



## NORTH OGDEN PLANNING COMMISSION MEETING MINUTES

July 17, 2024

The North Ogden Planning Commission convened on July 17, 2024, at 6:00 p.m. at the North Ogden City Public Safety Building at 515 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 July 11, 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/UCriqbPBxTucXEzRr6fc1hQ/videos> or by requesting a copy of the audio file from the North Ogden City Recorder.**

### **COMMISSIONERS:**

|                  |               |          |
|------------------|---------------|----------|
| Eric Thomas      | Chairman      | excused  |
| Brandon Mason    | Vice-Chairman | excused  |
| Nicole Nancarrow | Commissioner  | via Zoom |
| Johnson Webb     | Commissioner  |          |
| Cody Watson      | Commissioner  | excused  |
| Nissa Green      | Commissioner  |          |
| Chad Bailey      | Commissioner  |          |

### **STAFF:**

|                  |   |
|------------------|---|
| Jon Call         | City Manager/Attorney                       |
| Scott Hess       | Community and Economic Development Director |
| Ryan Nunn        | Planner                                     |
| Eric Casperson   | City Engineer                               |
| Colleen Phillips | Business License Administrative Assistant   |

### **VISITORS:**

|               |                |
|---------------|----------------|
| Rick Magness  | Stefanie Casey |
| Sandy Cochran | Jay D Dalpias  |
| Chris Pulver  |                |

Commissioner Johnson Webb called the meeting to order at 6:00 p.m. He excused Chairman Thomas, Vice Chairman Mason, and Commissioner Watson. He also acknowledged Commissioner Nancarrow would be joining the meeting via Zoom.

**0:01:20 Commissioner Johnson made a motion to appoint himself the Acting Chairman for tonight's, July 17, 2024, Planning Commission meeting. Commissioner Green seconded the motion.**

**Voting on the motion:**

|                               |                                    |
|-------------------------------|------------------------------------|
| <b>Chairman Thomas</b>        | <b>absent</b>                      |
| <b>Vice Chairman Mason</b>    | <b>absent</b>                      |
| <b>Commissioner Nancarrow</b> | <b>aye</b>                         |
| <b>Commissioner Webb</b>      | <b>abstain</b>                     |
| <b>Commissioner Watson</b>    | <b>absent</b>                      |
| <b>Commissioner Green</b>     | <b>aye</b>                         |
| <b>Commissioner Bailey</b>    | <b>absent (arrived at 6:03 pm)</b> |

**The motion carried.**

Commissioner Bailey offered the thought, sharing the importance of respecting one another's beliefs. Commissioner Green then led the Pledge of Allegiance.

## **CONSENT AGENDA**

### **1. ROLL CALL**

**0:03:10** Acting Chairman Webb excused Chairman Thomas, Vice Chairman Mason, and Commissioner Watson. All other Commission Members were in attendance.

### **2. CONSIDERATION AND ACTION TO APPROVE THE JUNE 19, 2024, PLANNING COMMISSION MEETING MINUTES**

**0:03:16 Commissioner Green made a motion to approve the June 19, 2024, Planning Commission Meeting minutes. Commissioner Bailey seconded the motion.**

**Voting on the motion:**

|                               |               |
|-------------------------------|---------------|
| <b>Chairman Thomas</b>        | <b>absent</b> |
| <b>Vice Chairman Mason</b>    | <b>absent</b> |
| <b>Commissioner Nancarrow</b> | <b>aye</b>    |
| <b>Commissioner Webb</b>      | <b>aye</b>    |
| <b>Commissioner Watson</b>    | <b>absent</b> |
| <b>Commissioner Green</b>     | <b>aye</b>    |
| <b>Commissioner Bailey</b>    | <b>aye</b>    |

**The motion carried.**

**3. EX PARTE COMMUNICATIONS OR CONFLICTS OF INTEREST TO DISCLOSE**

0:03:50 Acting Chairman Webb asked if any Commissioners had ex parte communications or conflicts of interest to disclose. No disclosures were made.

**LEGISLATIVE ITEM**

**4. PUBLIC COMMENTS FOR ITEMS NOT ON THE AGENDA**

There were no public comments.

**5. ZMA 2024-02 PUBLIC HEARING, CONSIDERATION AND RECOMMENDATION ON A LEGISLATIVE APPLICATION TO REZONE PROPERTIES AT APPROXIMATELY 2575 NORTH 400 EAST FROM MULTI-FAMILY RESIDENTIAL (R-4) TO A COMMUNITY COMMERCIAL DOWNTOWN ZONE (CC-DT)**

0:04:42 Planner Ryan Nunn provided an overview of the rezone proposal for a property currently used commercially. He noted that the surrounding properties are all zoned commercial and the entire area was originally zoned multi-family (R-4) approximately 30 years ago. During a past rezone, the area was converted to commercial, but the property in question was omitted. The existing financial institution has been operating on the property for about 15 years. The rezone proposal is essentially a cleanup item to align the zoning with its longstanding commercial use.

