



CITY OF OREM
CITY COUNCIL MEETING
56 North State Street, Orem, Utah
January 24, 2023

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

3:00 P.M. WORK SESSION - CITY COUNCIL CHAMBERS

1 PRESENTATION - City Hall Project Update (45 minutes)

Presenter: Lane Gray, Capital Projects Manager, Method Studios Representatives, and Layton Construction Representatives

2 PRESENTATION - Geneva Road Project Update (20 minutes)

Presenter: Tyrel Edwards, UDOT Project Manager

3 PRESENTATION - URMA Risk Management Program (30min)

Presenter: Dave Peterson, UMRA Executive Director

4 PRESENTATION - CUWCD Water Conservation Program (15min)

Presenter: Savannah Peterson, CUWCD Water Conservation Program Coordinator

5 PRESENTATION - Equal Opportunity Plan (10min)

Presenter: Keri Rugg, Management Services Director

1. AGENDA REVIEW & PREVIEW OF UPCOMING AGENDA ITEMS

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.

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

3. CALL TO ORDER

4. INVOCATION/INSPIRATIONAL THOUGHT: Scott McKinney

5. PLEDGE OF ALLEGIANCE: Mike Carpenter

6. MAYOR'S REPORT/ITEMS REFERRED BY COUNCIL

6.1 PRESENTATION - Future Business Leaders of America

Presenter: Student Leadership Team from Timpanogos High School

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

07.12.2022 Minutes

12.13.2023 Minutes

01.10.2023 Minutes

9. SCHEDULED ITEMS

9.1 APPOINTMENT TO THE LIBRARY ADVISORY COMMISSION

-Katrina Brittner, Appointment

9.2 APPOINTMENT TO THE CARE COMMISSION

-Mary Schumacher, Appointment

9.3 REAPPOINTMENT - NATURAL RESOURCES STEWARDSHIP COMMITTEE

- Sarah Bateman, Reappointment

9.4 ORDINANCE – Amending Section 2-7-6 of the Orem City Code by enacting Subsection 2-7-6(S) *Extension of Existing Contract in Unfavorable Procurement Environment.*

Presenter: Steve Earl, City Attorney

9.5 RESOLUTION/ PUBLIC HEARING -Amending the Campus Drive Residential Parking Permit Area

Presenter: Steve Earl, City Attorney

9.6 Public Hearing - Amending portions of Chapter 4 (Housing) of the Orem General Plan including updating Section 4.4.2 pertaining to Moderate Income Housing Strategies.

Presenter: Jason Bench, Planning Division Manager

10. COMMUNICATION ITEMS

10.1 MONTHLY FINANCIAL SUMMARY -DECEMBER 2022

For Review Only

11. CITY MANAGER INFORMATION ITEMS

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

12. ADJOURN TO CLOSED SESSION

TO DISCUSS PENDING OR REASONABLY IMMINENT LITIGATION, PURSUANT TO UTAH CODE SECTION 52-4-205(1)(C).

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



**CITY OF OREM
CITY COUNCIL
MEETING
JANUARY 24, 2023**

REQUEST:	APPROVAL OF MEETING MINUTES
APPLICANT:	
NOTICES:	
SITE INFORMATION:	
PREPARED BY:	

REQUEST:

BACKGROUND:

RECOMMENDATION:



**CITY OF OREM
CITY COUNCIL
MEETING
JANUARY 24, 2023**

REQUEST:	APPOINTMENT TO THE CARE COMMISSION -Mary Schumacher, Appointment
APPLICANT:	
NOTICES:	
SITE INFORMATION:	
PREPARED BY:	

REQUEST:

BACKGROUND:

RECOMMENDATION:



**CITY OF OREM
CITY COUNCIL
MEETING
JANUARY 24, 2023**

REQUEST:	ORDINANCE – Amending Section 2-7-6 of the Orem City Code by enacting Subsection 2-7-6(S) <i>Extension of Existing Contract in Unfavorable Procurement Environment</i> . <i>Presenter: Steve Earl, City Attorney</i>
APPLICANT:	Brenn Bybee
NOTICES:	
SITE INFORMATION:	
PREPARED BY:	Steve Earl, Deputy City Attorney

REQUEST:

The City Manager’s office requests the City Council amend Section 2-7-6 of the Orem City Code by enacting a new Subsection 2-7-6(S) *Extension of Existing Contract in Unfavorable Procurement Environment*.

BACKGROUND:

The City purchases a wide variety of services, materials and equipment in order to maintain its operations and to provide critical services to the citizens of Orem. The City normally engages in a competitive bidding process for most of the services, materials and equipment that it purchases. However, Orem City Code Section 2-7-6 contains certain exceptions to the general competitive bidding requirements.

