonably interfere with existing utilities' use or the City's current or planned future use of the Public Ways.

SECTION 5. City Regulatory Authority. In addition to the provisions herein contained, the City reserves the right to adopt such additional ordinances and regulations as may be deemed necessary in the exercise of its police power for the protection of the health, safety and welfare of its citizens and their properties or to exercise any other rights, powers, or duties required or authorized, under the Constitution of the State of Utah, the laws of Utah or City Ordinance.

SECTION 6. Indemnification. The City shall in no way be liable or responsible for any loss or damage to property or any injury to, or death, of any person that may occur in the construction, operation or maintenance by Rocky Mountain Power of its Electric Facilities. Rocky Mountain Power shall indemnify, defend and hold the City harmless from and against claims, demands, liens and all liability or damage of whatsoever kind on account of Rocky Mountain Power's use of the Public Ways within the City, and shall pay the costs of defense plus reasonable attorneys' fees for any claim, demand or lien brought thereunder. The City shall: (a) give prompt written notice to Rocky Mountain Power of any claim, demand or lien with respect to which the City seeks indemnification hereunder; and (b) permit Rocky Mountain Power to assume the defense of such claim, demand, or lien. If such defense is not assumed by Rocky Mountain Power, Rocky Mountain Power shall not be subject to liability for any settlement made without its consent. Notwithstanding any provision hereof to the contrary, Rocky Mountain Power shall not be obligated to indemnify, defend or hold the City harmless to the extent any claim, demand or lien arises out of or in connection with any negligent or willful act or failure to act of the City or any of its officers or employees.

SECTION 7. Annexation.

7.1 Extension of City Limits. Upon the annexation of any territory to the City, the rights granted herein shall extend to the annexed territory to the extent the City has such authority. All Electric Facilities owned, maintained, or operated by Rocky Mountain Power located within any public ways of the annexed territory shall thereafter be subject to all of the terms hereof.

7.2 **Notice of Annexation**. When any territory is approved for annexation to the City, the City shall, not later than ten (10) working days after passage of an ordinance approving the proposed annexation, provide by certified mail to Rocky Mountain Power: (a) each site address to be annexed as recorded on county assessment and tax rolls; (b) a legal description of the proposed boundary change; and (c) a copy of the City's ordinance approving the proposed annexation. The notice shall be mailed to:

Rocky Mountain Power Customer Contact Center
Attn: Annexations
P.O. Box 400
Portland, Oregon 97207-0400

With a copy to:

Rocky Mountain Power
Attn: Office of the General Counsel
1407 West North Temple, Room 320
Salt Lake City, UT 84116

SECTION 8. Plan, Design, Construction and Installation of Electric Facilities.

8.1 All Electric Facilities installed or used under authority of this Franchise Agreement shall be used, constructed and maintained in accordance with applicable federal, state and City laws, codes and regulations.

8.2 Except in the case of an emergency, Rocky Mountain Power shall, prior to commencing new construction or major reconstruction work in the Public Ways, apply for any permit from the City as may be required by the City's ordinances, which permit shall not be unreasonably withheld, conditioned, or delayed. Rocky Mountain Power will abide by all applicable ordinances and all reasonable rules, regulations and requirements of the City, and the City may inspect the manner of such work and require remedies as may be reasonably necessary to assure compliance. Notwithstanding the foregoing, Rocky Mountain Power shall not be obligated to obtain a permit to perform emergency repairs.

8.3 All Electric Facilities shall be located so as to cause minimum interference with the Public Ways of the City. The Electric Facilities shall be constructed, installed, maintained, cleared of vegetation, renovated or replaced in accordance with applicable rules, ordinances and regulations of the City.

8.4 If, during the course of work on its Electric Facilities, Rocky Mountain Power causes damage to or alters the Public Way or public property, Rocky Mountain Power shall (at its own cost and expense and in a manner reasonably approved by the City) replace and restore it in as good a condition as existed before the work commenced.

8.5 In addition to the installation of underground electric distribution lines as provided by applicable state law and regulations, Rocky Mountain Power shall, upon payment of

all charges provided in its tariffs or their equivalent, place newly constructed electric distribution lines underground as may be required by City ordinance.

