

CITY OF OREM
CITY COUNCIL MEETING
56 North State Street Orem, Utah
December 10, 2024

3:30 P.M. WORK SESSION - CITY COUNCIL CONFERENCE ROOM

CONDUCTING

Mayor David A. Young

ELECTED OFFICIALS

David Young, David Spencer, LaNae Millett, Chris Killpack, Jenn Gale, Tom Macdonald, and Jeff Lambson

APPOINTED STAFF

Brenn Bybee, City Manager; Ryan Clark, Assistant City Manager/Development Services Director; Keri Rugg, Deputy City Manager/Management Services Director; Steve Earl, City Attorney; Chris Tschirki, Public Works Director; Josh Adams, Police Chief; Brandon Nelson, Finance Director; Marc Sanderson, Fire Chief; Bryce Merrill, Library and Recreation Director; Peter Wolfley, Communications Manager, PIO; Melanie Etchells, Deputy PIO; Teresa McKitrick, City Recorder

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

Boards and Commissions Code Change Presentation *Presenter: Jennica Jones, Strategies and Innovations Manager and Jon Ditto, Assistant City Attorney*

Ms. Jones presented on the proposed changes to the citizen boards and commissions. She explained that the goals of this code change is to align City Council, City employees and citizens and to focus on community and effective government. The recommendations from the analysis is 1) to provide training for commission members, 2) staff and council, 3) consolidate certain groups, 4) standardized titles of remaining groups, 5) standardize additional language and other miscellaneous items.

The first recommendation is to provide training for commission members, staff and council. Training guidebooks will be created for all commission members and staff that detail the purpose of each commission, roles of commission members and standardize meeting procedures. Council members will be provided orientation and training for new commission assignments. The second recommendation is to consolidate/eliminate certain groups. Groups to eliminate are Alcoholic Beverages License Hearing Board, Orem Arts District Review Board, Public Safety Advisory Commission and Senior Citizen Advisory Commission, Groups to consolidate are Beautification Commission to a Neighborhood Advisory and the Heritage Commission to the

Events Advisory Commission. The third recommendation is to standardize the titles of the remaining groups, This included adding advisory commission to some of the councils and removing Orem from the titles of the commissions. The fourth recommendation is to standardize additional language. This includes standardizing member term length, standardizing meeting frequency, standardizing member vacancy terms, standardizing chairperson;s term length, adding language to require minutes, updating quorum numbers and standardizing City Council liaison. The fifth recommendation is to update some miscellaneous items, such as reducing the number of Cultural Arts Advisory Commission members from 13 to 9 and increasing the number of City Council liaisons for the Neighborhood Advisory Commission.

Mayor Young gave his support for these proposed recommendations and this ordinance will be voted on today in the City Council general meeting.

City of Orem Housing Approach Brochure Presentation *Presenter: Jared Hall, Planning Manager and Matt Taylor, Senior Planner*

Mr. Hall introduced himself and Mr. Taylor. Mayor Young gave a brief history of why this brochure was created. The Mayor confirmed that this brochure was created to explain the City of Orem's approach to housing and how the City of Orem has helped with Utah's Housing Crisis. Mr. Taylor explained the highlights of the proposed brochure. Highlights include Orem's infrastructure challenges, the 2024 Orem City housing picture, Orem City housing data, Orem City housing permits constructed, breaking down Orem's density, and Orem's moderate income housing plan. Mr. Taylor explained that if the City Council was in agreement with the proposed brochure then the City would move forward with completing the design and printing of the brochures.

The City Council gave input and asked questions about the proposed brochure. Mr. Clark informed the council of a website with housing data. That website is <https://orem.gov/housing/>. Mr. Bybee explained that these brochures will be given to the legislature and other state leaders.

Moderate Income Housing Strategy Proposal Presentation *Presenter: Gary McGinn, Assistant Director of Development Services/Assistant City Attorney and Jared Hall, Planning Manager*

Mr. McGinn introduced Mr. Hall as the new planning manager. Mr. McGinn explained that the state requires the City to do a moderate housing income plan. In this plan, one of the strategies the City of Orem has looked at is impact fees as it relates to affordable housing, specifically related to Senior Housing. This strategy was submitted to the State and now the City needs to take some action and move forward on whether this is feasible for Orem. In 2012, the City adopted an affordable senior housing (ASH) overlay zone. In 2018, the City Council passed an impact fee ordinance that allows the City to waive or reduce impact fees for public purposes, such as affordable housing.

Mr. Hall looked into these ASH impact fees. He found that since 2012 there have been 20 units developed. The total impact fees collected were \$74,122.34. Mr. McGinn explained that the recommendation to the City Council is to reduce the impact fees that would be applicable to

qualifying affordable senior housing projects by 50%. If the City is inclined to support this recommendation then tonight there will be a resolution presented to be voted on related to this affordable housing strategy.