Like the rest of the country, the City is currently experiencing unusually high inflation, labor and materials shortages as well as supply chain disruptions that impact its ability to cost-effectively purchase needed services, materials and equipment. These conditions have created an environment where extending an existing contract for a limited time in limited circumstances may result in significantly more favorable pricing for certain services than would be obtainable through a competitive bidding process.

City staff therefore recommend that the City Council amend Section 2-7-6 of the Orem City Code to enact a new Subsection 2-7-6(S) that would create an additional exception to the City’s competitive bidding requirements to allow the extension of an existing contract without following normal competitive bidding requirements where the City Manager determines in writing that due to unusual economic conditions such as unusually high inflation or labor or materials shortages, that such extension is likely to result in significantly more favorable procurement terms for the City.

RECOMMENDATION:

City staff recommend that the City Council amend Section 2-7-6 of the Orem City Code by enacting a new Subsection 2-7-6(S) *Extension of Existing Contract in Unfavorable Procurement Environment*.

CITY OF OREM
CITY COUNCIL MEETING
JANUARY 24, 2023



REQUEST:	6:00 P.M. SCHEDULED ITEM ORDINANCE – Amending Section 2-7-6 of the Orem City Code by enacting Subsection 2-7-6(S) <i>Extension of Existing Contract in Unfavorable Procurement Environment.</i>
APPLICANT:	City Staff
FISCAL IMPACT:	Undetermined

NOTICES:

- Posted in 2 public places
- Posted on City webpage
- Posted on the State noticing website:
utah.gov/pmn
- Faxed to newspapers

SITE INFORMATION:

General Plan Designation:
N/A
Current Zone: **Citywide**

PREPARED BY:

Steve Earl,
City Attorney

REQUEST: The City Manager's office requests the City Council amend Section 2-7-6 of the Orem City Code by enacting a new Subsection 2-7-6(S) *Extension of Existing Contract in Unfavorable Procurement Environment.*

BACKGROUND: The City purchases a wide variety of services, materials and equipment in order to maintain its operations and to provide critical services to the citizens of Orem. The City normally engages in a competitive bidding process for most of the services, materials and equipment that it purchases. However, Orem City Code Section 2-7-6 contains certain exceptions to the general competitive bidding requirements.

Like the rest of the country, the City is currently experiencing unusually high inflation, labor and materials shortages as well as supply chain disruptions that impact its ability to cost-effectively purchase needed services, materials and equipment. These conditions have created an environment where extending an existing contract for a limited time in limited circumstances may result in significantly more favorable pricing for certain services than would be obtainable through a competitive bidding process.

City staff therefore recommend that the City Council amend Section 2-7-6 of the Orem City Code to enact a new Subsection 2-7-6(S) that would create an additional exception to the City's competitive bidding requirements to allow the extension of an existing contract without following normal competitive bidding requirements where the City Manager determines in writing that due to unusual economic conditions such as unusually high inflation or labor or materials shortages, that such extension is likely to result in significantly more favorable procurement terms for the City.

ORDINANCE NO. _____

AN ORDINANCE BY THE OREM CITY COUNCIL AMENDING
SECTION 2-7-6 OF THE OREM CITY CODE BY ENACTING
SUBSECTION 2-7-6(S) (EXTENSION OF EXISTING CONTRACT IN
UNFAORABLE PROCUREMENT ENVIRONMENT)

WHEREAS the City purchases a wide variety of services, materials and equipment in order to maintain its operations and to provide critical services to the citizens of Orem; and

WHEREAS the City engages in a competitive bidding process for most of the services, materials and equipment that it purchases; and

WHEREAS Orem City Code Section 2-7-6 contains certain exceptions to the general competitive bidding requirements; and

WHEREAS like the rest of the country, the City is currently experiencing unusually high inflation, labor and materials shortages, and supply chain disruptions that impact its ability to cost-effectively purchase needed services, materials and equipment; and

WHEREAS the above-described conditions have created an environment where extending an existing contract for a limited time may result in significantly more favorable pricing for certain services than would be obtainable through a competitive bidding process; and

WHEREAS the City Council desires to amend Section 2-7-6 of the Orem City Code to enact a new exception to the City's competitive bidding requirements that would allow the extension of an existing contract without following normal competitive bidding requirements where the City Manager determines in writing that due to unusual economic conditions such as unusually high inflation or labor or materials shortages, that such extension is likely to result in significantly more favorable procurement terms for the City; and

WHEREAS the City Council considered the proposed enactment of subsection 2-7-6(S) at a public meeting on January 24, 2023; 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 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 it is in the best interest of the City to enact the proposed new

subsection 2-7-6(S) as it will allow the City to extend certain contracts at significant cost savings over what would be obtainable through a competitive bidding process.

