



CITY COUNCIL MEETING

FEBRUARY 27, 2024 AT 6:00 PM

505 EAST 2600 N. | NORTH OGDEN, UT 84414

AGENDA

PUBLIC CAN ATTEND:

In-person OR: Click the link to join the Webinar: <https://us02web.zoom.us/j/88976417771>

Webinar ID: 889 7641 7771

Telephone Dial: 1 346 248 7799 or 1 669 900 9128 or 1 253 215 8782

YouTube: <https://www.youtube.com/channel/UCriqbePBxTucXEzRr6fclhQ/videos>

Welcome: Mayor Berube

Invocation/Thought & Pledge of Allegiance: Ascension Lutheran Church Pastor Debra Jimenez

PRESENTATIONS

1. Alternative Methods Pilot Program - Approval Voting
Presented by: Nate Allen with Utah Approves

CONSENT AGENDA

2. Call for Conflict of Interest Disclosure
3. Action to consider the approval of the following City Council Meeting Minutes:
 - February 6, 2024
 - February 13, 2024

ACTIVE AGENDA

4. Public Comments*
5. Discussion and/or action to consider the recommendation on a Legislative Application to amend Residential Fencing Standards to consider 8-foot-tall Deer Fencing for the protection of private property
Presenter: Planner Ryan Nunn
6. Discussion and/or action to approve Ordinance 2024-04 amending Hillside Protection Zones Accessory Building Lot Coverage
Presenter: Planner Ryan Nunn

***Please see notes regarding Public Comments rules and procedure**

The Council at its discretion may rearrange the order of any item(s) on the agenda. Final action may be taken on any item on the agenda. The Council reserves the right to enter into a closed meeting at any time in accordance with 52-4-204. In compliance with the Americans with Disabilities Act, those needing special accommodation (including auxiliary communicative aids and service) during the meeting should notify the City Recorder at 801-782-7211 at least 48 hours prior to the meeting. In accordance with State Statute, City Ordinance, and Council Policy, one or more Council Members may be connected via speakerphone or may by a two-thirds vote to go into a closed meeting.

CERTIFICATE OF POSTING

The undersigned, duly appointed City Recorder, does hereby certify that the above notice and agenda were posted within the North Ogden City limits on this 22nd day of February, 2024 at North Ogden City Hall, on the City Hall Notice Board, on the Utah State Public Notice Website at <https://www.utah.gov/pmn/>, and at <http://www.northogdencity.com>. The 2024 meeting schedule was posted December 13, 2023.
Rian Santoro, North Ogden City Recorder.

7. Discussion and/or action on North Ogden City's participation in the 2024 Utah Rivers Council Rain Harvest Program
Presenter: Council Member Jay D Dalpias
8. Discussion and/or action on the City Funds Request Submission Program
Presenter: City Manager/Attorney Jon Call
9. Discussion and/or action to recess the City Council meeting and convene the Redevelopment Agency (RDA)
10. Discussion and/or action to approve the RDA Grant Program Letter
Presenter: City Manager/Attorney Jon Call
11. Discussion and/or action to adjourn the RDA meeting and convene in the regular City Council meeting
12. Discussion and/or action for the purchase of Weber County Surplus Property, Parcel 17-045-0030
Presenter: Community and Economic Development Director Scott Hess
13. Council Department Reports:
 - a. Council Member Watson – Administration & Recreation Departments
 - b. Council Member Pulver – Public Works Department
 - c. Mayor Berube – Finance Department
 - d. City Manager/Attorney Jon Call – Capital Projects
14. Public Comments*
15. Mayor/Council/Staff Comments
16. Adjournment

Public Comments/Questions

- a. Time is made available for anyone in the audience to address the Council and/or Mayor concerning matters pertaining to City business.
- b. When a member of the audience addresses the Mayor and/or Council, he or she will come to the podium and state his or her name and city residing in.
- c. Citizens will be asked to limit their remarks/questions **to five (5) minutes each.**
- d. The Mayor shall have discretion as to who will respond to a comment/question.
- e. In all cases the criteria for response will be that comments/questions must be pertinent to City business, that there are no argumentative questions and no personal attacks.
- f. Some comments/questions may have to wait for a response until the next regular Council Meeting.
- g. The Mayor will inform a citizen when he or she has used the allotted time.

NORTH OGDEN CITY COUNCIL WORK SESSION MINUTES

February 6, 2024

The North Ogden City Council convened on February 6, 2024, at 6:00 p.m. at the North Ogden City Office at 505 East 2600 North.

Notice of time, place, and agenda of the meeting was posted on the bulletin board at the municipal office and posted to the Utah State Website on February 1, 2024.

Notice of the annual meeting schedule was posted on the bulletin board at the municipal office and posted to the Utah State Website on December 13, 2023.

Note: The time stamps indicated in blue correspond with the recording of this meeting, which can be located on YouTube: <https://www.youtube.com/channel/UCriqbePBxTucXEzRr6fclhQ/videos> or by requesting a copy of the audio file from the North Ogden City Recorder.

PRESENT:

S. Neal Berube	Mayor
Ryan Barker	Council Member (Zoom)
Blake Cevering	Council Member
Jay D Dalpiaz	Council Member
Chris Pulver	Council Member
Christina Watson	Council Member

STAFF PRESENT:

Jon Call	City Manager/Attorney
Rian Santoro	City Recorder
Jami Jones	Finance Director
Scott Hess	Community and Economic Development Director
Eric Casperson	City Engineer
Dave Espinoza	Public Works Director/Assistant City Manager
Crystal Polson	Public Works Inspector
Dirk Quinney	Chief of Police (Zoom)
Nissa Green	Planning Commissioner

VISITORS:

Kevin Burns	Sandy Cochran
Brenda Ashdown	Brett Satterthwaite
Phillip Swanson	Troy Deschamps
Stefanie Casey	Karen Deschamps
Susan Kilborn (Zoom)	Josh Christensen
Cecil Satterthwaite	

Mayor Berube called the meeting to order. Council Member Cevering offered the invocation and led the audience in the Pledge of Allegiance.

CONSENT AGENDA

1. CALL FOR CONFLICT OF INTEREST DISCLOSURE

0:01:52 No conflict of interest was disclosed.

2. DISCUSSION AND/OR ACTION TO CONSIDER THE APPROVAL OF THE FOLLOWING CITY COUNCIL MEETING MINUTES:

- November 28, 2023
- December 5, 2023
- December 12, 2023
- January 2, 2024
- January 9, 2024

0:02:45 Council Member Dalpiaz pointed out a few grammatical errors and suggested edits to the minutes. Those were noted by the City Recorder and the corrections were made to the presented minutes.

Council Member Cevering motioned to approve the listed City Council Minutes with the suggested edits. Council Member Pulver seconded the motion.

Voting on the motion:

Council Member Barker	aye
Council Member Cevering	aye
Council Member Dalpiaz	aye
Council Member Pulver	aye
Council Member Watson	aye

The motion passed unanimously.

ACTIVE AGENDA

3. ANNUAL OPEN AND PUBLIC MEETINGS ACT TRAINING

0:06:55 Attorney Craig Call explained that the Utah State Legislature has required that the City Council receive this hour-long training on an annual basis. The discussion centered on the balance between public access and privacy, emphasizing the importance of open government. Notably, it was discussed that documents become public when published, and using official City emails is encouraged for City-related matters.

0:28:10 Attorney Craig Call discussed the three levels of public interaction: public meetings, public hearings, and closed meetings. He emphasized the importance of transparency and public access to governmental proceedings. Attorney Call provided clarification on the distinction between public meetings and public hearings. He explained that while public meetings allow observation but limited participation, public hearings provide an opportunity for the public to speak on relevant matters. The agenda labeling determines the format of the interaction, with public hearings being obligatory for certain issues like land use changes. The discussion extended to closed meetings, particularly regarding the necessity for specificity in the agenda and the justification for closed sessions.

0:54:00 Concerns were raised about text message communication among Council members and the potential implications for public record laws. Mayor Berube extended his gratitude to Attorney Craig Call for the informative discussion.

(See Attachment A – Open Meetings and Open Records)

4. PUBLIC COMMENTS

1:04:15 Mayor Berube highlighted the rules of the public comment period of the meeting, asking those in attendance to review items A – G on the back of their agenda prior to opening the meeting to public comments.

1:05:44 Council Member Dalpiaz announced that he invited residents who live by Northview Estates Phase 9 to speak to agenda item 5 and encouraged them to publicly comment on their thoughts or concerns during this initial public comment opportunity.

1:06:41 Stefanie Casey, a North Ogden City resident spoke to a recent text message thread between the City Council, which was released as part of a recent GRAMA request. She began by stating that however the Council members come to their decisions, whatever their personal process is, she respects that, however, using their religion, God,

or a prophet of God within the council or publicly, as a reason for a decision is manipulation. She stated that it makes it hard for anyone to disagree or see it differently when decisions ultimately come from your God or religious beliefs and that drawing parallels between a man wanting to buy his child out of slavery with a man who builds a garage accessory unit in his backyard is bonkers. She continued by stating that the City Council using public comments to scapegoat their lack of action is horrific. The heavy burden Mr. Wallace may have felt was self-inflicted.

She expressed her concern over seeing the heavy weight the church carries on decisions at the state level; stating she does not want that in her City. Ms. Casey said that as one of many in this community who are not part of that religion, messages like that are isolating.

1:07:57 Josh Christensen, a North Ogden resident voiced his concern about the development north of 3800 North and the proposed retaining wall. He asked what that retaining wall would look like, how high it would be, and what the plans were for drainage. Mr. Christensen also expressed concern over the plans for having a rock-crushing machine and the noise.

1:09:03 Susan Kilborn, A North Ogden resident echoed Stefanie Casey's concerns made in her comment. As a former Attorney and Federal Investigator, Ms. Kilborn addressed the Federal law, the Freedom of Information Act (FOIA), and the difference between the State of Utah's Government Records and Management Act (GRAMA) and FOIA, encouraging the checking of both laws.

5. **DISCUSSION ON THE NORTHVIEW ESTATES PHASE 9 PROPOSED GRADING PLAN**

1:11:30 Cecil Satterthwaite and Brett Satterthwaite from Vallejo Management presented the proposed grading plan for Northview Estates Phase 9. They explained the need for upgrading the grading plan, including a mobile processing, and screening plant on-site, as well as a retaining wall to address drainage issues and ensure a more uniform finished grade product for future phases. The discussion touched on various aspects, including drainage solutions, the design of retaining walls, concerns about noise and dust control, the impact on residents, vibration concerns, operational hours, and the duration of the project.

1:27:06 The Mayor expressed the need for a specific agreement outlining safety measures and compliance with City ordinances, and the responsibility for maintenance in the long term. The discussion concluded with a consensus to further review the proposal and address specific concerns raised by Council members and residents.

(See Attachment B – Northview Estates Map)

6. **DISCUSSION ON HOUSING DENSITY ON CENTURY FARMS**

1:51:09 Developer John Hansen presented a proposal for developing Century Farms, stating that initially, the property was intended for townhomes but reconsidered for single-family homes due to market changes.

Concerns were raised regarding the affordability of the homes, with projected prices ranging from \$525,000 to \$530,000 for single-family homes and \$400,000 for townhomes. Payment projections indicated a significant financial burden for potential buyers.

Council members engaged in a thorough discussion, considering factors such as zoning regulations, housing affordability, and the impact of potential legislative changes on the development project. Questions were raised about the feasibility of the proposed development and its alignment with the City's General Plan. Updates on pending legislation related to impact fees and affordable housing were provided, with implications for the proposed development project. After deliberation, some Council members expressed a willingness to reconsider the development proposal and proceed through the proper channels, including submission to the Planning Commission for further review.

(See Attachment C – Century Farms Presentation)

7. **PUBLIC COMMENTS**

2:17:50 Kevin Burns, a North Ogden resident stated when Mr. Hansen originally presented his plans for single-family homes, he paid attention and expressed his admiration for Mr. Hansen for coming to the Council to ask for a change in the process. Mr. Burns continued by stating that as it has been learned in the last little while, it is important to follow that process by asking for it and working through it rather than not getting your way and throwing a tantrum. He ended by noting that rezoning is a hot topic across the state and for those who want to know why the State Legislature wants to step in and take over rezoning, they should attend a City Council meeting.

2:18:57 Brenda Ashdown, a North Ogden resident expressed her dislike of Mr. Hansen's plan, noting that when he first brought the proposal to the Council for townhomes on Century Farms, the City Council turned it down. When he proposed single-family homes, the City Council agreed and part of the reason that was agreed upon was that it was not an acceptable transition from townhomes to the full-sized homes that are located across

the street. She urged the Council to go back and look at those previous discussions. She stated this is a personal thing for her as she does not want a bunch of townhomes across the street in her neighborhood. Ms. Ashdown concluded by stating that if she were buying, she would want a home that didn't have a whole bunch of stairs versus a townhome.

2:20:48 Susan Kilborn, a North Ogden resident spoke about her situation in moving to North Ogden years ago where she had the opportunity to lease to own, and suggested that be something young people could consider and that some builders might be willing to engage in.

2:22:37 Merrill Sunderlund, a North Ogden resident voiced his encouragement with the Mayor and Council reviewing the items tonight. He said he liked what Council Member Dalpiaz said about the logic, direction, and feeling of North Ogden concerning the proposed rezone to Century Farms. Mr. Sunderlund urged caution in changing the plan to townhomes noting that there are reasons on both sides of the issue and that there are a lot of unspoken people who really like the idea of single-family homes in North Ogden City.

2:25:37 Brenda Ashdown, a North Ogden resident asked why there was no information included in the packet relating to agenda item 6. City Manager/Attorney Call explained that the documentation for that item was received today after the packet was published.

8. **MAYOR/COUNCIL/STAFF COMMENTS**

2:26:16 City Manager/ Attorney Call offered clarification on a comment/question made earlier in the meeting, stating that the Freedom of Information Act does not apply to Congress, courts, state, or local governments. However, there is an expectation for states to have programs where residents can request documents, leading to the implementation of GRAMA.

2:26:47 City Recorder, Rian Santoro sought feedback on the new layout and summarization approach to the City Council Minutes. It was confirmed that while the meeting minutes are summarized, they also include timestamps referencing the recording. This allows readers to access specific segments of the meeting for further context.

2:29:00 Council Member Pulver reminded those in attendance that tomorrow, February 7, 2024, is the first Citizen Budget Subcommittee at 3:00 PM at North Ogden City Hall.

2:29:13 Council Member Watson provided an update on changes to the labor laws, highlighting the need to shift from state labor laws to federal labor laws. These changes impact hiring practices for lifeguards, with more restrictions in place. Urgency was emphasized for hiring lifeguards, with a deadline of February 15 for applications.

9. **ADJOURNMENT**

Council Member Watson motioned to adjourn the meeting.

The meeting adjourned at 8:30 p.m.

ATTACHMENTS

All Publicly distributed materials associated with this meeting are noted as the following attachments:

- A. Open Meetings and Open Records
- B. Northview Estates Map
- C. Century Farms Presentation

S. Neal Berube, Mayor

Rian Santoro
City Recorder

Date Approved

Access to Public Records

APPENDIX A

In the entire landscape that is planning and zoning, one of the areas where our community philosophy all too often conflicts with how we actually manage our business is in the area of government records and open meetings. The Utah legislature has made the policy clear:

It is the intent of the legislature to:

- a. promote the public's right of easy and reasonable access to unrestricted public records,
- b. specify those conditions under which the public interest in allowing restrictions on access to records may outweigh the public's interest in access,
- c. prevent abuse of confidentiality by governmental entities by permitting confidential treatment of records only as provided in this chapter,
- d. provide guidelines for both disclosure and restrictions on access to government records, which are based on the equitable weighing of the pertinent interests and which are consistent with nationwide standards of information practices,
- e. favor public access when, in the application of this act, countervailing interests are of equal weight, and
- f. establish fair and reasonable records management practices.¹

The Government Records Access and Management Act (GRAMA) attempts to balance two weighty considerations: 1) the public's right of access to information and 2) the right of privacy that surrounds certain personal data that government entities gather.² It acknowledges that at times the protection of records is for the public good.³

In the land use arena, however, there is not much in the way of personal, private data that can be protected from public view by GRAMA. Anytime there are public emotions running high and anyone feels threatened or intimidated by public clamor, there is bound to be a lot of maneuvering behind the scenes and some effort to keep information close to the vest. This is usually inappropriate and often illegal.

What is a public record? Basically, GRAMA provides that all documents that are received by, created by, or in the possession of local agencies are public records unless specifically exempted by the GRAMA statute.⁴

As a practical matter, the way the process should work is that everyone who is interested in any land use application or pending decision should be able to review the file in its completeness so as to be able to fully participate in the public process. If a citizen does not have all the details, how is she supposed to be a full participant?

In the real world, however, there are two opposing factors. The first is simply the press of business. Staff reports and packets prepared for decision-makers are often not ready until a deadline just a few days before a hearing is held or a decision is made. In light of this, staff should share all the information in that packet with the public as soon as it is available to the public body involved so that all can participate fully.

Certainly, if the packet is completed three business days before the meeting, GRAMA is thwarted by a demand that everyone wanting to see it must file a GRAMA request and then wait five or ten business days as allowed by law. Local officials should respect the spirit of full participation and share with all concerned the documents and records that influence their decisions well before those decisions are made.

The second opposing factor is pure and simple politics and the reluctance we all have to being embarrassed. Citizen planners are not always professional, sophisticated experts and often are not sure themselves about what the public should know. They are sometimes very protective of business entities who are attempting to get permits for projects that the municipality wants to encourage.