Family and Children's Memorial Presentation *Presenter: Chris Tschirki, Public Works Director and Rob Beishline, Method Studios*

Mr. Tschirki introduced Mr. Beishline from Method Studio. Mr. Beishline has been hired to design the Family and Children's Memorial. Mr. Beishline began the presentation at the Orem Cemetery Memorial. He showed a layout for the proposed memorial location. Some of the features are 3 smaller gardens, a large memorial plaza, and a water feature. The proposal could be done in phases to break up the cost. Renderings were shown of the proposed memorial. The cost of this project is about \$2.3 million.

Mr. Tschirki gave a brief history of the 1600 North Memorial site. He explained that this site was purchased for a well. Mr. Beishline has been hired to design a memorial site next to the future well. He showed renderings of the proposed memorial sites. This site would include a memorial for the children who were buried in this area. The cost for this project is about \$448,000, with an option of reduced costs depending on the materials used.

Library Remodel Update Presentation *Presenter: Bryce Merrill, Recreation and Library Director and Rob Beishline, Method Studios*

Mr. Merrill introduced the library remodel that he has been working on with Mr. Beishline. Mr. Beishline showed the project overview. He showed drawings of the various areas of the library. This will include a new main entry area, updated administrative area, and exterior areas that will have the addition of a green house. Mr. Merrill expressed his excitement for this project and welcomed feedback from the City Council.

Storm Water Code Update Presentation *Presenter: Reed Price, Assistant Public Works Director, Rick Sabey, Storm Water Division Manager, and Chelsea Lindsay, Public Works Coordinator*

Mr. Price introduced Mr. Sabey and Ms. Lindsay, who both work in the Storm Water Division. Mr. Price explained that the State legislature has requested these changes to the City code. Ms. Lindsay explained the new Utah State Law, 19-5-108.3. This new law modifies the Storm Water Pollution Prevention Plan (SWPPP) Program Implementation in the following ways: 1) all inspections submitted by operators must be electronic inspections that have geolocated and time-stamped photos, 2) the City will perform oversight inspections via review of the operators inspection report, 3) the City can no longer issue any SWPPP related fines, only a Stop Work Order, 4) the City cannot require any storm water runoff control regulations that are more stringent than federal regulations, and 5) the City must have a preferred best management practice (BMP) list for operators to utilize. The proposed changes: 1) references to BMP's were modified to direct them to a preferred list that will be published on the Orem City website, 2) modified references to administrative citations to be flexible, 3) minor updates to match state

criteria for final site stabilization, conditions that warrant onsite visits and enforcement actions, 4) general updates that removed any references to the Storm Water Quality Credit Packages that was discontinued in 2023, organization working changes (section to division), minor grammatical errors and removal of his/her references.

Ms. Lindsey spoke of the next steps. First, the City Council would need to adopt this ordinance on the consent agenda items in today's general session of the City Council meeting. After that there would be an implementation of the updated code, the publishing of the preferred list of BMP's, begin accepting electronic site inspection reports from operators, follow new standard operating procedures (SOP) for SWPPP implementation, and watch for potential changes to Utah State Law 19-5-108.3 in 2025.

Amendment to the Utah County Major Crimes Task Force Presentation *Presenter: Josh Adams, Police Chief*

Chief Adams explained that the Utah County Major Crimes Task Force is a multi-jurisdictional project. He also gave some 2024 statistics for the task force. Orem is the fiduciary part of the task force and the Orem police chief sits on the board of directors. This board of directors has been working on restructuring the memorandum of understanding (MOU). There is an amendment to the MOU that is on tonight's general City Council meeting. This amendment prohibits any participating entity from settling a lawsuit without consent of the task force. A resolution to sign this new MOU will be voted on in today's City Council meeting.

Reorganized School District Interlocal Agreement Presentation *Presenter: Steve Earl, City Attorney*

Mr. Earl discussed the need to sign an interlocal agreement with Lindon, Pleasant Grove and Vineyard concerning the reorganized school district. The state law as part of that reorganized district imposes requirements, such as registration with the lieutenant governor's office as a local entity and also file a plat map that shows the boundaries of the new reorganized school district. This interlocal agreement will help the four cities fulfill these responsibilities from the state and other things we ought to be doing in this interim period. A new school board will be elected in November 2025 for the new reorganized school district and they will take office in January 2026. Mr. Earl explained that the purpose of this interlocal is quite narrow in scope, the primary function is to help fulfill these state requirements. The interlocal has additional language that would allow the interlocal group to do reports, studies or take such actions as the City Councils might authorize. The other proposed modification is to the voting power since not all four cities are of equal population. This draft agreement is in the consent item of today's City Council meeting.

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

Jeff Lambson serves on the following commissions: Heritage Advisory Commission, Transportation Advisory Commission, Utopia, UVU board and the CARE Advisory Commission. He reported that the Heritage Commission will be part of the Events Advisory Commission going forward and the commission did a great job on the Veteran's Day program. The Utopia Board report is that Utopia has passed the 70,000 subscriptions mark and their operations budget is coming in under budget. They are also continually increasing their difference between what they owe and what is coming in as income. The UVU board has been working on outreach and working together. Students from UVU have been able to work with and learn from our staff in the City. Mr. Lamson said he serves with Mr. Spencer on the CARE Commission. Those CARE dollars continue to bless thousands of Orem residents and our good neighbors every day. Another round of selection for CARE funds is coming up in 2025.