2. The City Council hereby amends Section 2-7-6 of the Orem City Code by enacting Subsection 2-7-6(S) *Extension of Existing Contract in Unfavorable Procurement Environment* as shown in Exhibit “A” which is attached hereto and incorporated herein by reference.

3. If any part of this ordinance shall be declared invalid, such decision shall not affect the validity of the remainder of this ordinance.

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

PASSED, APPROVED and ORDERED PUBLISHED this 24th day of January, 2023.

David A. Young, Mayor

ATTEST:

Tess Jones, Deputy City Recorder

COUNCILMEMBER	AYE	NAY	ABSTAIN
Mayor David A. Young	☐	☐	☐
Jeff Lambson	☐	☐	☐
Debby Lauret	☐	☐	☐
Tom Macdonald	☐	☐	☐
LaNae Millett	☐	☐	☐
Terry Peterson	☐	☐	☐
David Spencer	☐	☐	☐

Exhibit “A”

2-7-6. Exceptions to Bidding Requirements set forth in Section 2-7-5.

The bid process requirements set forth in section 2-7-5 do not apply in the following situations:

...

S. Extension of Existing Contract in Unfavorable Procurement Environment. The City Manager determines in writing that there is an unfavorable procurement environment with respect to the desired goods or services due to unusual economic conditions such as unusually high inflation or labor or materials shortages which makes the award of a contract using standard procurement procedures impractical and not in the best interest of the City and that extension of an existing contract without following standard procurement procedures is likely to result in significantly more favorable procurement terms for the City.



**CITY OF OREM
CITY COUNCIL
MEETING
JANUARY 24, 2023**

REQUEST:	RESOLUTION/ PUBLIC HEARING -Amending the Campus Drive Residential Parking Permit Area <i>Presenter: Steve Earl, City Attorney</i>
APPLICANT:	
NOTICES:	
SITE INFORMATION:	
PREPARED BY:	Steve Earl, Deputy City Attorney

REQUEST:

BACKGROUND:

On August 23, 2005, the City Council created a residential parking permit area pursuant to Article 19-5 of the Orem City Code on the east side of Campus Drive between Westwood Drive and 300 South Street and along the east frontage of 651 East Campus Drive. Since that time, the use of certain portions of the Orem High School property adjacent to Campus Drive has changed such that the residents of most of the properties in the original parking permit area no longer wish to have their properties included within the parking permit area. However, the residents of the four southernmost properties from the parking permit area would like to remain in the parking permit area.

In order to accommodate the wishes of the residents in the Campus Drive parking permit area, staff recommends that the Campus Drive parking permit area be amended to remove all of the properties except for the four southernmost properties from the permit area. The amended parking permit area would then consist of the east side of Campus Drive adjacent to the four southernmost properties from the original parking permit area.

RECOMMENDATION:

CITY OF OREM
CITY COUNCIL MEETING
JANUARY 24, 2023



REQUEST:	6:00 P.M. SCHEDULED ITEM RESOLUTION – Amending the Campus Drive Parking Permit Area
APPLICANT:	City Staff
FISCAL IMPACT:	NA

NOTICES:

- Posted in 2 public places
- Posted on City webpage
- Posted on the State noticing website: utah.gov/pmn
- Faxed to newspapers

SITE INFORMATION:

General Plan Designation:
N/A
Current Zone:

PREPARED BY:

Steve Earl,
City Attorney

REQUEST: Several residents in the Campus Drive Parking Permit Area have requested that their properties be removed from the parking permit area.

BACKGROUND: On August 23, 2005, the City Council created a residential parking permit area pursuant to Article 19-5 of the Orem City Code on the east side of Campus Drive between Westwood Drive and 300 South Street and along the east frontage of 651 East Campus Drive. Since that time, the use of certain portions of the Orem High School property adjacent to Campus Drive has changed such that the residents of most of the properties in the original parking permit area no longer wish to have their properties included within the parking permit area. However, the residents of the four southernmost properties from the parking permit area would like to remain in the parking permit area.

In order to accommodate the wishes of the residents in the Campus Drive parking permit area, staff recommends that the Campus Drive parking permit area be amended to remove all of the properties except for the four southernmost properties from the permit area. The amended parking permit area would then consist of the east side of Campus Drive adjacent to the four southernmost properties from the original parking permit area as shown in the map below.