Occasionally local officials will attempt to limit access to documents and claim that they represent business trade secrets or real estate deals that are not ready to become public. Sometimes the planning commission or city council just does not want the press or the public rummaging around in their business at will. The problem,

of course, is that it is not only the officials' business, but the public business, and GRAMA makes it clear where the bias lies when there is a request to make public documents public. Absent compelling reasons to keep records secret, they should be disclosed.

The right to know: There is an even deeper issue on the level of an applicant who is entitled to due process under the Constitution. Inherent in the right to due process is the right to know about and confront witnesses, to cross examine those offering testimony against one's interest, and to be heard on all the relevant matters that affect the decision to be made.⁵ This cannot be done if there are documents made available to decision-makers that the applicant cannot see. It is a breach of due process when decision-makers such as a board of adjustment, planning commission, site plan review committee, or city council have access to information and documents that affect their decisions and they do not share such information with the applicant whose rights are affected by their decisions.⁶

On another level, it is also unwise for municipal officials to avoid disclosure of documents and evidence that affect their decisions. Administrative decisions by local boards can only be challenged based on the record made of the decision. If all the information is not in the record, then the decision may not be upheld by the court or an arbitrator. The decision will only survive scrutiny if there is substantial evidence on the record, and information not disclosed cannot be considered as part of the record.⁷

It is in everyone's interest in a democracy to make sure that all participating know the facts and the factors that will support good, positive decisions, made in the light of day with information all can analyze and discuss.

Fees: GRAMA provides that every person has the right to inspect a public record free of charge, and the right to take a copy of a public record during normal working hours, subject to the normal requirements of asking in advance and paying a fee for any copies that are desired.⁸

There is no charge for inspecting a record.⁹ Usually a place will be provided where a person can sit and review the file or other documents in a convenient manner. If you would like to copy the records, a charge may be imposed that has been predetermined by the municipal council or county commission. The law requires that fees

be set in ordinance and not just imposed by the staff. No charge can be assessed for the time the staff takes to review a record to determine if it is public or for inspecting the record.¹⁰

A government entity may fulfill a record request without charge and is encouraged to do so if the record directly relates to a person's legal rights, and that person cannot afford to pay the fee.¹¹

Charge for compiling a record: The Utah courts have held that no charge for compilation of a record is to be made without previous notice of the charge. An agency may assess fees if the request involves extracting materials from a larger document of source and compiling them in a different form. If feasible and reasonable to do so, the agency should offer to allow the person requesting the record to compile it. If the agency compiles the record as a preferred way to provide it, rather than from necessity, no charge is to be made.¹²

Time limits: As far as the timing of a request goes, most of the time a record will be provided when it is asked for. Local officials may stick to the strict time frames that GRAMA provides, however, and require advance notice of no more than ten business days before the government responds to a GRAMA request.¹³ For requests by a citizen that are made for the benefit of the public and not just for their own personal benefit, up to five business days may pass before the record is produced or an explanation made as to why it was not produced.¹⁴

There are exceptions to the time limits, which may be pointed out by the municipality once the request is received. Remember that the bias of the law is meant to be in favor of access, so there should be a good reason for denial if the request for records is denied.

Public documents: Every document is public unless private, controlled, or protected.¹⁵

Private documents: Generally relate to individuals and their private interests, such as eligibility for benefits, medical history, employment, library circulation, etc.¹⁶

Controlled documents: Mainly medical records of individuals shared with a limited audience.¹⁷

Protected documents: Generally, trade secrets, financial and commercial information for companies, test questions, appraisals for future property transactions, investigations, litigation documents not available through discovery, privileged communications from the agency's attorney, drafts, minutes, and notes of closed meetings, and other documents that may compromise a legitimate state interest.¹⁸

Business confidentiality: If a record provided by a business to an agency is desired to be protected, the business must provide a claim of confidentiality and state the reasons for the restricted access. The agency can still classify the record as public if it notifies the business. Remember it is the business, not the local government, that originates the idea that the documents provided to the government entity ought to be confidential.¹⁹

Not a public record: (and thus not required to be disclosed to the public) temporary drafts, privately owned documents; calendars and notes; records of closed meetings by local bodies and attorney-client documents, for example. There are more, but the long list is beyond the scope of this short discussion. Check the statute on-line for details.²⁰

Denial: If access is denied, the agency shall provide a notice of denial, including a description of the record or portion of record to which access is denied, citation to the statute allowing the denial, and a description of the process to appeal the denial. Failure to respond is deemed a denial.²¹

Destruction: If access to a record is denied, that record is not to be destroyed or given to another agency before the appeal period has passed.²²

Other agencies: Even if a record is not available to the public, that same record can be provided to another governmental agency if that agency enforces, litigates, or investigates civil, criminal or administrative law and in other instances.²³

Appeals: Any appeal must be filed within thirty days of a denial of access or other determination. File a notice of appeal to the chief administrative officer of the agency if such an appeal is allowed under the local ordinances.²⁴ The local appeal decision may then be reviewed by the State Records Committee or the district court.²⁵ The State Records Committee is a panel of seven individuals, including one citizen and one representative from the news media, which hears appeals and make decisions in implementing GRAMA.

Penalties: It is a class B misdemeanor to knowingly disclose records that should not be disclosed, or to gain access to records that should not be disclosed by false pretenses, bribery, or theft, or to intentionally refuse to release a record which is legally required to be released.²⁶

Attorney's fees: can be ordered against the agency if a person who appeals a denial of access substantially prevails in legal action.²⁷

Form: A form that can be used to make a GRAMA request is often available from the local governmental entity involved. If one is not available, a sample is included with this publication that can be used under most circumstances. Just copy it, fill in the blanks, and submit it to the governmental entity involved. You may also wish to copy the summary of GRAMA rules on the back of the document provided so the governmental entity to which you submit it has a copy of the statute handy for reference.

Questions: GRAMA issues and disputes are most commonly routed to State Archives in the Department of Administrative Services, which provides staff support to the State Records Committee. The current contact number for the Records Ombudsman at State Archives as of the date of these materials is (801) 538-3858. You may also get information on the internet at <http://archives.utah.gov>.

1 Utah Code Ann. §63G-2-102(3).

2 Utah Code Ann. §63G-2-102(1).

3 Utah Code Ann. §63G-2-102(2).

4 Utah Code Ann. §63G-2-201(2).

5 *Dairy Products v Wellsville*, 2000 UT 81, ¶¶48-49.

6 Delaney, Abrans and Schinidman, *Land Use Practice & Forms: Handling the Land Use Case*, § 5:11 (2nd Ed., 2003 Update). See also Zizka, Hollister, Larsen and Curtin, *State and Local Land Use Liability*, § 5:13 (1997, 2003 Update).

7 *McElhaney v. Moab*, 2017 UT 65, ¶26.

8 Utah Code Ann. §§63G-2-201(1)(a), 63G-2-203.

9 Utah Code Ann. §63G-2-201(1)(a).

10 Utah Code Ann. §63G-2-203(5).

11 Utah Code Ann. §63G-2-203(4).

12 *Graham v. Davis County Solid Waste Dist.*, 1999 UT App. 136, 979 P. 2d 363

13 Utah Code Ann. §63G-2-204(4)(b).

14 Utah Code Ann. §63G-2-204(4)(b).

15 Utah Code Ann. §63G-2-201(2).

- 16 Utah Code Ann. §63G-2-302.
- 17 Utah Code Ann. §63G-2-304.
- 18 Utah Code Ann. §63G-2-305.
- 19 Utah Code Ann. §63G-2-309.
- 20 Utah Code Ann. §63G-2-305 includes a list which, at this printing, has 83 separate subsections describing protected records. All state statutes are available on-line at www.le.utah.gov/xcode/code.html. Specifics on the law can be found at <http://archives.utah.gov/recmanag/govlaw.htm>. A records ombudsman also is available at archives.utah.gov to assist both the public and those charged with records management.
- 21 Utah Code Ann. §63G-2-205.
- 22 Utah Code Ann. §63G-2-205(3).
- 23 Utah Code Ann. §63G-2-206(1).
- 24 Utah Code Ann. §63G-2-401.
- 25 Utah Code Ann. §63G-2-402.
- 26 Utah Code Ann. §63G-2-801.
- 27 Utah Code Ann. §63G-2-802.

Open and Public Meetings

APPENDIX B

To quote the statute, “The Legislature finds and declares that the state, its agencies and political subdivisions, exist to aid in the conduct of the people’s business. It is the intent of the Legislature that the state, its agencies and its political subdivisions take their actions openly and conduct their deliberations openly.”¹

Generally speaking, when public bodies meet to discuss and take action on public business, their deliberations are to be open and public. This does not mean that the public can participate; it only means that the meeting is to be observable by the public.

Fair enough, but what is a “public body” and when do we call their interaction a “meeting”? As you would expect, the devil is in the details.

What is a public body?

It is any administrative, advisory, executive, or legislative body of the state or a municipality, county, special district, school board, or other entity created by government action, if that body:

1. is created by the Utah Constitution, statute, rule, ordinance or resolution
AND
2. has two or more members AND
3. expends, disburses, or is supported in whole or in part by tax dollars AND
4. is vested with the authority to make decisions about the public’s business.

UNLESS the body is a political party or one of a few committees at the state legislature.²

City councils, county commissions, planning commissions, boards of adjustment, site plan review committees, historic district commissions, and similar land use bodies are all public bodies. Groups of staff who meet together and ad hoc committees

of self-appointed individuals who meet to propose changes in policy are not public bodies unless the local ordinance vests them with authority to make decisions. If the land use regulations appoint a staff committee to review site plan applications, for example, then that committee is a land use authority and also a public body.

What is a meeting?

A meeting is the convening of a quorum of a public body to discuss or act on business that the body does, unless the meeting is by chance. When a body charged with both legislative and administrative duties, such as a county commission, meets solely to discuss administrative or operational matters that is not a meeting unless some formal action is required or public funds are appropriated.³

Study sessions, workshops, executive sessions, field trips, and formal sessions held for the purpose of discussing or acting upon a matter over which the public body has jurisdiction or advisory power are all “meetings.”⁴

A “meeting” also includes some electronic forms of communicating between and among the members of a public body. It is both a convenience and a potential pitfall for local officials to engage in conversations by Zoom or other online meeting application, and conference calls. Such exchanges are public meetings that are subject to the same formalities and public observation as in person meetings.⁵

How is public notice to be given of meetings?

It is done in several ways. Any public body like the planning commission or city council must give notice once a year of their normal meeting schedule. The notice must note the specific time, date, and place of each meeting planned for the year.⁶ Any public body must also give a 24-hour advance notice of the agenda, date, time, and place of each of its meetings.⁷ If this requirement is not met, the body is not to meet.

Public notice can be satisfied by:

1. written notice posted at the principal office of the body or at the meeting place, AND
2. online notice at the Utah Public Notice Website at www.pmn.utah.gov AND

3. notice to at least one newspaper of general circulation in the area or to a local correspondent.⁸

Emergency meetings can be held to handle urgent matters if the best notice practicable is given and an attempt is made to notify all members of the body and a majority votes to go ahead with the meeting.⁹

Public bodies are encouraged to use electronic means such as special cable TV channels, e-mail, social media or the internet to broaden the notice of public meetings.¹⁰ Remember that there are some other notice requirements related to certain items on an agenda; for example, some ordinances require advance notice to neighbors before certain applications can be heard. Check the local ordinance and state statutes to be sure of the notice requirements for specific issues. Just because the meeting was noticed twenty-four hours in advance does not mean that the notice requirements for a specific land use decision or change in land use regulations were met.

What if items are discussed that are not on the agenda?

The duty to provide notice of a meeting includes a duty to provide an agenda for the meeting.¹¹ The courts have held that when a significant issue is to be discussed, it should be listed plainly on the agenda. Sometimes local officials get a little too “cute” by placing an item at the bottom of the agenda such as “other business” or “possible executive session” or the like and assume that that creates a blanket opportunity to discuss anything at all. This is clearly an abuse. The statute states that agenda items are to be identified with “reasonable specificity”.¹²

In a recent case, the Utah Supreme Court said “it would clearly violate the public policy behind the Act to strategically hide sensitive public issues behind the rubric of ‘other business.’” In that case, the city only escaped having its actions invalidated because the item discussed was re-advertised and heard again in a subsequent meeting that had been properly noticed.¹³

The Utah Supreme Court has held that no violation of the agenda requirements of the Open and Public Meetings Act occurred when the planning commission discussed in its meeting items that were not on its agenda and the matters were not within the jurisdiction of the planning commission to make decisions about. This opinion by the court offers some comfort to those who worry about falling into the

trap of discussing incidental issues not related to their offices without putting such nonissues onto the agenda.¹⁴

State statute also provides that the public body may discuss items raised in a public meeting by the public at the discretion of the presiding officer. No final action may be taken, however, unless the item is raised in an emergency meeting.¹⁵

What is the difference between a public “meeting” and a public “hearing”?

Quite a bit. *Anyone can observe a public meeting, but there is no right to speak or be heard there.* Although it is common (and wise) for local bodies to freely allow public comment when that comment is constructive and not disruptive, they have no legal duty to do so.

Local ordinances and state statutes may provide for the obligation to hold public hearings, and those rules must be followed. Beyond that, the public participates in presenting opinions and evidence at the pleasure of the body that is conducting the meeting.

Many would be surprised, for example, to know that there is no state requirement that a city or county council conduct public hearings on rezoning requests or other similar business.¹⁶ Most do, and perhaps are required to do so by local ordinance, but they are not obligated by some state law to do so. Check the local ordinance or relevant state statute to see if a public hearing is required.

It is not uncommon for legislative bodies to have time on their agenda for “comments” or “questions” from the public. This is normally limited in time to avoid taking time on items that are not on the agenda at the expense of the items that are. In fact, though the public may raise any issue, it would violate the notice requirements explained above if the body extensively discussed a matter that is not on the agenda just because a citizen brought it up.¹⁷ It would certainly be out of order to make a decision without the agenda showing that the issue was to be brought up.

Although there is nothing wrong with taking advantage of an open mic if it is provided, the better practice would be to call the clerk or chair of the body and ask to be on the agenda so they could discuss your matter completely and legally, and perhaps make a final decision on the matter. If the meeting is not a public hearing, you have no right to participate. You are entitled, as mentioned, to record it, to observe

it, to tell your friends about it, and to communicate your thoughts to the members of the body outside of the meeting, but you don't have any right to speak up unless the body invites you to do so.

Check with someone ahead of time to find out if public input is commonly accepted and how you can express your desire to speak if you are so moved while the meeting is proceeding.

If the meeting is a public hearing, there are usually some restrictions on participation such as time limits. If unduly narrow and strict, these limits may actually violate due process, but normally they must be followed. If you do not have time to say all you wish, submit written material for the record so that everything you wish to be considered can be taken into account as the decision is made. If your property rights are at issue, there are standards of due process that must be afforded to you.¹⁸

The right to adequately present your evidence and argument cannot be unreasonably restricted. If you are not allowed to submit written materials, ask a member of the body to submit them for you. The record must include any information that a member submits.¹⁹

What records of public meetings must be kept?

Written minutes or a tape recording must be kept of all open meetings. The records must indicate:

1. when and where the meeting was held, *and*
2. which members of the body were present, *and*
3. the substance of all matters discussed, and
4. a record by individual members of all votes taken, *and*
5. the names of all citizens who appeared and the substance, in brief, of their testimony, *and*
6. any other information that a member of the body requests be entered in the minutes.²⁰

If a tape is used to record a meeting, written minutes must be produced within a reasonable time and be made available to the public.²¹ The tape is a public document. It may not be erased or destroyed except under a schedule of destruction for public

documents.²² Only written minutes, however, are considered evidence of the official action taken at the meeting.²³

Anyone present may also record all or part of a meeting, so long as the recording does not interfere with the conduct of the meeting.²⁴

Are there some meetings that do not have to be open to the public?

Yes, if they fit into one of the following narrow exceptions for closed meetings or “executive sessions” outlined in state statute:

1. to discuss the character, professional competence, or physical or mental health of an individual, or
2. strategy sessions to discuss collective bargaining, or
3. strategy sessions to discuss pending or reasonably imminent litigation, or
4. strategy sessions to discuss real estate, water right, or water share transactions where such a private discussion would help the public body get the best deal, so long as public notice has been given that any property, water, or water rights would be offered for sale, or
5. to discuss the deployment of security systems, or
6. investigative proceedings involving allegations of criminal misconduct, or
7. discussion of trade secrets made necessary to properly conduct a procurement.²⁵

The Utah Supreme Court also held that an exception to the Open and Public Meetings Act may allow a closed meeting when a public body deliberates like a jury in determining the facts of a given situation and applying those facts to a matter properly at issue before them in a “quasi-judicial” proceeding.²⁶

It is clear that the legislature intended that an official meeting of the [public body], wherein it performs the “information obtaining” phase of its activities, should not be held in private or in secret, but should be open to the public. However, once the “information obtaining” procedure has been completed, it is essential that during the “decision making” or judicial phase, those charged with that duty have the opportunity of discussing and thinking about the matter in private, free from any clamor or pressure, so they can calmly analyze and deliberate upon

questions of fact, upon the applicable law, and upon considerations of policy, which bear upon the problems with which they are confronted.²⁷

Therefore, as long as the “information obtaining” procedures are conducted in the open and any final or formal action is announced or issued in the open, the “decision making” or deliberation of a public body during a judicial process may be held in private and is exempt from the requirements of the Act.

It would generally not be appropriate to discuss proposed legislative decisions such as the general plan, zoning ordinance, rezoning requests, annexations, or similar policy questions in private. In the rare event that a closed meeting to discuss legislation is appropriate under the law, it would probably be in the context of the exception allowed to discuss pending or reasonably imminent litigation.