Commissioner Bailey asked for clarification on the implications of rezoning to commercial, specifically whether multi-family housing would still be allowed in a commercial zone in North Ogden.

Scott Hess, Community and Economic Development Director, responded, stating that mixed-use is permitted in commercial zones and there are accessory uses permitted, such as a commercial use combined with a single apartment or work unit. However, the R-4 multi-family zoning permissions would not apply in the commercial zone.

**a. Acting Chairman Webb opened the Public Hearing at 6:12 p.m.**

0:07:15 Rick Magnus, AWA Engineering, and also the consulting engineers for America First Credit Union, explained that the Credit Union has been operating on the property for decades and now desires to create a campus design with multiple buildings, as they own the surrounding properties. The future plan includes constructing a branch building for financial services and another building for regional training for officers and employees. The site plan review is necessary to proceed with soil testing and ensure the correct placement of buildings. Rick praised the City Staff for their assistance and facilitation during the planning process. He was available to answer any questions and agreed with the staff recommendations.

In response to a question about the number of buildings, Rick indicated that there would be approximately two buildings: an office building with shared parking and a branch building on the corner with drive-off corridors. When asked if the existing building would be used or demolished, Rick explained that after completing due diligence and obtaining site plan approval, the existing building would likely be demolished. The new building may be constructed adjacent to the existing one to allow a smooth transition. Rick emphasized that the property had to be closed on and rezoned before creating the correct parcels for development. The intent is to ensure the new buildings are correctly placed and the development proceeds efficiently.

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

**Voting on the motion:**

|                               |               |
|-------------------------------|---------------|
| <b>Chairman Thomas</b>        | <b>absent</b> |
| <b>Vice Chairman Mason</b>    | <b>absent</b> |
| <b>Commissioner Nancarrow</b> | <b>aye</b>    |
| <b>Commissioner Webb</b>      | <b>aye</b>    |
| <b>Commissioner Watson</b>    | <b>absent</b> |
| <b>Commissioner Green</b>     | <b>aye</b>    |
| <b>Commissioner Bailey</b>    | <b>aye</b>    |

**The motion carried.**

**The Public Hearing was closed at 6:15 p.m.**

0:11:04 Acting Chairman Webb then facilitated discussion among the Commission regarding the rezone. Commissioner Bailey stated that he had no comments and found the matter straightforward. Commissioner Green acknowledged that while the proposed use might not be the most ideal for the parcel of land, the property owners have the right to pursue their plans. She noted that the rezone would be an improvement and consistent with the existing commercial uses, aligning with the General Plan.

**b. Consideration and recommendation**

**Commissioner Bailey made a motion to recommend rezoning property at approximately 2575 North 400 East from Multi-family Residential (R-4) to a Community Commercial Downtown (CC-DT) Zone as discussed and forward this recommendation to the City Council. Commissioner Green seconded the motion.**

**Voting on the motion:**

|                               |               |
|-------------------------------|---------------|
| <b>Chairman Thomas</b>        | <b>absent</b> |
| <b>Vice Chairman Mason</b>    | <b>absent</b> |
| <b>Commissioner Nancarrow</b> | <b>aye</b>    |
| <b>Commissioner Webb</b>      | <b>aye</b>    |
| <b>Commissioner Watson</b>    | <b>absent</b> |
| <b>Commissioner Green</b>     | <b>aye</b>    |
| <b>Commissioner Bailey</b>    | <b>aye</b>    |

**The motion carried.**

**ADMINISTRATIVE ITEM**

**6. 475 ROAD CLOSURE AND PARKING LAYOUT**

0:13:08 Eric Casperson, City Engineer, presented a proposal for a road closure and traffic modifications. The plan includes installing two median islands, one on the north near the library exit and another west of the south entrance to the Library. These islands will allow a 20-foot clear space for emergency vehicles and create a one-way traffic flow from north to south and west to east. The existing one-way section between 475 East and 2550 North will revert to a two-way, and angled parking on the north side of 2550 North will be removed. Angled parking on the east side of 475 East will remain with added striping for clarity, and areas not suitable for parking will be painted red, including around the corner to the Senior Center.

Eric explained that the goal is to provide better access to the Senior Center and address the controversy of residents having to navigate around 2600 North to reach it. The modifications aim to offer a semi-permanent solution that can be reversed if necessary. The medians will be constructed using a type of curbing that can be easily removed without extensive work.