Tom Macdonald serves on the Public Works Advisory Commission, the IHC outreach committee, and the Orem Youth Council. The Public Works commission is conscientiously determining what the City of Orem needs in water and sewer improvements and the commission is made up of well-trained professionals. The IHC outreach committee provides community information. Orem Youth Council has recently been moved from the legal department to the management services department. There are 21 students from the Orem high schools who have been doing a great job on this council. There are plans to take the students to the first day of legislature session in 2025.

AGENDA REVIEW & PREVIEW OF UPCOMING AGENDA ITEMS

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

CONDUCTING

Mayor David A. Young

ELECTED OFFICIALS

David Young, David Spencer, Chris Killpack, Jenn Gale, Tom Macdonald, LaNae Millett and Jeff Lambson

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CALL TO ORDER

INVOCATION / INSPIRATIONAL THOUGHT – Eleni Wilding

PLEDGE OF ALLEGIANCE / FLAG CEREMONY – Greg Carlisle

MAYOR'S REPORT/ ITEMS REFERRED BY COUNCIL

Arts Council Report *Presenter: Pete Wolfley, Communications Manager/PIO and Arts Council Members and Adam Robertson, SCERA President/CEO*

Mr. Wolfley introduced Mr. Robertson who serves on the Orem Arts Council. Mr. Robertson explained that the Arts Ambassadors Program is one of the big things the arts council worked on this year. This program is set up to help promote the 31 arts and culture groups in Orem. This year, the Arts Council oversaw the seven weeks of free community concerts in the park. In 2024, the Arts Council partnered with the World Folkfest for the first time. They look forward to partnering with them again in upcoming years. The council also helped beautify Orem through public art projects. The next projects include more art experiences at city events, new partnerships with CARE and culture groups, and keep promoting the Art scene in Orem.

Metro Water District of Orem (MWDO) Report *Presenter: Chris Tschirki, Public Works Director and Reed Price, Assistant Public Works Director*

Mr. Tschirki introduced Mr. Price as the general manager of the MWDO and the Assistant Public Work Director. Mr. Tschirki is the Public Works director in Orem and he functions as the vice chair of the MWDO. He introduced those who are currently serving with him on the board and spoke of the passing of Steve Brown who was serving as the chair for the board.

Mr. Tschirki explained that the City of Orem and the Metropolitan Water District of Orem (MWDO) collaborate closely to ensure a reliable water supply for current and future residents. Orem was established in 1919 as a rural, agricultural community, and its leaders recognized the importance of securing a strong water source. In 1935, the State of Utah passed the Metropolitan Water District Act, enabling local districts to be formed for securing water supplies. MWDO's boundaries initially mirrored Orem's, extending from east to west Orem and covering areas near Utah Lake, including present-day Vineyard. Studies confirm that Orem has enough water for future development.

Recently, an audit was conducted of the MWDO, the report said “In our opinion, the basic financial statements referred to above present fairly, in all material respects, the financial position of Metropolitan Water District of Orem as of June 30, 2024 and 2023, and the changes in its financial position and its cash flows for the years then ended in accordance with accounting principles generally accepted in the United States of America.”

Mr. Tschirki spoke of the most significant issue facing the MWDO today is the Deer Creek Intake Project. The Provo River Project (PRP) provides water for 1.5 million people along

the Wasatch Front. All of that raw water flows through the Deer Creek Reservoir and out the Intake. That structure was constructed in the 1940s and has served its useful life. The current cost estimate is \$100 million. The Metropolitan Water District of Orem's share is approximately 6.4% or \$6.3M. The City of Orem recently hired Lewis, Robertson, Burningham as its Financial Advisor. Orem Water administration and MWDO administration are in the process of engaging LRB to develop a plan to pay for this large cost over the next 20 years. MWDO will be considering a tax increase or other fee-based equivalent.

PERSONAL APPEARANCES

Opened at 6:21 PM

Russ Rader is an Orem resident and he is concerned about the streetlights and the drivers who are carelessly running lights in the City. He would like to see more police presence on Orem Boulevard.

Mike Christensen is grateful for the "Lights On" event and enjoyed the improvements made this year. He has three improvements for the future. First, advertise the start time as 5 PM instead of 5:30 PM. Second, he missed seeing Santa come in on the fire truck. Finally, he recommends more chairs in front of the stage.

Chelsea Trujillo is a recently returned resident of Orem. She is concerned about the lack of bike lanes in the City. She commented that many of the pedestrian crosswalks are faded and hard to see. She is concerned about the safety of bike riders. Her daughter was recently in an accident with a car while on her electric scooter.

Timo Christensen is a resident of Orem and the director of Bike Orem. He was concerned about Ms. Trujillo's daughter's accident at the Target entrance on Center Street. He believes that the entrance is dangerous. He has contacted the Orem traffic team.