RESOLUTION NO. _____

A RESOLUTION BY THE OREM CITY COUNCIL AMENDING
THE CAMPUS DRIVE PARKING PERMIT AREA

WHEREAS on August 23, 2005, the City Council created a residential parking permit area pursuant to Article 19-5 of the Orem City Code on the east side of Campus Drive between Westwood Drive and 300 South Street and along the east frontage of 651 East Campus Drive; and

WHEREAS since 2005, the use of certain portions of the Orem High School property adjacent to Campus Drive have changed such that the residents along a portion of Campus Drive no longer wish to have their properties included within the parking permit area; and

WHEREAS the residents of all of the properties included in the original residential parking permit area except for the four southernmost properties have submitted a petition to the City asking that their properties be removed from the parking permit area; and

WHEREAS the residents of the four southernmost properties desire to remain in the parking permit area; and

WHEREAS the City Council held a public hearing on January 24, 2023, to consider the proposed amendment to the Campus Drive parking permit area; and

WHEREAS the City provided notice of the public hearing in accordance with Orem City Code Section 19-5-7(B); 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 and the special conditions applicable to the request.

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

1. The City Council finds that it is in the best interest of the City to amend the residential parking permit area that was created on August 23, 2005 along the east side of Campus Drive and adjacent areas.
2. The City Council hereby amends the residential parking permit area that was created on August 23, 2005 (by (R-05-0038) to remove all but the southernmost four properties from the parking permit area. The amended residential parking permit area shall include the area along the east side of Campus Drive adjacent to the four residential lots that are highlighted in Exhibit “A”

which is attached hereto and by reference is made a part hereof.

3. Parking shall continue to be restricted in the designated areas between the hours of 3:00 p.m. and 10:00 p.m., Monday through Saturday of each week of every year, excluding Sundays and legal holidays.
4. The City Council hereby directs that each household in the amended parking permit area receive two (2) visitor parking permits.
5. All acts, orders, resolutions and parts thereof that are in conflict with this Resolution are hereby rescinded.
6. This Resolution shall become effective immediately upon passage.

PASSED and APPROVED this 24th day of January, 2023.

David A. Young, Mayor

ATTEST:

Tess Jones, Deputy City Recorder

COUNCILMEMBER	AYE	NAY	ABSTAIN
Mayor David A. Young	☐	☐	☐
Jeff Lambson	☐	☐	☐
Debby Lauret	☐	☐	☐
Tom Macdonald	☐	☐	☐
LaNae Millett	☐	☐	☐
Terry Peterson	☐	☐	☐
David Spencer	☐	☐	☐

EXHIBIT "A"





**CITY OF OREM
CITY COUNCIL
MEETING
JANUARY 24, 2023**

REQUEST:	Public Hearing - Amending portions of Chapter 4 (Housing) of the Orem General Plan including updating Section 4.4.2 pertaining to Moderate Income Housing Strategies.
APPLICANT:	
NOTICES:	
SITE INFORMATION:	
PREPARED BY:	

REQUEST:

BACKGROUND:

RECOMMENDATION:

CITY OF OREM
CITY COUNCIL MEETING
JANUARY 24, 2023



REQUEST:	PUBLIC HEARING - Amending portions of Chapter 4 (Housing) of the Orem General Plan including updating Section 4.4.2 pertaining to Moderate Income Housing Strategies.
APPLICANT:	Development Services
FISCAL IMPACT:	None

NOTICES:

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

SITE INFORMATION:

General Plan Designation:
N/A

Current Zone(s):
Citywide

Neighborhood:

**PLANNING COMMISSION
RECOMMENDATION**

Vote: 7-0 for positive
recommendation

PREPARED BY:

Grant Allen,
Senior Planner

REQUEST: Development Services requests the City amend portions of Chapter 4 (Housing) of the Orem General Plan including updating Section 4.2 Existing Conditions, and enacting Section 4.4.2 pertaining to Moderate Income Housing Strategies.

BACKGROUND: In October 2022, Orem City amended the General Plan pursuant to Utah Code Annotated (UCA) 10-9a-403(2)biii. In November of 2022, Orem City received a letter of non-compliance from the State of Utah Division of Workforce Services outlining corrective actions for the Moderate Income Strategies adopted in October 2022. The proposed amendment and text-strikeout are included as part of the staff report.

Orem City is proposing updating the General Plan, Section 4.4.2 Moderate Income Strategies to address these corrective actions:

- Deficiency Corrective Action 1: Update the general plan to include the exact language from the code 10-9a-403(2)(b)(iii) for strategies E and X.;
- Deficiency Corrective Action 2: Update the moderate income housing element of the general plan to include at least one additional strategy to meet the minimum required five strategies for a community with a fixed guideway public transit station.
- Deficiency Corrective Action 3: The City must update the moderate income housing element of the general plan to identify specific benchmarks or measures and timelines for Strategies 4.4.2a Accessory Apartments and 4.4.2b Affordable Senior Housing to support implementation.
- Deficiency Corrective Action 4: When the City updates the moderate income housing element of the general plan to include at least one additional strategy to meet the minimum required five strategies for a community with a fixed guideway public transit station, the City must also identify benchmarks, measures, and timelines for any strategies added to the plan.

