



CITY OF OREM
CITY COUNCIL MEETING
56 North State Street, Orem, Utah
March 28, 2023

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

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

1. AGENDA REVIEW & PREVIEW OF UPCOMING AGENDA ITEMS

The City Council will review the items on the agenda.

**1.1 Groundbreaking of New City Administrative Building 3-3:30 pm - Ceremony |
3:30-4pm Refreshments**

Location: South Parking Lot

**1.2 PRESENTATION - FY 2023-2024 Budget item: Operational, Fleet & IT Changes -
60 mins**

*Presenter: Brandon Nelson, Finance Director; Thayne Carter, Fleet Section Manager;
Carlo Okolowitz, IT Division Manager*

**1.3 PRESENTATION - FY 2023-2024 Budget item: All Sales Tax Revenue Estimates -
15 mins**

Presenter: Brandon Nelson, Finance Director

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.

2.1 David Spencer

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

3. CALL TO ORDER

4. INVOCATION/INSPIRATIONAL THOUGHT: By Invitation

5. PLEDGE OF ALLEGIANCE: By Invitation

6. MAYOR'S REPORT/ITEMS REFERRED BY COUNCIL

6.1 NASA TechRise Presentation from Parkside Elementary

*Presenter: Peter Wolfley, Communications Division Manager; Rachel Grindstaff,
Parkside Elementary Teacher*

**6.2 URPA (Utah Recreation and Parks Association) Award Recognition for Gena
Bertelsen, Senior Center Supervisor, and Jason Cordner, Public Works Field
Supervisor**

Presenter: Bronco Hunger, URPA Representative; Bryce Merrill, Library and Recreation Director ; Chris Tschirki, Public Works Director

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

January 10, 2023 and January 24, 2023

9. SCHEDULED ITEMS

9.1 PUBLIC HEARING – Amending Appendix A of the Orem City Code by enacting Standard Land Use Code 6266 Pediatric Palliative Care Facility and enacting 22-6-9(N) Pediatric Palliative Care Facility in Chapter 22 of the Orem City Code.

Presenter: Jason Bench, Assistant Development Services Director

9.2 PUBLIC HEARING – Amending Section 22-5-3(A) and the zoning map of the City of Orem by changing the zone of approximately .27 acres, as shown in Lot 1 of the preliminary plat, of the property located generally at 845 North State Street from the C3 zone to the C2 zone.

Presenter: Jason Bench, Assistant Development Services Director

9.3 RESOLUTION - Amending the City Council Meeting Policies and Procedures

Presenter: Steve Earl, City Attorney

10. COMMUNICATION ITEMS

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; the character or professional competence of an individual; or the purchase or lease of real property.

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
MARCH 28, 2023



REQUEST:	6:00 P.M. SCHEDULED ITEM PUBLIC HEARING – ORDINANCE AMENDMENT - Amending Appendix A of the Orem City Code by enacting Standard Land Use Code 6266 (Pediatric Palliative Care Facility) and enacting Subsection 22-6-9 (N) (Pediatric Palliative Care Facility) to Chapter 22 of the Orem City Code.
APPLICANT:	Rebecca Oakley
FISCAL IMPACT:	None

NOTICES:

- Posted in 2 public places
- Posted on City webpage
- Posted on the State noticing website
- Faxed to newspapers
- Noticed 166 property owners with 500 feet

SITE INFORMATION:

General Plan Designation:

Medium Density

Residential

Current Zone: **R7.5**

Acreage: **0.75**

Neighborhood: **Geneva Heights**

**PLANNING
COMMISSION
RECOMMENDATION**

Approval 6-0

PREPARED BY:

Makayla Wagstaff
Associate Planner

REQUEST: The applicant requests the City Council approve an amendment to the Orem City Code by enacting Standard Land Use Code 6266 (Pediatric Palliative Care Facility) to Appendix A of the Orem City Code, and enacting Subsection 22-6-9(N)(Pediatric Palliative Care Facility) to the Orem City Code.

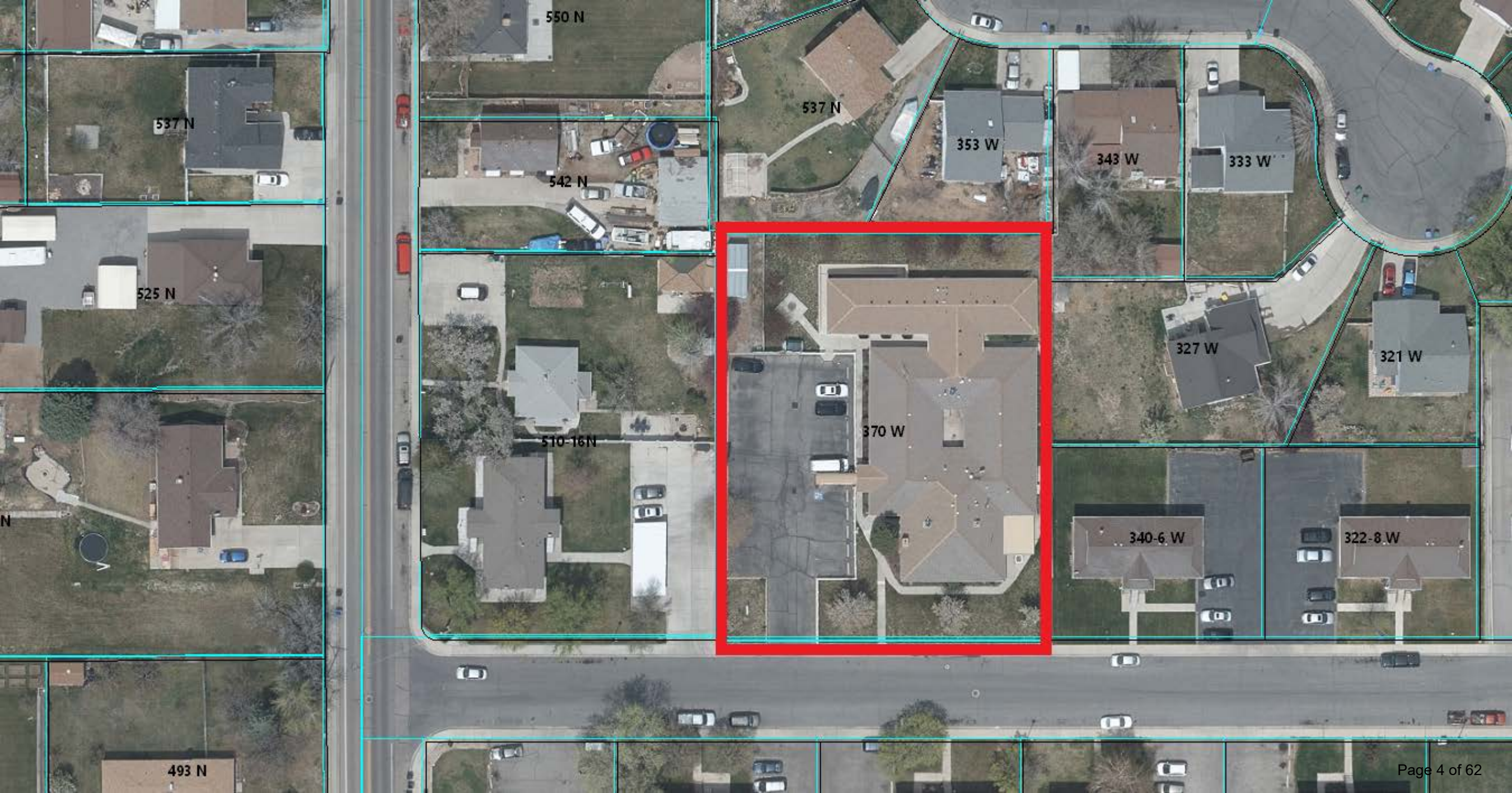
BACKGROUND: The applicant is requesting these additions to the Orem City Code to allow the conversion of the property located at 370 West 500 North in Orem to a Pediatric Palliative Care Facility.

A conditional use was previously approved for this property for a Residential Health Care Facility for the Elderly. The conditional use permit allowed up to 26 residents at this location.

The proposed ordinance amendment would allow this facility to be converted to a Pediatric Palliative Care Facility through the issuance of a conditional use permit. A Pediatric Palliative Care Facility provides palliative care primarily to children who are living with serious, life-limiting or life-altering medical conditions and who have need of respite or skilled nursing care for a short period of time lasting typically between 7-30 days during times of increased medical needs such as end of life or adaptation to new medical equipment and/or medical treatments. It would also allow a limited amount of outpatient treatment for children with these types of needs.

According to the applicant, the families and children who need these services have to leave Utah County to receive this kind of care. Currently there are five of these facilities in the country.

RECOMMENDATION: The Planning Commission recommends the City Council, by ordinance, amend appendix A of the Orem City Code by enacting Standard Land Use Code 6266 (Pediatric Palliative Care Facility) and enact Subsection 22-6-9 (N) (Pediatric Palliative Care Facility) in Chapter 22 of the Orem City Code.



537 N

550 N

537 N

542 N

353 W

343 W

333 W

525 N

327 W

321 W

510-16N

370 W

340-6 W

322-8 W

493 N

537 N

353 W

343 W

333

542 N

327 W

510-16N

370 W

340-6 W

Appendix A

SLU		R5	R6	R6.5	R7.5	R8	R12	R20	OS5\ROS	PO	C1	C2	C3	HS	M1	M2	CM	BP
6266	Pediatric Palliative Care Facility	N	N	N	C*	N	N	N	N	N	N	N	N	N	N	N	N	N

22-6-9(N) Pediatric Palliative Care Facility. A Pediatric Palliative Care facility (SLU 6266) is defined as a residential facility that provides community-based palliative care primarily for children (ages 18 and under) who are living with serious, life-limiting or life-altering medical conditions and who have need of respite or skilled nursing care for a short period of time lasting typically between 7-30 days during times of increased medical needs such as end of life or adaptation to new medical equipment and/or medical treatments. Palliative care also includes respite care. A Pediatric Palliative Care facility may be allowed as a conditional use in the R7.5 zone subject to the following requirements:

1. *A Pediatric Palliative Care facility may be allowed as a conditional use only on a property for which a conditional use permit and a site plan have previously been approved for a Residential Health Care Facility or Residential Health Care Facility for the Elderly and which has been operated as one of those uses with at least eight residents. The intent of this provision is to allow a Pediatric Palliative Care Facility to operate in buildings formerly approved and operated as either a Residential Health Care Facility or Residential Health Care Facility for the Elderly without significant modifications to the footprint or exterior appearance of the existing buildings.
2. The number of residents allowed in a Pediatric Palliative Care Facility shall be equal to the number of residents previously approved in the conditional use permit/site plan for the previous Residential Health Care Facility on the property, or if no limit on the number of residents was previously specified, the maximum number of residents allowed shall be twelve (12).
3. In addition to the maximum number of residents allowed in the facility, immediate family members (parents and siblings) of a resident receiving care in the facility may also reside at the facility on a short-term basis when (1) learning how to properly provide for a resident's medical needs or (2) during end of life care for a resident. However, no more than four rooms in the facility may be used for family stays at any given time.
4. A Pediatric Palliative Care facility may provide a limited amount of outpatient therapy primarily for children (ages 18 and under only) which shall be limited to not more than five patients at a time.
5. No more than two car trips per hour shall be generated in connection with the use before 5:30 a.m. or after 9:00 p.m.
6. At least twelve parking stalls shall be located on site to meet the needs of patients and staff.
7. A Pediatric Palliative Care facility must be capable of use as a Pediatric Palliative Care facility in the building(s) that were previously used as a Residential Health Care Facility or Residential Health

Care Facility for the Elderly without significant structural alterations that would significantly change the footprint or diminish the residential character of the existing building.

8. A Pediatric Palliative Care facility shall comply with all City building and fire codes. The City may require building and fire inspections for a Pediatric Palliative Care facility.

9. A maximum of one wall sign no greater than six square feet (6ft²) in area shall be allowed.

10. A Pediatric Palliative Care facility shall comply with the site plan requirements set forth in Section 22-14-20. The site plan shall be configured so that no vehicle will back out on to a dedicated street.

11. A Pediatric Palliative Care facility shall obtain a license from the State of Utah Department of Human Services or other applicable state agency, where required. A Pediatric Palliative Care facility must also obtain a business license from the City of Orem in accordance with the provisions of Chapter 12.



Chair Komen asked Mr. Taylor to introduce **Agenda Item 3.3:** [\(click here for recording\)](#)

PUBLIC HEARING – TEXT AMENDMENT – Amending Appendix A of the Orem City Code by enacting Standard Land Use Code 6266 Pediatric Palliative Care Facility and enacting 22-6-9(N) Pediatric Palliative Care Facility in Chapter 22 of the Orem City Code.

Staff Presentation:

The applicant is requesting these additions to the Orem City Code in an effort to have the opportunity to convert the property located at 370 West 500 North in Orem to a Pediatric Palliative Care Facility.

This property is currently zoned for a 26 bed facility for ambulatory elderly. This change would allow the facility to be changed to a 26 bed facility for individuals, typically children, with medical challenges. The facility would provide overnight respite, transitional care from hospital to home and care at times of increased medical need. It also would serve as a facility for patients who are living at home to receive outpatient treatments.



According to the applicant the families and children who need these services have to leave Utah County to receive this kind of care. Currently there are five of these facilities in the country.

Recommendation:

Staff recommends the Planning Commission forward a positive recommendation to the City Council to amend appendix A of the Orem City Code by enacting Standard Land Use Code 6266 Pediatric Palliative Care Facility and to enact 22-6-9 (N) Pediatric Palliative Care Facility in Chapter 22 of the Orem City Code.

Chair Komen asked the applicant to come forward.

Becky Oakley came forward. Ms. Oakley explained the project and how they were able to address the neighborhood comments.

Discussion was held regarding how many employees would work at the facility and how this facility compares to existing facilities throughout the country.

Chair Komen opened the public hearing.

When no one came forward Chair Komen closed the public hearing.

Planning Commission members discussed the proposed facility.

Chair Komen called for a motion on this item.

Planning Commission Action:

Mr. Hawkes moved to forward a positive recommendation to the City Council to amend appendix A of the Orem City Code by enacting Standard Land Use Code 6266 Pediatric Palliative Care Facility and to enact 22-6-9 (N) Pediatric Palliative Care Facility in Chapter 22 of the Orem City Code. Mr. Crismon seconded the motion. Those voting aye: Gerald Crismon, James Hawkes, Madeline Komen, Murray Low, Mike Carpenter and Haysam Sakar. The motion passed unanimously.



DRC Application

Text Amendment

Applicant Information:

Name:	Phone:	
Address:	City:	
Email:	State:	Zip:

Project Information:

Project Name:
Project Address:

Fees:

All Amendment Proposals	☐ Planning Commission Public Notice Fee	\$100
	☐ City Council Public Notice Fee	\$100
	☐ Neighborhood Notice Fee	TBD
If amending General Plan Text:	☐ General Plan Text Amendment Fee	\$1,166
	☐ Public Notice Sign Fee	\$765
If amending Sign Ordinance	☐ Sign Text Amendment Fee	\$1,275
If amending Other Text:	☐ Standard Text Amendment Fee	\$1,355
Total:		

Deadline:

Except in the case of a holiday, the deadline for DRC Applications is **Monday at 12pm**. Please call Development Services to determine the deadline in the event of a holiday.

Neighborhood Meeting:

A neighborhood meeting is typically required of all text amendment applications. Please contact Development Services at 801-229-7058 to find out details regarding this requirement.

Application Information:

"The DRC application must be complete at the time of submittal or it may not be accepted. An application to amend Chapter 22 or the zoning map shall expire if the application has not been approved or scheduled for review and approval by the approving authority within twelve months after the date it was submitted. An application to amend Chapter 22 or the zoning map shall also expire immediately following the passage of six months of no activity with respect to the application. Upon expiration, an application for an amendment to Chapter 22 including a zone map shall be considered null and void and a new application must be submitted, and fees paid." - Orem City Code (22-1-5)

Signature:

Applicant Signature:

Contact Person:

Contact Person:	Phone:	Email:
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Office Use Only:

Project ID Number:	Date Paid:	Received By:
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DRC Questionnaire

Text Amendment

Please briefly describe your proposal. What are you proposing to change?

You are required by Orem City Code to specify in writing why you are proposing these changes. If you have not done so already, use the space below to do so:



Brades' Place

Home-Based Pediatric Palliative Care

Rebecca Oakley, APRN, FNP-C

Founder & Executive Director

Tel 801.368.4499

Fax 801.797.0720

417 South Palisade Drive, Orem, UT 84097

beckyoakley@bradesplace.org

January 29, 2023

Hi neighbors!