Shauna Mecham complemented the City on some of the traffic efforts recently done. She is worried about the safety of those walking or on bikes. She encourages the City Council to update the transportation plan and implement future safety measures.

Closed at 6:38 PM

CONSENT ITEMS

Approval of Meeting Minutes - October 29, 2024

Appointment to the Sleepy Ridge Golf Course Advisory Commission - John Oldham

Appointment as Mayor Pro Tem - LaNae Millett

ORDINANCE - Storm Water Code Update

ORDINANCE - Board and Commission Code Update

RESOLUTION - Moderate Income Housing Strategy

RESOLUTION - Approving an amendment to an interlocal agreement with Utah County and multiple Utah County cities regarding the Utah County Major Crimes Task Force (MCTF) to: (1) extend the term of the interlocal agreement through 2029, and (2) improve the notification requirements and collaboration efforts between agencies in the event a claim, notice of claim, or lawsuit is brought against a MCTF participating entity.

RESOLUTION - Approving an interlocal agreement with Vineyard, Lindon, and Pleasant Grove related to the reorganized school district.

Mr. Macdonald moved to approve consent items. **Seconded by** Ms. Millett. Those voting yes: David Young, LaNae Millett, David Spencer, Tom Macdonald, Jenn Gale, Jeff Lambson, and Chris Killpack. The motion **passed**.

SCHEDULED ITEMS

FY 2024 Independent Audit Presentation & Annual Comprehensive Financial Report (ACFR) *Presenter: Brandon C Nelson, CPA, Finance Director and Jon Haderlie, Larson and Company*

Mr. Nelson reminded the City Council that the State requires an independent audit. Mr. Haderlie conducted the audit for this year. Mr. Haderlie said the first required opinion that they issue is on the financial statements, this is the main focus of the audit. This is an unmodified or an unqualified opinion, that's a clean opinion in our auditing world. The second opinion that they are required to issue is for the Utah state auditor, each year the state issues a compliance guide and the auditors are required to test certain aspects of Utah code. This year the audit included controls at the Justice Court, fraud risk assessment, the fund balances, that the City is in compliance with the general fund balance maximum or minimum thresholds, restricted taxes and governmental fees. The opinion is an unmodified or unqualified opinion on your compliance, it's a very specific opinion on these areas and not on the entirety of Utah state code. The last opinion is on the federal awards that the City spent during the fiscal year. Orem spends more than \$750,000 that comes either directly from or indirectly from the federal government. In October, 2024, that limit is going to change to a million dollars. They looked at the City's compliance as well as control over compliance as part of the opinion. This is also an unmodified or an unqualified opinion. Mr. Haderlie explained the major program that was required to test this year is the remaining part of the ARPA money.

Mr. Haderlie reported on the findings from the audit. They did not have any findings related to the single audit. The findings were directly related to State compliance. The first finding is deficient fund balance, this is in the facility maintenance fund. This fund is in a deficit position. The way to get rid of this finding is when the City Council adopts the budget they will need to allocate 5% of this year's actual revenue be outlined in the budget as a separate line item for deficit reduction. If the City maintains budget integrity inside that fund then that would result in a positive net income at the end of the year which would result in reducing that fund deficit. The next finding is the general fund balance. The City exceeded the 35% threshold that the Utah code allows to maintain in the general fund. The recommendation is to look at that calculation at the year end and if you are accumulating funds then those funds need to be allocated to other funds. The last finding is a budgetary finding. There were three funds (the senior citizens fund, the self insurance fund and the facility maintenance internal service fund) that exceeded budgeted appropriations. This result of expenditures are not planned for, the City should make a note of that when adopting next year's budget and amending fiscal year 2025's budget.

Mr. Macdonald moved to approve, by resolution, the audit and annual comprehensive financial report for the year ended June 30, 2024. **Seconded by** Mr. Lambson. Those voting yes: David Young, LaNae Millett, David Spencer, Tom Macdonald, Jenn Gale, Jeff Lambson, and Chris Killpack. The motion **passed**.

PUBLIC HEARING - Community Development Block Grant (CDBG) Consolidation

Presenter: Heather Cox, Management Analyst and Jessica DeLora, MAG (Mountainland Association of Governments)

Ms. DeLora is here to do the first public hearing for the CDBG five year consolidated plan. This is the beginning process of making that plan. CDBG is federal money distributed from HUD to communities directly and within the parameters of the CDBG program the City makes decisions on how those funds are spent to improve the community. Some of the most basic funding categories are public facilities, housing, public services and economic development. Orem City receives approximately \$600,000 each year through the CDBG program and MAG assisting in creating a road map for how that should be spent over the next five years. The past/popular funding uses include sewer/water, sidewalks, single family home rehabilitation, homebuyer/rental assistance, senior centers, mental health services, youth services and code enforcement. Tonight the public is allowed to weigh in on what priorities they think are here in Orem for CDBG. MAG is also taking comments through the planning process which will be through mid-May.