Commissioner Green asked for clarification on the initial decision to make the area a one-way street, which was to provide on-street parking for construction workers, preventing them from occupying City or Library parking spaces. Commissioner Bailey noted that the plan to return some of the area to two-way traffic was to improve access to the parking lot, which he found logical. Acting Chairman Webb supported the proposal, highlighting that it accommodates current traffic habits and future needs.

Eric mentioned that the west entrance from 475 East to the Library would still allow northbound turns, and the striping would be cleaned up to avoid confusion. Both Commissioner Bailey and Acting Chairman Webb appreciated the flexibility of the semi-permanent solution, allowing the City to adapt to changing needs without extensive changes.

The discussion concluded with general agreement that the proposed modifications make sense and would improve traffic flow and access in the area

## LEGISLATIVE ITEMS

### **7. ZTA 2024-06 DISCUSSION ON A LEGISLATIVE APPLICATION TO CONSIDER ADDITIONAL PENALTIES FOR OPERATING A SHORT-TERM RENTAL WITHOUT A LICENSE**

**0:20:32** Ryan Nunn, Planner, summarized the item regarding penalties for operating without a business license, particularly for short-term rentals. Ryan outlined that the current City Code imposes a \$500 fine for a first offense and \$1,000 for a second. His research on similar penalties in other cities revealed that operating without a license often results in a class B misdemeanor, which can involve six months of jail time or a \$1,000 fee. He noted that some cities provide a specific timeframe for compliance before penalties are enforced. Ryan sought the Planning Commission's input on potential changes to these penalties.

Scott Hess, Community and Economic Development Director, added that the City typically aims for compliance rather than punishment, issuing the standard license fee to violators and encouraging them to comply. He highlighted that most short-term rental operators comply once they understand the requirements. However, he questioned whether merely driving for compliance is sufficient or if additional fees or operational restrictions should be considered for those who repeatedly violate the rules.

Commissioner Green inquired about the current fines for late renewals. Scott called on Colleen Phillips, Business License Administrative Assistant, who explained that violators are fined \$100 for the first year and must provide documentation such as photographs of guest parking. If they do not pay on time, they are charged an \$18.75 penalty every two months, up to a maximum of \$75.

Commissioner Bailey and Acting Chairman Webb discussed the frequency of violations, noting that they often stem from neighbor complaints. Commissioner Green shared that while most violators comply after receiving a letter, some require multiple reminders and involvement from Code Enforcement.

Commissioner Bailey emphasized that while the problem may not be widespread, it does cost the City time and resources to enforce compliance. He suggested that the potential harm includes safety risks, as non-compliant rentals might not meet safety standards. Acting Chairman Webb agreed, advocating for higher penalties for those who continuously ignore the rules.

**0:37:56** The discussion shifted to the idea of increasing penalties for repeat offenders. Commissioner Bailey proposed doubling the business license fee for those caught operating without a license. Acting Chairman Webb supported the idea, noting that the City should not lose money enforcing compliance. Commissioner Green suggested looking into models from other cities, such as St. George, which allows for more extensive pursuit of non-compliant individuals.

Scott Hess, Community and Economic Development Director, clarified that the penalty for beginning construction without a permit is \$250, which serves as a precedent for other violations. The Commission discussed the importance of having a consistent penalty structure across different types of violations. Acting Chairman Webb expressed support for more stringent

penalties, including the possibility of misdemeanors for habitual offenders. Commissioner Bailey agreed, emphasizing the need for a financial penalty to cover the City's enforcement costs.

The discussion concluded with a consensus that while initial leniency for first-time violators is acceptable, repeat offenders should face higher penalties. The Commission suggested that the City staff develop a more robust penalty structure, including potential legal actions for non-compliance, to ensure fairness and cover enforcement costs.

#### **8. ZTA 2024-07 DISCUSSION ON A LEGISLATIVE APPLICATION TO CONSIDER REGULATIONS RELATED TO SHORT-TERM RENTALS OF RESIDENTIAL AMENITIES**

**0:45:50** Scott Hess, Community and Economic Development Director, discussed short-term rentals of residential amenities, highlighting examples of two rental websites: simply.com and neighbor.com. Simply.com allows users to rent out their swimming pools hourly or daily, while neighbor.com offers storage rental for spaces like driveways, garages, or basements. He noted that despite the low utilization, these rentals can have a high impact, as evidenced by a recent case where a swimming pool rental allowed up to 60 guests, leading to significant neighborhood disruption.