You are invited to a neighborhood meeting February 11, 2023 at 9:00 am regarding the property on 370 West 500 North, formerly Peaks Rehab and Nursing Center. This meeting is to share with you our ideas and gather your feedback on our plans for this property, which is presently zoned as a 16 bed Elderly Skilled Nursing Facility/Assisted Living Facility in a residential neighborhood. We are asking that zoning be changed to include a few other things specifically:

- Increase bed capacity from 1 to 2 per room because of size of bedrooms and pediatric patients;
- This facility would care for pediatric age and as they age into adulthood would continue to provide care for them as adults over 18;
- This facility would provide some services during regular business hours to seriously ill children living at home, not living at the center, so they would come during the day for a service and then leave.

We don't have specific zoning language to propose to you, as the city will craft that language once your feedback is received. "Pursuant to Orem City Code Section 22-1-5(G), this meeting is being held to discuss the project with you. This is an opportunity for you to review the plans and provide input and recommendations regarding the project. This application has not yet been reviewed by the City and is subject to change during the review process."

We look forward to meeting you and hearing your perspectives. If you aren't able to attend, you're welcome to share your feedback at '<https://forms.office.com/r/9uETysACvW>' or the QR code. You can also reach me at the above contact details. Thank you for taking time to learn about us, what we do and the services we hope to provide with some zoning changes at this location.

QR CODE TO SURVEY



Thanks very much,

Becky Oakley and Brades' Place Families



Brades' Place

Our neighborhood meeting invitation/notice was mailed on 1/31/23 and held on 2/11/2023, well within the weeks notice required. We mailed the invitation to the full list provided by Jason Bench, Orem City DRC staff, and received only 4 back unable to be delivered by the postal service.

The meeting was held at 9 am on February 11, 2023. The agenda included:

- Welcome and description of our organization.
- Description of the current zoning use and our proposed changes with the proposed language available for review.
- Time to hear feedback from neighbors or attendees.
- Question/answer section.
- Tour of facility as it currently stands.

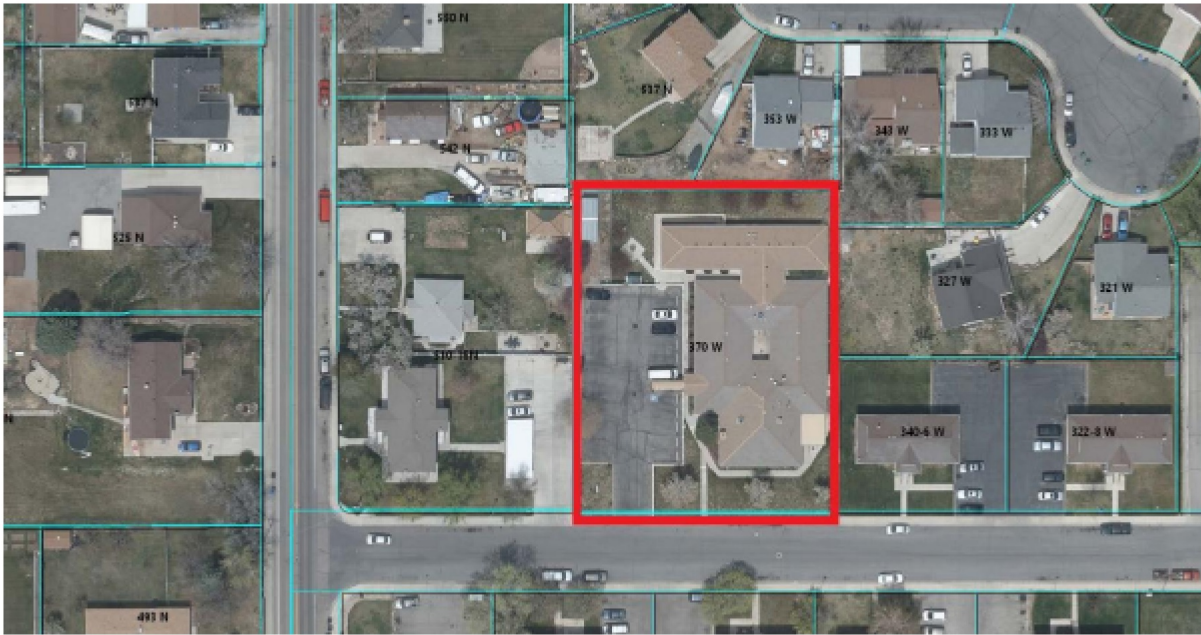
No neighbors attended, but Mike Carpenter of the Planning Commission attended.

To make it as easy as possible to gain all feedback from neighbors, we did offer an online link/QR code to a private form for feedback to be left as well as our phone and email for personal contact. 3 neighbors responded expressing support and encouragement as they would like to "see the facility no longer be vacant and being used for such a great purpose (Dennis)."

1. Name and contact details:
 - a. 3 individuals either called or responded to the link provided.
2. Brades' Place wants to renovate 370 West 500 North, formerly the Peaks Rehab and Care Facility, into a wonderful place to provide care for children living with serious illness and their families, including siblings and parents. Living with life-long serious illness is similar to the challenges faced with a serious accident, but these challenges aren't able to be healed from in a few months and are part of their lives without end in sight. Resiliency, extra support, even breaks from giving care 24/7 are all essential, and that's what Brades' Place provides, and wants to provide at this facility.
 - a. 100% of respondents scored this at 5/5 "I very much support this idea"
3. We would like to change the facility/zoning from caring for elderly to caring for children.
 - a. 100% of respondents scored this at 5/5 "I very much support this idea"
4. Provide Short-term overnight stays
 - a. 100% of respondents scored this at 5/5 "I very much support this idea"
5. Provide Outpatient services
 - a. 100% of respondents scored this at 5/5 "I very much support this idea"
6. We would love to hear your comments and thoughts
 - a. One respondent left a comment more about their family member with serious illness, their connection with her family and wondering where the children will go when they are adults.

Feb 11, 2023 BP Neighborhood Meeting

NAME	PHONE & EMAIL	ADDRESS	COMMENT
Mike Carpenter	201.462.1012 mike.carpenter@planning.com	1234 N. 500 N	



orem.org/planning under "Current Planning (Public Hearing Notices)" tab



orem.org/planning under "Current Planning (Public Hearing Notices)" tab



City Council Chambers, 56 N State Street

***** IMPORTANT DEVELOPMENT NOTICE *****

PUBLIC HEARING – Enacting Section 22-6-9(N) Pediatric Palliative Care Facility pertaining to requirements to locate a pediatric palliative care facility in the R7.5 zone and enacting Standard Land Use Code 6266 Pediatric Palliative Care Facility and amending Appendix A of the Orem City Code by allowing this use as a conditional use in the R7.5 zone subject to Section 22-6-9(N).

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

SARAH ANN L C
1797 N 120 E
OREM, UT 84057

City Council
Tue, Mar 28, 2023
6:00 pm



City Council Chambers, 56 N State Street

***** IMPORTANT DEVELOPMENT NOTICE *****

PUBLIC HEARING – Enacting Section 22-6-9(N) Pediatric Palliative Care Facility pertaining to requirements to locate a pediatric palliative care facility in the R7.5 zone and enacting Standard Land Use Code 6266 Pediatric Palliative Care Facility and amending Appendix A of the Orem City Code by allowing this use as a conditional use in the R7.5 zone subject to Section 22-6-9(N).