8.6 The City shall have the right without cost to use all poles and suitable overhead structures owned by Rocky Mountain Power within Public Ways for City wires used in connection with its fire alarms, police signal systems, or other public safety communication lines used for governmental purposes; provided, however, any such uses shall be for activities owned, operated or used by the City for a public purpose and shall not include the provision of CATV, internet, or similar services to the public. Provided further, that Rocky Mountain Power shall assume no liability nor shall it incur, directly or indirectly, any additional expense in connection therewith, and the use of said poles and structures by the City shall be in such a manner as to prevent safety hazards or interferences with Rocky Mountain Power's use of same. Nothing herein shall be construed to require Rocky Mountain Power to increase pole size, or alter the manner in which Rocky Mountain Power attaches its equipment to poles, or alter the manner in which it operates and maintains its Electric Facilities. City attachments shall be installed and maintained in accordance with the reasonable requirements of Rocky Mountain Power and the current edition of the National Electrical Safety Code pertaining to such construction. Further, City attachments shall be attached or installed only after written approval by Rocky Mountain Power in conjunction with Rocky Mountain Power's standard pole attachment application process. Rocky Mountain Power shall have the right to inspect, at the City's expense, such attachments to ensure compliance with this Section 8.6 and to require the City to remedy any defective attachments.

8.7 Rocky Mountain Power shall have the right to excavate the Public Rights of Ways subject to reasonable conditions and requirements of the City. Before installing new underground conduits or replacing existing underground conduits, Rocky Mountain Power shall first notify the City of such work by written notice and shall allow the City, at its own expense, (to include a pro rata share of the trenching costs), to share the trench of Rocky Mountain Power to lay its own conduit therein, provided that such action by the City will not unreasonably interfere with Rocky Mountain Power's Electric Facilities or delay project completion.

8.8 Before commencing any street improvements or other work within a Public Way that may affect Rocky Mountain Power's Electric Facilities, the City shall give written notice to Rocky Mountain Power.

SECTION 9. <u>Relocation of Electric Facilities</u>.

9.1 The City shall have the right to require Rocky Mountain Power to relocate its Electric Facilities within the Public Ways in the interest of public convenience, necessity, health, safety or welfare at no cost to the City. Within a reasonable period of time after written notice, Rocky Mountain Power shall promptly commence the relocation of its Electric Facilities. Before requiring a relocation of Electric Facilities, the City shall, with the assistance and consent of Rocky Mountain Power, identify a reasonable alignment for the relocated Electric Facilities within the Public Ways of the City.

Rocky Mountain Power shall not be obligated to pay the cost of any relocation necessitated by the construction of an improvement by a private person or entity that is primarily for the use of an identifiable private property or private development or the owners, occupants, tenants or patrons of an identifiable private property or private development (as opposed to the general public). Examples of improvements that are primarily for the use of an identifiable private property or private development include, but are not necessarily limited to, a deceleration or acceleration lane providing ingress/egress to an identifiable private property or development.

SECTION 10. Subdivision Plat Notification. The City shall provide Rocky Mountain Power with a copy of all subdivision plat applications prior to approval and recordation of such plats by the City. Plats shall be emailed to Rocky Mountain Power at the following address:

Rocky Mountain Power
Attn: Estimating Department
Local Address 70 North 200 East
American Fork, Utah 84003
Email: austyn.ekker@rockymountainpower.net

SECTION 11. Vegetation Management. Rocky Mountain Power or its contractor may prune all trees and vegetation which overhang the Public Ways, whether such trees or vegetation originate within or outside the Public Ways, where and to the extent necessary to prevent the branches or limbs or other part of such trees or vegetation from interfering with Rocky Mountain Power's Electric Facilities. Such pruning shall comply with the *American National Standard for Tree Care Operation (ANSI A300)* and be conducted under the direction of an arborist certified with the International Society of Arboriculture. A growth inhibitor treatment may be used for trees and vegetation species that are fast-growing and problematic. However, nothing herein shall be construed to be a grant by the City to Rocky Mountain Power of the right to trim trees or other vegetation not within the Public Ways without the permission of the landowner or to remove trees required by City ordinances.

SECTION 12. Renewal. At least 120 days prior to the expiration of this Franchise, Rocky Mountain Power and the City either shall meet to discuss extending the terms of this Franchise for a mutually acceptable period of time or shall use best faith efforts to renegotiate a replacement Franchise. Rocky Mountain Power shall have the continued right to use the Public Ways of the City as set forth herein under the same terms and conditions so long as the Parties are negotiating toward an extension or replacement Franchise; provided that the City retains all rights it may have to terminate Rocky Mountain Power's right to provide services within the City or to occupy the Public Ways on a prospective basis, using any and all available legal means. If the City and Rocky Mountain Power are unable to agree on a replacement Franchise Agreement, nothing herein shall limit the Parties' respective legal rights.