Orem City will also adopt the following additional moderate income housing strategy, and will be added in Section 4.4.2 under 4.4.2e Impact Fees.

- UCA 10-9A-403(2) biii (L) reduce, waive, or eliminate impact fees related to moderate income housing;

In 2022, Orem City eliminated impact fees for internal accessory dwelling units in accordance with State law. Orem will consider reducing or waiving impact fees for developments in the Affordable Senior Housing (ASH) Overlay Zone. Staff will research existing developments in the ASH zone during the first quarter 2023. Staff will prepare a fiscal impact study which will determine how much impact fees have been paid from prior developments in the ASH zone and the impact of reducing or waiving future ASH development impact fees. This study will be prepared for discussion with the City Council during the second/third quarter of 2023 and anticipates presenting the results of the study to the City Council during the fourth quarter of 2023..

RECOMMENDATION: The Planning Commission recommends the City Council, by resolution, amend portions of Chapter 4 (Housing) of the Orem General Plan including updating Section 4.4.2 pertaining to Moderate Income Housing Strategies.



State of Utah

SPENCER J. COX
Governor

DEIDRE HENDERSON
Lieutenant Governor

**Department of
Workforce Services**

CASEY R. CAMERON
Executive Director

GREG PARAS
Deputy Director

NATE MCDONALD
Deputy Director

KEVIN BURT
Deputy Director

November 18, 2022

To: Mayor and City Council
Orem City

From: Department of Workforce Services
Housing and Community Development Division

Re: Moderate Income Housing Report 2022—Notice of Non-Compliance

Dear Orem City Mayor and City Council,

Thank you for submitting the Annual Moderate Income Housing Report. Following review of the submitted plan and report, the Housing and Community Development Division has determined that the submission does not fulfill the requirements set forth in State Code section 10-9a-408. Please see the below description of deficiencies and actions the City must take to comply with the Code.

Section 10-9a-403(2)(b)(iii) notes that cities shall include a recommendation to implement three or more of the moderate-income housing strategies. HB 462, passed in 2022, included notable changes to the strategies and communities must update their general plans with the new language. The sections 4.4.2a Accessory Apartments and 4.4.2b Affordable Senior Housing in the submitted general plan do not reflect the State Code language for strategies E and X.

Deficiency Corrective Action 1: Update the general plan to include the exact language from the code 10-9a-403(2)(b)(iii) for strategies E and X.

Orem City boundaries include fixed guideway public transit station(s), and the city is required to include two additional strategies in their plan, totaling five strategies, per 10-9a-403(2)(b)(iv). Communities with fixed guideway transit stations must select Strategy V and their choice of one of the following: Strategy G, H, or Q. Orem City has adopted four strategies in the general plan, one short of the requirement.

Deficiency Corrective Action 2: Update the moderate income housing element of the general plan to include at least one additional strategy to meet the minimum required five strategies for a community with a fixed guideway public transit station.



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Section 10-9a-403(2)(c) notes that the City shall draft implementation plans that establish a timeline for implementing selected strategies, identify specific measures and benchmarks for implementing each selected strategy, and provide flexibility for the municipality to adjust as needed. Additionally, section 10-9a-408(2)(c) requires each municipality's report starting in 2023 to describe action taken by the municipality towards implementation of the selected strategies, including how each land use decision or regulation supports the implementation of the moderate income housing strategies, barriers encountered, accessory dwelling unit information, the market's response to the strategies and implementation plans, and recommendations to the State regarding how the State can support the municipality in implementing strategies. Thus, implementation plans in the 2022 reporting year must be of a sufficient quality to show specific details on actionable tasks, timelines for implementation, measures used to demonstrate progress, and what resources the municipality will use to achieve the strategies selected.

The City's implementation plan does not include measures, benchmarks, or a timeline in strategies 4.4.2a Accessory Apartments and 4.4.2b Affordable Senior Housing. Benchmarks and measures are the key tasks required for a strategy to be implemented. If a strategy has been implemented, is complete, or is ongoing, measures and a specific timeline for program monitoring, review, or continued implementation must be included.

Deficiency Corrective Action 3: The City must update the moderate income housing element of the general plan to identify specific benchmarks or measures and timelines for Strategies 4.4.2a Accessory Apartments and 4.4.2b Affordable Senior Housing to support implementation.