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

MADSEN, RONALD A & SHARON K
128 N 200 E
OREM, UT 84057

City Council
Tue, Mar 28, 2023
6:00 pm

HOAGLAND, DENNIS ROY &
DANIELLE PHILLIPS (ET AL)
PO BOX 7099
PROVO, UT 84602

FAIRBANKS, SCOTT & JACQUELINE
43 LANTANA
LAKE FOREST, CA 92630

FJELDSTED, BENJAMIN CLARK
54 S 2120 W
PROVO, UT 84601

JAMES HAWKES
55 WEST 500 SOUTH
OREM, UT 84058

LRH II ENTERPRISES LLC
64 W 530 S
OREM, UT 84058

HALL, ROBERT JEFFREY &
KATHERINE
85 N 1200 E
OREM, UT 84097

HELENA KLEINLEIN
103 WEST 2170 SOUTH
OREM, UT 84058

VAN DER BEEK, RALPH H (ET AL)
115 E 1280 N
PLEASANT GROVE, UT 84062

MADSEN, RONALD A & SHARON K
128 N 200 E
OREM, UT 84057

JEFF LAMBSON
156 E 1060 N
OREM, UT 84057

DAVE YOUNG
173 S COUNTRYSIDE LANE
OREM, UT 84058

MAXSON, JARON P
222 W CENTER ST # 1396
OREM, UT 84059

TRUE NORTH LLC
240 E CENTER ST
PROVO, UT 84606

DIAMAR PROPERTIES LLC
%MOON, LAMAR F
257 FAWN VALLEY CT
SIMI VALLEY, CA 93065

RANDS, JEFFREY R
282 W 4100 N
PROVO, UT 84604

LANAE MILLETT
288 W 1500 N
OREM, UT 84057

MURDOCH, CHRISTOPHER E &
MELISSA V
288 W FOXMOOR DR
OREM, UT 84057

BUNKER, OWEN S & ALICE J
--OR CURRENT RESIDENT--
304 W 580 NORTH
OREM, UT 84057

CALVILLO, ILDEFONSO CABALLERO
(ET AL)
305 W 580 N
OREM, UT 84057

TAYLOR, RODNEY S & ADRIANNE T
--OR CURRENT RESIDENT--
309 W 450 NORTH
OREM, UT 84057

DOUGLAS, AARON & JESSICA
310 W 550 N
OREM, UT 84057

TERRIQUEZ, JUAN & ERIKA
311 W 550 N
OREM, UT 84057

BERGESON, BRUCE L & CHRISTINE
--OR CURRENT RESIDENT--
312 W 450 NORTH
OREM, UT 84057

KEMP, JAMES MARCUS & SHARI LYN
(ET AL)
--OR CURRENT RESIDENT--
314 W 580 NORTH
OREM, UT 84057

WEATHERLY, JARED P & REBECCA B
315 W 580 N
OREM, UT 84057

ESLINGER, MORGAN L & ASPENN S
318 W 550 N ST
OREM, UT 84057

CHANTHAVONG, PHOUKHAO J &
MARYANN K
321 W 550 N
OREM, UT 84057

LRH II ENTERPRISES LLC
--OR CURRENT RESIDENT--
322 W 500 NORTH
OREM, UT 84057

FAIRBANKS, SCOTT & JACQUELINE
--OR CURRENT RESIDENT--
323 W 450 NORTH
OREM, UT 84057

RICKS, JORDAN F & BARBARA J
324 FOXMOOR DR
OREM, UT 84057

POULSEN, TROY M & AUNALEE
--OR CURRENT RESIDENT--
324 W 450 NORTH
OREM, UT 84057

RICKS, JORDAN F & BARBARA J
--OR CURRENT RESIDENT--
324 W 580 NORTH
OREM, UT 84057

RHOADES, CHARLES SCOTT JR
325 FOXMOOR DR
OREM, UT 84057

RHOADES, CHARLES SCOTT JR
--OR CURRENT RESIDENT--
325 W 580 NORTH
OREM, UT 84057

MAXSON, JARON P
--OR CURRENT RESIDENT--
326 W 400 NORTH
OREM, UT 84057

BINGHAM, TRENT M
326 W 550 N
OREM, UT 84057

BRITOS, JUAN J (ET AL)
327 W 550 N
OREM, UT 84057

POULSEN, TROY & ANNALEE
--OR CURRENT RESIDENT--
333 W 500 NORTH
OREM, UT 84057

WOOLF, JOHN & JOHANNA M
333 W 550 N
OREM, UT 84057

FOLKMAN, SPENCER & LINDSAY
334 FOXMOOR DR
OREM, UT 84057

FOLKMAN, SPENCER & LINDSAY
--OR CURRENT RESIDENT--
334 W 580 NORTH
OREM, UT 84057

PRIVATE PROPERTIES LLC
--OR CURRENT RESIDENT--
335 W 450 NORTH
OREM, UT 84057

RODRIGUEZ, JUAN ANTONIO
--OR CURRENT RESIDENT--
335 W FOXMOOR DR
OREM, UT 84057

MOORE, STERLING A & REBECCA A
336 W 550 N
OREM, UT 84057

POULSEN, TROY M & ANNALEE
--OR CURRENT RESIDENT--
338 W 450 NORTH
OREM, UT 84057

ORCHARD, TODD G & KIRSTI J
--OR CURRENT RESIDENT--
340 W 500 NORTH
OREM, UT 84057

DOBBERFUHL, DOUGLAS KENT &
STEPHANIE (ET AL)
342 W 400 N
OREM, UT 84057

GARRIDO, LUIS & LUISA
343 W 550 N
OREM, UT 84057

A SUMMER DISREGARD LLC
344 W 200 N
PROVO, UT 84601

MARTINEZ, LILIA
346 W 550 N
OREM, UT 84057

FJELDSTED, BENJAMIN CLARK
--OR CURRENT RESIDENT--
348 W 450 NORTH
OREM, UT 84057

FOXMOOR PROPERTIES LLC
--OR CURRENT RESIDENT--
348 W 580 NORTH
OREM, UT 84057

FAIRBANKS, SCOTT & JACQUELINE
--OR CURRENT RESIDENT--
349 W 450 NORTH
OREM, UT 84057

HARRISON, GEORGE W & PATRICIA S
(ET AL)
350 S 900 E
OREM, UT 84097

WHYTE, ROBERT
--OR CURRENT RESIDENT--
351 W 500 NORTH
OREM, UT 84057

YOUNG, LYMAN T & KAYLENE F
352 W 400 N
OREM, UT 84057

BRANDES, MATT V
353 W 550 N
OREM, UT 84057

LOOPER, WILLIAM R II
--OR CURRENT RESIDENT--
358 W 450 NORTH
OREM, UT 84057

BROWN, WILLIAM G & CASSIE L
360 W 580 N
OREM, UT 84057

DIAMAR PROPERTIES LLC
--OR CURRENT RESIDENT--
361 W 500 NORTH
OREM, UT 84057

FJELDSTED, BENJAMIN CLARK
--OR CURRENT RESIDENT--
368 W 450 NORTH
OREM, UT 84057

MERIDIAN PEAK HOLDINGS LLC
370 W 500 N
OREM, UT 84057

TAOTUA, FUIFUI (ET AL)
--OR CURRENT RESIDENT--
371 W 580 NORTH
OREM, UT 84057

TAOTUA, FUIFUI (ET AL)
371 W FOXMOOR DR
OREM, UT 84057

WILLMORE, RONALD W &
KARMELLE C
372 FOXMOOR DR
OREM, UT 84057

WILLMORE, RONALD W &
KARMELLE C
--OR CURRENT RESIDENT--
372 W 580 NORTH
OREM, UT 84057

CORNELIUS, RONALD D & DONALD
G
--OR CURRENT RESIDENT--
373 W 500 NORTH
OREM, UT 84057

HOAGLAND, DENNIS ROY &
DANIELLE PHILLIPS (ET AL)
--OR CURRENT RESIDENT--
376 W 400 NORTH
OREM, UT 84057

SNOW, GREGORY & MARILYN
381 FOXMOOR DR
OREM, UT 84057

DOTSON, PETER K JR & LAURA A
384 FOXMOOR DR
OREM, UT 84057

DOTSON, PETER K JR & LAURA A
--OR CURRENT RESIDENT--
384 W 580 NORTH
OREM, UT 84057

MESA VISTA INC
394 W 400 N
OREM, UT 84057

DRAUDT, GUENTHER FRIEDRICH &
KAREN I
396 FOXMOOR DR
OREM, UT 84057

DRAUDT, GUENTHER FRIEDRICH &
KAREN I
--OR CURRENT RESIDENT--
396 W 580 NORTH
OREM, UT 84057

HARDY, BRIAN LE RAY & HIROKO N
425 N 400 W
OREM, UT 84057

CORNELIUS, RONALD D & DONALD
G
425 S 400 W
LINDON, UT 84042

BECKSTEAD, TREVOR RYAN &
ANGELA ROCHELLE
425 W 600 N
OREM, UT 84057

GREGERSEN, SCOTT & STEPHANIE
427 W 600 N
OREM, UT 84057

HALL, ROBERT JEFFREY &
KATHERINE
--OR CURRENT RESIDENT--
431 N 400 WEST
OREM, UT 84057

MESA VISTA INC
--OR CURRENT RESIDENT--
434 W 400 NORTH
OREM, UT 84057

MARTINEZ, SAUL & ALFA L
435 N 300 W
OREM, UT 84057

WESTON LC
--OR CURRENT RESIDENT--
450 W 450 NORTH
OREM, UT 84057

ROBERTS, THOMAS
--OR CURRENT RESIDENT--
452 W 450 NORTH
OREM, UT 84057

HARDING, DOUGLAS CLARK &
LINDA GORDON (ET AL)
456 W 450 N
OREM, UT 84057

TAYLOR, CINDY LYNNE & GREGORY
GORDON
458 W 450 N
OREM, UT 84057

RODRIGUEZ, ANTONIO & MARTINA
460 N 400 W
OREM, UT 84057

FOUNTAIN, CHRISTINE (ET AL)
462 N 300 W
OREM, UT 84057

SORENSEN, DIX & DEBORAH J
--OR CURRENT RESIDENT--
465 N 400 WEST
OREM, UT 84057

RANDS, JEFFREY R
--OR CURRENT RESIDENT--
470 N 300 WEST
OREM, UT 84057

FJELDSTED, BENJAMIN CLARK
--OR CURRENT RESIDENT--
470 N 400 WEST
OREM, UT 84057

DAVIS, SCOTT & CINDY
--OR CURRENT RESIDENT--
474 N 300 WEST
OREM, UT 84057

LAWRENCE, MICHAEL J & TRACI L
475 N 400 W
OREM, UT 84057

KALLAS, WESTON
476 N 300 W
OREM, UT 84057

WILCOX, BENJAMIN R & MEGAN T
--OR CURRENT RESIDENT--
478 N 450 WEST
OREM, UT 84057

YORGASON, MARIANNE & JORDAN
482 N 450 W
OREM, UT 84057

REEVES, ANGELA IRENE
486 N 300 W
OREM, UT 84057

TRUE NORTH LLC
--OR CURRENT RESIDENT--
486 N 400 WEST
OREM, UT 84057

ALLEN, NAN A
488 N 450 W
OREM, UT 84057

THOMAS MACDONALD
489 NORTH PALISADES DR
OREM, UT 84097

MADSEN, RONALD A & SHARON K
--OR CURRENT RESIDENT--
491 N 300 WEST
OREM, UT 84057

WILCOX, BENJAMIN R & MEGAN T
491 N 450 W
OREM, UT 84057

PORTER, MONTE W
493 N 400 W
OREM, UT 84057

KEMP, JAMES MARCUS & SHARI LYN
(ET AL)
494 W 870 S
OREM, UT 84058

SARAH ANN L C
--OR CURRENT RESIDENT--
503 N 300 WEST
OREM, UT 84057

MILLER, TRES A & JENNIFER F
507 N 400 W
OREM, UT 84057

OVERMAN RENTALS LLC
--OR CURRENT RESIDENT--
510 N 400 WEST
OREM, UT 84057

GEHRKE, MATTHEW EDWARD &
GARY CURTIS
516 N 280 W
OREM, UT 84057

SAAVEDRA, GRISELDA BRIYIT
BARBOSA (ET AL)
519 N 280 W
OREM, UT 84057

OTIS, CLIFFORD T & PATRICIA H
525 N 280 W
OREM, UT 84057

R & T ALLIANCE PROPERTIES LLC
--OR CURRENT RESIDENT--
525 N 400 WEST
OREM, UT 84057

RISER, TAI W
526 N 450 W
OREM, UT 84057

MADRID, RAYMUNDO
535 N 280 W
OREM, UT 84057

BURGON, DANIEL & KATHERYN A
537 N 355 W
OREM, UT 84057

VAN DER BEEK, RALPH H (ET AL)
--OR CURRENT RESIDENT--
537 N 400 WEST
OREM, UT 84057

DA SILVA, DANIEL OLIVEIRA
538 N 280 W
OREM, UT 84057

HARRIS, JAMES ALLEN & JENNIFER
LYNN
542 N 400 W
OREM, UT 84057

RAMSTEN, ASHLEY A & RICHARD T
545 N 280 W
OREM, UT 84057

ORTIZ, JOSE DE JESUS (ET AL)
545 N 400 W
OREM, UT 84057

BLACK AND ENGLISH WALNUT LLC
--OR CURRENT RESIDENT--
546 N 450 WEST
OREM, UT 84057

SALMOND, JOHN H & KATHRYN L
548 N 280 W
OREM, UT 84057

SMITH, DARIN D & PAMELA M
550 N 400 W
OREM, UT 84057

AHLSTROM, BRANDON T
551 N 355 W
OREM, UT 84057

FUKINO, ARIEL & EMI GABRIELLA
(ET AL)
--OR CURRENT RESIDENT--
555 N 280 WEST
OREM, UT 84057

DAYLEY, DANIEL
558 N 280 W
OREM, UT 84057

RAPOTEZ, ALYSSA I
560 N 400 W
OREM, UT 84057

EATON, JOSEPH C & TAMMARA D
560 N 450 W
OREM, UT 84057

SMITH, DALLIN L
561 N 400 W
OREM, UT 84057

CHANNELL, LARIN V & SHERRIE L
563 N 355 W
OREM, UT 84057

ALCALA, VICTOR & MARTHA
567 N 280 W
OREM, UT 84057

CALLES, LESLIE KEOLA & LISA
MARLENE
570 N 280 W
OREM, UT 84057

WILKINS, JASON L
570 N 400 W
OREM, UT 84057

NEWELL, PAULA
570 N 450 W
OREM, UT 84057

WILSON, EVAN
575 N 400 W
OREM, UT 84057

JARDINE, ABIGAIL (ET AL)
576 N 355 W
OREM, UT 84057

BOLTON, MARC A & JULIE
596 N 400 W
OREM, UT 84057

POULSEN, TROY & ANNALEE
617 E 920 N
OREM, UT 84097

WHYTE, ROBERT
627 S 630 W
OREM, UT 84058

DEBBY LAURET
641 S 1920 W
OREM, UT 84059

R & T ALLIANCE PROPERTIES LLC
645 W 1325 N
OREM, UT 84057

MADELINE KOMEN
653 W. 1360 NORTH
OREM, UT 84057

A SUMMER DISREGARD LLC
--OR CURRENT RESIDENT--
696 N 360 WEST
OREM, UT 84057

TAYLOR, RODNEY S & ADRIANNE T
769 APELDOORN LN
KELLER, TX 76248

DAVID SPENCER
899 NORTH 550 EAST
OREM, UT 84097

MURRAY LOW
904 S. 725 WEST
OREM, UT 84058

JW STORAGE INC
%WILLIAMS, JILL
940 S DONNER WAY # 470
SALT LAKE CITY, UT 84108

BERGESON, BRUCE L & CHRISTINE
1018 N NOB HILL AVE
AMERICAN FORK, UT 84003

GERALD CRISMON
1069 S. 545 EAST
OREM, UT 84097

TERRY PETERSON
1125 LYNNWOOD DRIVE
OREM, UT 84097

SORENSEN, DIX & DEBORAH J
1160 W 2600 N
PLEASANT GROVE, UT 84062

HAYSAM SAKAR
1194 E. 1090 NORTH
OREM, UT 84097

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

OVERMAN RENTALS LLC
1675 N 1820 W
PROVO, UT 84604

PRIVATE PROPERTIES LLC
1731 S 1440 E
SPANISH FORK, UT 84660

MIKE CARPENTER
1734 NORTH 350 WEST
OREM, UT 84057

SARAH ANN L C
1797 N 120 E
OREM, UT 84057

DAVIS, SCOTT & CINDY
1880 N 800 W
OREM, UT 84057

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

ROBERTS, THOMAS
2010 CORONADO VW
ALPINE, CA 91901

HOLLAND, STEVEN Y
4636 COUNTRY CLUB DR
HIGHLAND, UT 84003

FUKINO, ARIEL & EMI GABRIELLA
(ET AL)
4795 REGENT BLVD
IRVING, TX 75063

ORCHARD, TODD G & KIRSTI J
4915 E 6TH ST
LONG BEACH, CA 90814

LOOPER, WILLIAM R II
8522 DONALD CIR
HUNTINGTON BEACH, CA 92647

BUNKER, OWEN S & ALICE J
8760 POTENZA LA
LAS VEGAS, NV 89117

DEARING, JAN M & KEVIN J
9808 N 6000 W
HIGHLAND, UT 84003

BLACK AND ENGLISH WALNUT LLC
11011 S 1055 W
SOUTH JORDAN, UT 84095

FOXMOOR PROPERTIES LLC
13661 BLUEWING WAY
RIVERTON, UT 84096

DRAFT

ORDINANCE NO. _____

AN ORDINANCE BY THE OREM CITY COUNCIL AMENDING APPENDIX A OF THE OREM CITY CODE BY ENACTING STANDARD LAND USE CODE 6266 (PEDIATRIC PALLIATIVE CARE FACILITY) AND ENACTING SUBSECTION 22-6-9 (N) (PEDIATRIC PALLIATIVE CARE FACILITY) TO CHAPTER 22 OF THE OREM CITY CODE.

WHEREAS on February 17, 2023, Rebecca Oakley filed an application with the City of Orem to enact Standard Land Use Code 6266 (Pediatric Palliative Care Facility) and to enact Subsection 22-6-9 (N) (Pediatric Palliative Care Facility) to Chapter 22 of the Orem City Code; and

WHEREAS a public hearing considering the subject application was held by the Planning Commission on March 15, 2023, and the Planning Commission recommended that the City Council approve the request; and

WHEREAS a public hearing considering the subject application was held by the City Council on March 28, 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; 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 it is in the best interest of the City to approve the proposed amendments.
2. The City Council hereby enacts Standard Land Use Code 6266 (Pediatric Palliative Care Facility) and enacts Subsection 22-6-9 (N) (Pediatric Palliative Care Facility) to Chapter 22 of the Orem City Code, 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.
5. All other ordinances or policies in conflict herewith, either in whole or part, are hereby repealed.

DRAFT

PASSED, APPROVED and ORDERED PUBLISHED this 28th day of **March 2023**.

David A. Young, Mayor

ATTEST:

Teresa McKittrick, City Recorder

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

DRAFT

EXHIBIT A

SLU		R5	R6	R6.5	R7.5	R8	R12	R20	OS5\ ROS	PO	C1	C2	C3	HS	M1	M2	CM	BP
6266	Pediatric Palliative Care Facility	N	N	N	C*	N	N	N	N	N	N	N	N	N	N	N	N	N

22-6-9(N) **Pediatric Palliative Care Facility.** A Pediatric Palliative Care facility (SLU 6266) is defined as a residential facility that provides community-based palliative care primarily for children (ages 18 and under) who are living with serious, life-limiting or life-altering medical conditions and who have need of respite or skilled nursing care for a short period of time lasting typically between 7-30 days during times of increased medical needs such as end of life or adaptation to new medical equipment and/or medical treatments. Palliative care also includes respite care. A Pediatric Palliative Care facility may be allowed as a conditional use in the R7.5 zone subject to the following requirements:

1. *A Pediatric Palliative Care facility may be allowed as a conditional use only on a property for which a conditional use permit and a site plan have previously been approved for a Residential Health Care Facility or Residential Health Care Facility for the Elderly and which has been operated as one of those uses with at least eight residents. The intent of this provision is to allow a Pediatric Palliative Care Facility to operate only in buildings formerly approved and operated as either a Residential Health Care Facility or Residential Health Care Facility for the Elderly without significant modifications to the footprint or exterior appearance of the existing buildings.
2. The number of residents allowed in a Pediatric Palliative Care Facility shall be equal to the number of residents previously approved in the conditional use permit/site plan for the previous Residential Health Care Facility on the property, or if no limit on the number of residents was previously specified, the maximum number of residents allowed shall be twelve (12).
3. In addition to the maximum number of residents allowed in the facility, immediate family members (parents and siblings) of a resident receiving care in the facility may also reside at the facility on a short-term basis when (1) learning how to properly provide for a resident's medical needs or (2) during end of life care for a resident. However, no more than four rooms in the facility may be used for family stays at any given time.
4. A Pediatric Palliative Care facility may provide a limited amount of outpatient therapy primarily for children (ages 18 and under only) which shall be limited to not more than five patients at a time.
5. No more than two car trips per hour shall be generated in connection with the use before 5:30 a.m. or after 9:00 p.m.
6. At least twelve parking stalls shall be located on site to meet the needs of patients and staff.
7. A Pediatric Palliative Care facility must be capable of use as a Pediatric Palliative Care facility in the building(s) that were previously used as a Residential Health Care Facility or Residential Health Care Facility for the Elderly without significant structural alterations that would significantly change the footprint or diminish the residential character of the existing building.
8. A Pediatric Palliative Care facility shall comply with all City building and fire codes. The City may require building and fire inspections for a Pediatric Palliative Care facility.
9. A maximum of one wall sign no greater than six square feet (6ft²) in area shall be allowed.

DRAFT

10. A Pediatric Palliative Care facility shall comply with the site plan requirements set forth in Section 22-14-20. The site plan shall be configured so that no vehicle will back out on to a dedicated street.
11. A Pediatric Palliative Care facility shall obtain a license from the State of Utah Department of Human Services or other applicable state agency, where required. A Pediatric Palliative Care facility must also obtain a business license from the City of Orem in accordance with the provisions of Chapter 12.

CITY OF OREM
CITY COUNCIL MEETING
MARCH 28, 2022



REQUEST:	6:00 P.M. SCHEDULED ITEM PUBLIC HEARING – Amending Section 22-5-3(A) and the zoning map of the City of Orem by changing the zone of approximately .27 acres located generally at 845 North State Street from the C3 zone to the C2 zone.
APPLICANT:	Evergreen Devco, Inc./Jeremy Weber
FISCAL IMPACT:	None

NOTICES:

- Posted in 2 public places
- Posted on City webpage
- Posted on the State noticing website
- Faxed to newspapers
- Posted at utah.gov/pa
- Mailed 133 postcards to residents within 500 feet

SITE INFORMATION:

General Plan Designation:
Regional Commercial
 Current Zone: **C3**
 Acreage: **.27**
 Neighborhood: **Timpview**

**PLANNING
 COMMISSION
 RECOMMENDATION**

6-0 – for Approval

PREPARED BY:

Cheryl Vargas
 Associate Planner

REQUEST: The applicant requests the City amend Section 22-5-3(A) and the zoning map of the City of Orem by changing the zone of approximately .27 acres of property located generally at 845 North State Street from the C3 zone to the C2 zone.

BACKGROUND:

There is a large parcel of vacant land at approximately 845 North State Street. The smaller parcel that fronts State Street is in the C2 zone. Lot 1 of this parcel fronts State Street and is mostly in the C2 zone; however, a portion of the rear parcel that fronts 400 West is in the C3 zone and a small part of this west parcel is in Lot 1. The applicant would like all of Lot 1 to be in the C2 zone. The total acreage is 1.06 acres and the applicant would like to rezone approximately .27 acres from the C3 zone to the C2 zone.

As this entire piece of property is owned by one developer, it is difficult to deal with two different zones. The new commercial projects will be tied together with access from State Street to 400 West. Having the entire property be one zone will make it easier to work the entire piece of property as one development.

Originally, the applicant applied to have all the parcels zoned C3 between State Street and 400 West rezoned to the C2 zone; however, the Planning Commission requested a more detailed concept plan with heights and distances from the residential properties to the north for that part of the development. It was decided they would only forward a positive recommendation for Lot 1 at this time. The Planning Commission will consider the remaining request at a future meeting.

This request is for the rezone only. If the City Council approves the rezone application, the applicant will need to apply for a preliminary and final plat. However, a concept plan is provided to show potential development including the access from State Street to 400 West.

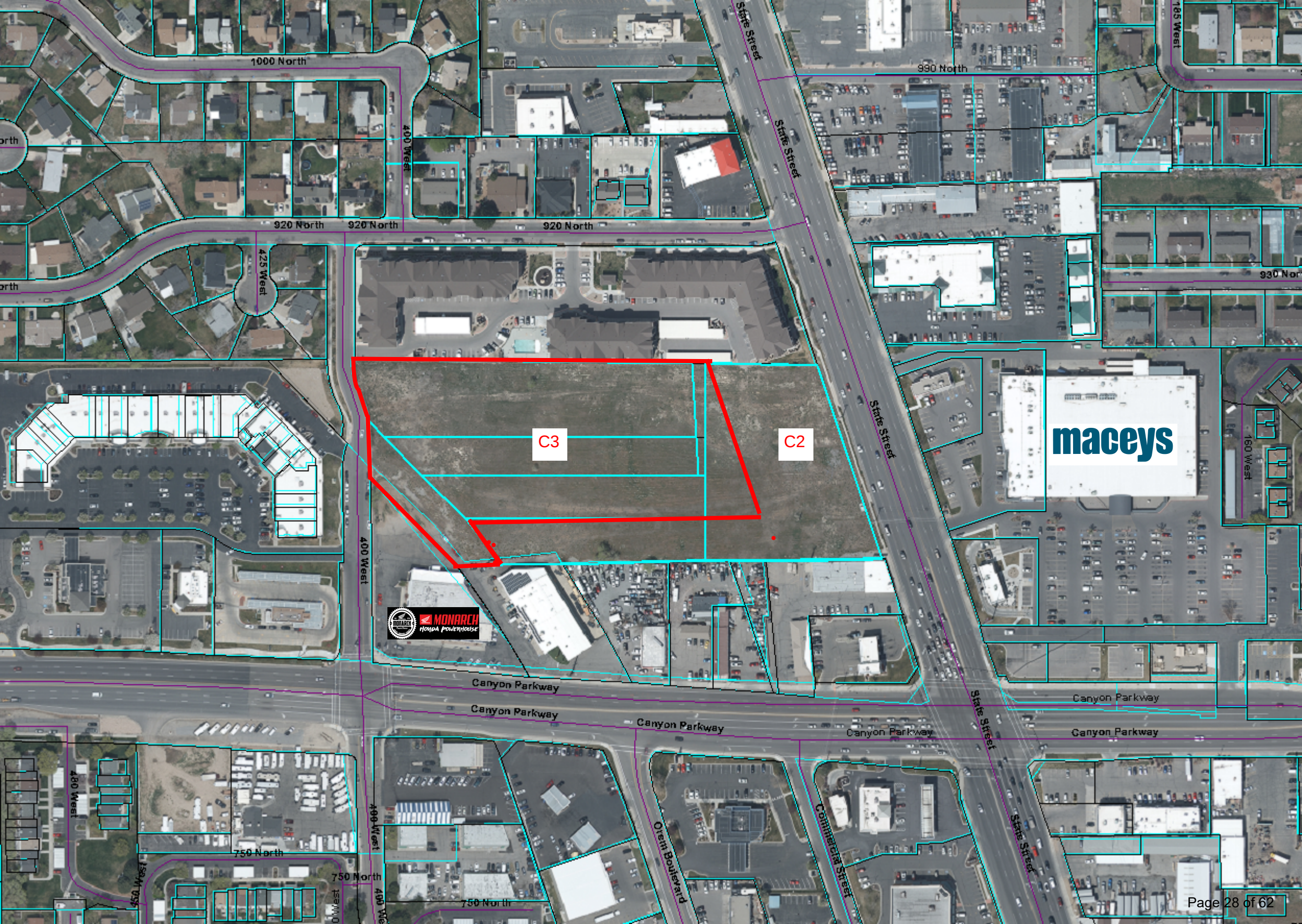
Advantages:

- The proposed lot will all be in one zone (C2 zone)
- Lot 1 has direct frontage on State Street which is typically zoned C2 along State Street.