What are the limits on a closed meeting?

Before going into a closed meeting, the body must meet in open session and take a motion to go into a closed meeting. The motion must pass by a two-thirds majority vote of the quorum that is present to conduct the meeting. The reason(s) for holding the closed meeting must be announced and made part of the record of the open meeting and the vote must be recorded individually.²⁸

The public body, in a closed meeting, may not take a substantive vote, make any decisions, and cannot approve an ordinance, resolution, rule, contract, or appointment. It must come out of a closed meeting to make a decision.²⁹

The public body must tape record closed meetings or keep detailed written minutes that disclose the content of the closed portion of the meeting. These minutes or tapes are protected records, however, and the public can only have access to them now or in the future under the limitations imposed on such records by GRAMA. The minutes must include the date, time, and place of the meeting; the names of those present and absent; and the names of all others present except where noting someone's presence may violate a confidence and defeat the purpose of keeping the meeting closed.³⁰

If a closed meeting is challenged in court, the judge will review the tape recording or minutes in privacy and decide if the meeting was legally held. If the rules were followed, the court will seal the record and not reveal any of its contents. If the judge

determines that the meeting was not conducted properly in private, the court will reveal all or any part of the record of the meeting which relates to business that should have been conducted in public.³¹

The ability to weigh facts in private does not lessen the duty a public body has in supporting its decisions by substantial evidence on the record. No decision can be made behind closed doors. The public body must come out of a closed meeting, state the facts as they find them to be, and then make a decision that is supported by those facts if their decisions are to be valid.³²

Can meetings be held by telephone or on the internet?

Yes, as long as the public can also participate by silent observation. One location for participation must be in the city where the body normally meets. Notice of the meeting and the means to participate must be provided twenty-four hours in advance.³³

How are open meeting requirements enforced?

First of all, the duty to enforce the statute is imposed on the Attorney General and county attorneys.³⁴ There is a specialist at the office of the Attorney General who handles these matters and will respond to local concerns and questions.

Anyone denied any right to participate in open and public meetings can also bring suit to compel compliance with the rules. In the right case, the court can award attorneys' fees and court costs to a successful plaintiff. Decisions made in violation of the Open Meetings Act (either by improperly closing a meeting or by failure to provide the required notice) can be voided by a court if the decision is challenged by filing legal action within 90 days.³⁵

1 Utah Code Ann. §52-4-102.

2 Utah Code Ann. §52-4-103(9).

3 Utah Code Ann. §52-4-103(6).

4 Id.

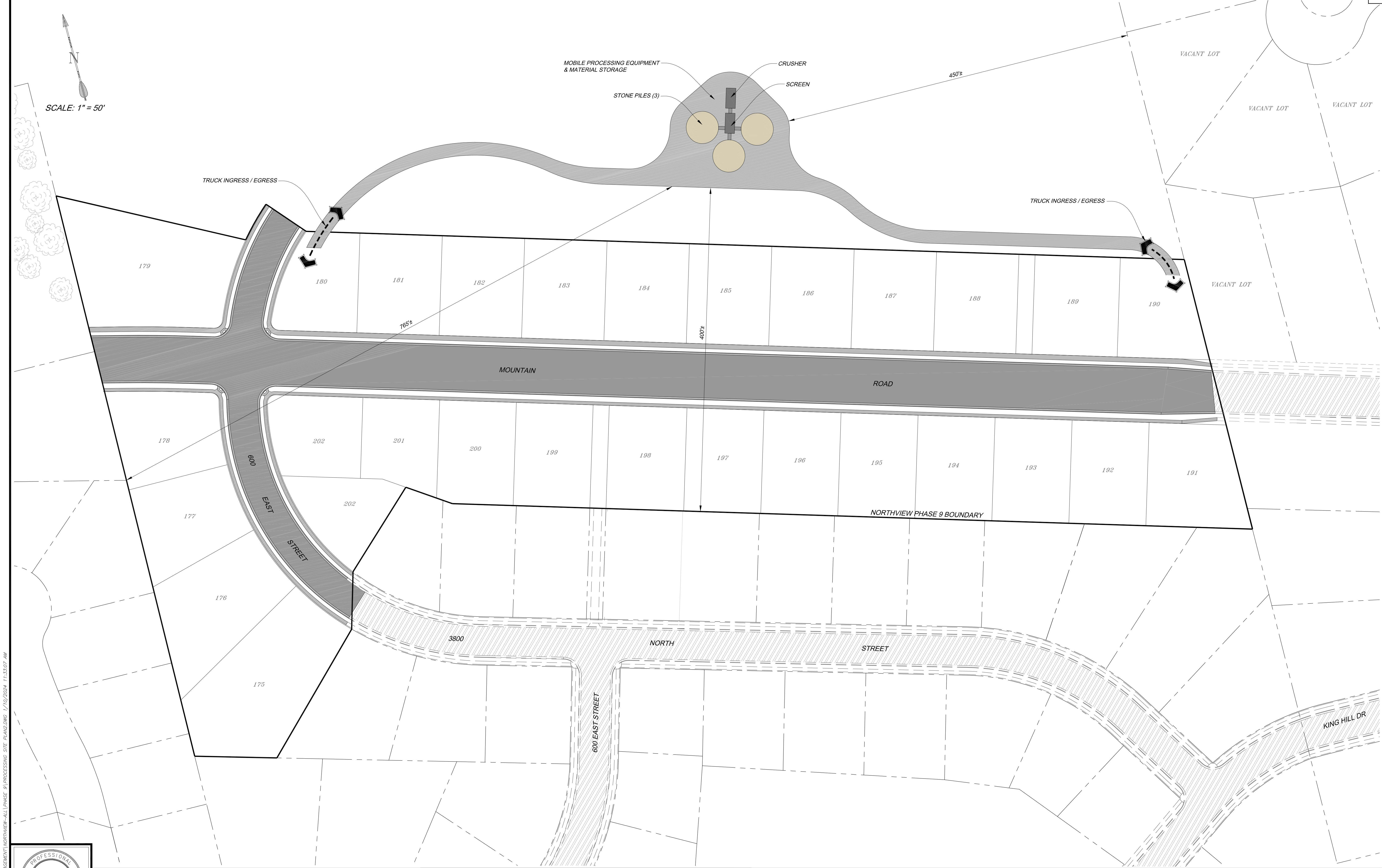
5 Id. The definition of a "meeting" includes "by means of electronic communications". That said, however, Utah Code Ann. 52-4-210 provides that nothing in the open meetings act is to be construed to restrict a member of a public body from transmitting an electronic message to other members of the public body at a time when the public body is not convened in an open meeting.

6 Utah Code Ann. §52-4-202(2).

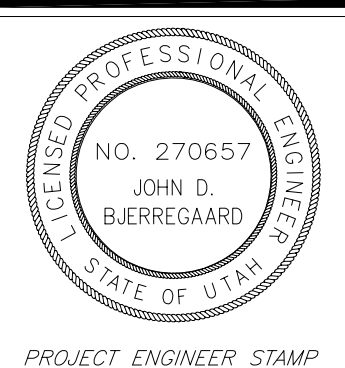
7 Utah Code Ann. §52-4-202(1).

8 Utah Code Ann. §52-4-202(3).

- 9 Utah Code Ann. §52-4-202(5).
- 10 Utah Code Ann. §52-4-202(4).
- 11 Utah Code Ann. §52-4-202(1)(b) and (6).
- 12 Utah Code Ann. §52-4-202(6)(a).
- 13 *Ward v. Richfield*, 798 P.2d 757 (Utah 1990).
- 14 *Harper v. Summit County*, 2001 UT 10, 26 P. 3d 193.
- 15 Utah Code Ann. §52-4-202(6)(b).
- 16 See, for example, Utah Code Ann. §10-9a-502(1)(b) where the duty to hold a hearing on a land use regulation is imposed on the planning commission, not the legislative body. The city council must only take a vote on the plan at a public meeting but is not required by state law to hold a hearing. Of course, every city council I am aware of holds a hearing, which is entirely appropriate. The law sets minimums for public participation, not maximums.
- 17 Utah Code Ann. §52-4-202(6).
- 18 *Dairy Prod. Servs., Inc. v. Wellsville*, 2000 UT 81, ¶24, 13 P.3d 581.
- 19 Utah Code Ann. §52-4-203(2)(a)(vii).
- 20 Utah Code Ann. §52-4-203(2).
- 21 Utah Code Ann. §52-4-203(4)(g).
- 22 Utah Code Ann. §52-4-203(6). The duty to preserve records by municipalities and counties, which are political subdivisions of the state, is referred to in Utah Code Ann. §63G-2-701. Each government entity is to adopt a schedule for the retention of records, including tape recordings of meetings.
- 23 Utah Code Ann. §52-4-203(4)(i).
- 24 Utah Code Ann. §52-4-203(5).
- 25 Utah Code Ann. §52-4-205(1). For a case discussing the pending litigation exception see, *Kearns Tribune v. Salt Lake County Commission*, 2001 UT 55 28 P. 3d 686. The court did not read the exception narrowly, but allowed Salt Lake County to discuss strategy for a pending hostile annexation issue even though litigation had not been filed against the county in the matter.
- 26 *Dairy Prod. Servs., Inc. v. Wellsville*, 2000 UT 81, 24, 13 P.3d 581. See also *Common Cause of Utah v. Public Serv. Comm'n*, 598 P.2d 1312, 1315 (Utah 1979); see also *Andrews v. Board of Pardons*, 836 P.2d 790, 792-93 (Utah 1992) (per curiam) (finding judicial nature of board deliberations to be exempt from requirements of Utah Open and Public Meetings Act).
- 27 *Id.*
- 28 Utah Code Ann. §52-4-204.
- 29 Utah Code Ann. §52-4-204(3).
- 30 Utah Code Ann. §52-4-206.
- 31 Utah Code Ann. §52-4-304.
- 32 Utah Code Ann. §52-4-302(1)(a).
- 33 Utah Code Ann. §52-4-207.
- 34 Utah Code Ann. §52-4-303(1).
- 35 Utah Code Ann. §52-4-303(3), (4).

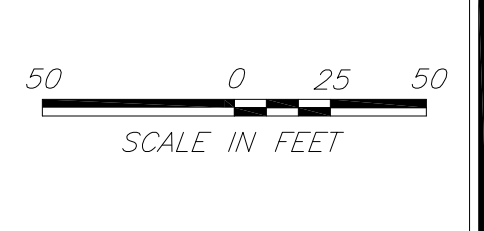


A:\05-MISC\VALEO MANAGEMENT\NORTHVIEW-ALL PHASE 9\PROCESSING SITE PLANNING 1/10/2024 11:53:07 AM



WASATCH CIVIL
Consulting Engineering
1150 SOUTH DEPOT DRIVE, SUITE 225
OGDEN, UT 84404 (801) 775-9191

REV.	DATE	APPR.



DESIGNED C.C.S. DATE JAN. 9, 2024
DRAWN C.C.S. SCALE: 1"=50'
CHECKED J.D.B.

**VALEO
MANAGEMENT**
1080 South Depot Drive
Ogden, Utah 84404

**NORTHVIEW ESTATES SUBDIVISION PHASE 9 -
ON-SITE MOBILE PROCESSING
SITE PLAN**

SHEET:
2
OF 5 SHEETS



NO. 270657
JOHN D. BIERREGAARD
STATE OF UTAH
PROJECT ENGINEER STAMP

WC

WASATCH CIVIL

Consulting Engineering

1150 SOUTH DEPOT DRIVE, SUITE 225
OGDEN, UT 84404 (801) 775-9191

REV.	DATE	APPR.

50 0 25 50

SCALE IN FEET

DESIGNED C.C.S. DATE JAN. 9, 2024

DRAWN C.C.S. SCALE: 1"=50'

CHECKED J.D.B.

VALEO MANAGEMENT

1080 South Depot Drive
Ogden, Utah 84404

NORTHVIEW ESTATES SUBDIVISION PHASE 9 -
ON-SITE MOBILE PROCESSING

EROSION & CONTROL PLAN

SHEET: 4

OF 5 SHEETS

Page 27

STORM WATER POLLUTION PREVENTION PLAN

NORTHVIEW ESTATES SUBDIVISION PHASE 9

ON-SITE MOBILE PROCESSING

STORM WATER POLLUTION PREVENTION PLAN SPECIFIC NOTES

- THIS PARTIAL STORM WATER POLLUTION PREVENTION PLAN (SWPPP) WAS DEVELOPED AT THE REQUEST OF THE OWNER, VALEO MANAGEMENT, FOR THE CONSTRUCTION OF A NEW RESIDENTIAL SUBDIVISION IN THE CITY OF NORTH OGDEN, COUNTY OF WEBER, STATE OF UTAH. THIS PLAN IDENTIFIES POTENTIAL SOURCES OF POLLUTANTS OF STORM WATER, PRESENTS POLLUTION CONTROL MEASURES, AND ASSISTS IN INSURING IMPLEMENTATION AND MAINTENANCE OF THE BEST MANAGEMENT PRACTICES (BMP'S) INDICATED HEREIN. ADDITIONAL SITE SPECIFIC INFORMATION IS REQUIRED TO COMPLETE THIS SWPPP. SEE UTAH DIVISION OF WATER QUALITY WEB SITE FOR A SWPPP TEMPLATE.
- A NOTICE OF INTENT MUST BE FILED WITH THE STATE OF UTAH WATER RESOURCES CONTROL BOARD BY THE OWNER SO THAT THIS CONSTRUCTION PROJECT MAY BE COVERED UNDER THE STATE GENERAL PERMIT. THE PERMIT IS NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) GENERAL PERMIT (NO. UTR 620000) FOR STORM WATER DISCHARGES ASSOCIATED WITH CONSTRUCTION ACTIVITY.
- IN THE EVENT OF A CHANGE IN OWNERSHIP, A NEW NOTICE OF INTENT SHALL BE FILED WITH THE STATE WATER RESOURCES CONTROL BOARD.
- IN THE EVENT OF A RELEASE OF A REPORTABLE QUANTITY OF A POLLUTANT, THE CONTRACTOR SHALL ADVISE THE OWNER TO NOTIFY THE NATIONAL RESPONSE CENTER, NORTH OGDEN CITY, AND WASATCH CIVIL IF NECESSARY, THIS POLLUTION PREVENTION PLAN SHOULD BE REVISED TO REFLECT THE CHANGE IN CONDITIONS OF THE CONSTRUCTION ACTIVITY. A REPORTABLE QUANTITY IS ESTABLISHED BY 40 CODE OF FEDERAL REGULATIONS (CFR) 117.3 OR 40 CFR 302.4.
- ALL CONTRACTORS AND THEIR PERSONNEL WHOSE WORK CAN CONTRIBUTE TO OR CAUSE POLLUTION OF STORM WATER SHOULD BE MADE FAMILIAR WITH THIS POLLUTION PREVENTION PLAN. ADEQUATE TRAINING FOR IMPLEMENTATION OF THE MEASURES PRESENTED HEREIN SHALL BE PROVIDED TO THE CONTRACTORS AND THEIR PERSONNEL.
- CHANGES IN CONSTRUCTION OR IN CONDITIONS WHICH ARE NOT COVERED BY THIS PLAN SHOULD BE BROUGHT TO THE ATTENTION OF THE OWNER, VALEO MANAGEMENT, AND WASATCH CIVIL IF NECESSARY, THIS POLLUTION PREVENTION PLAN WILL BE REVISED TO REFLECT THE CHANGE IN CONSTRUCTION OR IN CONDITIONS.
- ALL PREVENTION AND CLEAN UP MEASURES SHOULD BE CONDUCTED IN ACCORDANCE WITH NORTH OGDEN CITY ORDINANCES, AS WELL AS STATE AND FEDERAL REGULATIONS. WASTE MATERIALS SHOULD BE DISPOSED OF IN A LEGAL MANNER. ALL DISCHARGERS OF STORM WATER MUST COMPLY WITH THE LAWFUL REQUIREMENTS OF NORTH OGDEN CITY, WEBER COUNTY AND OTHER LOCAL AGENCIES REGARDING THE DISCHARGES OF STORM WATER TO STORM DRAINS.
- THIS PLAN DOES NOT COVER THE REMOVAL OF HAZARDOUS OR TOXIC WASTE. IN THE EVENT OF A DISCHARGE OR RELEASE OF A REPORTABLE QUANTITY OF TOXIC WASTE, WORK SHOULD BE STOPPED UNTIL THE SPILL CAN BE ASSESSED AND A MITIGATION REPORT PREPARED BY A QUALIFIED ENVIRONMENTAL CONSULTANT, AND IF NECESSARY, REVIEWED BY WEBER COUNTY, NORTH OGDEN CITY AND ANY OTHER AGENCY HAVING JURISDICTION.
- THIS SWPPP SHALL BE MADE AVAILABLE TO THE PUBLIC UNDER SECTION 308(B) OF THE CLEAN WATER ACT. UPON REQUEST BY MEMBERS OF THE PUBLIC, THE DISCHARGER SHALL MAKE AVAILABLE FOR REVIEW A COPY OF THIS SWPPP EITHER TO THE REGIONAL WATER BOARD OR DIRECTLY TO THE REQUESTER. THIS SWPPP MUST BE KEPT ON SITE DURING CONSTRUCTION ACTIVITY AND MADE AVAILABLE UPON REQUEST OF A REPRESENTATIVE OF THE REGIONAL WATER BOARD AND/OR THE LOCAL AGENCY.
- | | |
|-------------------------------------|------------------------|
| CONTACTS | |
| OWNER | CECIL SATERTHWAIT |
| VALEO MANAGEMENT | MANAGER |
| 1080 SOUTH DEPOT DRIVE | 801-391-1345 |
| OGDEN, UTAH 84404 | |
| CONTRACTOR/DISCHARGER | |
| CIVIL ENGINEER | |
| WASATCH CIVIL CONSULTING ENGINEERS | JOHN BJERREGAARD |
| 1150 SOUTH DEPOT DRIVE, SUITE 225 | PROJECT MANAGER |
| OGDEN CITY, UTAH 84404 | (801) 775-9191 |
| NORTH OGDEN CITY | |
| ENGINEERING DEPARTMENT | LORIN GARDNER |
| 165 EAST LOMOND VIEW DRIVE | CITY ENGINEER |
| NORTH OGDEN, UTAH 84414 | (801) 940-4317 |
| STATE OF UTAH | |
| DEPARTMENT OF ENVIRONMENTAL QUALITY | HARRY CAMPBELL |
| DIVISION OF WATER QUALITY | ENVIRONMENTAL ENGINEER |
| 288 NORTH 1460 WEST | (801) 538-6146 |
| P.O. BOX 144870 | |
| SALT LAKE CITY, UTAH 84114-4870 | |
| U.S. EPA | |
| ENVIRONMENTAL PROTECTION AGENCY | REGION VIII |
| DENVER, COLORADO | 800-759-4372 |
| ENVIRONMENTAL PROTECTION AGENCY | 202-475-9518 |
| WASHINGTON, D.C. 20460 | |
- REFERENCES
 - SITE PLAN PER WASATCH CIVIL DATED JANUARY 2024.
 - STORMWATER POLLUTION PREVENTION PLAN DRAWINGS PREPARED BY WASATCH CIVIL CONSULTING ENGINEERS DATED JANUARY 2024.
- THE PROPOSED CONSTRUCTION ACTIVITY IS CONSTRUCTION OF A NEW RESIDENTIAL SUBDIVISION.
- LOCATION OF THE SITE: THE PROJECT IS LOCATED AT APPROXIMATELY 100 WEST STREET & 4200 NORTH IN NORTH OGDEN CITY, WEBER COUNTY, UTAH.
- THE RUNOFF COEFFICIENT FOR THIS SITE IS 0.32. THIS MEANS THAT 21% OF THE SITE IS COVERED WITH AN IMPERVIOUS SURFACE (SUCH AS CONCRETE, ASPHALT, OR A BUILDING); AND THAT 79% OF THE SITE HAS A PERVIOUS SURFACE (SUCH AS LANDSCAPING AND PLANTING AREAS).
- THE EXISTING SOIL IS A MIX OF SAND, SILT AND CLAY. THE EXISTING GROUND WATER QUALITY AT THIS LOCATION IS ASSUMED TO BE THAT OF WATER WHICH IS SAFE FOR DRINKING; THE EXISTING STORM WATER QUALITY IS TYPICAL OF STORM WATER FLOWING FROM DEVELOPED, SUBURBAN, AREAS.
- RECEIVING WATER: NORTH OGDEN CITY STORM DRAIN, WEBER COUNTY STORM DRAIN AND EVENTUALLY THE GREAT SALT LAKE.