Implementation plans, which include measures, benchmarks, and timelines are required for all selected strategies. As the City completes deficiency corrective action 2, an implementation plan must also be included for any added strategies.

Deficiency Corrective Action 4: When the City updates the moderate income housing element of the general plan to include at least one additional strategy to meet the minimum required five strategies for a community with a fixed guideway public transit station, the City must also identify benchmarks, measures, and timelines for any strategies added to the plan.

Please review the State Code sections referenced and submit your report using the form found here: <https://jobs.utah.gov/housing/affordable/moderate/reporting/>.

Section 10-9a-408(6) allows for each community 90 days from the date after this notice is sent to come into compliance with State Code. Per section 10-9a-408(7)(b), **failure to cure the described deficiencies in Orem's report by February 16, 2023 will make your community ineligible for Utah Department of Transportation (UDOT) Transportation Investment Fund of 2005, including the Transit Transportation Investment funding and the Governor's Office of Planning and Budget (GOPB) Covid-19 Local Assistance Matching Grant for the 2024 fiscal year.**

The Housing and Community Development Division is available to help you work through the noted deficiencies. We want to work with you to meet the requirements of the Code. If you have any questions or concerns, please contact Alyssa Gamble at angamble@utah.gov.

Sincerely,

Alyssa Gamble
Program Manager – Moderate Income Housing Database
Housing and Community Development
Department of Workforce Services



4.4.2 MODERATE INCOME HOUSING STRATEGIES

In accordance with Utah Code Annotated (UCA) 10-9a-403(2)biii, Orem City is adopting the following four moderate income housing strategies and implementation plan for each strategy:

4.4.2a Accessory Apartments

UCA 10-9a-403(2)biii (E) create or allow for, and reduce regulations related to, internal or detached accessory dwelling units in residential—residential zones;

Accessory apartments are already adopted into Orem's municipal code and part of the Development Services process. In 2021, Orem City updated its accessory apartment code text, to match the state law. Orem City continues to provide all requirements for legal accessory apartments on our website. Requirements are outlined in our code in section 22-6-9(I). The requirements form is <http://orem.org/wp-content/uploads/2021/05/Acc-apt-information-amendedApril-2021.pdf>, and is found on the city website with the list of all forms, applications, & checklists applicants might need; <https://orem.org/forms-applications/>. We also continue to advise residents who ask about their options **throughout the year as we receive calls and in-person questions**

Annually, Orem monitors the number of legal apartments **in an** annual report of **new and** existing **accessory** apartments. Currently, there are 722 legal accessory apartments in Orem. It is anticipated that approximately 26 additional accessory units will be approved in ~~the next~~ **2023**. The list of legal accessory apartments within the city is found on our website at <https://orem.org/accessory-apartments/>. To ensure the safety and welfare of residents, Orem utilizes code enforcement services to ensure non-complying units **come into compliance with city code** ~~become legal~~.

In 2020, Orem City enacted an ordinance requiring

landlord licensing for all rental properties in Orem. As of ~~December~~ **November 2021**², there were ~~3,746~~ **3,924** active landlord licensing accounts. We anticipate using this data to further map existing rentals and housing for future analysis.

Orem's ~~newly created Civilian Code Enforcement Team known as~~ **Neighborhood Improvement Team**, is helping track illegal accessory apartments and helping educate property owners on bringing them into compliance. **The Code Enforcement team reviews cases weekly of illegal accessory apartments and follows Orem Code Sections, 11-1-3(B)(31)A, 11-1-3(B)(30), and 11-1-3(B)31 and policies for bringing them into compliance. Orem Code Enforcement along with Orem Development Services will implement a broad communications campaign citywide to help residents understand the requirements of accessory apartments and how to help report illegal units. This will first begin by using existing newsletters the City sends out to residents and landlords. Orem is projecting and implementing this broad communications campaign starting the second quarter of 2023 after evaluating the specifics of frequency and audiences in the fourth quarter of 2023.**

4.4.2b Affordable Senior Housing

UCA 10-9A-403(2)biii, (X) demonstrate implementation of any other program or strategy to address the housing needs of residents of the municipality who earn less than 80% of the area median income, including the dedication of a local funding source to moderate income housing or the adoption of a land use ordinance that requires 10% or more of new residential development **in a residential zone be dedicated to moderate income housing; and**

In 2012, the City **of Orem** approved the Affordable Senior Housing (ASH) Overlay Zone to assist income restricted seniors. The City provides all information on our website, <http://online.encodeplus.com/regs/orem-ut/doc-viewer.aspx?tocid=001.022#secid-2109>, and works collaboratively with the Utah County Housing Authority to provide new affordable senior



housing units.