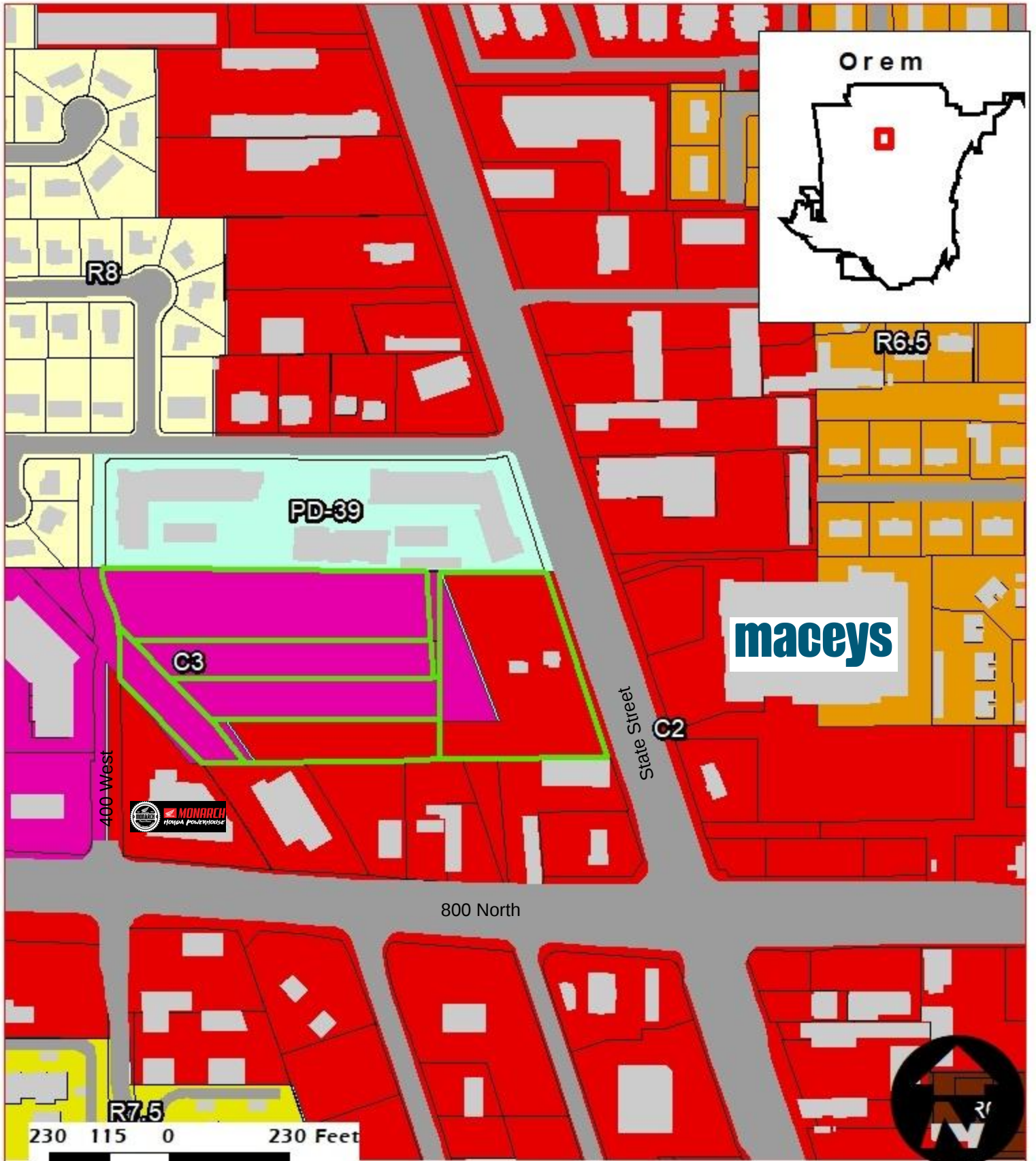
Disadvantages:

- A lot containing two different zones is challenging to develop.
- Some uses permitted in the C2 zone are not permitted in the C3 zone.

RECOMMENDATION: The Planning Commission recommends the City Council, by ordinance, amend Section 22-5-3(A) and the zoning map of the City of Orem by changing the zone of approximately .27 acres, as shown in Lot 1 of the preliminary plat, of the property located generally at 845 North State Street from the C3 zone to the C2 zone.



800 N & State



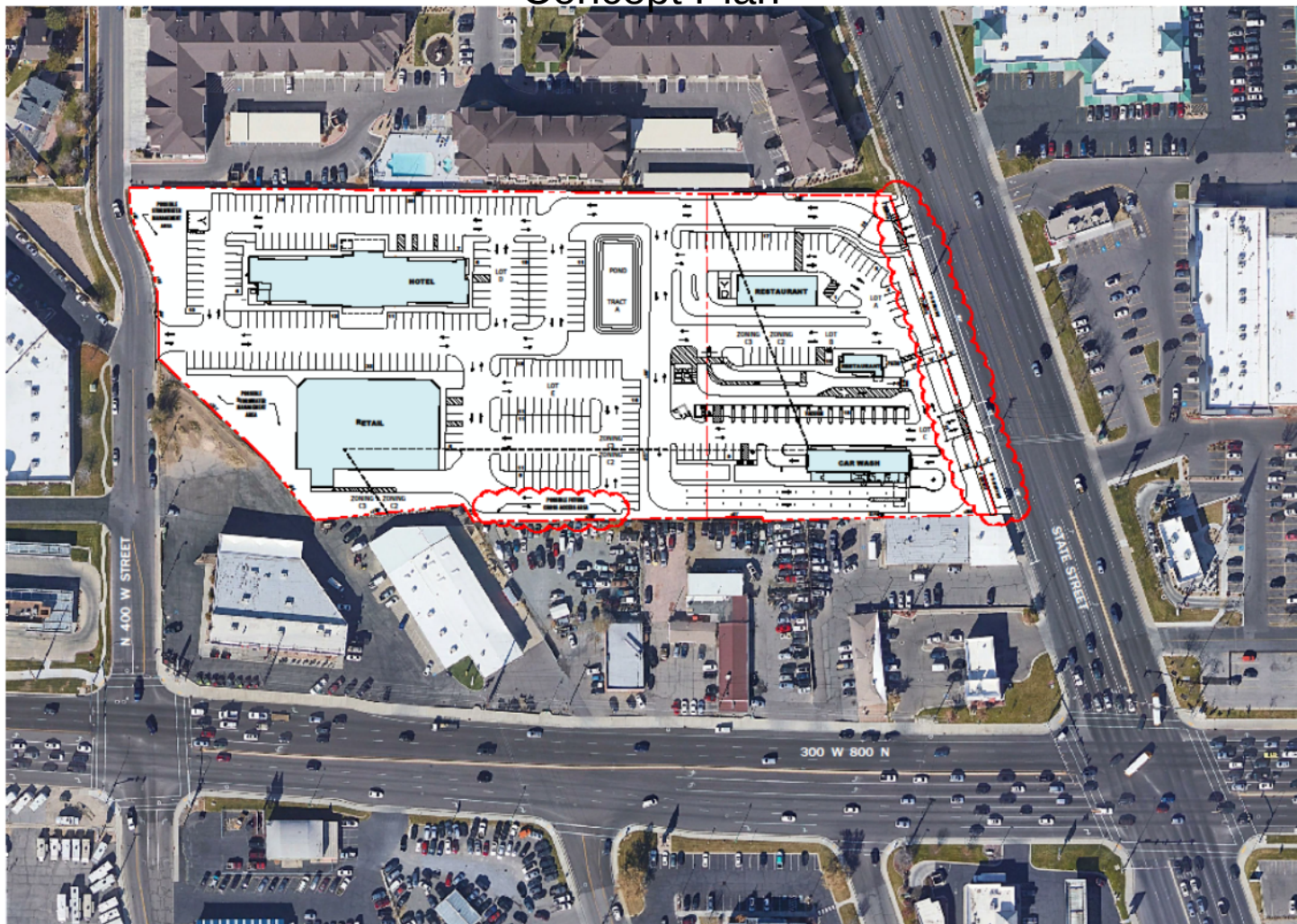
Legend

- ▬ 877 N State Street
- ▬ Buildings
- Parcels

◆ Rezone
C2 & C3
7.10 Acres

NEIGHBORHOOD
Timpview

Concept Plan



SITE DATA

LOT A	LOT AREA	0.82 AC
BUILDING	RESTAURANT	2,800 SF
PARKING		20 SPACES
LOT B	LOT AREA	0.78 AC
BUILDING	RESTAURANT	900 SF
PARKING		10 SPACES
LOT C	LOT AREA	1.86 AC
BUILDING	CAR WASH	3,017
PARKING	10 VACUUM SPACES	9 STANDARD SPACES
LOT D	LOT AREA	1.85 AC
BUILDING	HOTEL	121
PARKING		
LOT E	LOT AREA	2.86 AC
BUILDING	RETAIL	16,200 SF
PARKING		111
TRACT A	LOT AREA	0.18 AC
POND		0.000 SF

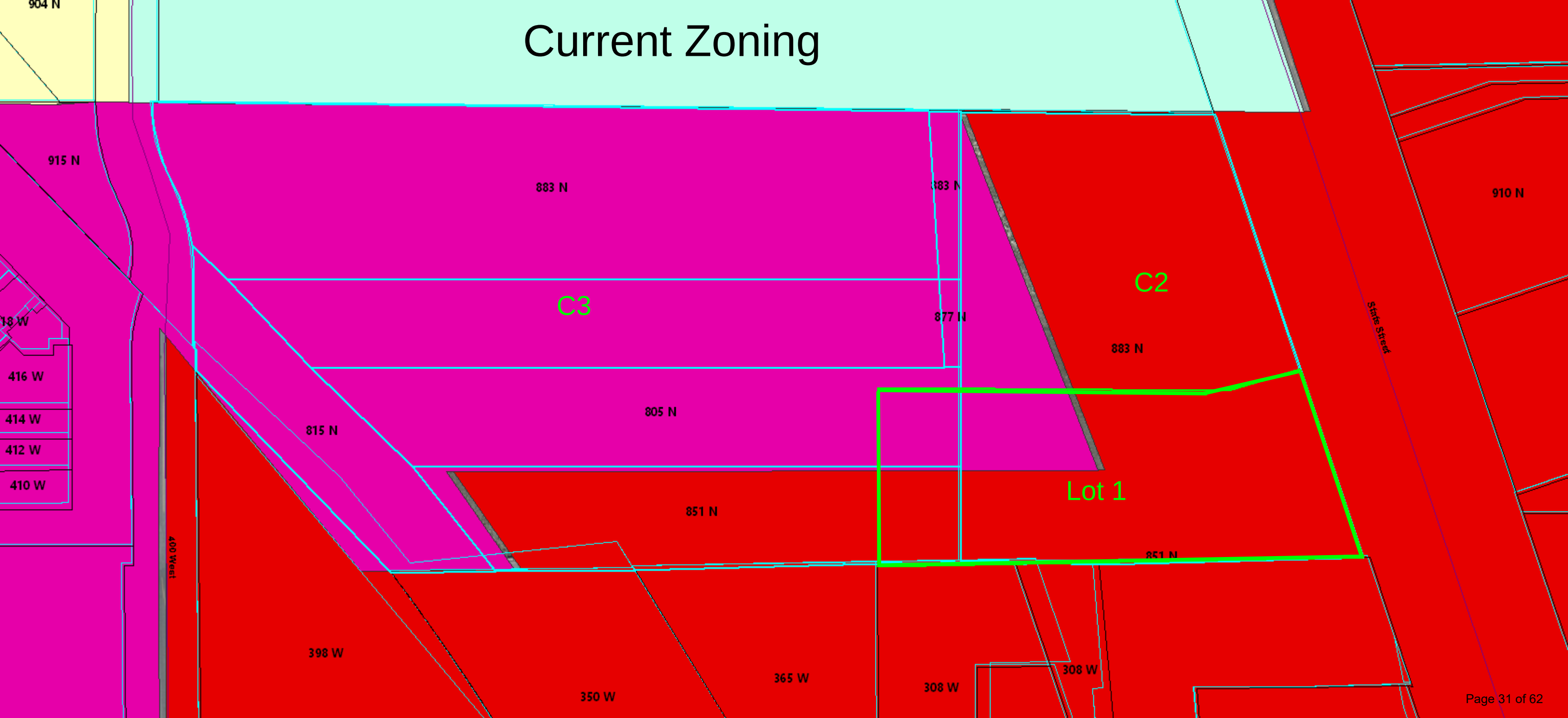
0 50' 100' NORTH
SCALE 1" = 100'