STORM WATER POLLUTION PREVENTION PLAN GENERAL NOTES

A. PROHIBITION ON MOST NON-STORM WATER DISCHARGES

ONLY STORM WATER FROM THE PROJECT SITE SHALL BE ALLOWED TO FLOW INTO THE ON-SITE STORM DRAIN SYSTEM. CLEAN, NON-CHLORINATED WATER FROM THE FLUSHING OF FIRE HYDRANTS, WATER MAINS, AND STORM DRAINS MAY BE DISCHARGED TO THE STORM DRAIN IF IT IS NOT ALLOWED TO COLLECT DIRT, DEBRIS, AND TRASH WHILE FLOWING TO A STORM DRAIN INLET.

B. SOURCES OF STORM WATER POLLUTANTS

STORM WATER POLLUTANTS INCLUDE SOIL SEDIMENT AND NUTRIENTS, OIL, GREASE, TOXIC POLLUTANTS, AND HEAVY METALS. SOURCES OF STORM WATER POLLUTANTS INCLUDE BUT ARE NOT LIMITED TO SOIL EROSION BY WATER AND/OR WIND; CLEARING OF VEGETATION; GRADING; VEHICLE AND EQUIPMENT REFUELING AND MAINTENANCE; WASHING OF CONCRETE TRUCKS, MIXERS AND HANDLING EQUIPMENT; PAINTS, SOLVENTS AND ADHESIVES; AND LANDSCAPING WORK.

C. EROSION AND SEDIMENT CONTROLS

- COVER EXPOSED STOCKPILES OF SOILS, CONSTRUCTION AND LANDSCAPING MATERIALS WITH HEAVY PLASTIC SHEETING.
- IN LANDSCAPING AREAS WHERE THE VEGETATION HAS NOT ESTABLISHED GROWTH AND TAKEN HOLD, CONSTRUCT SANDBAG OR DIRT BERMS AROUND THEIR PERIMETER TO INSURE THAT WATER WILL BE CONTAINED INSIDE THE LANDSCAPING AREA AND THAT IT WILL NOT BE CONVEYED TO A STORM DRAIN INLET.
- RE-VEGETATE AREAS WHERE LANDSCAPING HAS DIED OR NOT TAKEN HOLD.
- DIVERT STORM WATER RUNOFF AROUND DISTURBED SOILS WITH BERMS OR DIRT SWALES.

D. OTHER CONTROLS

- WASTE DISPOSAL
 - KEEP WASTE DISPOSAL CONTAINERS COVERED.
 - PROVIDE FOR THE WEEKLY (OR MORE FREQUENT, IF NECESSARY) DISPOSAL OF WASTE CONTAINERS.
 - PROVIDE CONTAINERS AT CONVENIENT LOCATIONS AROUND THE SITE.
- SWEEPING OF SITE
 - PROVIDE WEEKLY SWEEPING BY HAND OR MECHANICAL MEANS TO KEEP THE PAVED AREAS OF THE SITE FREE OF DUST, DIRT, AND DEBRIS.
 - DISPOSE OF ACCUMULATED DIRT IN WASTE CONTAINERS, OR HAUL IT OFF THE SITE TO A LANDFILL.
- SANITARY/SEPTIC DISPOSAL

PORTABLE TOILETS AND OTHER SANITARY FACILITIES SHALL BE SERVICED WEEKLY AND PUMPED CLEAN BY A WASTE DISPOSAL COMPANY. NO TOXIC OR HAZARDOUS WASTE SHALL BE DISPOSED IN A PORTABLE TOILET OR IN THE ON-SITE SANITARY SEWER.
- SPILLS
 - STORE ADEQUATE ABSORBENT MATERIALS, RAGS, BROOMS, SHOVELS, AND WASTE CONTAINERS ON THE SITE TO CLEAN-UP SPILLS OF MATERIALS SUCH AS FUEL, PAINT, SOLVENTS, OR CLEANERS. CLEAN UP MINOR SPILLS IMMEDIATELY.
 - FOR REPORTABLE QUANTITY OF HAZARDOUS OR TOXIC SUBSTANCE, SECURE THE SERVICES OF QUALIFIED PERSONNEL OR CLEAN-UP AND DISPOSAL.
- CONTROL OF ALLOWABLE NON-STORM WATER DISCHARGES

LANDSCAPING IRRIGATION, EROSION CONTROL MEASURES, PIPE FLUSHING AND TESTING, AND PAVEMENT WASHING ARE ALLOWED IF THEY CANNOT FEASIBLY BE ELIMINATED, COMPLY WITH THIS PLAN, DO NOT CAUSE OR CONTRIBUTE TO A VIOLATION OF WATER QUALITY STANDARDS, AND ARE NOT REQUIRED TO BE PERMITTED BY THE LOCAL REGIONAL WATER QUALITY CONTROL BOARD.
- VEHICLES AND EQUIPMENT
 - FIX LEAKS OF FUEL, OIL AND OTHER SUBSTANCES IMMEDIATELY.
 - PERFORM REFUELING AND SERVICE OF VEHICLES OR EQUIPMENT OFF-SITE WHEN POSSIBLE. IF REFUELING OR SERVICE OF EQUIPMENT IS PERFORMED ON-SITE, THEN PROVIDE AN IMPERVIOUS, CONTAINED AREA WHERE ANY SPILLS CAN BE CONTAINED WITHOUT FLOWING TO A STORM WATER INLET OR INTO THE GROUND.
 - USE DRIP PANS TO CATCH LEAKS AND SMALL SPILLS.
- CONCRETE TRUCKS, MIXERS AND HANDLING EQUIPMENT
 - DO NOT DISPOSE OF WASHOUT FROM THE WASHING OF CONCRETE TRUCKS, MIXERS, AND HANDLING EQUIPMENT WHERE IT WILL FLOW INTO A STORM WATER INLET OR INTO A PUBLIC STREET.
 - PROVIDE A HOLDING TANK TO RECEIVE ANY WASHOUT FROM CONCRETE EQUIPMENT. DISPOSAL OF TANK CONTENTS SHOULD BE CONDUCTED BY A WASTE HANDLING FIRM.
 - PROVIDE A DESIGNATED AREA FOR WASHING ANY VEHICLES OR EQUIPMENT. DRAINAGE FROM THIS AREA SHOULD FLOW TO THE HOLDING TANK.
- LANDSCAPING OPERATIONS
 - USE ONLY THE MINIMUM AMOUNT OF LANDSCAPING FERTILIZES, NUTRIENTS, AND OTHER CHEMICALS THAT ARE NEEDED.
 - DO NOT OVER WATER FERTILIZED OR TREATED LANDSCAPE AREAS. MINIMIZE RUNOFF OF IRRIGATION WATER FROM LANDSCAPING.
- STORM WATER INLETS

KEEP ALL ON-SITE STORM WATER INLETS CLEAN AND FREE OF DIRT AND DEBRIS. IN THE EVENT THAT SEDIMENT AND DEBRIS MAY FLOW TO AN INLET, PROVIDE AN 18-INCH (MINIMUM) STRAIN BARRIER AROUND THE INLET TO TRAP THE DIRT AND DEBRIS AND ALLOW ONLY CLEAN STORM WATER TO ENTER THE INLET.

E. INSPECTION

- REGULAR INTERVAL INSPECTION AND INSPECTION BEFORE AND AFTER STORMS
 - VISUALLY INSPECT THE SITE WEEKLY TO INSURE THAT STORM WATER INLETS ARE FREE OF DIRT AND DEBRIS.
 - BEFORE A STORM, INSPECT THE SITE TO INSURE THAT STORM WATER POLLUTION CONTROL MEASURES ARE IN PLACE.
 - AFTER A STORM, INSPECT ALL STORM WATER INLETS TO INSURE THAT THEY ARE CLEAR OF DIRT AND DEBRIS. CLEAN THOSE STORM WATER INLETS THAT ARE NOT CLEAR AND FREE OF DEBRIS.
 - THE REGIONAL WATER BOARD MAY REQUIRE THE DISCHARGER TO CONDUCT ADDITIONAL SITE INSPECTIONS, SUBMIT REPORTS AND CERTIFICATIONS, OR TO PERFORM SAMPLING AND ANALYSIS.
- ALL DISCHARGERS ARE REQUIRED TO CONDUCT INSPECTIONS OF THE CONSTRUCTION SITE PRIOR TO ANTICIPATED STORM EVENTS AND AFTER ACTUAL STORM EVENTS, TO IDENTIFY AREAS CONTRIBUTING TO A STORM WATER DISCHARGE, TO EVALUATE WHETHER MEASURES TO REDUCE POLLUTANT LOADINGS IDENTIFIED IN THIS SWPPP ARE ADEQUATE, TO PROPERLY IMPLEMENT IN ACCORDANCE WITH THE TERMS OF THE GENERAL PERMIT, AND TO DETERMINE WHETHER ADDITIONAL CONTROL PRACTICES ARE NEEDED.
- PREPARATION OF REPORTS AND RETENTION OF RECORDS
 - EACH DISCHARGER MUST CERTIFY ANNUALLY THAT ITS CONSTRUCTION ACTIVITY IS IN COMPLIANCE WITH THE REQUIREMENTS OF THE GENERAL PERMIT AND THIS SWPPP. THIS CERTIFICATION MUST BE BASED ON THE SITE INSPECTIONS. THE FIRST CERTIFICATION MUST BE COMPLETED BY JULY 1, 2005, AND EACH JULY 1 THEREAFTER.
 - THE DISCHARGER IS REQUIRED TO RETAIN RECORDS OF ALL MONITORING INFORMATION, COPIES OF ALL REPORTS REQUIRED BY THIS GENERAL PERMIT, AND RECORDS OF ALL DATA USED TO COMPLETE THE NOTICE OF INTENT FOR CONSTRUCTION ACTIVITY FOR A PERIOD OF AT LEAST THREE YEARS. THIS PERIOD MAY BE EXTENDED BY REQUEST OF THE STATE. WITH THE EXCEPTION OF NONCOMPLIANCE REPORTING, DISCHARGERS ARE NOT REQUIRED TO SUBMIT THE RECORDS EXCEPT UPON SPECIFIC REQUEST BY THE STATE DEQ DIVISION OF WATER QUALITY.
 - DISCHARGERS WHO CANNOT CERTIFY COMPLIANCE MUST NOTIFY THE STATE DEQ DIVISION OF WATER QUALITY. THIS NOTIFICATION SHALL IDENTIFY THE TYPE OR TYPES OF NONCOMPLIANCE, DESCRIBE THE ACTIONS NECESSARY TO ACHIEVE COMPLIANCE, AND INCLUDE A TIME SCHEDULE. SUBJECT TO THE MODIFICATIONS BY THE STATE DEQ DIVISION OF WATER QUALITY, INDICATING WHEN COMPLIANCE WILL BE ACHIEVED. NONCOMPLIANCE REPORTS MUST BE SUBMITTED WITHIN 30 DAYS OF THE IDENTIFICATION OF THE NONCOMPLIANCE.

F. MAINTENANCE OF CONTROLS

- MAINTENANCE AND REPAIR

ALL CONTROLS AND MEASURES INDICATED ON THIS PLAN SHOULD BE MAINTAINED IN GOOD AND EFFECTIVE CONDITION. IF ANY CONTROLS OR MEASURES ARE DAMAGED OR REMOVED, THEY SHOULD BE PROMPTLY REPAIRED OR RESTORED.
- PLAN REVISIONS

IF CONSTRUCTION ACTIVITY OR CONDITIONS CHANGE FROM THOSE SHOWN IN THIS PLAN, THEN THIS PLAN SHALL BE REVISED TO REFLECT THE CURRENT CONDITIONS.

G. FINAL STABILIZATION AND POST-CONSTRUCTION CONTROLS

- AFTER CONSTRUCTION HAS BEEN COMPLETED, THE SITE SHALL BE SWEEP CLEAN, STORM WATER INLETS (GRATES AND BASINS) SHALL BE CLEANED, AND ALL WASTE AND LEFTOVER MATERIALS SHALL BE REMOVED FROM THE SITE.
- ALL LANDSCAPING AND PLANTING AREAS SHOULD BE WELL MAINTAINED TO PREVENT EROSION. AVOID OVER WATERING OF LANDSCAPING.
- ALL PAVED AREAS SHOULD BE SWEEP WEEKLY EITHER BY HAND OR BY MECHANICAL MEANS TO KEEP THE SITE CLEAR OF DIRT, DUST, AND DEBRIS.
- WASTE MATERIALS ON-SITE SHOULD BE STORED IN COVERED CONTAINERS WHICH ARE CLEANED OUT REGULARLY.
- TESTING OF FIRE HYDRANTS ON-SITE SHALL NOT BE CONDUCTED UNTIL THE AREA WHERE THE WATER DISCHARGES HAS BEEN SWEEP CLEAN OF DIRT AND DEBRIS.
- STORM DRAIN LINES SHOULD BE CHECKED AND CLEANED ANNUALLY TO KEEP THEM CLEAN AND CLEAR OF DEBRIS.
- ALL ON-SITE STORM WATER INLETS SHOULD BE CLEARLY MARKED "STORM WATER ONLY".

H. COMPLETION OF CONSTRUCTION ACTIVITIES AND NOTICE OF TERMINATION

WHEN CONSTRUCTION ACTIVITIES HAVE BEEN COMPLETED ON THIS SITE, THE OWNER SHALL FILE A LETTER WITH THE STATE DEQ DIVISION OF WATER QUALITY. THIS LETTER SHALL CERTIFY THAT THE CONSTRUCTION ACTIVITY HAS BEEN COMPLETED, THAT ALL ELEMENTS OF THE SWPPP HAVE BEEN IMPLEMENTED, THAT CONSTRUCTION AND EQUIPMENT MAINTENANCE WASTES HAVE BEEN DISPOSED OF PROPERLY, THAT THE SITE IS IN COMPLIANCE WITH ALL LOCAL STORM WATER REQUIREMENTS INCLUDING EROSION/SEDIMENT CONTROL REQUIREMENTS, POLICIES, AND GUIDELINES.