Public Hearing open 6:55 PM

No public comment

Public Hearing closed 6:55 PM

PUBLIC HEARING – ORDINANCE - Canyon Park Tech Center Redevelopment - Enact Section 22-11-67 PD54 (Canyon Park Tech Center Redevelopment) Zone, and Appendix AAA of the Orem City Code, and amend Article 22-5-3(A) and the zoning map of the City of Orem by changing the zone of approximately 24.3 acres from the PD6 zone to the PD54 zone located generally at 1203 North 630 East. Presenter: Jared Hall, Planning Manager

Mr. Hall explained that this is a request to change the zone. The zone is currently PD6 and the request is to change to a PD54. This change of zone was brought to the City Council in August 2024 and was continued to a future meeting to allow the applicant to change the number of units proposed in the area. This updated proposal was taken to the planning commission on November 6, 2024. The planning commission recommended that the City Council deny this zoning change request.

Zach Hartman was hired by Canyon Park Tech Center to repurpose the property. His presentation was focused on the growing vacancy of office space in Orem City and in Utah County especially since 2023. He showed various slides to illustrate his findings.

Steve C. is with the Mueller Company that owns Canyon Park Tech Center. He is here to speak about the history and vision of Canyon Park. The property was bought in 2018 by the Muller Company. They have invested over \$23 million dollars on improvements for the property. They have found that even after these improvements it has been difficult to fill all of the office space. Since covid that difficulty has increased. The Muller Company has had to re-evaluate their business plan and revisit their strategy on the property. They realized that the demand for office space is declining but the demand for residential housing is increasing. The property has 24 acres in the lower part of the campus that was vacant or about to be vacant. This lower campus would be a good fit for future residential development.

Brian Prince is from Tri Point hired by Muller Company to build this residential housing property. Mr. Prince explained the target buyer for the Canyon Park Community is a 3+ person household and on average it's a mix of larger school age families and then 55+ empty nesters demographic. This community will have 108 single family lots, 4.6 lots/acre, open space is .6 acres, lot sizes are from 6,006 square feet to 15,857, and the density decreased from 6.2 to 4.6 units per acre. The new plan will have a western lot buffer of 10,000+ square feet lots. It also has a better mix of lot size throughout the neighborhood. Mr. Prince showed some images of potential exterior images for the homes and road views in the neighborhood. The major differences between a PD zone and a R8 zone are that the PD will allow for no ADU's and it can allow for multiple product types where an R8 will only have 90 units, but those units would be allowed to have ADU's which could increase units to 180 and it only allows for a single product type.

Public Hearing open 7:54 PM

Karine Clark lives near this development and she believes this housing project does not make sense for the area. She wants to preserve the park strip with the 40 year old trees. She would like to see the project match the surrounding neighborhoods.

Ron Hansen lives near this development in Strawberry Fields. He had concerns about the process and has worked with the City to fix inaccuracies. He said that originally this project was supposed to match the DiVinci neighborhood and it no longer matches.

Jace Anderson is a resident of North Orem. He quoted City Council members' previous comments concerning housing in Orem. He is asking the City Council to honor their campaign promises.

Janae Anderson has a property that borders this neighborhood. She said that the planning commission said this project would negatively affect the health, safety and general welfare of the City. She hopes that none of the City Council would vote against the recommendation from the planning commission. She would like them to keep the berm then gradually transition lots sizes to nothing smaller than quarter acre lots.

Dave Noble is the current HOA president from DiVinci. He is in favor of this plan. The HOA board voted and is in favor of this plan with Tri Point. He believes the success of this neighborhood is dependent on those who buy the homes and the HOA in place.

Eleni Wilding lives on the west boundary of Canyon Park Tech Center. She stated that this proposal is a poor fit and a glaring misstep for Northeast Orem. She believes the PD54 zone is incompatible with the west boundary neighbors.

Sherry Page lives in the DiVinci neighborhood. She read two statements from the planning commission about the office space in Canyon Park. These two members support keeping Canyon Park as office space. She would like this to stay as office space.

Norman Fobear would like the City Council to consider three things. The land owners know what the zoning is and are trying to rezone it to sell for more profit, the new federal administration will be encouraging more employees to go back to work in an office, and schools do not need these homes to keep schools open. He wants them to keep the tech center.

Shelby Stansney lives in the DiVinci neighborhood and serves on the HOA board. He commented that he has heard a lot of suggestions about how to spend other people's money. He thinks there has been a good process and they have come up with a reasonable development plan.

Keith Youngquist has sent emails to the City Council. He is concerned that this business campus is the only one in Orem. He is concerned about getting rid of this business campus. He believes that this plan doesn't work.

Steven Horrock has a petition from the surrounding communities to this project. Over 100 hundred homes participated and all but one have expressed concerns about this project. This petition shows the communities don't support this. He believes that City Council members who support this proposal are not supporting their constituents.

Michelle Fister lived in the Old Orchard estates. She loves the trees and she wants to save those trees on the berm.