OREM,
UTAH
800 N AND
STATE STREET

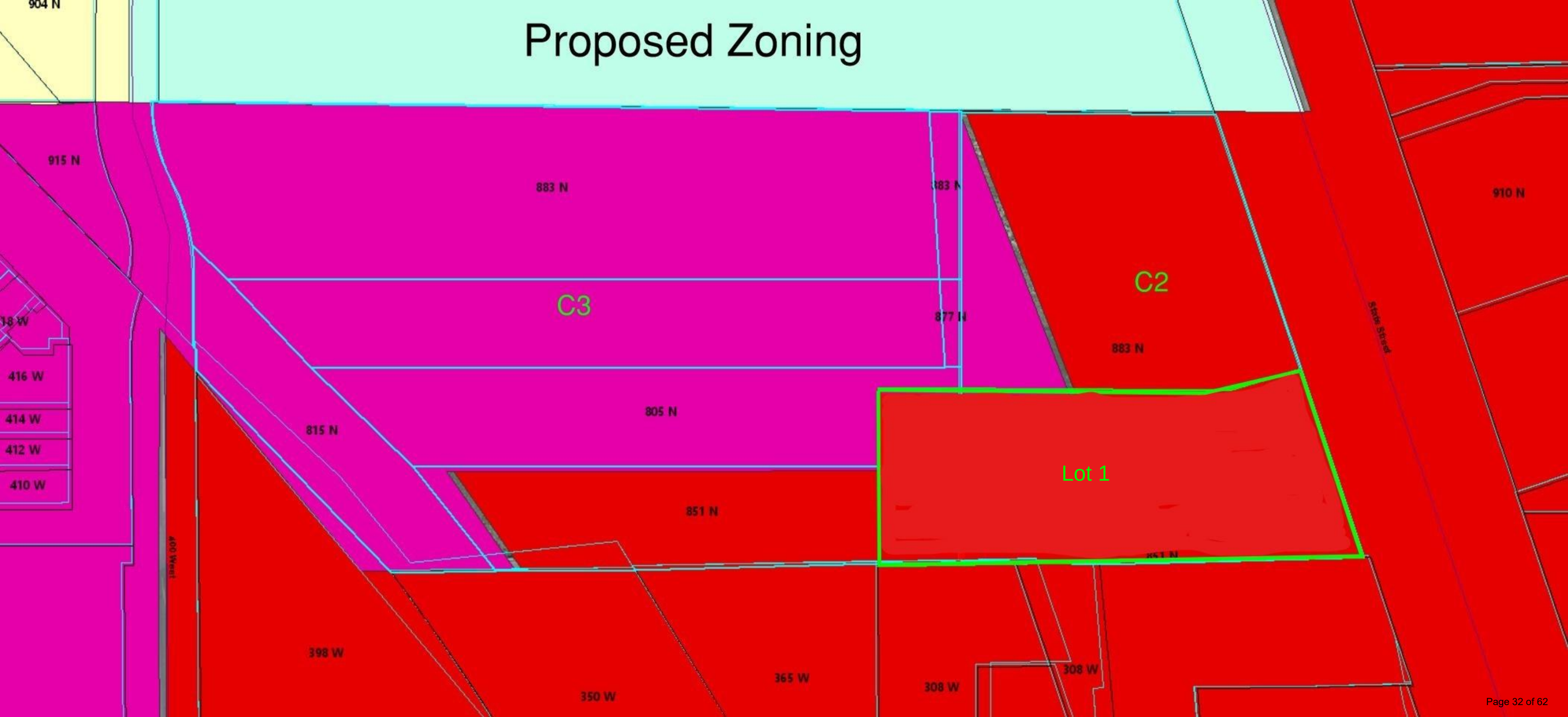
PROPOSED OVERALL
SITE PLAN

DATE 02.06.2023 DRAWING NO. 4.7B

Current Zoning



Proposed Zoning



Subject Property

Canyon Parkway

State Street

Center Street

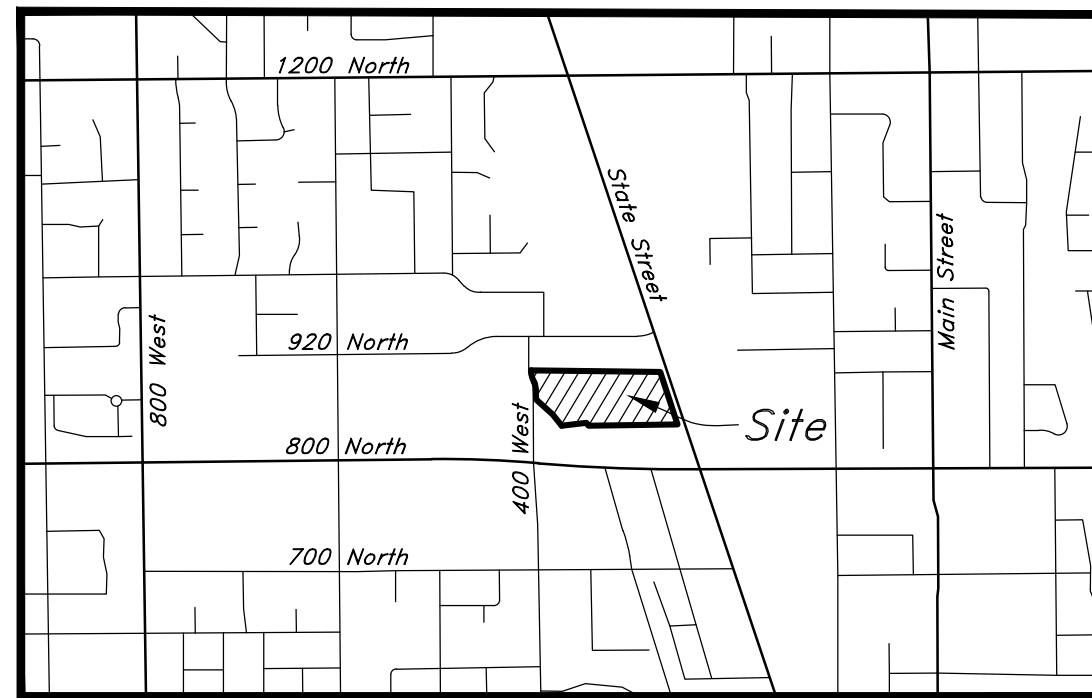
Preliminary State Street Commons Subdivision

Legend

- Property Line
- Lot Line
- Easement Line
- Adjoiner Line
- Control Line
- Center Line
- Section Corner
- Right-of-Way Monument
- Set 5/8" rebar with plastic cap or nail with Brass Tag stamped "AWA"

All of AFFCU Orem Subdivision together with more land, being a part of the North Half of Section 10, Township 6 South, Range 2 East, SLB&M, U.S. Survey, in Orem City, Utah County, Utah 2023

Scale: 1" = 50'



Vicinity Map
Not to Scale

Surveyor's Certificate

I, David M. Hamilton, do hereby certify that I am a Licensed Professional Land Surveyor in the State of Utah and that I hold License No. 12966234 in accordance with Title 58, Chapter 22, of the Professional Engineers and Land Surveyors Licensing Act; I further certify for, and on behalf of AWA that by authority of the Owners I have retraced Utah County Record of Survey No. _____, being a survey of the property described on this Subdivision Plat in accordance with Section 17-23-17 and have verified all measurements; that the referenced monuments shown on this plat are located as indicated and are sufficient to retrace or reestablish this plat; and that the information shown herein is sufficient to accurately establish the lateral boundaries of the herein described tract of real property; hereafter known as State Street Commons Subdivision.

Boundary Description

All of Lot 1, AFFCU Orem Subdivision, recorded as Entry No. 35500:2010 and as Map No. 13230 in the Official Records of Utah County, together with more land, being a part of the North Half of Section 10, Township 6 South, Range 2 East, Salt Lake Base and Meridian, U.S. Survey, in Orem City, Utah County, Utah:

Beginning at the point of intersection of the Easterly line of Residences at Monte Vista Subdivision recorded as Entry No. 17545:2014 and as Map No. 14182 in the Official Records of Utah County, being the Easterly line of 400 West Street as it exists at 20.00 foot half-width, and the Northeastly line of Pinehurst Plaza Plat "A" recorded as Entry No. 63732:2000 and as Map No. 8685, located 2668.49 feet North 89°56'26" East along the Quarter Section Line; and 493.26 feet North 0°03'34" West from a Brass Cap Monument found marking the West Quarter Corner of said Section 10; and running thence along said Easterly line the following three courses: North 57.75 feet (57.72 feet record) to a point of curvature; Northwestly along the arc of a 165.48 foot radius curve to the left a distance of 78.25 feet (Central Angle equals 27°05'39" and Long Chord bears North 13°32'50" West 77.52 feet) to a point of reverse curvature; and Northwestly along the arc of a 137.00 foot radius curve to the right a distance of 65.17 feet (65.19 feet record) (Central Angle equals 27°15'24" (27°15'44" record) and Long Chord bears North 13°27'57" West (North 13°27'47" West record) 64.56 feet (64.57 feet record) to the Southerly line of said Residences at Monte Vista and a Boundary Line Agreement recorded as Entry No. 32871:2008 in the Official Records of Utah County; thence South 89°21'36" East 848.32 feet along said Southerly line and Agreement line extended Easterly to the Southwestly line of State Street as it exists at 66.00 foot half-width; thence South 18°33'14" East 372.79 feet along said Southwestly line; thence South 88°31'00" West 258.89 feet; thence North 18°28'33" West 4.29 feet; thence South 88°59'27" West 128.02 feet to a point on a Boundary Line Agreement recorded as Entry No. 27433:2008 of the Official Records of Utah County; thence South 88°59'36" West 194.66 feet along said Agreement line; thence North 31°39'25" West 22.42 feet; thence South 84°05'14" West 166.16 feet; thence North 39°05'58" West 88.65 feet; thence North 48°55'21" West 158.51 feet to a point on a curve; thence Southerly along the arc of a 67.00 foot radius curve to the left a distance of 5.75 feet (Center bears South 85°05'01" East, Central Angle equals 04°54'47" and Long Chord bears South 02°27'35" West 5.74 feet) to said Northeastly line of Pinehurst Plaza Plat "A"; thence North 43°45'59" West 2.79 feet along said Northeastly line to said point of intersection and the point of beginning.

Contains 301,781 sq. ft.
or 6.928 acres
2 Lots

Date _____ David M. Hamilton
Utah PLS No. 12966234

Owner's Dedication

We, the Owners of the described tract of land to be hereafter known as State Street Commons Subdivision do hereby consent and give approval to the recording of this plat for all purposes shown herein.

In witness hereof we have hereunto set our hands this _____, day of _____, A.D. 20____.

Evergreen-800 North & State, L.L.C., an Arizona limited liability company

By: Evergreen Development Company-2022, L.L.C., an Arizona limited liability company
Its: Manager

By: Evergreen Devco, Inc., a California corporation
Its: Manager

By:
Its:

Acknowledgement

State of _____ } ss
County of _____

The foregoing instrument was acknowledged before me this day of _____, 20____, by and who represented that they are the owners of the above described property and have the authority to execute this instrument.

Notary Public Full Name: _____

Commission Number: _____

My Commission Expires: _____

A Notary Public Commissioned in Utah

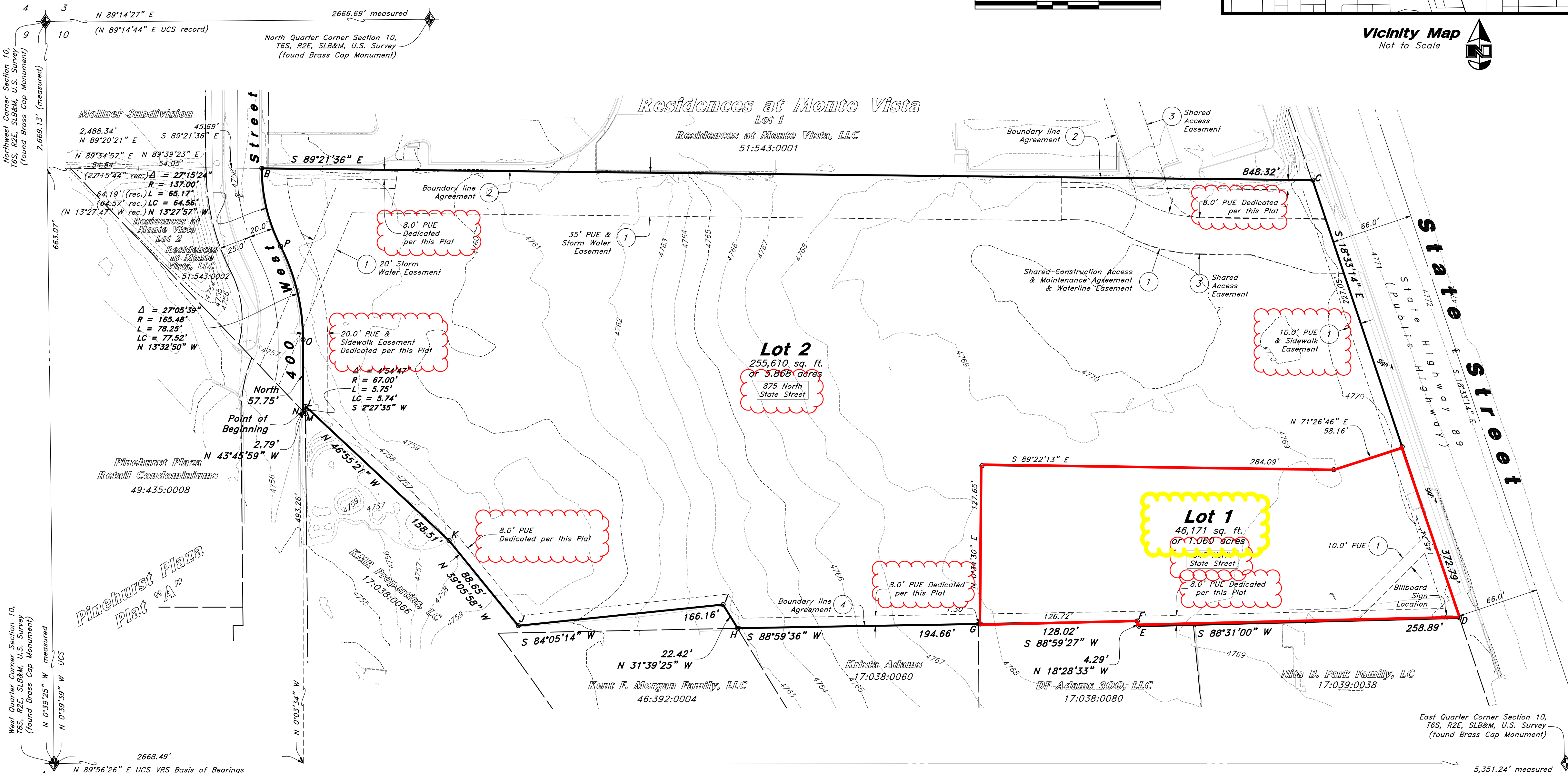
(If above information is provided, no stamp required per Utah Code, Title 46, Chapter 1, Section 16)

A Notary Public

State Street Commons Subdivision

All of AFFCU Orem Subdivision together with more land, being a part of the North Half of Section 10, Township 6 South, Range 2 East, SLB&M, U.S. Survey, in Orem City, Utah County, Utah

Surveyor's Seal 12966234 David M. Hamilton STATE OF UTAH	Notary Public Seal	City-County Engineer Seal	Clerk-Recorder Seal
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Easements

- 1 Easements shown on AFFCU Orem Subdivision Plat recorded April 30, 2010 as Entry No. 35500:2010 of Official Records of Utah County.
- 2 Boundary Line Agreement, Recorded March 20, 2008 as Entry No. 32871:2008 of the Official Records of Utah County.
- 3 Shared Access Easement, Recorded May 16, 2016 as Entry No. 42805:2016 of the Official Records of Utah County.
- 4 Boundary Line Agreement, recorded March 7, 2008 as Entry No. 27433:2008 of the Official Records of Utah County.

Cross Access, Ingress, Egress, Parking, Storm Water, Drainage and Utility Easements will be recorded within that certain Common Operation and Reciprocal Easement Agreement recorded by separate document prior to the issuance of any permits.

Planning Commission Approval

The City of Orem, County of Utah, approves this Subdivision and hereby accepts the dedication of all streets, easements, and other parcels of land intended for public purposes for the perpetual use of the public this _____ day of _____, 20____, by Resolution No. _____.

Director-Secretary

Chairman, Planning Commission

Narrative

This Subdivision was requested by Evergreen Devco, Inc. prerequisite to the development of this property and to create two Lots.

This Survey retraces and honors the underlying 2010 AFFCU Orem Subdivision Plat and a 2022 ALTA Survey by AWA Engineering.

A line between monuments found for the West Quarter Corner and the East Quarter Corner of Section 10 was assigned the Utah County bearing of North 89°56'26" East as the Basis of Bearings to place the Survey on the NAD83 Utah Central Zone State Plane Datum.

Accepted by the City of Orem

The City of Orem, County of Utah, approves this subdivision and hereby accepts the dedication of all streets, easements, and other parcels of land intended for public purposes for the perpetual use of the public this _____ day of _____, 20____, by Resolution No. _____.

Approved by Development Services Director

Approved by City Engineer

Attest by City Recorder

Approval as to Form

City Attorney _____ Date _____

Conditions of Approval

Note:

No driveway or drive access may be located within twenty-five feet (25') of an existing fence which is greater than three feet (3') in height.

Owner / Developer

Evergreen Devco, Inc.
200 North Maryland Ave. Suite 201
Glendale, CA, 91206
Phone: (818)-240-8727



2010 North Redwood Road, Salt Lake City, Utah 84116
(801) 521-8529 - AWAengineering.net

Street View





City Council Chambers, 56 N State Street

***** IMPORTANT DEVELOPMENT NOTICE *****

PUBLIC HEARING - Amending Article 22-5-3(A) and the zoning map of the City of Orem by rezoning approximately 1.06 acres, Lot 1, of the property located generally at 845 North State Street from the C3 zone to the C2 zone.

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

ZIONS FIRST NATIONAL BANK
%LOCATION: 7473
PO BOX 54288
LEXINGTON, KY 40555

City Council
Tue, Mar 28, 2023
6:00 pm



City Council Chambers, 56 N State Street

***** IMPORTANT DEVELOPMENT NOTICE *****

PUBLIC HEARING - Amending Article 22-5-3(A) and the zoning map of the City of Orem by rezoning approximately 1.06 acres, Lot 1, of the property located generally at 845 North State Street from the C3 zone to the C2 zone.