DEFINITIONS

- "BEST MANAGEMENT PRACTICES" ("BMP'S") MEANS SCHEDULES OF ACTIVITIES, PROHIBITIONS OF PRACTICES, MAINTENANCE PROCEDURES, AND OTHER MANAGEMENT PRACTICES TO PREVENT OR REDUCE THE POLLUTION OF WATERS OF THE UNITED STATES. BMP'S ALSO INCLUDE TREATMENT REQUIREMENTS, OPERATING PROCEDURES, AND PRACTICES TO CONTROL SITE RUNOFF, SPILLAGE OR LEAKS, WASTE DISPOSAL, OR DRAINAGE FROM RAW MATERIAL STORAGE.
- "CLEAN WATER ACT" ("CWA") MEANS THE FEDERAL WATER POLLUTION CONTROL ACT ENACTED BY PUBLIC LAW 92-500 AS AMENDED BY PUBLIC LAWS 95-217, 95-576, 96-483, AND 97-111; 33 USC 1251 ET SEQ.
- "CONSTRUCTION SITE" IS THE LOCATION OF THE CONSTRUCTION ACTIVITY.
- "NON-STORM WATER DISCHARGE" MEANS ANY DISCHARGE TO STORM DRAIN SYSTEMS THAT IS NOT COMPOSED ENTIRELY OF STORM WATER EXCEPT DISCHARGE PURSUANT TO AN NPDES PERMIT AND DISCHARGES RESULTING FROM FIRE FIGHTING ACTIVITIES.
- "SIGNIFICANT MATERIALS" INCLUDES, BUT IS NOT LIMITED TO RAW MATERIALS; FUELS; MATERIALS SUCH AS SOLVENTS, DETERGENTS, AND PLASTIC PELLETS; FINISHED MATERIALS SUCH AS METALLIC PRODUCTS; RAW MATERIALS USED IN FOOD PROCESSING OR PRODUCTION HAZARDOUS SUBSTANCES DESIGNATED UNDER SECTION 101(14) OF THE COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION, AND LIABILITY ACT (CERCLA); ANY CHEMICAL THE FACILITY IS REQUIRED TO REPORT PURSUANT TO SECTION 313 OF TITLE III OF SUPERFUND AMENDMENTS AND REAUTHORIZATION ACT (SARA); FERTILIZERS; PESTICIDES; AND WASTE PRODUCTS SUCH AS ASHES, SLAG, AND SLUDGE THAT HAVE THE POTENTIAL TO BE RELEASED WITH STORM WATER DISCHARGES.
- "SIGNIFICANT QUANTITIES" IS THE VOLUME, CONCENTRATIONS, OR MASS OF A POLLUTANT IN STORM WATER DISCHARGE THAT CAN CAUSE OR THREATEN TO CAUSE POLLUTION, CONTAMINATION, OR NUISANCE; ADVERSELY IMPACT HUMAN HEALTH OR THE ENVIRONMENT; AND CAUSE OR CONTRIBUTE TO A VIOLATION OF ANY APPLICABLE WATER QUALITY STANDARDS FOR THE RECEIVING WATER.
- "STORM WATER" MEANS STORM WATER RUNOFF, SNOW MELT RUNOFF, SURFACE RUNOFF AND DRAINAGE. IT EXCLUDES INFILTRATION AND RUNOFF FROM AGRICULTURAL LAND.
- "POLLUTION" MEANS THE "MAN-MADE OR MAN-INDUCED ALTERATION OF THE CHEMICAL, PHYSICAL, BIOLOGICAL, AND RADIOLOGICAL INTEGRITY OF WATER" [CLEAN WATER ACT SECTION 502(19)]. POLLUTION ALSO MEANS "AN ALTERATION OF THE QUALITY OF THE WATERS OF THE STATE BY WASTE TO A DEGREE WHICH UNREASONABLY AFFECTS EITHER... THE WATERS FOR BENEFICIAL USES... OR FACILITIES WHICH SERVE THESE BENEFICIAL USES." [UTAH WATER CODE SECTION 13050(i)].
- "CONTAMINATION" MEANS "AN IMPAIRMENT OF THE QUALITY OF THE WATERS OF THE STATE BY WASTE TO A DEGREE WHICH CREATES A HAZARD TO THE PUBLIC HEALTH THROUGH POISONING OR THROUGH THE SPREAD OF DISEASE...INCLUDING ANY EQUIVALENT EFFECT RESULTING FROM THE DISPOSAL OF WASTE, WHETHER OR NOT WATERS OF THE STATE ARE AFFECTED."
- "NUISANCE" MEANS "ANYTHING WHICH MEETS ALL OF THE FOLLOWING REQUIREMENTS: (1) IS INJURIOUS TO HEALTH, OR IS INDECENT OR OFFENSIVE TO THE SENSES, OR AN OBSTRUCTION TO THE FREE USE OF PROPERTY, SO AS TO INTERFERE WITH THE COMFORTABLE ENJOYMENT OF LIFE AND PROPERTY; (2) AFFECTS AT THE SAME TIME AN ENTIRE COMMUNITY OR NEIGHBORHOOD, OR ANY CONSIDERABLE NUMBER OF PERSONS, ALTHOUGH THE EXTENT OF THE ANNOYANCE OR DAMAGE INFLICTED UPON INDIVIDUALS MAY BE UNEQUAL; (3) OCCURS DURING OR AS A RESULT OF THE TREATMENT OR DISPOSAL OF WASTES."
- "LOCAL AGENCY" MEANS ANY AGENCY THAT IS INVOLVED WITH REVIEW, APPROVAL, OR OVERSIGHT OF THE CONSTRUCTION SITES' (a) CONSTRUCTION ACTIVITY, (b) EROSION AND SEDIMENT CONTROLS, (c) STORM WATER DISCHARGE.

CERTIFICATION

I CERTIFY UNDER PENALTY OF PERJURY THAT THIS DOCUMENT AND ALL ATTACHMENTS WERE PREPARED UNDER MY DIRECTION OR SUPERVISION IN ACCORDANCE WITH A SYSTEM DESIGNED TO ASSURE THAT QUALIFIED PERSONNEL PROPERLY GATHER AND EVALUATE THE INFORMATION SUBMITTED. BASED ON MY INQUIRY OF THE PERSON OR PERSONS WHO MANAGE THE SYSTEM OR THOSE PERSONS DIRECTLY RESPONSIBLE FOR GATHERING THE INFORMATION, THE INFORMATION SUBMITTED IS TO THE BEST OF MY KNOWLEDGE AND BELIEF, TRUE, ACCURATE, AND COMPLETE. I AM AWARE THAT THERE ARE SIGNIFICANT PENALTIES FOR SUBMITTING FALSE INFORMATION, INCLUDING THE POSSIBILITY OF FINE AND IMPRISONMENT FOR KNOWING VIOLATIONS.

SIGNATURE: _____ DATE: _____

TITLE: _____

Single Family

Date 6-Feb-24

Closing Costs

Lender Fees	\$	1,095
Lender Origination	\$	5,155
Title Fees	\$	455
Title Insurance Policy	\$	1,794
Third Party Fees	\$	889
Client to pay for the appraisal upfront	\$	(650)
Interest rate buydown cost		
Lender or pricing credit		
If there is an HOA, they may charge added fees		
\$175 re-inspection fee if required by appraiser		
Personal inspections, warranties not shown here		

Closing costs \$ 8,738

See line D on LE & CD (Loan Estimate, Closing Disclosure)

Payment and Terms

Interest Rate <i>(Rate subject to change til locked)</i>	6.500%	←
Purchase Price	\$ 525,000	
Loan Amount	\$ 515,491	
Loan Program	FHA Loan	
	30 year fixed Rate	
<u>Payment</u>		
Principal & Interest	\$ 3,259	
Property Taxes (estimated)	\$ 263	TBD
Homeowner's Insurance (est.)	\$ 70	TBD
Mortgage Insurance (monthly)	\$ 236	TBD, 720 credit score
HOA fee	\$ -	TBD
2nd Lien	\$ -	

Total Payment \$ 3,828 ←

Total Funds Needed at Closing

Down Payment	\$ 18,375
Closing Costs	\$ 8,738
Escrow for Property Taxes	\$ 789
Escrow for Homeowner's Insurance	\$ 1,050
Pre-paid interest (15 days)	\$ 1,396
Earnest Money	\$ -
Seller Paid costs (per REPC)*	

Amount needed at closing (estimated) \$ 30,348 ←

Your actual rate, payment, and costs could be higher. Get an official Loan Estimate before choosing a loan

Income to qualify depends on many factors including credit, debt, LTV & many other factors, but below is a possible scenario:

To qualify for the above property with \$500 of other monthly debt, the buyer's qualifying income would need to be \$117,000

Provided by:
Primary Residential Mortgage
Dale Stanford 801-564-5363
NMLS# 279864

Single Family

Date 6-Feb-24

Closing Costs

Lender Fees	\$	1,095
Lender Origination	\$	4,988
Title Fees	\$	455
Title Insurance Policy	\$	1,798
Third Party Fees	\$	889
Client to pay for the appraisal upfront	\$	(650)
Interest rate buydown cost		
Lender or pricing credit		
If there is an HOA, they may charge added fees		
\$175 re-inspection fee if required by appraiser		
Personal inspections, warranties not shown here		

Payment and Terms

Interest Rate <i>(Rate subject to change til locked)</i>	6.500%	←
Purchase Price	\$	525,000
Loan Amount	\$	498,750
Loan Program	Conventional Loan	
	30 year fixed Rate	
Payment		
Principal & Interest	\$	3,153
Property Taxes (estimated)	\$	263 TBD
Homeowner's Insurance (est.)	\$	70 TBD
Mortgage Insurance (monthly)	\$	246 TBD, 720 credit score
HOA fee	\$	-
2nd Lien	\$	-

Closing costs **\$ 8,575** **Total Payment** **\$ 3,732** ←

See line D on LE & CD (Loan Estimate, Closing Disclosure)

Total Funds Needed at Closing

Down Payment	\$	26,250
Closing Costs	\$	8,575
Escrow for Property Taxes	\$	789
Escrow for Homeowner's Insurance	\$	1,050
Pre-paid interest (15 days)	\$	1,351
Earnest Money	\$	-
Seller Paid costs (per REPC)*		

Amount needed at closing (estimated) **\$ 38,014** ←

Provided by:

Primary Residential Mortgage

Dale Stanford 801-564-5363

NMLS# 279864

Your actual rate, payment, and costs could be higher. Get an official Loan Estimate before choosing a loan
Income to qualify depends on many factors including credit, debt, LTV & many other factors, but below is a possible scenario:
To qualify for the above property with \$500 of other monthly debt, the buyer's qualifying income would need to be \$114,000

Townhome

Date 6-Feb-24

Closing Costs

Lender Fees	\$	1,095
Lender Origination	\$	3,928
Title Fees	\$	455
Title Insurance Policy	\$	1,498
Third Party Fees	\$	889
Client to pay for the appraisal upfront	\$	(650)
Interest rate buydown cost		
Lender or pricing credit		
If there is an HOA, they may charge added fees		
\$175 re-inspection fee if required by appraiser		
Personal inspections, warranties not shown here		

Closing costs

\$ 7,215

See line D on LE & CD (Loan Estimate, Closing Disclosure)

Payment and Terms

Interest Rate <i>(Rate subject to change til locked)</i>	6.500%	←
Purchase Price	\$ 400,000	
Loan Amount	\$ 392,755	
Loan Program	FHA Loan	
	30 year fixed Rate	
<u>Payment</u>		
Principal & Interest	\$ 2,483	
Property Taxes (estimated)	\$ 200	TBD
Homeowner's Insurance (est.)	\$ 53	TBD
Mortgage Insurance (monthly)	\$ 177	TBD, 720 credit score
HOA fee	\$ 150	TBD
2nd Lien	\$ -	

Total Payment

\$ 3,063



Total Funds Needed at Closing

Down Payment	\$ 14,000
Closing Costs	\$ 7,215
Escrow for Property Taxes	\$ 600
Escrow for Homeowner's Insurance	\$ 795
Pre-paid interest (15 days)	\$ 1,064
Earnest Money	\$ -
Seller Paid costs (per REPC)*	

Amount needed at closing (estimated)

\$ 23,673



Provided by:

Primary Residential Mortgage

Dale Stanford 801-564-5363

NMLS# 279864

Your actual rate, payment, and costs could be higher. Get an official Loan Estimate before choosing a loan

Income to qualify depends on many factors including credit, debt, LTV & many other factors, but below is a possible scenario:

To qualify for the above property with \$500 of other monthly debt, the buyer's qualifying income would need to be \$96,000

Townhome

Date 6-Feb-24

Closing Costs

Lender Fees	\$	1,095
Lender Origination	\$	3,800
Title Fees	\$	455
Title Insurance Policy	\$	1,482
Third Party Fees	\$	889
Client to pay for the appraisal upfront	\$	(650)
Interest rate buydown cost		
Lender or pricing credit		

If there is an HOA, they may charge added fees
\$175 re-inspection fee if required by appraiser
Personal inspections, warranties not shown here

Closing costs **\$ 7,071**

See line D on LE & CD (Loan Estimate, Closing Disclosure)

Payment and Terms

Interest Rate <i>(Rate subject to change til locked)</i>	6.500%	←
Purchase Price	\$ 400,000	
Loan Amount	\$ 380,000	
Loan Program	Conventional Loan	
	30 year fixed Rate	
<u>Payment</u>		
Principal & Interest	\$ 2,403	
Property Taxes (estimated)	\$ 200	TBD
Homeowner's Insurance (est.)	\$ 53	TBD
Mortgage Insurance (monthly)	\$ 197	TBD, 720 credit score
HOA fee	\$ 150	TBD
2nd Lien	\$ -	

Total Payment **\$ 3,003** ←

Total Funds Needed at Closing

Down Payment	\$ 20,000
Closing Costs	\$ 7,071
Escrow for Property Taxes	\$ 600
Escrow for Homeowner's Insurance	\$ 795
Pre-paid interest (15 days)	\$ 1,029
Earnest Money	\$ -
Seller Paid costs (per REPC)*	

Amount needed at closing (estimated) **\$ 29,495** ←

Provided by:

Primary Residential Mortgage

Dale Stanford 801-564-5363

NMLS# 279864

Your actual rate, payment, and costs could be higher. Get an official Loan Estimate before choosing a loan

Income to qualify depends on many factors including credit, debt, LTV & many other factors, but below is a possible scenario:

To qualify for the above property with \$500 of other monthly debt, the buyer's qualifying income would need to be \$94,000





Item3.



NORTH OGDEN CITY COUNCIL WORK SESSION MINUTES

February 13, 2024

The North Ogden City Council convened on February 13, 2024, at 6:00 p.m. at the North Ogden City Office at 505 East 2600 North.

Notice of time, place, and agenda of the meeting was posted on the bulletin board at the municipal office and posted to the Utah State Website on February 8, 2024.

Notice of the annual meeting schedule was posted on the bulletin board at the municipal office and posted to the Utah State Website on December 13, 2023.

Note: The time stamps indicated in blue correspond with the recording of this meeting, which can be located on YouTube: <https://www.youtube.com/channel/UCriqbePBxTucXEzRr6fclhQ/videos> or by requesting a copy of the audio file from the North Ogden City Recorder.

PRESENT:

S. Neal Berube	Mayor
Ryan Barker	Council Member
Blake Cevering	Council Member
Jay D Dalpiaz	Council Member
Chris Pulver	Council Member
Christina Watson	Council Member (excused)

STAFF PRESENT:

Jon Call	City Manager/Attorney
Rian Santoro	City Recorder
Jami Jones	Finance Director
Scott Hess	Community and Economic Development Director
Eric Casperson	City Engineer
Dave Espinoza	Public Works Director/Assistant City Manager
Crystal Polson	Public Works Inspector
Dirk Quinney	Chief of Police (Zoom)
Trent Wilkins	Sanitary Sewer Superintendent
Ryan Nunn	Planner
Justin Rasmussen	Leisure Services Manager
Bryce Nelson	Administrative Services Manager/Treasurer (Zoom)

VISITORS:

Phillip Swanson	
Kevin Burns	Kerry Wangsguard
Sandy Cochran	Susan Kilborn (Zoom)
Stefanie Casey	Cecil Satterthwaite
Reed Miller	Chris McIntyre

Mayor Berube called the meeting to order. Council Member Cevering invited Stake President Bryce K. Dalton to offer the invocation and lead the audience in the Pledge of Allegiance.

CONSENT AGENDA

1. CALL FOR CONFLICT OF INTEREST DISCLOSURE

0:02:37 No conflict of interest was disclosed.

2. DISCUSSION AND/OR ACTION TO CONSIDER THE APPROVAL OF THE FOLLOWING CITY COUNCIL MEETING MINUTES:

- January 9, 2024
- January 16, 2024
- January 23, 2024

0:02:39 Council Member Dalpiaz motioned to approve the listed City Council Minutes. Council Member Pulver seconded the motion.

Voting on the motion:

Council Member Barker	aye
Council Member Cevering	aye
Council Member Dalpiaz	aye
Council Member Pulver	aye
Council Member Watson	excused

The motion passed unanimously.

3. DISCUSSION AND/OR ACTION TO RELEASE COUNCIL MEMBER CHRISTINA WATSON FROM THE GENERAL PLAN ADVISORY COMMITTEE PER CITY COUNCIL RULES AND PROCEDURES XIV4:

0:03:46 Council Member Cevering motioned to release Council Member Christina Watson from the General Plan Advisory Committee per City Council Rules and Procedures XIV4. Council Member Dalpias seconded the motion.

Voting on the motion:

Council Member Barker	aye
Council Member Cevering	aye
Council Member Dalpias	aye
Council Member Pulver	aye
Council Member Watson	excused

The motion passed unanimously.

ACTIVE AGENDA

4. PUBLIC COMMENTS

0:05:53 Sandy Cochran, a North Ogden resident expressed her support for the City's participation in the military banner project as a mother and former wife of someone who served and suggested City involvement in funding that project.