Bryan Clark lives west of the proposed development. He would support R8 and the keeping of the trees and the small park. He is also concerned about the increase in traffic in the area because of all the kids in the area.

Diane Fraser lives across from Canyon Park. She is in support of the project. The land used to be an orchard and it was transformed into office space and residential housing, now people want to save trees. She also believes that if the office was full then the traffic would be worse than if it was housing.

Jim Chatterly is a licensed civil engineer and lives near the proposed project. He would like to reduce the size of the zoning. He has tried unsuccessfully to reach out to Tri Point to share his ideas.

Phillip Smith says that this area has lost the cemetery and he doesn't want to lose the berm. He believes that high density housing makes sense near the front runner station. He would like this project to be built similar to the lots in the Di Vinci neighborhood.

Public Hearing closed 8:31 PM

Mr. Spencer asked the developers that if this gets voted down, do they have a plan B? His concern is that if this passes then the City Council is setting a precedent for future projects and he is not in support of setting that precedent. He does not see any compelling reason to change this zone unless it is consistent with the surrounding neighborhoods. He believes the minimum lot size for this area should be R8. He is not concerned about the ADU's in this neighborhood. He would also be in favor of saving the berm.

Ms. Millett has heard developers that they can't make some zone work, her question is what is your profit margin? She believes that profit margins today are around 37% and she believes that approving these types of properties at those profit margins is contributing to the inflationary housing that is happening. She stated that when she votes to use her land use authority as a council member, she feels it is important that her decision matches the developments with Orem's land needs and that those developments presented match a specific property location. She also believes that she needs to listen to the local residents. Currently Orem needs the second and final homes, R8 owner occupies housing. In the last meeting with the City Council, the council asked for an R8 housing minimum.

Mr. Macdonald appreciated all those who spoke today. He believes this development could bring new blood for the schools and community and could be better than an R8 zone, but he is hearing the community. He understands that this does not bring in affordable housing and he would be more likely to vote for it if it did.

Mr. Lambson also appreciates those who have reached out to him. He said this is a special property and needs to be handled the right way. He was hoping for an R8 situation. He is grateful for the community partnership with Canyon Park.

Mr. Killpack wants the community to know that he has heard them and appreciates them. He is concerned about this area. Mr. Killpack welcomes other options from Tripoint if the vote does not go their way. Mr. Prince spoke to answer the question of if there is a plan B. He believed he had done what was asked of the Council but he is hearing that an R8 is the minimum and they do not currently have a plan B.

Mr. Gale appreciates the level of respect that has been in this room tonight. She doesn't believe that this proposal is not unreasonable but at the same time she realizes this is a forever decision. She said that when in doubt then waiting might be the right strategy here in order to not make the wrong decision.

Mayor Young appreciates the Muller Company and their partnership with Orem. The Mayor does not want to settle on this property and he wants to make sure it is done right. He is disappointed that this proposal is not an R8. He believes there is a solution but it is a less dense solution that maybe protects the berm.

Mr. Spencer moved to deny, by ordinance, the Canyon Park Tech Center Redevelopment - enacting Section 22-11-67 PD54 (Canyon Park Tech Center Redevelopment) Zone, and Appendix AAA of the Orem City Code, and amend Article 22-5-3(A) and the zoning map of the City of Orem by changing the zone of approximately 24.3 acres from the PD6 zone to the PD54 zone located generally at 1203 North 630 East. **Seconded by** Ms. Millett. Those voting yes: David Young, LaNae Millett, David Spencer, Tom Macdonald, Jenn Gale, Jeff Lambson, and Chris Killpack. The motion **passed**.

PUBLIC HEARING - ORDINANCE - Whitestone Estates - Amending Article 22-5-3(A) and the zoning map of the City of Orem by rezoning the property located generally at 710 West 2000 South from the OS5 zone to the PRD zone (approximately 14.18 acres) and amending Appendix KK of the Orem City code. *Presenter: Jared Hall, Planning Manager*

Mr. Hall explained that this is a zoning change application and a site plan concept that needs to be voted on. The zone is an OS5 which is an open space zone. They are requesting a PRD zone for residential housing. The Whitestone Estates is commonly known as the Wilkerson Farm. The proposal contains some single family detached dwellings and some townhomes. The townhomes are along the railroad tracks. The total area is 14.01 acres with 54 single family lots and 39 town home units. The density is 6.92 dwelling units /acre. Mr. Hall showed images of the proposed homes, floorplans and materials. On November 6, 2024 the planning commission reviewed this proposal, their recommendation was to deny this zone change.

Tyler Heran is representing the developer and the company that plans to build the homes, the company is Keystone Construction. He commented that his team has reviewed the City's master plan and he believes this development is inline with that plan.

Jason Dodge works with the charitable organization that owns this property. He gave a short history of the organization that owns this property. This property was bought with the desire to bring fresh vegetables to the Tabitha Way pantries. A partnership was formed with

Wilkerson Farm, in such that Wilkerson would farm this land and pay the owner in vegetables. For the last seven years, Wilkerson has tried to make this farm work. It turns out to be cheaper for the organization to buy the vegetables somewhere else and pull the money out of this land.