SECTION 13. No Waiver. Neither the City nor Rocky Mountain Power shall be excused from complying with any of the terms and conditions of this Franchise Agreement by any failure of the other, or any of its officers, employees, or agents, upon any one or more occasions to insist upon or to seek compliance with any such terms and conditions.

SECTION 14. Transfer of Franchise. Rocky Mountain Power shall not transfer or assign any rights under this Franchise Agreement to another entity, except transfers and assignments by operation of law, or to affiliates, parents or subsidiaries of Rocky Mountain Power which assume all of Rocky Mountain Power's obligations hereunder, unless the City shall first give its approval in writing, which approval shall not be unreasonably withheld, conditioned or delayed; provided, however, Rocky Mountain Power may assign, mortgage. pledge, hypothecate or otherwise transfer without consent its interest in this Franchise Agreement to any financing entity, or agent on behalf of any financing entity to whom Rocky Mountain Power (1) has obligations for borrowed money or in respect of guaranties thereof, (ii) has obligations evidenced by bonds, debentures, notes or similar instruments, or (iii) has obligations under or with respect to letters of credit, bankers acceptances and similar facilities or in respect of guaranties thereof.

SECTION 15. Amendment. At any time during the term of this Franchise Agreement, the City or Rocky Mountain Power may propose amendments to this Franchise Agreement by giving thirty (30) days written notice to the other party of the proposed amendment(s) desired, and both parties thereafter, through their designated representatives, will, within a reasonable time, negotiate in good faith in an effort to agree upon mutually satisfactory amendment(s). No amendment or amendments to this Franchise Agreement shall be effective until mutually agreed upon by the City and Rocky Mountain Power

SECTION 16. Notices. Unless otherwise specified herein, all notices from Rocky Mountain Power to the City pursuant to or concerning this Franchise shall be delivered to the City Recorder's Office. Unless otherwise specified herein, all notices from the City to Rocky Mountain Power pursuant to or concerning this Franchise shall be delivered to the Regional Business Management Director, Rocky Mountain Power, 1438 West 2550 South, Ogden, Utah, 84401, and such other office as Rocky Mountain Power may advise the City of by written notice.

SECTION 17. Severability. If any section, sentence, paragraph, term or provision hereof is for any reason determined to be illegal, invalid, or superseded by other lawful authority including any state or federal regulatory authority having jurisdiction thereof or unconstitutional, illegal or invalid by any court of common jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such determination shall have no effect on the validity of any other section, sentence, paragraph, term or provision hereof, all of which will remain in full force and effect for the term of the Franchise or any renewal or renewals thereof. Provided that if the invalidated portion is considered a material consideration for entering into this Franchise Agreement, the Parties will negotiate, in good faith, an amendment to this Franchise Agreement. As used herein, "material consideration" for the City is its ability to collect the Municipal Energy Sales and Use Tax during the term of this Agreement and its ability to use and manage the Public Ways in accordance with the provisions of this Franchise Agreement. For Rocky Mountain Power, "material consideration" is its ability to reasonably use the Public Ways for its Electric Facilities in accordance with the provisions of this Franchise Agreement.

SECTION 18. Waiver of Jury Trial. To the fullest extent permitted by law, each of the parties hereto waives any right it may have to a trial by jury in respect of litigation directly or indirectly arising out of, under or in connection with this agreement. Each party further waives

any right to consolidate any action in which a jury trial has been waived with any other action in which a jury trial cannot be or has not been waived.

SECTION 19. Insurance. Rocky Mountain Power shall responsibly self-insure or maintain sufficient insurance to cover its obligations and liabilities as set forth in Section 6, in lieu of any insurance as may be required in City ordinances, and will provide a letter of coverage upon request.

SIGNED AND ENTERED INTO this _____ day of _____, 2021.

The City of Orem
By:

_____
Richard F. Brunst, Mayor

ATTEST:

_____
JoD'Ann Bates, City Recorder

Pacificorp, dba Rocky Mountain Power
By:

_____
Name and Title

STATE OF _____)
: ss.
COUNTY OF _____)

On the _____ day of _____, 2021, personally appeared before me _____, who being by me duly sworn did say that he/she is the _____of Rocky Mountain Power and that he/she signed this Franchise Agreement on behalf of Rocky Mountain Power.

_____
Notary Public