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

TROLLA, SUSAN M
3549 LANDINGS DR UNIT H-6
FORT COLLINS, CO 80525

City Council
Tue, Mar 28, 2023
6:00 pm

ADAMS, KRISTA E
172A HOBBLE CREEK CANYON
SPRINGVILLE, UT 84663

UTAH DEPARTMENT OF
TRANSPORTATION
PO BOX 148420
SALT LAKE CITY, UT 84114

MOUNTAIN VIEW INVESTMENT CO
%DELOITTE TAX LLP
PO BOX 2609
CARLSBAD, CA 92018

AFFCU OREM
%ACCOUNTING
PO BOX 3183
OGDEN, UT 84409

IHC HEALTH SERVICES INC
PO BOX 3390
SALT LAKE CITY, UT 84110

FIRST SECURITY BANK OF UTAH
%EPROPERTYTAX INC
PO BOX 4900
SCOTTSDALE, AZ 85261

BENNETT REAL ESTATE HOLDINGS
LLC
PO BOX 50142
PROVO, UT 84605

ZIONS FIRST NATIONAL BANK
%LOCATION: 7473
PO BOX 54288
LEXINGTON, KY 40555

PARKER, KRIS B
PO BOX 567
HEBER CITY, UT 84032

AMERICA FIRST FEDERAL CREDIT
UNION
%ACCOUNTING
PO BOX 9199
OGDEN, UT 84409

EARL HARRIS TRUST B 05-01-1974
THE (ET AL)
%KRICK, ROBERT T
5 FIRST AMERICAN WAY
SANTA ANA, CA 92707

PINEHURST AT 800 NORTH LLC
10 E SOUTH TEMPLE # 900
SALT LAKE CITY, UT 84133

JAMES HAWKES
55 WEST 500 SOUTH
OREM, UT 84058

CENTRAL BANK
%SELF DIRECTED RETIREMENT
SERVICES
75 N UNIVERSITY AVE
PROVO, UT 84601

COMMON AREA
100 E CENTER
PROVO, UT 84604

COMMON AREA
100 E CENTER
PROVO, UT 84606

HELENA KLEINLEIN
103 WEST 2170 SOUTH
OREM, UT 84058

WX4 LLC
112 E 1350 N
BOUNTIFUL, UT 84010

JEFF LAMBSON
156 E 1060 N
OREM, UT 84057

PENNOCK INVESTMENTS LLC
160 S 1140 E
LONDON, UT 84042

DAVE YOUNG
173 S COUNTRYSIDE LANE
OREM, UT 84058

PLAZA 880 LIMITED
--OR CURRENT RESIDENT--
188 W 800 NORTH
OREM, UT 84057

PENNOCK INVESTMENTS LLC
--OR CURRENT RESIDENT--
245 W 990 NORTH
OREM, UT 84057

NEW STARR LLC
253 S OREM BLVD
OREM, UT 84058

LANAE MILLETT
288 W 1500 N
OREM, UT 84057

DF ADAMS 300 LLC
--OR CURRENT RESIDENT--
300 W 800 NORTH
OREM, UT 84057

UTAH COMMUNITY FEDERAL
CREDIT UNION
--OR CURRENT RESIDENT--
305 W 800 NORTH
OREM, UT 84057

NOBLE AMERICAN PROPERTY LLC
%NAZIR, ZAHID
313 E FAIRMONT HILL CT
DRAPER, UT 84020

DODGE, DONALD A & LINDA N (ET
AL)
--OR CURRENT RESIDENT--
336 W 920 NORTH
OREM, UT 84057

DODGE, DONALD A & LINDA N (ET
AL)
--OR CURRENT RESIDENT--
344 W 920 NORTH
OREM, UT 84057

MARTIN PROPERTIES LC
%PETERSON, SCOTT
360 W 920 N
OREM, UT 84057

UTAH COMMUNITY FEDERAL
CREDIT UNION
%ACCOUNTING/FACILITIES
360 W 4800 N
PROVO, UT 84604

ADAMS, KRISTA E
--OR CURRENT RESIDENT--
365 W 800 NORTH
OREM, UT 84057

LOLLIPOPSOREM LLC
--OR CURRENT RESIDENT--
380 W 920 NORTH
OREM, UT 84057

ROGER L FARLEY PROPERTIES LLC
390 W 920 N
OREM, UT 84057

KMR PROPERTIES LC
--OR CURRENT RESIDENT--
398 W 800 NORTH
OREM, UT 84057

EARL HARRIS TRUST B 05-01-1974
THE (ET AL)
--OR CURRENT RESIDENT--
406 W 800 NORTH
OREM, UT 84057

BENNETT REAL ESTATE HOLDINGS
LLC
--OR CURRENT RESIDENT--
408 W 800 NORTH UNIT#201
OREM, UT 84057

BENNETT REAL ESTATE HOLDINGS
LLC
--OR CURRENT RESIDENT--
408 W 800 NORTH UNIT#202
OREM, UT 84057

IHC HEALTH SERVICES INC
--OR CURRENT RESIDENT--
410 W 800 NORTH
OREM, UT 84057

IHC HEALTH SERVICES INC
--OR CURRENT RESIDENT--
412 W 800 NORTH
OREM, UT 84057

NOBLE AMERICAN PROPERTY LLC
--OR CURRENT RESIDENT--
414 W 800 NORTH
OREM, UT 84057

MILLER, CORY N & JANICE Y
414 W 920 N
OREM, UT 84057

TD DEVELOPMENT LLC
415 E 1550 N
OREM, UT 84097

SM WASHBURN LLC
415 W 800 N
OREM, UT 84057

WX4 LLC
--OR CURRENT RESIDENT--
416 W 800 NORTH
OREM, UT 84057

REDMOND INVESTMENT
PROPERTIES LC
--OR CURRENT RESIDENT--
418 W 800 NORTH
OREM, UT 84057

BEKKER, L DEMOYNE & PEARL ANN
(ET AL)
419 W 1000 N
OREM, UT 84057

REDMOND INVESTMENT
PROPERTIES LC
--OR CURRENT RESIDENT--
420 W 800 NORTH
OREM, UT 84057

NOBLE AMERICAN PROPERTY LLC
--OR CURRENT RESIDENT--
422 W 800 NORTH
OREM, UT 84057

TOP PROPERTY INVESTMENTS LLC
--OR CURRENT RESIDENT--
426 W 800 NORTH
OREM, UT 84057

BARBAKOS, CHRIS C & LORI
426 W 920 N
OREM, UT 84057

PET URGENT CARE LLC
428 W 800 N
OREM, UT 84057

PETERSEN, MARLO & SUSAN D
429 W 1000 N
OREM, UT 84057

JOHNSON, PATRICIA B
--OR CURRENT RESIDENT--
436 W 800 NORTH
OREM, UT 84057

WARNER, GLEN R & REBECCA S (ET
AL)
438 W 920 N
OREM, UT 84057

DIETER, REBEKAH PAULIENE &
ANDREW ALAN
439 W 1000 N
OREM, UT 84057

PAYNE FAMILY LLC
--OR CURRENT RESIDENT--
440 W 800 NORTH
OREM, UT 84057

PLEASANT VIEW LLC
442 W 800 N
OREM, UT 84057

BEESTON, WILLIAM H & RUBY
444 W 800 N
OREM, UT 84057

CENTRAL BANK
--OR CURRENT RESIDENT--
449 W 1000 NORTH
OREM, UT 84057

HALL, MICHAEL D & MARTHA E
450 W 920 N
OREM, UT 84057

THURMAN, TIMOTHY ROBERT &
JULIE SHEFFIELD
453 W 920 N
OREM, UT 84057

IHC HEALTH SERVICES INC
--OR CURRENT RESIDENT--
458 W 800 NORTH
OREM, UT 84057

ZIONS FIRST NATIONAL BANK
--OR CURRENT RESIDENT--
462 W 800 NORTH
OREM, UT 84057

HEATON, MATTHEW & CAMERON JO
462 W 920 N
OREM, UT 84057

LEONARD, SCOTT & EMILY DANIELS
474 W 920 N
OREM, UT 84057

TROWBRIDGE, JAMES S & KRISTIN D
475 W 920 N
OREM, UT 84057

SHUPE, RYAN & ASHLEY
485 W 920 N
OREM, UT 84057

THOMAS MACDONALD
489 NORTH PALISADES DR
OREM, UT 84097

PLAZA 880 LIMITED
575 E UNIVERSITY PKY STE N2 60
OREM, UT 84097

PLAZA 880 LIMITED
575 E UNIVERSITY PKY STE N260
OREM, UT 84097

DODGE, DONALD A & LINDA N (ET
AL)
577 S 1660 E
PLEASANT GROVE, UT 84062

DEBBY LAURET
641 S 1920 W
OREM, UT 84059

REDMOND INVESTMENT
PROPERTIES LC
%CLARK, BRIAN
651 W 1250 S
HEBER CITY, UT 84032

MADELINE KOMEN
653 W. 1360 NORTH
OREM, UT 84057

TORRES AUTOMOTIVE GROUP LLC
682 N 2770 W
PROVO, UT 84601

OREM PORTFOLIO LLC
--OR CURRENT RESIDENT--
754 N 400 WEST
OREM, UT 84057

OREM PORTFOLIO LLC
--OR CURRENT RESIDENT--
764 N 400 WEST
OREM, UT 84057

JACKSONS FOOD STORES INC
--OR CURRENT RESIDENT--
777 N STATE ST
OREM, UT 84057

MITCHELL, ALEX & NICOLE (ET AL)
780 N 400 W
OREM, UT 84057

TORRES AUTOMOTIVE GROUP LLC
--OR CURRENT RESIDENT--
785 N OREM BLVD
OREM, UT 84057

NITA B PARK FAMILY LC
797 BOWL DR
OREM, UT 84097

KENT F MORGAN FAMILY LLC
815 W 1560 S
PROVO, UT 84601

MOUNTAIN VIEW INVESTMENT CO
--OR CURRENT RESIDENT--
820 N STATE
OREM, UT 84057

PERUCCA, GERALD N & JOANNE K
%PERUCCA, MIKE
821 W 2225 S
SYRACUSE, UT 84075

LOLLIPOPSOREM LLC
821 W ACADEMY DR
SPANISH FORK, UT 84660

PLAZA 880 LIMITED
--OR CURRENT RESIDENT--
822 N STATE ST
OREM, UT 84057

PLAZA 880 LIMITED
--OR CURRENT RESIDENT--
830 N STATE ST
OREM, UT 84057

STORMRIDER LLC
840 PINNACLE CT # 202
MESQUITE, NV 89027

AFFCU OREM
--OR CURRENT RESIDENT--
851 N STATE ST
OREM, UT 84057

PLAZA 880 LIMITED
--OR CURRENT RESIDENT--
880 N STATE ST
OREM, UT 84057

PLAZA 880 LIMITED
--OR CURRENT RESIDENT--
884 N STATE ST
OREM, UT 84057

MANWELL, ANNA L (ET AL)
898 N 425 W
OREM, UT 84057

DAVID SPENCER
899 NORTH 550 EAST
OREM, UT 84097

HUFFAKER, JAMES & SARAH
903 N 425 W
OREM, UT 84057

CHAVEZ, FEDERICO LOPEZ
904 N 425 W
OREM, UT 84057

MURRAY LOW
904 S. 725 WEST
OREM, UT 84058

PLAZA 880 LIMITED
--OR CURRENT RESIDENT--
910 N STATE ST
OREM, UT 84057

ROMERO, RENE & BEATRIZ M
--OR CURRENT RESIDENT--
915 N 425 WEST
OREM, UT 84057

TROLLA, SUSAN M
--OR CURRENT RESIDENT--
916 N 425 WEST
OREM, UT 84057

SJK OREM LLC
925 N STATE ST
OREM, UT 84057

SIERRA VISTA PLAZA LLC
--OR CURRENT RESIDENT--
932 N STATE ST UNIT# 2
OREM, UT 84057

SIERRA VISTA PLAZA LLC
--OR CURRENT RESIDENT--
932 N STATE ST UNIT# 3
OREM, UT 84057

PERUCCA, GERALD N & JOANNE K
--OR CURRENT RESIDENT--
932 N STATE ST UNIT# 4
OREM, UT 84057

SIERRA VISTA PLAZA LLC
--OR CURRENT RESIDENT--
934 N STATE ST
OREM, UT 84057

PARKER, KRIS B
--OR CURRENT RESIDENT--
948 N STATE
OREM, UT 84057

YEN, CHEN HUAN & MEI MIN LIU (ET AL)
963 N STATE ST
OREM, UT 84057

READ, RICHARD M
965 N 400 W
OREM, UT 84057

MAINWOOD, DANIEL ROBERT &
SYDNEY R
966 N 400 W
OREM, UT 84057

RESIDENCES AT MONTE VISTA LLC
978 E WOODOAK LA
SALT LAKE CITY, UT 84117

DICKSON, DARNELL & BARBARA
982 N 400 W
OREM, UT 84057

TD DEVELOPMENT LLC
--OR CURRENT RESIDENT--
983 N STATE ST
OREM, UT 84057

BSAMPSON HOLDINGS LLC
986 N STATE
OREM, UT 84057

GERALD CRISMON
1069 S. 545 EAST
OREM, UT 84097

TERRY PETERSON
1125 LYNNWOOD DRIVE
OREM, UT 84097

HAYSAM SAKAR
1194 E. 1090 NORTH
OREM, UT 84097

PAYNE FAMILY LLC
1199 E 1130 N
OREM, UT 84097

COOL HEAD PROPERTIES LLC
1255 E 10 S
LINDON, UT 84042

OREM PORTFOLIO LLC
1300 K ST
MODESTO, CA 95354

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

MIKE CARPENTER
1734 NORTH 350 WEST
OREM, UT 84057

JOHNSON, PATRICIA B
1842 S LAGUNA VISTA DR
OREM, UT 84058

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

SIERRA VISTA PLAZA LLC
2360 MENDOCINO AVE A2-352
SANTA ROSA, CA 95403

JACKSONS FOOD STORES INC
3450 E COMMERCIAL CT
MERIDIAN, ID 83642

TROLLA, SUSAN M
3549 LANDINGS DR UNIT H-6
FORT COLLINS, CO 80525

DF ADAMS 300 LLC
3889 GRINDSTONE DR
SPRINGVILLE, UT 84663

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

UTAH DEPARTMENT OF
TRANSPORTATION
4501 S 2700 W
SALT LAKE CITY, UT 84119

UDOT
4501 S 2700 W
WEST VALLEY CITY, UT 84119

DEE REAL ESTATE GROUP LLC
7444 S PAISLEY WAY
WEST JORDAN, UT 84084

TOP PROPERTY INVESTMENTS LLC
10136 N MYSTIC DR
HIGHLAND, UT 84003

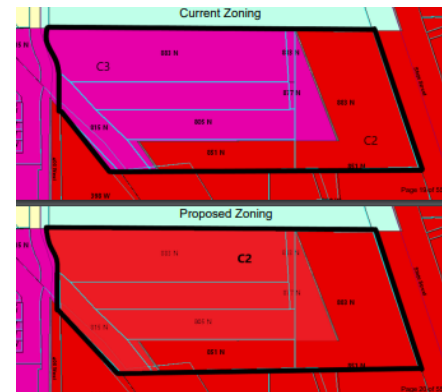
Agenda Item 3.2: [\(click here for recording\)](#)

PUBLIC HEARING – REZONE – Amending Section 22-5-3(A) and the zoning map of the City of Orem by changing the zone of approximately 4.86 acres from the C3 zone to the C2 zone located generally at 877 North State Street.

Staff Presentation:

There is a large parcel of vacant land at approximately 877 North State Street. The smaller parcel that fronts State Street is in the C2 zone. The larger parcel that front 400 West are in the C3 zone. The applicant would like it all to be one zone, the C2 zone. The total acreage is 7.10 acres and the applicant would like to rezone approximately 4.86 acres from the C3 zone to the C2 zone. (22-1-5)

As this entire piece of property is owned by one developer, it is difficult to deal with two different zones. The new commercial projects will be tied together with through access from State Street to 400 West. Having the entire property be one zone will make it easier to work the entire piece of property as one development.



This request is for the rezone only, not the preliminary and final plat. If the City Council approves the rezone application, the applicant will need to apply for a preliminary and final plat. However, a concept plan is provided to show potential development including the access from State Street to 400 West. (17-4-5)

Recommendation:

Staff recommends that the Planning Commission forward positive a recommendation to the City Council to amend Section 22-5-3(A) and the zoning map of the City of Orem by changing the zone of approximately 4.86 acres from the C3 zone to the C2 zone located generally at 877 North State Street.

Chair Komen asked the applicant to come forward.

Matt Neilson came forward. Mr. Neilson explained what is envisioned for this project.

Discussion was held pertaining to how the property will be platted and how long along they are with users for the property.

Discussion surrounding if the applicant is open to other options than what is currently presented.

Chair Komen opened the public hearing. When no one came forward, Chair Komen closed the public hearing.

Discussion was held among Planning Commission members regarding the rezone.

Chair Komen invited the applicant to come forward again.

Mr. Neilson came forward, and explained what the main concerns were that were presented at the neighborhood meeting. Planning Commission members expressed concern regarding that the concept plan is not binding.

Discussion held surrounding the need for changing from C3 to C2, pertaining to what difference it would make to change the zone.

Chair Komen called for a motion on this item.

Planning Commission Action:

Mr. Hawkes move to forward a positive recommendation to the City Council to amend Section 22-5-3(A) and the zoning map of the City of Orem by changing the zone of approximately 1.06 acres from the C3 zone to the C2 zone, as shown in Lot 1 on the preliminary plat, and to continue the rezone request on the remaining 3.80 acres to allow the applicant additional time to show the proposed layout of the remaining property. Mr. Low seconded the motion. Those voting aye: Gerald Crismon, James Hawkes, Madeline Komen, Murray Low, Mike Carpenter and Haysam Sakar. The motion passed unanimously.