Nate Heran is with Keystone Construction and he discussed aspects of the development that he thinks will answer questions for the City Council. He explained that when he reviewed the general plan for the City and the density for this area was between 4-8 units per acre. The proposed site plan has 6.9 units per acre. Another concern is the two story dwellings. Mr. Nate Heran explained that the plan is to have basements in the homes and only one story above ground. This will depend on the water table of this site. He spoke about the townhomes along the train tracks to serve as a buffer for the neighborhood. The townhomes and single family homes will be around 2,000 sq feet. He explained that along the west side of the development the plan is to put R8 single family homes to match the neighboring lots. .

Roger Dunn is the developer and he explained that the R8 single family homes will reduce the units by 4 and the density would be 6.3 with those large lots on the westside. The updated proposal was shown with the R8 homes included.

Mr. Nate Heran spoke about the traffic study they had done. The recommendation from the study was that no significant traffic impacts for this development. He also believes there is adequate parking for the development with the garage space, driveways, street parking and added parking areas. This development will have an HOA which will maintain the landscaping for the town homes and for the front yards of the single family homes. The CC&R (covenants, conditions and restrictions) for the HOA would require 60% of the homes be owner occupied and ADU's (approved dwelling units) will not be allowed in the PD zone.

Public Hearing open 9:54 PM

Richard Wilkerson is the current farmer/steward of the farm on this land. He has been working to grow vegetables for charity and for profit. The vegetables have not been profitable. In order to make a profit the farm began the agrotourism part. This has also not been profitable enough to purchase the land. He would be willing to partner with the City to continue this farm.

Byron Taylor and his sister are against the project. They own Cherryhill farms to the south of this development. They placed a conservation easement on their farm. They will not be developing their land. They would like the Wilkerson farm to be preserved.

No name was given. The gentleman believes that traffic is currently greater than it should be and doesn't believe the traffic study would suggest this development wouldn't impact traffic. He would like the roads on 2000 South improved. He would like the development reduced by 20%.

Tanner Nordstrom is HOA president for Lakeview Fields. He purchased his home in that area partly because of the farm close by. He believes that Wilkerson Farms is a landmark in Orem and should be preserved.

Trisha Nelson is with the Autism Academy and is the owner of the land adjacent to this farm. A year ago she got land near the school approved for a PRD for autistic housing. She is concerned about 3 acres of land that is under contract with this same developer and what they plan to do with that land. If this land is developed, then there is an access that needs to go into her development that she would like taken into consideration.

Sydney Dammon lives west of this development and she is concerned about high density housing and insufficient parking in this area. She believes that parking will be an issue even with the proposed extra parking lots. She believes this development is too dense.

Bronson Dammon lives in Peyton Crossing and he is in support of reasonable housing development with lower density. He is asking for R8 or open green space. He is upset by the development of the gas station in the area.

Dustin Palmer is the owner of and president of Palmer Wholesalers and Victoria Kitchen Product. He is concerned about this development; he believes there is insufficient infrastructure to support the increased traffic and density. He is specifically concerned about the traffic congestion in this area. He believes this development is too dense for the area.

Amy Palmer concerned about safety and road infrastructure. She believes this area will have many homes that are bought and used for student housing. She would like to see the roads improved and bike lanes added before approving more housing.

John Porter lives in Peyton Crossing. He believes this project doesn't match surrounding neighborhood densities. He believes this request is unreasonable.

Ryan McDougal's property backs up to this property. He likes the townhome row that backs up to the train tracks. He believes the traffic will not be that much different from a smaller density. He supports the subdivision, but doesn't support the extra access into his neighborhood. He believes this is reasonable.

James Brown wants the City to buy the land and partner with Wilkerson Farm. If not, he would at least like R8 housing for the development.

Eleni Wilding is reading a statement from Carolyn Hargraves. Ms. Hargraves is with the Utah Department of Agriculture and Food. The statement encourages the City Council to consider the broader implications of potentially rezoning this parcel. They believe that agrotourism plays a vital role in communities. They believe that losing farmland, such as this, could be a critical threat to local food security.

Karen Turner requested the City Council to be forward thinking. She wants the City to turn this into an agricultural farm that would benefit the community. Something similar to Wheeler Farm.

Darren Hawkins wants to promote a pause on this development. He believes there is a possibility of finding a mediator or conservation easement.

Margaret Dayton is concerned about traffic and safety that would come with this development. Orem is an ideal place to grow food and she would like to preserve this farm.

No name given - She would like to save the Wilkerson Farm. She believes Orem is becoming a concrete jungle.

Nathan Wilkerson, brother of Richard Wilkerson who farms the land. He would like to see this farm become part of a conservation easement. He believes that the homes along the train tracks will not be desirable for buyers.

No name given - She wants to attest to the value of the Wilkerson Farm.