5. DISCUSSION AND/OR ACTION TO CONSIDER RESOLUTION 02-2024 TO AMEND THE CONSOLIDATED FEE SCHEDULE

0:07:39 Jamie Jones, Finance Director, presented amendments to the Consolidated Fee Schedule. The first change was regarding the City's annexation fee, aimed at avoiding double charges for applicants during the annexation process. The fee was increased to cover both administration and planning review costs. The second change focused on the North Shore Aquatic Center, where the entrance fee was increased to cover rising operational costs, and discounts for North Ogden City residents were removed. Various adjustments were made to reservation times and swim lesson fees to comply with labor laws and cover employee costs.

The discussion also touched on the impact of credit card fees and the need to cover expenses without relying heavily on external funds. Council members discussed options to increase revenue without discouraging attendance at the Aquatic Center.

Council Member Barker motioned to approve Resolution 02-2024 to amend the Consolidated Fee Schedule. Council Member Pulver seconded the motion.

Voting on the motion:

Council Member Barker	aye
Council Member Cevering	aye
Council Member Dalpiaz	aye
Council Member Pulver	aye
Council Member Watson	excused

The motion passed unanimously.

6. DISCUSSION AND/OR ACTION TO APPROVE THE 2024 MUNICIPAL WASTEWATER PLANNING PROGRAM

0:24:50 Trent Wilkins, Sanitary Sewer Superintendent, discussed the approval of the 2024 Municipal Wastewater Planning Program. It was explained that the program is required annually by the State to ensure compliance with regulations and funding for repairs. Trent provided a brief overview of the report's contents, noting its significance in maintaining the City's sewer system.

Council Member Cevering motioned to the 2024 Municipal Wastewater Planning Program. Council Member Dalpiaz seconded the motion.

Voting on the motion:

Council Member Barker	aye
Council Member Cevering	aye
Council Member Delpias	aye
Council Member Pulver	aye
Council Member Watson	excused

The motion passed unanimously.

7. DISCUSSION AND/OR ACTION TO APPROVE ORDINANCE 2024-04, CORRECTING INCONSISTENCIES, AND ALIGNING TITLE 11 LAND USE CODE AND NORTH OGDEN PUBLIC WORKS STANDARD REGARDING THE SITE TRIANGLE CLEARANCE AREA

0:29:26 Planner Ryan Nunn presented Ordinance 2024 -04, aligning inconsistencies between the Land Use Code and Public Works Standards regarding site triangles. Ryan explained that the amendment would make enforcement easier and less restrictive for property owners. Council Member Pulver inquired about accessibility to the public works document for homeowners, to which Ryan clarified that an updated diagram would be included in the Land Use Code for reference.

Council Member Pulver motioned to approve Ordinance 2024-04, correcting inconsistencies, and aligning Title 11 Land Use Code and North Ogden Public Works Standards regarding the Site Triangle Clearance Area. Council Member Barker seconded the motion.

Voting on the motion:

Council Member Barker	aye
Council Member Cevering	aye
Council Member Delpias	aye
Council Member Pulver	aye
Council Member Watson	excused

The motion passed unanimously.

8. MAJOR PROJECT 2550 RELOCATION – DISCUSSION AND/OR ACTION TO APPROVE AN AGREEMENT WITH NRCS FOR THE FEDERAL GRANT FUNDING PROGRAM

0:34:49 City Manager/Attorney Jon Call presented information on the 2550 Pond Relocation Project, also known as the Park at Patriot Point. Jon outlined the project's progress, emphasizing its environmental analysis nearing completion and the impending design phase. He detailed the cost-sharing arrangement with the NRCS (National Resources Conservation Service) for the stormwater, Pineview, and recreation components, highlighting the significant federal funding covering environmental analysis and design. Jon clarified that the City's responsibility primarily involves construction costs, which have escalated due to various factors. Mayor Berube underscored the project's significance as the land will serve as a commercial hub, which will aid in diversifying revenue streams and relieving tax burdens on citizens. The Mayor facilitated discussion addressing project timelines, potential cost escalations, and agreement numbering.

Council Member Dalpiaz motioned to approve Agreement 2024-01 with NRCS for the Federal Grant Funding Program Council Member Pulver seconded the motion.

Voting on the motion:

Council Member Barker	aye
Council Member Cevering	aye
Council Member Dalpiaz	aye
Council Member Pulver	aye
Council Member Watson	excused

The motion passed unanimously.

9. **DISCUSSION AND/OR ACTION TO APPROVE THE GRADING PERMIT EXPANSION AGREEMENT TO INCLUDE ROCK-CRUSHING WITHIN THE NORTHVIEW ESTATES SUBDIVISION – PHASE 9**

0:48:17 City Manager/Attorney Jon Call reviewed the agreement concerning on-site rock screening processing. Cecil Satterthwaite, representing the company interested in the agreement, discussed some revisions needed. The agreement aims to explore options for working with landowners for on-site processing to reduce dump truck traffic on City roads. Not every site will be suitable, but Northview Phase 9 has appropriate materials for the road base and other products. Revisions included the need for landowners to apply for a permit, a minimum property size requirement, and restrictions on the assignment of the agreement. The scope of work mainly places obligations on the company, with mentions of safety standards and limiting operating hours. There was discussion about extending the agreement to future phases, with concerns about compliance and noise as well as insurance coverage. The Council agreed to incorporate the suggested revisions into the agreement, noting that the final draft would be reviewed for grammatical errors and formatting. It was also agreed to potentially revisit the agreement in three months.

Council Member Cevering motioned to approve the Grading Permit Expansion Agreement to include rock-crushing within the Northview Estates Subdivision - Phase 9. Council Member Pulver seconded the motion.

Voting on the motion:

Council Member Barker	aye
Council Member Cevering	aye
Council Member Dalpiaz	aye
Council Member Pulver	aye
Council Member Watson	excused

The motion passed unanimously.

10. DISCUSSION ON THE NORTH OGDEN CITY MILITARY BANNERS

1:25:13 North Ogden resident, Phillip Swanson began by discussing the current state of military banners in need of replacement, indicating that a majority are worn out. He outlined the number of banners needing replacement and those in good condition. The design and organization of the banners were described, along with the costs and fundraising efforts. Mr. Swanson requested a donation from the City Council to kickstart the project and discussed possible funding sources and the handling of donations. The Mayor facilitated a high-level discussion amongst the Council with some members expressing support and others raising questions about the City's responsibility and funding sources. The Mayor clarified that the event in question was a City-sponsored initiative rather than an external organization seeking donations. The City had initiated the program, with individuals initially funding it. Council members debated the necessity of budget adjustments, with the Mayor suggesting that finding additional funds within the Public Works budget could suffice. The Mayor emphasized the significance of the event and expressed willingness to allocate funds for it, likening it to other City-supported causes. It was agreed that the City should handle all funds related to the event, with commitments made to raise further money if needed. The logistics of donation handling and receipt issuance were discussed, with assurances that the City would oversee the process. Additionally, further support from the Mayor and a few Council members was offered if fundraising efforts fell short.

(See Attachment A – Military Banners)

Council Member Dalpiaz motioned to approve the \$2,440 contribution. Council Member Barker seconded the motion.

Voting on the motion:

Council Member Barker	aye
Council Member Cevering	nay
Council Member Dalpiaz	aye
Council Member Pulver	nay
Council Member Watson	excused
Mayor Berube to break the tie	aye

The motion passed by a 3-2 vote.

11. COUNCIL DEPARTMENT REPORTS:

a. Council Member Dalpiaz – Police Department

1:52:58 Council Member Dalpiaz announced that the Public Safety Building is nearing completion, and an open house will be planned for February 29, 2024, from 2:00 to 7:00 p.m. The open house will be held prior to the building becoming fully operational to mitigate security concerns.

During the interim period, when moving between buildings and demolishing the old one, accessing the Police Department for business may be more difficult. However, contact can still be made via phone, and officers are available 24/7 through Dispatch.

The Chief asked that Council Member Dalpiaz extend a warning about an increase in scams, advising against giving personal information or making payments to unknown contacts. The Police Department can be contacted to verify suspicious claims.

A session organized by Terri McCulloch, involving the League of Women Voters, NAACP, and Police Chiefs from Weber County, is rescheduled for February 20, 2024, at 6:30 p.m. at the Pleasant Valley Library to discuss gun violence and crime rates.

Mayor Berube announced the selection of two new Lieutenants and three new Sergeants due to impending retirements. Officer Boyette and Officer Childs were promoted to Lieutenant. Officer Mueller, Officer Holmes, and Officer West have been promoted to Sergeant.

b. Council Member Cevering – Building & Planning and Legislative Updates

1:57:42 Council Member Cevering reported the completion of the South Town Study, with the final document to be taken to the Planning Commission and City Council for adoption into the General Plan.

Building Permits and Licenses are all up to date. The new planner, Ryan Nunn, was commended for doing an excellent job.

The latest developments from the State Legislature were discussed; Senate Bill 172 on gravel pits was noted and HB 306, concerning property tax approval, is still pending in the House.

Discussion ensued regarding a bill involving the use of third-party inspectors, with uncertainty about its implications for City inspections.

Mayor Berube stated that he and CED Director, Scott Hess collaborated with developers on Providence Point, ensuring compliance with the Development Agreement for the upcoming townhouse construction.

c. Council Member Barker – Parks Department

2:01:18 Council Member Barker announced that construction has commenced at Lomond View Park on the pickleball courts, following discussions with residents. The playground design for the park has been completed and parts will be ordered within the next few weeks.

Maintenance work on all equipment is nearing completion, and the Parks Department has obtained full licenses for pesticide spraying and is pursuing additional certifications.

Efforts are underway to enhance safety on sports fields for children, including collaboration with an arborist and irrigation technicians.

Discussions with SWAT have been held regarding soccer dates, and preparations for baseball field maintenance are nearly complete.

12. PUBLIC COMMENTS

No comments were provided by the public.

13. MAYOR/COUNCIL/STAFF COMMENTS

2:03:19 Mayor Berube commented on Council Member Dalpiaz' work order with Public Works to address potholes, noting those were promptly filled within several days, indicating an effective process. He encouraged others to report potholes for swift resolution.

2:04:14 City Manager/Attorney Jon Call provided updates on upcoming Council meetings, including the possibility of holding them in the new Public Safety Building. He also commented on the discussions with Weber County regarding Senior Services, noting the rescinding of a previous letter regarding its funding and operations and ongoing engagement to find solutions. Mayor Berube expressed concerns about funding disparities among senior centers and advocated for regional centers to ensure comprehensive programming.

14. **ADJOURNMENT**

Council Member Dalpiaz motioned to adjourn the meeting.

The meeting adjourned at 8:07 p.m.

ATTACHMENTS

All Publicly distributed materials associated with this meeting are noted as the following attachments:

A. Military Banners

S. Neal Berube, Mayor

Rian Santoro
City Recorder

Date Approved

Military Banners

Current:

- 17 in good condition to be rehung
- 26 needing to be replaced with reply from sponsors
- 24 current needing to be replaced & with no reply from sponsors

Design & Organization:

- Branch of Service at the top
- Gold Star, Active, or Veteran indicator below branch designation
- Image of Service Member
- Name at the bottom
- Gold Star Service Members
- Active duty
- Veterans

Cost:

- Using Jones Shirts & Signs
- \$183/banner
- \$7,320 total
- Need today \$4,758 (26 x \$183)
- We already have \$2,440 from MBTF.
- Could increase depending on response to call for applications

Revenue:

- Community/City partnership
- \$4,880 from the MBTF
- \$2,440 from community members
- \$2,440 from North Ogden City
- \$2440 requested from RAMP through Major Brent Taylor Foundation (to augment, not replace, MBTF donation)

Fundraising Campaign:

- Lead by Phillip Swanson, Jennie Taylor, and other family members of veterans and current service members

Ask:

- \$2,440 from City Council



NORTH OGDEN CITY

SETTLED 1851

Staff Report to the North Ogden Planning Commission

SYNOPSIS / APPLICATION INFORMATION

Application Request: Public hearing, consideration and recommendation on a legislative amendment to amend Residential Fencing Standards to consider 8-foot-tall Deer Fencing for the protection of private property.

Agenda Date: September 6, 2023, Planning Commission
February 27, 2024, City Council

Applicant: North Ogden City Staff

File Number: ZTA 2023-06

PUBLIC NOTICE:

Mailed Notice: N/A

City Website: February 22, 2024

STAFF INFORMATION

Ryan Nunn
rnunn@nogden.org
 (801) 737-2202

APPLICABLE ORDINANCES

North Ogden Zoning Ordinance Title 11-9M-15: Residential Fence Regulations

LEGISLATIVE DECISION

When the City is considering a legislative matter, the Planning Commission is acting as a recommending body to the City Council. The City has wide discretion in taking legislative action. Examples of legislative actions are general plan, zoning map, and land use text amendments. Legislative actions require that the Planning Commission give a recommendation to the City Council. Typically, the criteria for making a decision, related to a legislative matter, require compatibility with the general plan and existing codes.

BACKGROUND

North Ogden City Council asked the Planning Department to consider standards for Deer Fencing that would allow residents to protect their property and gardens. Staff has searched Utah State Codes and has found a resource put together by North Logan City.

[https://northlogan.municipalcodeonline.com/book?type=ordinances#name=16-600 Deer Control Regulations](https://northlogan.municipalcodeonline.com/book?type=ordinances#name=16-600%20Deer%20Control%20Regulations)

This ordinance provides clear standards that are easy to understand and provide a solid base for the Planning Commission to consider a conversation around.

ANALYSIS

North Ogden City allows fencing taller than 6 feet in specific instances (along a commercial and residential boundary, and Sport Courts). The City has an extensive area of wildland interface between residential homes and deer grazing environments. In order for residents to protect their property and landscaping, the city may elect residents to install fencing taller than 6 feet to discourage deer from entering their property.

North Logan City Code provides a good example of Deer Fencing regulations.

16-602 Definitions

1. Deer - Mule Deer. Applies also to White-Tailed deer if present.
2. Deer Fence. A fence constructed with certain features including its material and height, and placed in such location and height to discourage deer from crossing it to gain access to a piece of property intended to be protected. A deer fence need not be made out of deer fencing material, in whole or in part, to be considered a deer fence.
3. Deer Fencing Material. Fencing material either specifically designed for controlling and barricading deer and other predators or more standard fencing material equally capable of doing so. Such material may be installed as either a stand-alone deer fence or the deer fencing material may be added to other fences and/or fencing material. The following types of materials are approved as deer fencing material:
 1. Plastic/Polyresin Deer Fencing in earth or neutral colors (green, black, or brown)
 2. Galvanized or Stainless Steel Wire Fencing made of 14 gauge wire or larger.
 3. PVC-Coated Steel Fencing in earth or neutral colors (green, black, or brown) made of 16 gauge wire or larger.
 4. Vinyl Fencing

16-604 Deer Control Fencing Regulations

1. Deer Fences Allowed. Fences may be installed higher than six feet only if their purpose is designated as a deer fence and provided such fences comply with the requirements of this chapter. Any deer fence that is six feet (6') or more in height, shall require a building permit and its installation verified to be correct by a city official authorized to do so. The following types and combinations of fencing are permitted as deer fences:
 1. Any fence or fencing material if the height of the fence is six feet (6') or less.
 2. Any fence over six feet in height provided that any portion of the fence above the six foot height is either:
 1. constructed with Deer Fencing Material as defined in paragraph 16-602(3), or
 2. constructed of material similar to the bottom part of the fence provided that such fencing material can be shown to be at least as strong as the any

of the fencing material listed in paragraph 16-602(3) and constructed to not cause a safety hazard for a deer; and

3. in either case constructed such that at least 50% of the face of the fence above six feet (6') is open. In other words, "privacy fences" or the privacy portions of fences are only allowed to a height of six feet (6').
 3. Deer fences up to eight feet (8') in total height may only be located to the rear of the front set back line for the lot. The front set back line for the lot shall be that line that is established by the land use zone for the subject property.
 4. Deer fences up to ten feet (10') in total height may be located on residential lots by conditional use permit.
2. Deer Fence Construction. Deer fencing material must be securely supported by posts or attached to existing fencing and shall be installed in accordance with the manufacturer specifications.
The measurement of the height of the deer fence shall be measured from the ground and include the height of any fence to which it may be attached. Deer fencing material may not be attached to trees.
 3. Deer Fence Maintenance. Deer fencing and its installation shall be maintained in good condition and subject to periodic inspection by a designated city officer to ensure that it has not deteriorated, come loose or has otherwise become a visual nuisance or hazard to people or animals.

CONFORMANCE WITH THE GENERAL PLAN

The Vision for North Ogden in the General Plan reads: "North Ogden will continue to be a community of beautiful homes and friendly people that capitalizes on the impressive setting beneath the slopes of Ben Lomond peak. North Ogden will strive to:

- Assure that North Ogden remains a beautiful place to live, work, and recreate;
- Preserve the essential characteristics of a family friendly community that assures an enduring legacy, small town feel, and high quality of life in North Ogden.

Staff believes that the Planning Commission can find the proposed Code language to be in conformance with the General Plan, but also that the existing ordinance meets the intent of the General Plan. The Planning Commission should determine if Deer Fencing is in the City's best interest.

SUMMARY OF LAND USE AUTHORITY CONSIDERATIONS

There are some guiding principles that should be considered before there is a change in code standards.

- Is the request a positive change for not only a specific property but does it make sense for the entire city?
- Is there additional language that is appropriate for this ordinance?
- Is the proposal consistent with the General Plan?

PLANNING COMMISSION RECOMMENDATION

The Planning Commission recommends that no change be made to the City's current fencing code. With no recommendation from the Planning Commission there is no ordinance being presented to the City Council.