DRAFT

ORDINANCE NO. _____

AN ORDINANCE BY THE OREM CITY COUNCIL AMENDING SECTION 22-5-3(A) AND THE ZONING MAP OF THE CITY OF OREM BY CHANGING THE ZONE OF APPROXIMATELY .27 ACRES LOCATED GENERALLY AT 845 NORTH STATE STREET FROM THE C3 ZONE TO THE C2 ZONE

WHEREAS on December 19, 2022, Jeremy Weber, of Evergreen Devco, Inc., filed an application with the City of Orem to amend Section 22-5-3(A) and the zoning map of the City of Orem by changing the zone of approximately .27 acres of property located generally at 845 North State Street from the C3 zone to the C2 zone; and

WHEREAS a public hearing considering the subject application was held by the Planning Commission on March 15, 2023; and

WHEREAS public hearing notices were mailed to one hundred thirty-three (133) residents within five hundred (500) feet of the property; and

WHEREAS a public hearing considering the subject application was held by the City Council on March 28, 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; the orderly development of land in the City; the effect upon surrounding neighborhoods; the compliance of the request with all applicable City ordinances; 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 this request is in the best interest of the City.
2. The City Council hereby amends Section 22-5-3(A) and the zoning map of the City of Orem by changing the zone of approximately .27 acres located generally at 845 North State Street and as shown in Lot 1 of the attached preliminary plat, from the C3 zone to the C2 zone, 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.

DRAFT

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

PASSED, APPROVED, and ORDERED PUBLISHED this 28th day of **March 2023**.

David A. Young, Mayor

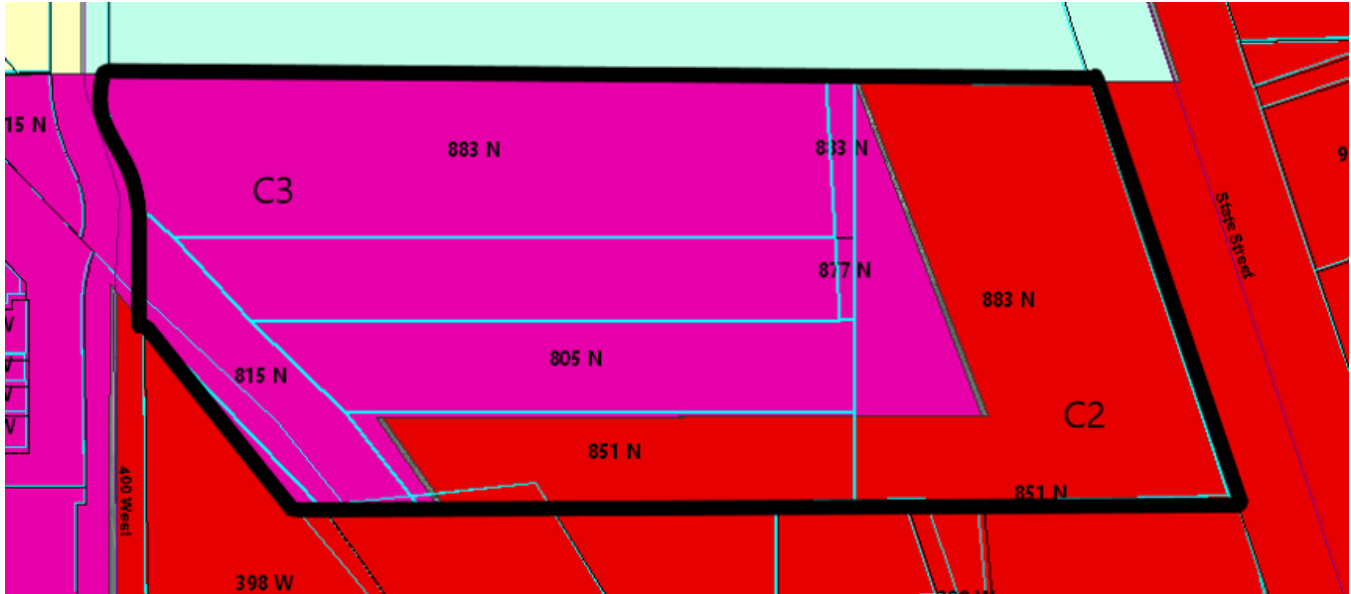
ATTEST:

Teresa McKittrick, City Recorder

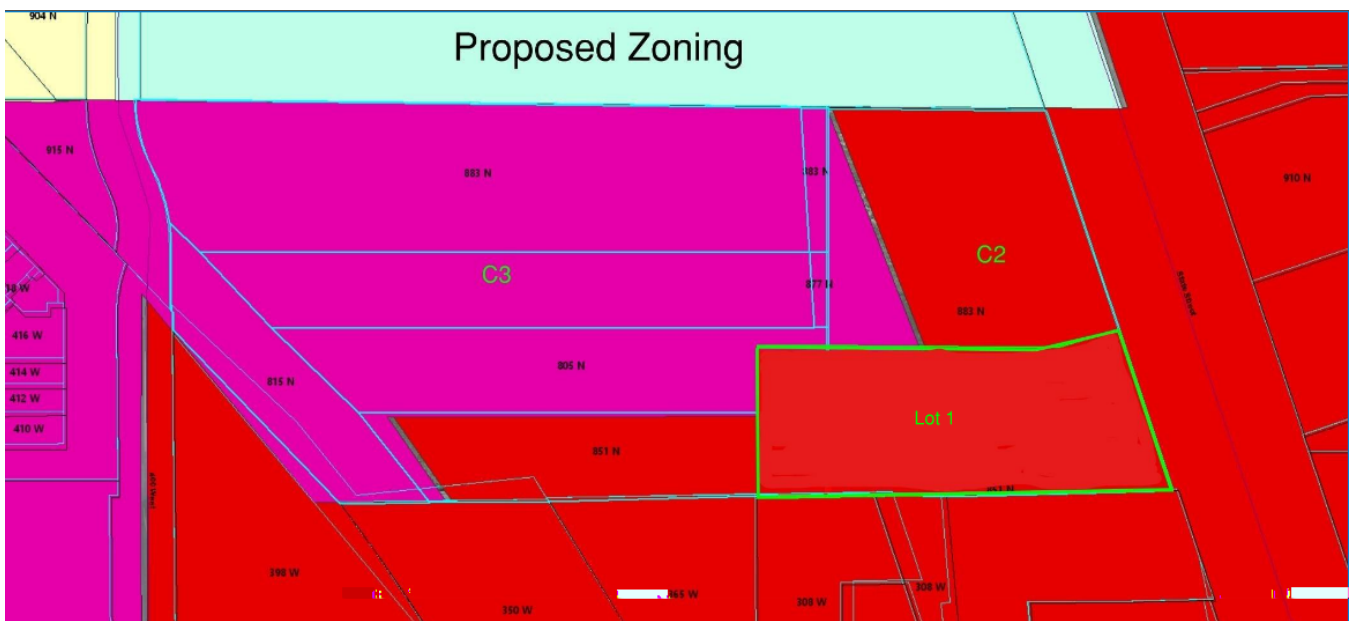
COUNCILMEMBER	AYE	NAY	ABSTAIN
Mayor David A. Young	☐	☐	☐
Jeff Lambson	☐	☐	☐
Debby Lauret	☐	☐	☐
Tom Macdonald	☐	☐	☐
LaNae Millett	☐	☐	☐
Terry Peterson	☐	☐	☐
David Spencer	☐	☐	☐

DRAFT

EXHIBIT A Existing Zoning



Proposed Zoning



RESOLUTION NO. _____

A RESOLUTION OF THE OREM CITY COUNCIL AMENDING THE CITY COUNCIL
MEETING POLICIES AND PROCEDURES (RULES OF ORDER)

WHEREAS Utah Code Section 10-3-606 provides that a municipal legislative body shall adopt rules of order and procedure to govern public meetings of the legislative body; and

WHEREAS the Orem City Council has previously adopted policies and procedures governing the conduct of City Council meetings; and

WHEREAS the City Council periodically reviews its policies and procedures to comply with state law and to consider amendments that help facilitate efficient and orderly public meetings; and

WHEREAS the City Council desires to make certain amendments to its meeting policies and procedures.

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

1. The City Council hereby adopts the proposed amendments to the City Council Meeting Policies and Procedures (including changing the title to “City Council Meeting Rules of Order”) as 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 28th day of March, 2023.

David A. Young, Mayor

ATTEST:

Teresa McKittrick, 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 COUNCIL MEETING
~~POLICIES AND PROCEDURES~~RULES OF ORDER

1. PURPOSE

- 1.1 ~~Meeting Policies and Procedures:~~ These Meeting ~~policies and procedures~~Rules of Order of the City Council of the City of Orem are intended to establish rules of order and procedure to govern a public meeting of the City Council.~~for the government of the City Council, the preservation of order, and the orderly transaction of City Council business.~~

2. AUTHORITY

- 2.1 2.1 Utah Code Annotated Section 10-3-606, titled "Rules of order and procedure" provides that a municipal legislative body shall:

2.1.1 adopt rules of order and procedure to govern a public meeting of the legislative body;

2.1.2 conduct a public meeting in accordance with the rules of order and procedure adopted; and

2.1.3 make the rules of order and procedure available to the public at each meeting of the municipal legislative body; and on the municipality's public website.

- 2.2 City Code: Orem City Code Section 2-4-5 provides that "The City Council may adopt rules and procedures for the efficient and fair functioning of its meetings. Failure to adhere to any adopted rules and procedures shall not invalidate an otherwise valid action of the Council. The rules and procedures are adopted solely to provide a guideline for parliamentary procedure, to promote fairness, and to expedite matters before the Council. The rules and procedures are not intended to hinder business or to impose undue artificiality in the meeting." The City of Orem Code provides that the Council may determine its own procedure policies. These policies shall be in effect until such time as they are amended or new policies are adopted by the City Council. Portions of these policies may be temporarily suspended or amended pursuant to executive orders or emergency proclamations made during a declared emergency. In case of conflict between State law and these policies, State law shall prevail. Failure to follow these policies does not invalidate an otherwise valid City Council action.

- 2.3 Effective Date; Conflict with State Law: These Rules of Order shall be in effect until such time as they are amended or new Rules of Order are adopted by the City Council. Portions of these Rules of Order may be temporarily suspended or amended pursuant to executive orders or emergency proclamations made during a declared emergency. In case of conflict between the State law and these Rules of Order, State law shall prevail. Failure to follow these Rules of Order does not invalidate an otherwise valid Council action.

3. GENERAL RULES

- 3.1 Public Meetings: All official meetings of the Council (except where State or local law allows for closed sessions) shall be open to the public.
- 3.2 Location: The location of all regular, special, emergency, and work session meetings, unless publicly noticed differently, shall be in the Council Chambers or the Council Conference Room in the Orem City Center, 56 North State Street, Orem, Utah.
- 3.3 Quorum: Four members of the Council shall constitute a quorum. A minimum of four votes shall be necessary to take any action, except where more or fewer votes are required by these Rules of Order, State law or Orem City Code~~Section 7.2, or fewer votes are required pursuant to State law.~~
- 3.4 Recognition by the Mayor: All Council members, staff, and individuals from the general public shall be recognized by the Mayor before addressing the Council on any issue.
- 3.5 Minutes: The City Recorder shall prepare minutes of each City Council meeting and the City Council shall review and approve minutes of each City Council meeting as set forth in State law.
- 3.6. Meeting Agendas: The City Manager shall set a meeting agenda in advance of each City Council meeting. The following items shall be included in the meeting agenda:

3.6.1A.—Items requiring City Council review or approval pursuant to an application process set forth in City ordinance or State law.

3.6.2B.—Items brought forth by City staff and approved by the City Manager that require City Council review or approval.

3.6.3C.—Items requested by the concurrence of at least four Council members.

3.7 Three Month Tentative Calendar: The City Manager is encouraged to provide a tentative calendar of City Council meetings for the upcoming three months which contains the agenda items that are tentatively scheduled to be considered at each such meeting. The tentative calendar should be updated at least monthly.

3.8 Cancellation and/or Rescheduling of Meetings: Any regular meeting may be canceled or rescheduled at the request of four City Council Members or upon notice that four or more Council Members are unable to attend the meeting. The City Recorder shall ensure that any cancellation, alternate date/time or alternate location is published on the City's website or other generally accepted medium, as designated by city ordinance or State Law.

4. TYPES OF MEETINGS

- 4.1 Regular Meetings: The Council shall meet in accordance with the annual meeting schedule as approved or as amended.
- 4.2 Special Meetings: Special City Council meetings may be called with the consent of at least four members of the Council.

- 4.3 Emergency Meetings: Emergency Meetings may be called by the Mayor or by a request of at least four members of the Council to consider matters of an emergency or otherwise urgent nature. The best practicable public notice shall be given for an Emergency Meeting.
- 4.4 Closed ~~Door~~ Meetings: The Council may adjourn to a Closed ~~Door~~ Meeting to discuss topics provided for under State law. Adjournment to a Closed ~~Door~~ Mmeeting requires a two-thirds vote of the Council members present.
- 4.5 Work Sessions: The Council may meet informally in Work Sessions (open to the public) to review and discuss upcoming agenda items, to review City programs, to receive progress reports on current programs or projects, and to discuss policy issues. No final vote may be taken in a Work Session, although the Council may give general direction to staff regarding items not requiring a vote or items that will be brought back later for a formal vote.
- 4.6 Retreats: The Council may meet informally in Retreats (open to the public) to discuss a variety of issues facing the City. While broad general direction may be given, no final vote may be taken in a Retreat.
- 4.7 Electronic Meetings: The City Council may conduct electronic meetings where one or more of its members participate by means of a telephonic or telecommunications conference pursuant to Section 52-4-207 of the Utah Code. If the Mayor determines in writing that meeting with an anchor location presents a substantial risk to the health and safety of those who may be present at the anchor location, all requirements related to anchor locations listed below shall be waived and the City Council may conduct an electronic meeting without an anchor location pursuant to State law and subsection 4.7.~~11(K)~~.
- ~~4.7.1A.~~—Members so participating shall be considered present at the meeting for all purposes, and shall be afforded every opportunity to participate in the discussion of the items on the agenda and cast their vote on issues coming to the Council for a vote.
- ~~4.7.2B.~~ The anchor location as described in State law shall be the Orem City Council Chambers or the Council Conference room located in the City Center at 56 N. State Street in Orem.
- ~~C.4.7.3~~ Public notice of the electronic meeting shall be given pursuant to Section 52-4-207 of the Utah Code by:
- ~~4.7.3.1~~ Posting written notice at the anchor location;
1. ~~4.7.3.2~~ Posting notice on the Utah Public Notice Website; and
- ~~3.~~—~~4.7.3.3~~ Providing written or electronic notice to (a) at least one newspaper of general circulation within the state; or (b) a local media correspondent.
- ~~4.7.4 D.~~ In addition to giving public notice as described above, the City shall provide notice of the electronic meeting to the members of the City Council at least 24 hours before the meeting so that they may participate in the meeting and be counted as present for all purposes, including the determination

that a quorum is present. All notices to the City Council shall include a statement that one or more members of the City Council will be participating electronically, a description of how the member(s) so participating will be connected to the electronic meeting, and the regularly published agenda for that meeting.

~~E.4.7.5~~ No council meeting may be held electronically unless at least one Council member is present at the anchor location. The meeting shall be conducted from the anchor location by the mayor or the mayor pro tem. However, if neither the mayor nor the mayor pro tem is present at the anchor location, the Council shall select from its membership at the anchor location a mayor pro tem for the sole purpose of conducting the electronic meeting.

~~4.7.6F.~~—Immediately prior to opening the meeting, the mayor or mayor pro tem shall communicate with the person who is participating electronically and ensure that he or she is prepared to go forward. From that time forward until the adjournment of the meeting, the communication line shall be kept open, unless the council member participating electronically wishes to withdraw from the meeting.

~~4.7.7G.~~—If a council member who participates electronically withdraws from the meeting, the rest of the meeting agenda may be completed provided there is still a quorum of the council present at the anchor location or there are sufficient other council members participating electronically to comprise a quorum with those at the anchor location.

~~4.7.8H.~~—The public may attend and monitor the open portions of the meeting at the anchor location, and may participate in all public hearings to the same extent normally allowed.

~~4.7.9I.~~—Prior to taking a vote on any issue, the mayor or mayor pro tem shall inquire of the council member participating electronically if he or she has been able to adequately monitor the discussion, including comments from the public, and shall allow that member the opportunity to make any comments he or she desires.

~~4.7.10J.~~—The minutes of the meeting shall designate the name of each Council member who participated electronically, the nature of the electronic communication, and the duration of the council member's participation.