Kevin Wiest lives across the street in Provo. He is asking for a hold on this development until they can find a better use for this land. He believes this has been rushed.

Leanne Swanson lives on Sandhill Road. She believes we do not need to put more traffic on Sandhill road. She would like to save the farm.

Sherrie Fong lives in Peyton Crossing and she doesn't agree with changing the zone. She believes this is high density housing.

Public Hearing closed 10:38 PM

John Dorny, City of Orem Traffic Engineer, spoke about the traffic study standards. The study conducted on this property was done under the guidelines set and the level of service value was met by the study providers. The developers were asked to change their accesses which they did to meet access management standards. Mr. Dorny explained that the stub into subdivision was partly added due to infrastructure of future water and sewer lines and generally neighborhoods complain when new subdivisions are not connected to existing subdivisions. He also clarified that a traffic study says it is not impactful. It means that it meets the minimum standards, not that it doesn't impact the neighborhood at all.

David Spencer is not in favor of this development proposal and he would be more inclined to approve an R8 zone.

Tom Macdonald believes this development is suitable for the area in question. He doesn't agree that R8 homes are appropriate next to train tracks and townhomes would be better than adding apartments. He agrees with the developer on requiring 60% of the homes be owner occupied. He understands that the current stewards had a year to buy the land or find a conservative and that has been unsuccessful.

The City Council got advice from the City Attorney about what changes could be approved tonight even if those changes were not presented to the planning commission. Mr. Earl replied that a less dense proposal could be approved tonight if the City Council was so inclined. There were also discussions about the two story versus one story with basement home elevations.

LaNae Millett would like this development to match the neighborhoods that are surrounding. She doesn't want housing along the train tracks. She would like to put a hold on this property development to allow Wilkerson a chance to look at opportunities for a conservation easement. If this is not possible then she would like to see a proposal with R8 housing.

Jeff Lambson is concerned about property rights. He likes that these homes are more affordable. He does have concerns and questions about the development and he would be willing to pause this in order to get more information.

Chris Killpack sees value in smaller homes for families wanting to get into a home but the challenge is matching the homes in the area. He appreciated the addition of R8 to the proposal. He would like this to be a neighborhood friendly development. He would also support a pause to look at some of the alternatives that have been brought up.

Jenn Gale sees that on one hand you have a community that loves the farm and wants to preserve it and on the other hand we have property rights. She stated that she could not in good conscience deny an applicant because she wants to have a conservation easement that could result in the property owner having to take 60 to 80% less value in their property. She believes that this proposal could be well suited for this area. Her concern is about some of the questions that have not been answered. She is willing to pause on this vote.

Ms. Millett mentioned that it is not a property right to change zoning on a property. Mayor Young agreed with this statement. He is in support of saving the farm. The farm has produced a significant amount of food and the agrotourism was started to help raise profits. He is concerned that southwest Orem is neglected. He believes this proposal is too dense for the area and that traffic is a concern. He does agree that the townhomes make sense along the train track. He noted that this was denied in 2015. He would like to wait on approving this development, he does not think this is the right proposal for this area.

Mr. Spencer moved to deny, by ordinance, amending Article 22-5-3(A) and the zoning map of the City of Orem by rezoning the property located generally at 710 West 2000 South from the OS5 zone to the PRD zone (approximately 14.18 acres) and amending Appendix KK of the Orem City code. **Seconded by** Ms. Millett. Those voting yes: David Young, LaNae Millett, and David Spencer. Those voting no: Tom Macdonald, Jenn Gale, Jeff Lambson, and Chris Killpack. The motion **failed**.

A discussion was held concerning the possibility of postponing the vote to allow for more time to answer questions raised by the City Council.

Mr. Killpack moved to continue until February 11, 2025 amending Article 22-5-3(A) and the zoning map of the City of Orem by rezoning the property located generally at 710 West 2000 South from the OS5 zone to the PRD zone (approximately 14.18 acres) and amending Appendix KK of the Orem City code. **Seconded by** Mr. Macdonald. Those voting yes: David Young, Tom Macdonald, Jenn Gale, Jeff Lambson, and Chris Killpack. Those voting no: LaNae Millett and David Spencer. The motion **passed**.

CITY MANAGER INFORMATION ITEMS

Mr. Bybee gave each of the Council members a copy of the 2024 Citizen Report. This will be mailed to the Orem citizens in the new year. He also reminded the council of the holiday party planned for next Tuesday.

ADJOURN

Ms. Millett moved to adjourn, **seconded** by Mr. Spencer. Those voting yes: David Young, LaNae Millett, David Spencer, Tom Macdonald, Jenn Gale, Jeff Lambson, and Chris Killpack. The motion **passed**.

PASSED and APPROVED this 14th day of January, 2025.


David A. Young, Mayor

ATTEST:


Teresa McKittrick, City Recorder

COUNCIL MEMBER

AYE NAY ABSTAIN

Mayor David A. Young
Chris Killpack
David Spencer
Jeff Lambson
Jenn Gale
LaNae Millett
Tom Macdonald

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