Orem plans to continue to educate **additional** developers on regulations for developing in the Affordable Senior Housing Overlay (ASH) zone **by developing an outreach and communication plan in 2023 to highlight the ASH zone. This plan will include targeted outreach to existing landlords and property owners within the ASH zone boundary. Orem has partnered with Utah County Housing Authority for projects in the ASH zone, so the outreach plan will also include targeted communication with Utah County Housing Authority and other affordable housing developers.**

Additionally, the City of Orem plans to undergo an update to an existing 2018 Moderate Income Housing study in 2023. During this study, we intend to examine the demand and need for more income-restricted units for seniors in the city. Along with examining the demand for income-restricted units, we intend to study the feasibility of expanding the existing zone boundaries or implementing other ASH overlays in other parts of the city. At this time, Orem anticipates the study beginning mid-year 2023 and the updated study be completed in 2024. Zoning recommendations resulting from the study would be anticipated to be explored and presented to the City Council in 2024. The ASH overlay zone allows up to four units to be constructed on a single parcel. The tenant of each unit is restricted to those over the age of 60 and at or less than 80% of the median income of the Orem/Provo MSA.

Since the ASH zone has been adopted, there are 5 projects (five structures) that have been built and maintained for affordable senior housing. The owners of those projects must submit an annual report to the city to assure rents, age of tenants, and income restriction of tenants are compliant with code.

4.4.2c Housing and Transit Reinvestment Zone

UCA 10-9a-403(2)biii (Q) create a housing and transit reinvestment zone pursuant to Title 63N, Chapter 3, Part 6, Housing and Transit Reinvestment Zone Act;

Implementation: A developer has approached the City and has met with Staff, the Mayor and members of the council as to the feasibility of an HTRZ Zone. The next step in this process is for the Developer to hire a consultant for a study of the HTRZ estimated to take 6-8 months. In 2023, following the study, the Developer, Consultant and City will consider the next steps as required from the HTRZ Act.

4.4.2d Station Area Plans

UCA 10-9a-403(2)biii (V) develop and adopt a station area plan in accordance with Section 10-9a-403.1;

In accordance with Utah Code Annotated (UCA) 10-9a-403.1, Orem City has outlined Station Area Plans for the transit stations in Orem into two phases: Phase 1 will begin with the revision and update of the existing station area plan for the Orem Frontrunner Station. Phase 2 will create a station area plan for the Lakeview, Main Street and University Place Bus Rapid Transit (BRT) stations.

These plans will consider elements as outlined in 10-9a-403.1(7)(b)(i) such as housing types that will (B) providing for densities necessary to facilitate the development of moderate income housing; and (C) providing for affordable costs of living in connection with housing, transportation, and parking. Orem City will encourage the consideration of owner occupied twin home developments. Staff has applied for technical assistance and is in the beginning stages of this process



for Phase 1 of the Station Area Plans. The early estimated timeline for the Station Area Plans is Phase 1 to be completed in 2023, and Phase 2 late 2024 early 2025.

4.4.2e Impact Fees

UCA 10-9A-403(2)biii (L) reduce, waive, or eliminate impact fees related to moderate income housing;

In 2022, Orem City eliminated impact fees for internal accessory dwelling units in accordance with State law. Orem will consider reducing or waiving impact fees for developments in the Affordable Senior Housing (ASH) Overlay Zone. Staff will research existing developments in the ASH zone during the first quarter 2023. Staff will prepare a fiscal impact study which will determine how much impact fees have been paid from prior developments in the ASH zone and the impact of reducing or waiving future ASH development impact fees. This study will be prepared for discussion with the City Council during the second/third quarter of 2023 and anticipates presenting the results of the study to the City Council during the fourth quarter of 2023.



RESOLUTION NO. _____

A RESOLUTION OF THE OREM CITY COUNCIL AMENDING
PORTIONS OF CHAPTER 4 (HOUSING) OF THE OREM GENERAL
PLAN INCLUDING UPDATING SECTION 4.4.2 PERTAINING TO
MODERATE INCOME HOUSING STRATEGIES.

WHEREAS on January 9, 2023, the Development Services Department filed an application with the City of Orem requesting the City Council amend portions of Chapter 4 (Housing) of the Orem General Plan including updating Section 4.4.2 pertaining to Moderate Income Housing Strategies; and

WHEREAS a public hearing considering the subject application was held by the Planning Commission on January 18, 2023, and the Planning Commission recommended approval of the request; and

WHEREAS a public hearing considering the subject application was held by the City Council on January 24, 2023; and

WHEREAS the agenda of the City Council meeting at which the request was heard was posted at the Orem Public Library, on the Orem City webpage, at the City Offices at 56 North State Street and at utah.gov/pmn; and

WHEREAS the matter having been submitted and the City Council having fully considered the request as it relates to the health, safety and general welfare of the City; the orderly development of land in the City; the effect upon the surrounding neighborhoods; and the special conditions applicable to the request.