~~4.7.11K.~~—As provided in Utah Code Section 52-4-202 (as amended), the City Council may convene and conduct an electronic meeting without an anchor location if the Mayor (1) makes a written determination that conducting the meeting with an anchor location presents a substantial risk to the health and safety of those who may be present at the anchor location; (2) states in the written determination the facts upon which the determination is based; (3) includes in the public notice for the meeting, and reads at the beginning of the meeting, the information described in (1) and (2); and (4) includes in the public notice information on how a member of the public may view or make a comment at the meeting. For City Council meetings held without an anchor location, the City shall provide means by which the public may hear, or view

and hear, the open portions of the meeting and shall provide a means by which members of the public may provide comments by electronic means to the public body.

5. ORDER OF BUSINESS

5.1 Work Session (Premeeting): The general rule for the order of business in work sessions (premeetings) shall be as follows:

- A. DISCUSSION ITEMS, REPORTS and UPDATES – items scheduled for discussion or review by the City Council
- B. AGENDA REVIEW and PREVIEW OF UPCOMING AGENDA ITEMS– the City Council will review items on that night’s regular City Council agenda and items scheduled for future City Council meeting agendas.
- C. CITY COUNCIL NEW BUSINESS
- D. CITY COUNCIL REPORTS – opportunity for City Council members to report on assignments, raise issues or concerns, or provide information.

5.2 Regular and Special Meetings: The general rule for the order of business in regular and special meetings shall be as follows:

- A. CALL TO ORDER - by the Mayor
- B. INVOCATION/INSPIRATIONAL THOUGHT - as designated by the Mayor
- C. PLEDGE OF ALLEGIANCE - as designated by Mayor
- D. MAYOR'S REPORT/ITEMS REFERRED BY COUNCIL - May include any of the following:
 - 1. Presentations and Commendations.
 - 2. Appointments to Boards and Commissions.
 - 3. Announcements.
 - 4. Upcoming Community Events.
 - 5. Upcoming Agenda Items.
 - 6. Reports by Council members on assignments.
 - 7. Recognition and Walter C. Orem Award.
 - 8. Reports.
 - 9. Proclamations.

Generally, these items do not require formal Council action. The exceptions are proclamations and appointments to boards and commissions. Appointments are recommended by the Mayor with the advice and consent of the City Council. City proclamations are approved by the Council.

- E. CITY MANAGER APPOINTMENTS - The City Manager appoints members of the ~~Planning Commission~~, Board of Adjustment, and Board of Building and Fire Code Appeals with the advice and consent of the City Council.
- F. PERSONAL APPEARANCES - Time is 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 should sign in before the beginning of the meeting. No formal action is taken on items brought up during personal appearances, but the Council may direct staff to follow-up on an item raised during personal appearances and/or schedule the item for formal action at a future City Council meeting. Individual comments during personal appearances should be limited to three minutes unless otherwise set by the Mayor.
- G. CONSENT ITEMS - Items that have been previously reviewed by the Council, items that have previously received a preliminary approval by the Council and other items that are fairly routine but require final approval by the Council. Upon request by any Member of the City Council, the Mayor shall move a Consent Item to the Scheduled Items.
- H. SCHEDULED ITEMS - Items that the Council may wish to discuss or for which members of the public may wish to respond or for which a presentation would be made.

Scheduled items may include the following:

1. Formal Items - ordinances, resolutions, agreements and other obligations of the City that must be approved by at least four affirmative votes.
 2. Discussion Items - Policy, procedural or other legislative or consensus building deliberations which do not include a formal action by the Council, but may include direction given to staff for future formal consideration.
 3. Presentation Items - Informational presentations which do not require formal Council action but may include direction given to staff for future formal consideration.
 4. Report Items - Final reports or updates of current programs by staff members or other representatives which do not require formal action by the Council.
- I. COMMUNICATION ITEMS - Items received by the Mayor, any Councilmember, or the City Manager which are intended for the entire Council. Action or discussion on the communication item may take place if the Council desires.
 - J. 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.
 - K. ADJOURNMENT - A motion to adjourn requires a second and at least four affirmative votes.

5.3 Emergency Meetings: The general rule as to the order of business in emergency meetings shall be as follows:

- A. Call to order - by the Mayor
- B. Invocation/Inspirational Thought
- C. Meeting Items
- D. Adjournment

5.4 Work Sessions: In order to not interfere with regularly scheduled City Council meetings, work sessions will generally be held at specifically scheduled dates and times set by the City Council as it deems necessary. Work Sessions may be held as part of a regularly scheduled meeting when there is a short agenda and the work session may be held at the end of the agenda.

5.5 Retreats: Off-site retreats will be scheduled by the Council as it deems necessary.

6. PRESIDING OFFICER AND DUTIES

6.1 Mayor as the Presiding Officer: The Mayor, if present, shall act as Presiding Officer at all meetings of the Council. In the absence of the Mayor, the Mayor Pro Tem shall preside. In the absence of both the Mayor and the Mayor Pro Tem, the Council shall elect a temporary Mayor Pro Tem who will then preside at that meeting.

6.2 Call to Order: Meetings of the Council shall be called to order by the Mayor or, in the Mayor's absence, by the Mayor Pro Tem. In the absence of both the Mayor and the Mayor Pro Tem, the meeting shall be called to order by the City Manager for the election of a temporary Mayor Pro Tem.

6.3 Preservation of Order: The Mayor shall preserve order and decorum; prevent attacks on personalities or the impugning of member's motives; and confine debate to the question under discussion.

6.4 Points of Order: The Mayor shall determine all points of order.

6.5 Time Limits: The Mayor shall have the power to set time limits on input and discussions at the Mayor's discretion.

6.6 Substitution for Mayor: The Mayor may call upon the Mayor Pro Tem, or in the absence of the Mayor Pro Tem, upon any other member of the Council to temporarily preside at the meeting in order to cover the recusal or other temporary absence of the Mayor.

6.7 Motion to be Clear: The Mayor shall ensure that all motions submitted for a vote are clearly understood by the Council.

6.8 Call for Vote: The Mayor shall call for a vote. The vote shall be a roll call vote when required by State law or City ordinance. The Mayor shall announce the result of the vote.

7. TYPES OF MOTIONS AND RECONSIDERATION

- 7.1 Motions Require a Second: All motions require a second before they can be discussed or acted upon.
- 7.2 Motions Requiring a Two-thirds Vote: The following motions require a two-thirds vote:~~Motions to hire the City Manager or expel a member of the Council or the public shall require a motion, a second, and a two-thirds vote of the Council. A motion to adjourn to a closed door meeting shall require a motion, a second, and a two-thirds vote of the Council members present.~~
- 7.2.1 To hire the City Manager (two-thirds vote of the full membership of the City Council);
- 7.2.2 To expel a member of the Council or a member of the public from a City Council meeting, as set out in Section 11 of these Rules of Order (two-thirds vote of the Members present); and
- 7.2.3 To adjourn to a Closed Meeting (two-thirds vote of the Members present).
- 7.3 Motion to Approve: All motions shall require a second and a minimum of four affirmative votes to be approved.
- 7.4 Motions to Amend: Any motion being considered by the Council may be amended by permission of the maker of the motion and concurrence of the second, or by a motion to amend, a second and at least four affirmative votes.
- 7.5 Motions to Continue: The Council may approve a motion to continue any item for further discussion or consideration. Public Hearings and Show Cause Hearings must be continued to a specific date and time and should not generally be continued beyond forty-five (45) days without resetting and renoticing the hearing.

When the applicant for an agenda item makes a request for continuance, the following policy will be used:

7.5.1A. A request to continue the agenda item will be granted if the applicant makes the request at least seven (7) days in advance of the meeting in which the item was scheduled to be heard. The applicant has the responsibility to notify the affected property owners (those who are required by State law, City ordinance, or City noticing policy to be notified) of the continuance and the date and, if applicable, the time when the item is scheduled to be on the City Council agenda.

7.5.2B. If the request is made less than seven (7) days in advance of the meeting in which the item was scheduled to be heard, the Mayor and the Mayor Pro Tem, or their designees, will determine whether or not there is a sufficient reason to continue the item.

7.5.2.1- If the Mayor and Mayor Pro Tem, or their designees, determine that there is not sufficient reason, the item will remain on the agenda and be considered by the City Council.

7.5.2.2- If the Mayor and Mayor Pro Tem, or their designees, determine that there is sufficient reason to continue the item to a future agenda, staff will notify the applicant of the decision. During the meeting for

which the item was scheduled to be heard, the City Council, by motion, will select the date, and if applicable, the time to which the item is to be rescheduled.

_____The applicant shall have the responsibility to notify the affected residents (those who are required by City ordinance or policy to be notified) of the continuance and the date and, if applicable, the time when the item is scheduled to be on the City Council agenda.

~~7.5.3C.~~ If the applicant requests a continuation during the meeting for which the item is scheduled, the City Council will make the determination if there is sufficient reason to continue the item to a later date.

~~7.5.4D.~~ If the applicant requests a continuation and it is determined that there is not sufficient reason to continue the item, and the applicant withdraws the application in lieu of proceeding, the application will not be considered by the City Council until the applicant files a new application and pays the required fees. The new application must follow the same process as any new application.

7.6 Motions to Table: The Council may table an issue, without scheduling it for future consideration, with a motion, second and four affirmative votes.

7.7 Motions which do not receive at least four votes on either side: Motions which do not receive at least four votes for or against the proposition being voted upon are not approved and have the effect of being denied. However, the applicant or any council member may request that the item be brought back to the Council at a subsequent meeting to be decided by sufficient members to get four votes one way or the other. The subsequent action is not considered a reconsideration.

7.8 Motions to Reconsider a Decision: Any two Council members who voted in the majority on a motion approved or denied may request a reconsideration of the action.

The request must be made by making a motion to reconsider at the same meeting in which the original motion was approved or denied or by requesting within seven days of that meeting that there be a motion to reconsider heard at the next regularly scheduled council meeting. If a properly made motion to reconsider passes, the actual reconsideration of the item shall take place only after appropriate legal notice is given.

After a motion for reconsideration has been acted on, no other motion for reconsideration on that issue shall be allowed within a twelve (12) month period without unanimous consent of the entire Council. Following the twelve (12) months, the item may be considered as a new item.

7.9 Question on the Motion: After a motion and a second, any member of the Council may call for a question on the motion. Once a question has been called, the Mayor shall call for a vote to determine if the Council wishes to terminate discussion on the item. Unless at least four (4) members of the Council vote to terminate discussion, discussion will continue until another "Question on the Motion" or until the Council is ready to vote. If at least four (4) members of the Council vote to terminate

discussion, the Council shall then vote on the original motion. The Mayor shall make sure that the original motion is clear before calling for a vote on the motion.

8. ORDINANCES, RESOLUTIONS, and AGREEMENTS

- 8.1 Ordinances: The City Council may pass a law to regulate, require, prohibit, govern, control, or supervise any activity, business, conduct, or condition as allowed by State law. Ordinances are generally passed as part of the City Code.
- 8.2 Resolutions: The Council may express a formal opinion or the will of the Council without it becoming a part of the City Code. A resolution may be used to do any of the following:
- A. Adopt official policies.
 - B. Approve requests or grant permits relating to the development of property.
 - C. Take official action relating to financial matters.
 - D. Take any administrative action which the Council is authorized by law to take.
 - E. Regulate the use and operation of municipal property.
 - F. Make an official declaration.
- 8.3 Agreements: The Council may enter into an agreement between the City and one or more parties agreeing to do or not to do an act or take a course of action.
- 8.4 Form: Ordinances, Resolutions, and Agreements shall be in written form, approved by the City Attorney.
- 8.5 Funding: All Ordinances, Resolutions, and Agreements authorizing an expenditure of money shall include the amount and purpose of the expenditure.
- 8.6 Adoption of Ordinance, Resolution, or Agreement: The City Council shall adopt any Ordinance, Resolution, or Agreement by a motion, second and at least four affirmative votes.
- 8.7 Effective date of Ordinances: The effective date of all Ordinances shall be after publication or posting as required by State law. The effective date of Resolutions shall be immediately upon passage unless the City Council establishes a specific effective date.
- 8.8 Effective date of Agreements: The effective date on all Agreements shall be the date specified in the Agreement, unless another effective date is established by the City Council at the time the City Council approves the Agreement.
- ~~The effective date of all Ordinances shall be after publication or posting as required by State law. The effective date of Resolutions shall be immediately upon passage unless the City Council establishes a specific effective date.~~

~~The effective date on all Agreements shall be the date specified in the Agreement, unless another effective date is established by the City Council at the time the City Council approves the Agreement.~~

9. CREATION OF COMMITTEES, BOARDS, AND COMMISSIONS

- 9.1 Citizen Committees, Boards and Commissions: The City Council may create policy advisory committees, boards, and commissions with such duties as the Council may specify which are not inconsistent with the City Code and law.
- 9.2 Member Approval: The members of the policy advisory committees, boards, and commissions are nominated by the Mayor, or, in limited instances, by the City Manager, and then approved by the City Council.
- 9.3 Ad-hoc Citizen Committees: The Mayor, with the advice and consent of the City Council, may appoint Ad-hoc Citizen Committees to address policy issues of specific concern. Ad-hoc Committees shall continue for a temporary and limited duration.

10. PUBLIC HEARINGS

- 10.1 Purpose of Public Hearings: The purpose of public hearings is to provide for public input to the City Council on issues on a specific day and time in order for the City Council to be better informed prior to making a decision on the issue.

- 10.2 Before the Public Hearing:

~~10.2.1A-~~ Notification should be given in compliance with State and local law.

~~10.2.2B-~~ Written material submitted by citizens and interested groups must be submitted by 12:00 Noon of the Thursday before the hearing if they want copies to be distributed in the agenda packets. Citizens and interested groups may distribute copies of materials to the City Council at any time.

- 10.3 Order of Public Hearings:

~~10.3.1A-~~ The Mayor shall conduct all Public Hearings. The Mayor should review the rules and procedures for conducting public hearings at the start of the public hearing.

~~10.3.2B-~~ The public hearing shall first be opened to the appropriate staff member who will present and discuss with the Council the issue at hand.

~~10.3.3C-~~ Upon completion of the staff member's report, and questions from the Council, the Mayor may request the applicant to discuss with the Council the issue at hand and present additional or more specific information.

~~10.3.4D-~~ Following the applicant's presentation, and any questions from the Council, the Mayor shall open the hearing to the public. Any person desiring to address the Council shall first be recognized by the Mayor.

~~10.3.5E-~~ The Mayor should courteously limit repetition. The Mayor should retain flexibility for additional comments but only on new information.

~~10.3.6F.~~ Under the discretion and the authority of the Mayor, the public hearing shall be closed. No further remarks by the public will be heard unless approved by the Mayor or by vote of 2/3 of the Council members present at the meeting.

~~10.3.7G.~~ The Council may continue a public hearing or close the public hearing and continue Council consideration to another specific date and time. A public hearing should not generally be continued for longer than forty-five (45) days without renoting and reconvening the hearing.

~~10.3.8H.~~ Upon completion of the public hearing and of any further discussion and/or deliberation of the Council, the Council shall take appropriate action on the issue.

10.4 Manner of Addressing the Council: Persons addressing the Council shall use the microphone and shall state their names in an audible tone of voice for the record. All remarks shall be addressed to the Council as a body, and not to any member thereof. No person shall be permitted to enter into any discussion, either directly or through the members of the Council unless first recognized by the Mayor. No questions will be asked the Council members except through the Mayor.

10.5 Questions from Council members: The Council members may at any time during a public hearing request clarification or additional input from the staff members, applicants, or the general public.

11. RULES OF CONDUCT

~~11.1 Disorderly Conduct: A person who makes personal, impertinent, or slanderous remarks, or who shall become boisterous, such as, but not limited to stomping of feet, whistling, making noise, use of profane language or obscene gestures, yelling or similar demonstrations, which conduct substantially interrupts, delays, or disturbs the peace and good order of the proceedings of the Council may be considered disorderly by the Council.~~

~~11.2 Cut-off of Comments: The Mayor may cut off comments which:~~

~~11.2.1 Exceed the amount of time allotted for such comments;~~

~~11.2.2 Are disruptive or imminently threaten to disrupt the orderly and fair progress of the discussion; or~~

~~11.2.3 Violate any other provision of these [Rules of Order](#).~~

~~11.3 Removal for Disorderly Conduct: The Council, on a two-thirds vote, may expel any member of the Council, a staff member or any other person for disorderly conduct.~~

~~11.1 Disorderly Citizens: Any person, including staff, making personal, impertinent, or slanderous remarks, or who shall become boisterous, while addressing the Council may be considered disorderly by the Council and may be expelled by a two-thirds vote of the Council.~~

~~11.2 Disorderly Council Members: The Council, on a two-thirds vote, may expel any member of the Council for disorderly conduct.~~

12. ROBERTS RULES OF ORDER

The Council follows the Roberts Rules of Order. The City Attorney shall act as Parliamentarian.

13. PUBLICATION OF THESE RULES OF ORDER

The City Recorder shall prominently display these Rules of Order on the City's public website.

Amended this ____ day of _____, 2023.