EXHIBITS

- A. 9-6-23 PC Minutes Legislative Item 7

7. ZTA 2023-06 PUBLIC HEARING, CONSIDERATION, AND RECOMMENDATION ON A LEGISLATIVE APPLICATION TO AMEND RESIDENTIAL FENCING STANDARDS TO CONSIDER 8-FOOT-TALL DEER FENCING FOR THE PROTECTION OF PRIVATE PROPERTY

Community Development Director Hess explained the North Ogden City Council asked the Planning Department to consider standards for Deer Fencing that would allow residents to protect their property and gardens. Staff has searched Utah State Codes and has found a resource put together by North Logan City, linked [here](#). This ordinance provides clear standards that are easy to understand and provide a solid base for the Planning Commission to consider a conversation around. He summarized the North Logan ordinance and noted that a draft ordinance has been crafted after it, which staff believes that the Planning Commission can find to be in conformance with the General Plan, but also that the existing ordinance meets the intent of the General Plan. The Planning Commission should determine if Deer Fencing is in the City's best interest. Staff recommends that the Planning Commission conduct the public hearing, consider the proposed ordinance, and make a recommendation to the City Council.

Vice Chairman Mason wondered if this issue should be tabled for a future meeting when all Commissioners are able to attend. He recommended holding the public hearing, but tabling any action until a future date.

a. Vice Chairman Mason opened the Public Hearing at 6:49 p.m.

Chris Pulver, North Ogden resident, stated that deer will get into any area if they want to, and he does not think an ordinance is necessary. The City is approaching a point of having too many ordinances and this type of ordinance would be difficult to enforce. He is concerned about fences that may look unsightly.

Commissioner Nancarrow made a motion to close the Public Hearing. Commissioner Barker seconded the motion.

Voting on the motion:

Chairman Thomas	absent
Vice Chairman Mason	aye
Commissioner Barker	aye
Commissioner Nancarrow	aye
Commissioner Webb	absent
Commissioner Watson	absent
Commissioner Green	aye

The motion carried.

The Public Hearing was closed at 6:50 p.m.

b. Consideration and recommendation

Commissioner Green stated that the City's ordinances are fairly prohibitive and restrictive, and she could envision a scenario where someone may just truly be trying to protect their garden and

allowing a taller fence for that purpose is not too concerning to her. Vice Chairman Mason agreed; he noted that interior structures can be taller than six feet so long as they adhere to setback requirements, and he wondered if similar regulations could be imposed on an eight-foot interior fence. He does not feel such a fence would harm anyone.

Commissioner Nancarrow stated the City has spent a great deal of time considering fencing ordinances; she read language from the General Plan and noted that many people live in North Ogden because of its beauty and its mountain views. Development has been allowed further up the mountain and now people will install taller fences that will block the view of the mountains for some. Commissioner Barker stated that if a fence is around a garden behind a home, it will not be any taller than the home and will not block views of the mountains any more than a home. He stated the City has never discussed fencing around gardens or dealt with this issue. Vice Chairman Mason stated the City does allow interior fencing around sport courts. This led to philosophical discussion and debate of the matter and the Commission concluded.

Mr. Pulver stated there has not been a public outcry about this issue; many people are just doing what they want to on their property and if the City is going to consider code amendments regarding this type of issue.

Commissioner Green stated that if the City is going to consider this issue, she wants some attention to be paid to the types of fencing materials that should be permitted inside of a lot; it is important to preserve the beauty of the community and not allow some fencing materials that may be unsightly. Vice Chairman Mason agreed.

Commissioner Nancarrow made a motion to forward a recommendation to the City Council that no change be made to the City's current fencing code. Commissioner Barker seconded the motion.

Voting on the motion:

Chairman Thomas	absent
Vice Chairman Mason	aye
Commissioner Barker	aye
Commissioner Nancarrow	aye
Commissioner Webb	absent
Commissioner Watson	absent
Commissioner Green	aye

The motion carried.



NORTH OGDEN CITY

SETTLED 1851

Staff Report to the North Ogden Planning Commission

SYNOPSIS / APPLICATION INFORMATION

Application Request: Public hearing, consideration and recommendation on a legislative amendment to amend Hillside Protection HP Zones Accessory Building Lot Coverage.

Agenda Date: September 6, 2023, Planning Commission
February 27, 2024, City Council

Applicant: North Ogden City Staff

File Number: ZTA 2023-07

PUBLIC NOTICE:

Mailed Notice: N/A

City Website: February 22, 2024

STAFF INFORMATION

Ryan Nunn
rnunn@nogden.org
 (801) 737-2202

APPLICABLE ORDINANCES

North Ogden Zoning Ordinance Title 11-12: Hillside Protection Zones HP-1, HP-2, HP-3
 North Ogden Zoning Ordinance Title 11-12-6: Site Development Standards

LEGISLATIVE DECISION

When the City is considering a legislative matter, the Planning Commission is acting as a recommending body to the City Council. The City has wide discretion in taking legislative action. Examples of legislative actions are general plan, zoning map, and land use text amendments. Legislative actions require that the Planning Commission give a recommendation to the City Council. Typically, the criteria for making a decision, related to a legislative matter, require compatibility with the general plan and existing codes.

BACKGROUND

North Ogden updated the Accessory Building Standards city-wide in 2021. It was recently discovered that there was an error in the Code and an omission of the backyard coverage of accessory buildings within the Hillside Protection Zones. This zoning text amendment has been sponsored by the Planning Department in order to correct this omission and bring all residential zones into alignment.

ANALYSIS

The North Ogden City Code for accessory buildings was updated in 2020 and 2021 to eliminate overall size requirements, and bring each residential zone into alignment with accessory building standards. The setback, height, and lot coverage are used to define how large an accessory building can be and where on the lot it may be located. The following residential zones is consistent with the requirement that there be no more than 25% of the rear yard covered with an accessory building: RE-20, R-1-8, R-1-8(A), R-1-8(AG), R-1-10, R-1-12.5, R-2, R-3.

The Hillside Protection Zones were not given the same provision, and the Planning Department believes it would be a positive change to add that provision to the zones.

DRAFT CODE LANGUAGE

Draft Code Language is below: (Red Text is New, Strike-Through Text is recommended to be eliminated)

11-12-6: SITE DEVELOPMENT STANDARDS

(Measurements in feet or square feet)

Zoning District		HP-1	HP-2	HP-3
A. Minimum lot area (square feet or acres)		10,000	12,500	2 acres
B. Minimum lot width in feet (measured 30 feet from front lot line)		90'	100'	200'
C. Minimum yard setback (in feet)				
	1. Front	30'	30'	50'
	2. Side	10'	10'	25'
	a. Minimum street side yard	20'	20'	50'
	3. Rear	20'	20'	150'
D. Total lot coverage		35%	35%	35%
D. Building Height (in feet)				
	1. Minimum building height	10'	10'	10'
	2. Maximum building height	35'	35'	35'
E. Accessory building regulations (in feet) (see also CCNO 11-9M-8)				
	1. Accessory building/large accessory building			

		a. Required setback in feet (with permitted increases in building height beyond 10')			
(1) Buildings that meet the design standards requirements in CCNO 11-9M-8: a building up to 10' tall may be 3' from the property line. Beginning at 5' from the property line, an increase in building height beyond 10' is permitted up to a maximum building height of 25' (at the tallest point of the roof of the building), with an increase, at a 1:1 ratio, in the required setback distance of the building walls from the property line					
F. Maximum rear yard coverage by accessory building			25%	25%	25%
F.G. There shall be provided a minimum of 6 feet of spacing between main and accessory buildings.					
	1. Maximum Number of Large Accessory Buildings Per Lot		1	1	1
	2. Building Design and Materials - See CCNO 11-9M-8				

CONFORMANCE WITH THE GENERAL PLAN

The Vision for North Ogden in the General Plan reads: “North Ogden will continue to be a community of beautiful homes and friendly people that capitalizes on the impressive setting beneath the slopes of Ben Lomond peak. North Ogden will strive to:

- Assure that North Ogden remains a beautiful place to live, work, and recreate;
- Preserve the essential characteristics of a family friendly community that assures an enduring legacy, small town feel, and high quality of life in North Ogden.

Staff believes that the Planning Commission can find the proposed Code language to be in conformance with the General Plan, but also that the existing ordinance meets the intent of the General Plan. The Planning Commission should determine if adding total lot coverage for accessory buildings in the Hillside Protection Zones is in the City’s best interest.

SUMMARY OF LAND USE AUTHORITY CONSIDERATIONS

There are some guiding principles that should be considered before there is a change in code standards.

- Is the request a positive change for not only a specific property but does it make sense for the entire city?
- Is there additional language that is appropriate for this ordinance?
- Is the proposal consistent with the General Plan?

PLANNING COMMISSION RECOMMENDATION

The Planning Commission recommended unanimously that the ordinance be approved. Staff recommends that the City Council conduct a review of and discussion regarding the proposed ordinance amendment and consider whether they believe the ordinance amendment should be adopted.

EXHIBITS

- A. 9-6-23 PC Minutes Legislative Item 8
- B. Draft Ordinance – HP Zones Accessory Bldg Coverage

8. ZTA 2023-07 PUBLIC HEARING, CONSIDERATION, AND RECOMMENDATION ON A LEGISLATIVE APPLICATION TO AMEND HILLSIDE PROTECTION (HP) ZONES ACCESSORY BUILDING LOT COVERAGE

Community Development Director Hess explained North Ogden updated the Accessory Building Standards City-wide in 2021. It was recently discovered that there was an error in the Code and an omission of the backyard coverage of accessory buildings within the Hillside Protection Zones. This zoning text amendment has been sponsored by the Planning Department in order to correct this omission and bring all residential zones into alignment. He summarized staff's analysis of the issue, and reviewed draft code language for the Commission to consider. Staff believes that the Planning Commission can find the proposed Code language to be in conformance with the General Plan, but also that the existing ordinance meets the intent of the General Plan. The Planning Commission should determine if adding total lot coverage for accessory buildings in the Hillside Protection Zones is in the City's best interest. Staff recommends that the Planning Commission conduct the public hearing, consider the proposed ordinance, and make a recommendation to the City Council.

The Commission discussed past accessory building applications and public response/concerns regarding large accessory buildings that consumed a large percentage of a rear yard of a home.

a. Vice Chairman Mason opened the Public Hearing at 7:09 p.m.

Chris Pulver, North Ogden resident, asked how someone makes a structure part of their home rather than an accessory building. Mr. Hess stated the structures must touch one another; this can be accomplished by a shared roof, breezeway, underground walkway, or foundation.

There were no additional persons appearing to be heard.

Commissioner Barker made a motion to close the Public Hearing. Commissioner Nancarrow seconded the motion.

Voting on the motion:

Chairman Thomas	absent
Vice Chairman Mason	aye
Commissioner Barker	aye
Commissioner Nancarrow	aye
Commissioner Webb	absent
Commissioner Watson	absent
Commissioner Green	aye

The motion carried.

The Public Hearing was closed at 7:11 p.m.

b. Consideration and recommendation

Vice Chairman Mason stated that the HP zone is essentially an extension of the R-1-10 zone and he feels consistency is important and he supports an amendment that provides that consistency.

Commissioner Nancarrow made a motion to forward a positive recommendation to the City Council to amend the Hillside Protection (HP) Zone accessory building lot coverage as presented. Commissioner Green seconded the motion.

Voting on the motion:

Chairman Thomas	absent
Vice Chairman Mason	aye
Commissioner Barker	aye
Commissioner Nancarrow	aye
Commissioner Webb	absent
Commissioner Watson	absent
Commissioner Green	aye

The motion carried.

ORDINANCE 2024 - __

AN ORDINANCE OF NORTH OGDEN CITY AMENDING THE ZONING ORDINANCE TITLE 11, CHAPTER 12, SECTION 6 SITE DEVELOPMENT STANDARDS, TO ALIGN ACCESSORY BUILDING STANDARDS CITY-WIDE.

WHEREAS; North Ogden City recognizes the importance of regulating accessory buildings to maintain the character and quality of our neighborhoods;

WHEREAS; This amendment seeks to align each residential zone with accessory building standards;

WHEREAS; The City regularly evaluates the City Code of North Ogden for nonconforming standards and ordinances; and

WHEREAS; The North Ogden City Planning Commission has reviewed these standards, conducted a public hearing on the amendment, and recommends the adoption of this amendment;

NOW THEREFORE, BE IT ORDAINED by the North Ogden City Council that the North Ogden City Code in 11-12 be amended to update Site Development Standards in Section 6 to include maximum rear yard coverage of accessory buildings within the Hillside Protection Zones.

SECTION 1: Text to be amended.

11-12-6: Site Development Standards.

Zoning District		HP-1	HP-2	HP-3
A. Minimum lot area (square feet or acres)		10,000	12,500	2 acres
B. Minimum lot width in feet (measured 30 feet from front lot line)		90'	100'	200'
C. Minimum yard setback (in feet)				
	1. Front	30'	30'	50'
	2. Side	10'	10'	25'
	a. Minimum street side yard	20'	20'	50'
	3. Rear	20'	20'	150'

D. Total lot coverage		35%	35%	35%
D. Building Height (in feet)				
	1. Minimum building height	10'	10'	10'
	2. Maximum building height	35'	35'	35'
E. Accessory building regulations (in feet) (see also CCNO 11-9M-8)				
	1. Accessory building/large accessory building			
	a. Required setback in feet (with permitted increases in building height beyond 10')			
(1) Buildings that meet the design standards requirements in CCNO 11-9M-8: a building up to 10' tall may be 3' from the property line. Beginning at 5' from the property line, an increase in building height beyond 10' is permitted up to a maximum building height of 25' (at the tallest point of the roof of the building), with an increase, at a 1:1 ratio, in the required setback distance of the building walls from the property line				
F. Maximum rear yard coverage by accessory building		25%	25%	25%
~~F~~ G. There shall be provided a minimum of 6 feet of spacing between main and accessory buildings.				
	1. Maximum Number of Large Accessory Buildings Per Lot	1	1	1
	2. Building Design and Materials - See CCNO 11-9M-8			

SECTION 2: This ordinance shall take immediate effect after the adoption of this ordinance.

PASSED and ADOPTED this th day of January 2024.

North Ogden City:

S. Neal Berube
North Ogden City Mayor

CITY COUNCIL VOTE AS RECORDED:

	Aye	Nay
Council Member Barker:	_____	_____
Council Member Cevering:	_____	_____
Council Member Dalpiaz:	_____	_____
Council Member Pulver:	_____	_____
Council Member Watson:	_____	_____
(In the event of a tie vote of the Council):		
Mayor Berube	_____	_____

ATTEST:

Rian Santoro
City Recorder

Re: 2024 RainHarvest Program!

Jay D Dalpias <jddalpias@nogden.org>

Tue 2/13/2024 3:41 PM

To: Jon Call <JCall@nogden.org>; CCMM <CCMM@nogden.org>; Rian Santoro <Rsantoro@nogden.org>

Cc: David Espinoza <despinoza@nogden.org>

Sounds good to me.

Jay D

Get [Outlook for Android](#)**From:** Jon Call <JCall@nogden.org>**Sent:** Tuesday, February 13, 2024 3:11:50 PM**To:** Jay D Dalpias <jddalpias@nogden.org>; CCMM <CCMM@nogden.org>; Rian Santoro <Rsantoro@nogden.org>**Cc:** David Espinoza <despinoza@nogden.org>**Subject:** Re: 2024 RainHarvest Program!

This is something that needs to be discussed in a council meeting especially with a budget increase. With these discussions via email we should talk about how we get this into the record/packet when it's discussed with the council to keep things as transparent as possible.

Jonathan W. Call
North Ogden City
City Manager/Attorney
(801) 737-9846

This email and any files transmitted with it are confidential and are intended solely for the use of the individual or entity to whom they are addressed. This communication may contain materials that are protected by the attorney/client privilege. If you are not the intended recipient or the person responsible for delivering the email to the intended recipient, be advised that you have received this email in error and that any use, dissemination, forwarding, printing, or copying of this email is strictly prohibited. If you have received this email in error, please immediately notify the sender, delete the message and any attachments from your computer, and destroy any and all hard copies of the same.

**From:** Jay D Dalpias <jddalpias@nogden.org>**Sent:** Tuesday, February 13, 2024 2:47 PM**To:** Jon Call <JCall@nogden.org>; CCMM <CCMM@nogden.org>; Rian Santoro <Rsantoro@nogden.org>**Cc:** David Espinoza <despinoza@nogden.org>**Subject:** Re: 2024 RainHarvest Program!

I'm comfortable moving forward with it this year as long as the rest of the Council is okay with it.

Anya can probably use as much time to get ready for this as possible. Can we get this approved via email or what do you want to do Jon?

Item7.

Jay D

Get [Outlook for Android](#)

From: Jon Call <JCall@nogden.org>

Sent: Tuesday, February 13, 2024 2:44:34 PM

To: Jay D Dalpias <jddalpias@nogden.org>; CCMM <CCMM@nogden.org>; Rian Santoro <Rsantoro@nogden.org>

Cc: David Espinoza <despinoza@nogden.org>

Subject: Re: 2024 RainHarvest Program!

Last year was the same as they are proposing this year \$28.00 subsidy per barrel. We paid \$1960 last year for the 70 barrels they distributed to our residents.

Jonathan W. Call
North Ogden City
City Manager/Attorney
(801) 737-9846

This email and any files transmitted with it are confidential and are intended solely for the use of the individual or entity to whom they are addressed. This communication may contain materials that are protected by the attorney/client privilege. If you are not the intended recipient or the person responsible for delivering the email to the intended recipient, be advised that you have received this email in error and that any use, dissemination, forwarding, printing, or copying of this email is strictly prohibited. If you have received this email in error, please immediately notify the sender, delete the message and any attachments from your computer, and destroy any and all hard copies of the same.