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

1. The City Council finds that this request is in the best interest of the City because it will help fulfill the requirements of state law.
2. The City Council hereby amends portions of Chapter 4 (Housing) of the Orem General Plan including updating Section 4.4.2 pertaining to Moderate Income Housing Strategies as shown on Exhibit "A" which is attached hereto and incorporated herein by reference.
3. If any part of this resolution shall be declared invalid, such decision shall not affect

the validity of the remainder of this resolution.

4. All other resolutions and policies in conflict herewith, either in whole or part, are hereby repealed.
5. This resolution shall take effect immediately upon passage.

PASSED and APPROVED this 24th day of January, 2023.

David A. Young, Mayor

ATTEST:

Tess Jones, Deputy City Recorder

COUNCILMEMBER	AYE	NAY	ABSTAIN
Mayor David A. Young	☐	☐	☐
Jeff Lambson	☐	☐	☐
Debby Lauret	☐	☐	☐
Tom Macdonald	☐	☐	☐
Terry Peterson	☐	☐	☐
David Spencer	☐	☐	☐
LaNae Millett	☐	☐	☐

4.4.2 MODERATE INCOME HOUSING STRATEGIES

In accordance with Utah Code Annotated (UCA) 10-9a-403(2)biii, Orem City is adopting the following four moderate income housing strategies and implementation plan for each strategy:

4.4.2a Accessory Apartments

UCA 10-9a-403(2)biii(F) create or allow for and reduce regulations related to internal or detached accessory dwelling units in residential residential zones;

Accessory apartments are already adopted into Orem's municipal code and part of the Development Services process. In 2021, Orem City updated its accessory apartment code text, to match the state law. Orem City continues to provide all requirements for legal accessory apartments on our website. Requirements are outlined in our code in section 22-6-9(l). The requirements form is <http://orem.org/wp-content/uploads/2021/05/Acc-apt-information-amended-April-2021.pdf>, and is found on the city website with the list of all forms, applications, & checklists applicants might need; <https://orem.org/forms-applications/>. We also continue to advise residents who ask about their options throughout the year as we receive calls and in-person questions

Annually, Orem monitors the number of legal apartments in an annual report of new and existing accessory apartments. Currently, there are 722 legal accessory apartments in Orem. It is anticipated that approximately 26 additional accessory units will be approved in the next 2023. The list of legal accessory apartments within the city is found on our website at <https://orem.org/accessory-apartments/>. To ensure the safety and welfare of residents, Orem utilizes code enforcement services to ensure non-complying units come into compliance with city code become legal.

In 2020, Orem City enacted an ordinance requiring

landlord licensing for all rental properties in Orem. As of December/November 2021/2, there were 3,746 3,924 active landlord licensing accounts. We anticipate using this data to further map existing rentals and housing for future analysis.

Orem's newly created Civilian Code Enforcement Team known as Neighborhood Improvement Team, is helping track illegal accessory apartments and helping educate property owners on bringing them into compliance. The Code Enforcement team reviews cases weekly of illegal accessory apartments and follows Orem Code Sections, 11-1-3(B)(31)A, 11-1-3(B)(30), and 11-1-3(B)31 and policies for bringing them into compliance. Orem Code Enforcement along with Orem Development Services will implement a broad communications campaign citywide to help residents understand the requirements of accessory apartments and how to help report illegal units. This will first begin by using existing newsletters the City sends out to residents and landlords. Orem is projecting and implementing this broad communications campaign starting the second quarter of 2023 after evaluating the specifics of frequency and audiences in the fourth quarter of 2023.

4.4.2b Affordable Senior Housing

UCA 10-9A-403(2)biii.(X) demonstrate implementation of any other program or strategy to address the housing needs of residents of the municipality who earn less than 80% of the area median income, including the dedication of a local funding source to moderate income housing or the adoption of a land use ordinance that requires 10% or more of new residential development in a residential zone be dedicated to moderate income housing; and

In 2012, the City of Orem approved the Affordable Senior Housing (ASH) Overlay Zone to assist income restricted seniors. The City provides all information on our website, <http://online.encodeplus.com/regis/orem-ut/doc-viewer.aspx?tocid=001.022#secid-2109>, and works collaboratively with the Utah County Housing Authority to provide new affordable senior

housing units.

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