From: Jay D Dalpias <jddalpias@nogden.org>

Sent: Tuesday, February 13, 2024 2:38 PM

To: Jon Call <JCall@nogden.org>; CCMM <CCMM@nogden.org>; Rian Santoro <Rsantoro@nogden.org>

Cc: David Espinoza <despinoza@nogden.org>

Subject: Re: 2024 RainHarvest Program!

Hi Jon,

Didn't we subsize about 1/2 per barrel? So would it be about \$40 per barrel that NO would need to cover?

Jay D

Get [Outlook for Android](#)

From: Jon Call <JCall@nogden.org>

Sent: Tuesday, February 13, 2024 2:35:22 PM

To: Jay D Dalpias <jddalpias@nogden.org>; CCMM <CCMM@nogden.org>; Rian Santoro <Rsantoro@nogden.org>

Cc: David Espinoza <despinoza@nogden.org>

Subject: Re: 2024 RainHarvest Program!

I just got an email back from them that says we subsidized 70 barrels last year here is there response

Last year North Ogden subsidized 100 rain barrels and sold 70 of those. With slightly more time to market the sale this year, and an increased awareness in North Ogden about the presence of the RainHarvest program, we are confident we could easily sell out 100 subsidized rain barrels for North Ogden this year.

In total, we distributed 221 rain barrels at the Weber County Distribution Day in 2023. That includes, North Ogden's subsidized barrels, Weber County's subsidized barrels for unincorporated residents, and \$83 barrels for those who did not live in a qualifying area.

We are incredibly excited to be continuing the RainHarvest program in Weber County this year and we are hopeful that we can continue our partnership with North Ogden City in 2024!

Jonathan W. Call
North Ogden City
City Manager/Attorney
(801) 737-9846

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From: Jay D Dalpias <jddalpias@nogden.org>

Sent: Tuesday, February 13, 2024 2:33 PM

To: CCMM <CCMM@nogden.org>; Rian Santoro <Rsantoro@nogden.org>; Jon Call <JCall@nogden.org>

Cc: David Espinoza <despinoza@nogden.org>

Subject: Fw: 2024 RainHarvest Program!

Hi everyone,

The Rain Barrell program is coming back up soon.

I believe it would be great for North Ogden City to participate in the program again. Can we please get this on the agenda for our Tuesday, February 27th council meeting? I don't think it will be necessary to invite the Utah Rivers Council to present as it's a pretty simple program.

[@Jon Call](#) Can you help us find out how much \$ we subsidized the program with last year?

I spoke with the Mayor and he had a good point/request. We should focus on residents that didn't get an opportunity to order a barrel last year if possible.

Please let me know if you have any questions.

Thanks

Jay D Dalpias

From: Anya Korfine <anya@utahrivers.org>
Sent: Monday, February 12, 2024 2:14 PM
To: Jay D Dalpias <jddalpias@nogden.org>
Subject: Re: 2024 RainHarvest Program!

Caution! This message was sent from outside your organization.

[Allow sender](#) | [Block sender](#)

Hello there Council Member Dalpias,

Happy Monday! I am just reaching out to follow up on my email about North Ogden's potential participation in our 2024 RainHarvest program. We loved partnering with North Ogden last year to provide discounted rain barrels to your residents and we would be so excited to continue that partnership in 2024.

Please let me know if you have any questions, I would be more than happy to answer them. I look forward to hearing from you.

Warmly,
Anya Korfine
Community Water Liaison
Utah Rivers Council
PO Box 900457
Sandy, Utah 84090
801-486-4776
anya@utahrivers.org
utahrivers.org

On Feb 6, 2024, at 9:28 AM, Anya Korfine <anya@utahrivers.org> wrote:

Dear Council Member Dalpiaz,

I hope this email finds you well and that you had a lovely set of winter holidays. It is hard to believe it is already February, but that means it is time to begin planning for this year's RainHarvest program!

We are reaching out to see if North Ogden City is going to participate in the 2024 RainHarvest program to distribute rainbarrels to the residents of your city.

As a quick reminder, we ask participating RainHarvest cities to lower the retail price of rainbarrels for your residents by offering a subsidy to help drive traffic to purchase barrels. This year's pricing is the same as last year's pricing, with each participating municipality paying \$28 a barrel as a subsidy to lower the price.

The minimum quantity of barrels for cities to participate is 100 rainbarrels, so that means the minimum price to participate is \$2800. We are confident we can sell out that many barrels in your city, but if we don't sell that many barrels, your city is only committed to subsidizing the number of barrels sold through the subsidized program.

We loved partnering with North Ogden last year and we are looking forward to connecting about this year's program. If you think your city would like to participate in the 2024 RainHarvest program, please let me know and I will provide additional information for next steps.

If you have any questions, please do not hesitate to reach out.

Thank you for helping us promote easy and affordable water conservation in Utah. I look forward to hearing from you!

Sincerely,

Anya Korfine

Community Water Liaison

Utah Rivers Council

PO Box 900457

Sandy, Utah 84090

801-486-4776

anya@utahrivers.org

utahrivers.org



Staff Report to the North Ogden City Council

SYNOPSIS

Description: The city routine receives requests for funding for various events and programs put on mostly by nonprofit or similar organizations.

Date: 2/22/23

STAFF INFORMATION

Jon Call
jcall@nogden.org
 801-737-9846

QUESTION FOR COUNCIL

How would the council like to receive such requests and what parameters should be included.

DISCUSSION

The city has historically contributed some money to organizations like chalk-it-up, the YCC, and other things. Some of those funds have come through routes like the Redevelopment Agency (chalk-it-up) and others have come through just normal sales tax revenue sources. These requests come at various times of the year, but some organizations like the YCC understand that they need to request money during the budgeting process and have made those requests each year. The idea was proposed that we formalize the monetary request process to help make the process more formal and also allow for others whos goals align with the city goals the opportunity to participate.

The decision tonight will not be to approve any specific programs, but to give direction on the basic parameters of what types of programs the city would like to support and then a discussion on the process.

For the types of programs we need clear direction on the types of funding requests the council would even like to consider. The main focus has been on public safety, like the contribution to the YCC. The Council should discuss what they would like the focus to be.

For the application process we have attached an example of the type of letter/notice we would give to let individuals and groups know about the new process so they can apply and then either the council as a whole or a small group of individuals can evaluate the proposals and bring those back for approval during the budgeting process. It would be helpful for the Council to set a limit

on how much money is available at the outset so the group can keep that in mind as they evaluate applications.

STAFF RECOMMENDATION

Staff recommends there be a focus on public safety programs and events receiving funds. Staff recommends the Council select a small group of individuals to narrow down the list and bring recommendations during the budget process. Staff would recommend the limit set by the council for the first year be \$20,000 or less, with at least \$7,000 available.

This is a bare bone skeleton of the ideas. It's not anywhere close to being final

Grant Application Process for North Ogden City

- 1) Introduction to Grant Program: North Ogden City is revitalizing its grant program aimed at supporting individuals, groups, organizations, and other non-profits within the community to fund programs, events, or other activities that contribute to the welfare and development of the city.
- 2) Announcement: The city has announced the opening of the new grant application process through various channels such as the official city website, social media platforms, and community bulletin boards. The announcement includes details about eligibility criteria, application deadlines, and submission procedures.
- 3) Eligibility Criteria:
 - a) Individuals, groups and non-profit organizations based in North Ogden City are eligible to apply.
 - b) Proposed programs, events, or activities should align with the objectives of community development, social welfare, education, culture, environment, or public health.
 - c) Applicants must provide a detailed plan outlining the purpose, goals, expected outcomes, and budget breakdown of the proposed project.
- 4) Application Submission:
 - a) Interested applicants download the grant application form from the official city website. **(Create Grant Application)**
 - b) The application form includes sections for personal/organizational details, project description, budget allocation, and any additional supporting documents.
 - c) Completed applications are submitted electronically to recorder@nogden.org prior to 5:00 pm April 30, of each year.
- 5) Application Review:
 - a) Upon the closure of the application period, a review committee comprising city officials will be formed.
 - b) The review committee evaluates each application based on predetermined evaluation criteria, which may include:
 - i) Alignment with community development goals.
 - ii) Feasibility and sustainability of the proposed project.
 - iii) Potential impact on the target beneficiaries.
 - iv) Clarity and comprehensiveness of the project plan and budget.
 - v) Track record and credibility of the applicant.
 - c) The review process may involve interviews or site visits to further assess the viability of the proposed projects.

- d) There is no scoring system formally adopted, but may be implemented by the review committee during the evaluation of the various applications.

6) Grant Allocation:

- a) After thorough evaluation, the review committee selects the most deserving projects for grant funding.
- b) The allocated grant amount may cover the total or partial project expenses, depending on available funds and project requirements.
- c) Successful applicants are notified of their grant awards, along with any specific terms and conditions attached to the funding.

7) Grant Implementation:

- a) Grant recipients are required to adhere to the agreed-upon project timeline, budget utilization, and reporting requirements.
- b) Regular monitoring and progress assessments may be conducted by city officials to ensure effective implementation of funded projects.
- c) Grant recipients are encouraged to maintain transparency and accountability in project management and financial transactions.

8) Impact Assessment:

- a) Upon project completion, grant recipients submit a comprehensive report detailing the outcomes, achievements, challenges faced, and lessons learned during the implementation phase.
- b) The city administration evaluates the impact of funded projects on the community and considers feedback from beneficiaries and stakeholders for future grant program improvements.

9) Continuous Engagement:

- a) The North Ogden City remains committed to fostering collaboration and partnership with individuals and non-profits to address community needs through grant funding opportunities.
- b) Regular communication channels are established to provide updates on upcoming grant cycles, success stories of funded projects, and opportunities for networking and knowledge sharing among stakeholders.

10) Grant Prohibitions

- a) Grant money may not be used to cover labor costs, or to pay for meals and food for board members and volunteers.

11) Feedback and Evaluation:

- a) Feedback from applicants, grant recipients, and community members is solicited to assess the effectiveness and efficiency of the grant program.
- b) Periodic evaluations are conducted to identify areas of improvement, address challenges, and enhance the impact of future grant initiatives.

By following this comprehensive grant application process, the North Ogden City aims to empower its residents and organizations to create positive changes and contribute to the collective well-being and prosperity of the community.



Staff Report to the North Ogden City Council

SYNOPSIS

Description: The city recently wrapped up the Redevelopment Area Plan from the 1990s. There are some remaining funds that need to be expended and the city wants to establish a program for property owners to propose uses for the funds which align with the stated goals from the redevelopment area plan.

Date: 2/22/23

STAFF INFORMATION

Jon Call
jcall@nogden.org
801-737-9846

QUESTION FOR COUNCIL

How would the RDA Board like to advertise and review the proposed projects.

DISCUSSION

The staff has been working on outlining a project application process for the available RDA funds. The recommendation is to focus on landowners in the Redevelopment Area, though technically anybody who has an idea for how to best utilize these funds would be able to assist in improving the area.

The RDA document has several goals listed as seen on the attached letter. Individuals and groups who apply would need to articulate why the project falls under the stated goals. Individuals would also be expected to participate financially or possibly with volunteer hours in the project as opposed to the RDA putting in 100% of the money. The Board could establish a maximum % of money that would be put into any specific project, though there may be some projects applied for by the city which may not have anything other than public funds available for financing.

The hope is that the attached letter can be discussed and refined by the group so it can be ready for release, and we can start the process. Additionally, the applications will need to be reviewed and evaluated by a group of people. For purposes of this staff feels that the RDA board would be the best group to review the projects in a work session or other special meeting so that the process is fully transparent.

STAFF RECOMMENDATION

Staff recommends the letter be tweaked, approved, and sent out to property owners to start the process. Staff recommends a deadline of May 1 for people to submit a letter of interest and then based upon a quick review those groups could then do the appropriate work to submit a complete application by August 1 with a review and approval process that can conclude by the end of September 2024.

Subject: Invitation to Submit Proposals for Physical Infrastructure Improvement Grants

Dear [Landowner's Name],

North Ogden Redevelopment Agency (RDA) is excited to announce the launch of a grant program designed to support physical infrastructure improvements within our community around the Washington Blvd commercial area. We invite landowners like yourself to submit proposals for projects that enhance the physical infrastructure and contribute to the overall redevelopment and revitalization of North Ogden.

Grant Program Overview:

The Physical Infrastructure Improvement Grant Program aims to provide financial assistance to landowners for projects that address critical infrastructure needs. Eligible projects may include, but are not limited to, the following:

- Street and sidewalk enhancements
- Utility upgrades
- Public space improvements
- Green infrastructure initiatives
- Façade improvements
- Parking Lot improvements

Eligibility Criteria:

To be eligible for consideration, proposed projects must meet the following criteria:

- Located within the designated redevelopment area of North Ogden. You have received this letter because you own property in the corresponding area.

- Address a demonstrable need for physical infrastructure improvement.

- Align with the overall goals and objectives of the North Ogden Redevelopment Plan.

Grant Application Process:

Interested landowners are invited to submit grant proposals by [Submission Deadline]. The proposal should include the following components:

- Project Overview:** Clearly describe the proposed physical infrastructure improvement project, including its objectives and anticipated impact on the community.

- Budget:** Provide a detailed budget for the project, including cost estimates for materials, labor, and any other associated expenses.

- Timeline:** Present a realistic timeline for project implementation, indicating key milestones and completion dates.

- Supporting Documents:** Include any relevant documents, such as engineering plans, feasibility studies, or letters of support from the community.

- Submission Instructions:**

Please submit your grant proposal electronically to [Submission Email] no later than [Submission Deadline]. Late submissions will not be considered.

Review and Selection Process:

The RDA Evaluation Committee will review all submitted proposals based on the following criteria:

- Alignment with Redevelopment Goals as stated in the original RDA Plan. Not all are required but you should show how your project meets at least one of the stated goals.
 1. Removal of structurally substandard buildings to permit the return of the project area land to economic use and new construction.
 2. Removal of impediments to land disposition and development through assembly of land into reasonably sized and shaped parcels served by improved public facilities.
 3. Rehabilitation of buildings to assure sound long-term economic activity in the core area of the City.
 4. The elimination of environmental deficiencies, including irregular lot subdivision, improper drainage, weeds and excessive vegetation, overcrowding of the land and under utilized land.
 5. Achievement of an environment reflecting a high level of concern for architectural, landscape and urban design principles, developed through encouragement, guidance, appropriate controls, and professional assistance to owner participants and redevelopers.
 6. Promote and market sites for development or redevelopment that would be complimentary to existing businesses and industries or would enhance the economic base through diversification.
 7. Provide utilities, streets, curbs, sidewalks, parking areas, landscape areas, plantings, and/or street furniture to give the area a new look and to attract business activity.
 8. Provide for the strengthening of the tax base and economic health of the entire community and the State of Utah
 9. Provide improved public streets and road access to the area to facilitate better traffic circulation and reduce traffic hazards.
 10. Insure compatible relationships among land uses and quality standards for their development; such that the area functions as a unified and viable center of social and economic activity for the City.
 11. Provide improved pedestrian circulation systems.
 12. Coordinate and improve the transportation system.
 13. Eliminate or alleviate flood potential within the area.
-
- Feasibility and Sustainability
- Potential Impact on the Community
- Investment by landowner into the project

Notification of Awards:

Landowners will be notified of the grant awards by [Notification Date]. Following the announcement, a public unveiling of the selected projects will be conducted to celebrate the recipients and showcase their proposals.

For inquiries or additional information, please contact [Contact Person] at [Contact Email] or [Contact Phone].

North Ogden Redevelopment Agency looks forward to partnering with landowners to enhance the physical infrastructure of our community. We appreciate your commitment to the redevelopment of North Ogden and anticipate receiving your proposals.

Sincerely,

North Ogden RDA



NORTH OGDEN CITY

SETTLED 1851

Staff Report to the North Ogden City Council

SYNOPSIS / APPLICATION INFORMATION

Application Request: Consideration of property purchase by North Ogden City for a parcel owned by Weber County.

Agenda Date: February 27, 2024

Applicant: North Ogden Planning Department

File Number: CPP 2024-01

PUBLIC NOTICE:

Mailed Notice: N/A

Newspaper: N/A

City Website: February 22, 2024

PROPERTY INFORMATION

Address: Approximately 2990 N. 300 E. (located within a future right-of-way)

Parcel ID: 17-045-0030

STAFF INFORMATION

Scott Hess
shess@nogden.org
 801-737-9841

BACKGROUND

Weber County Property Management, Ronna Tidwell, contacted the City regarding parcel 17-045-0030, and asked if the city would be interested in purchasing it for the delinquent tax amount that was assessed in 1996, a total of \$308.00. The parcel is sitting within a small triangle of land that could become a future road right-of-way when the parcels to the east develop, Weber County Surveyors and the Property Management Department were contacted by a neighboring parcel owner, and the County believes that it is in the best interest of the public for the city to own this parcel, and North Ogden Staff agrees.

Weber County Commission declared the parcel as surplus on Tuesday, February 20, 2024. There is a 14-day waiting period before the County is allowed to complete the sale of surplus property. Staff is asking the City Council to consider the property purchase and determine whether it is the public's best interest to purchase this parcel. The funds for this purchase are recommended to come from miscellaneous non-departmental funds.

RECOMMENDATION

Staff recommends the City Council purchase parcel 17-045-0030 for the development and dedication of a future right-of-way for the purchase price of \$308.00.

EXHIBITS

None

AREA MAP



PLAT MAP