The legal interpretation of these rentals as short-term rentals could subject them to existing guidelines, including ADA compliance, fire inspections, and guest limits. Commissioner Bailey highlighted the need for off-street parking requirements, a gray area for pool rentals. Scott acknowledged the uncertainty of legal interpretations and suggested minor tweaks to the home occupation code as a potential solution.

Scott mentioned that other cities, such as St. George, have not yet dealt with similar issues, indicating either a lack of complaints or existing code enforcement. He expressed concern about the effort required to legislate these rentals for a few properties and suggested shutting them down through existing code enforcement. If property owners find the rentals lucrative, they could propose code changes, allowing a more collaborative approach to crafting regulations. Scott concluded by inviting questions, advice, or suggestions from the Planning Commission to further address the issue.

**0:59:31** Commissioner Green questioned the categorization of renting a swimming pool under home occupation or short-term rental, noting that current codes do not support it. Scott clarified that such rentals might be better treated as short-term rentals, potentially subject to transient room tax and business use regulations rather than home occupation.

Acting Chairman Webb suggested using a conditional use permit for swimming lessons, similar to practices in Kaysville City, while preferring clear standards over conditional permits. Scott discussed the administrative burden and financial implications of creating new codes for low-frequency issues, emphasizing the need for practicality given current code enforcement limitations.

Commissioner Bailey proposed a reactive approach, monitoring complaints and usage patterns before drafting specific regulations. Acting Chairman Webb and Commissioner Bailey

highlighted the need for flexibility and creativity in City regulations, supporting entrepreneurial activities without being overly restrictive.

The group agreed on a wait-and-see approach, refraining from writing new codes unless the issue becomes more prevalent or problematic. They also emphasized the importance of community input and balancing enforcement with fostering a progressive, creative community. Scott concluded by noting that the City will address specific cases through enforcement and business licensing, revisiting the issue as necessary.

## **PRESENTATION**

### **9. ACTIVE TRANSPORTATION AND WAYFINDING PLAN REVIEW AND REPORT**

01:06:14 Scott Hess, Community and Economic Development Director, introduced a PowerPoint presentation on the Active Transportation Plan he gave to the Wasatch Front Regional Council's Active Transportation Committee in June. He highlighted that the plan, still a draft requiring corrections, aims to integrate the Active Transportation Plan with the North Ogden Plaza Center Plan. The final plan is expected to be submitted for Council adoption by late August or early September and will include elements of the General Plan, such as wayfinding and a small area plan, funded through RDA funds and grants.

He acknowledged contributions from Council, staff, the consulting group led by Kai Tanaka, and funding partners like the Wasatch Front Regional Council. The project funding was \$90,000 with a 10% City match. Initially, this was part of a multi-city active transportation plan initiated by Robert Scott in 2020, later separated to focus on North Ogden, allowing for more city-specific planning and implementation.

Scott recounted an e-bike tour that highlighted how easy it is to navigate the City using alternative transportation modes like e-bikes, scooters, and wheelchairs. He emphasized the importance of the implementation measures in their active transportation plan, which includes both priority and secondary projects. Priority projects, estimated at \$7.2 million, and crossing enhancements at \$1.1 million were outlined, along with sidewalk gap projects totaling \$11 million. These estimates were cross-checked with the City Engineer and considered reasonable.

Scott explained that the best way to build out the transportation network is to align it with existing street maintenance schedules, utilizing cost-effective methods like striping during major reconstruction projects. He mentioned a recent project on 475 East that cost \$18,000, which significantly improved transportation flow and parking.

The discussion moved to the secondary projects, estimated at \$18 million, and the total cost to build out the entire active transportation network, estimated at \$38 million. Funding assumptions include contributions from developers and City resources to implement sidewalk and striping networks.

Wayfinding was identified as a crucial element to encourage usage of the transportation system. The consultant created a signage system, including decision signs and time indicators, to help

residents navigate the City. A pilot wayfinding corridor was developed, with signs expected to be installed in the fall.

Scott outlined next steps, including the final Steering Committee meeting, finalizing redline suggestions, and adopting the plan. The City has already secured \$300,000 in grant funding for crossing improvements on the canal trail. He emphasized the importance of aligning the transportation plan with other capital planning efforts to ensure infrastructure development.

Commissioner Bailey commended the team's work, and Scott concluded by offering to answer questions and noted that the plan would be recommended to the Planning Commission and eventually forwarded to the City Council for adoption.

**1:21:49** Commissioner Green inquired about the status of the signs project. Scott Hess explained that while funding has been allocated, signs have not been ordered yet. Commissioner Green expressed concerns about the chosen colors for the signs, feeling they do not reflect the character of North Ogden. Scott clarified that the color options were based on a Facebook poll and feedback from residents months ago, and Commissioner Bailey added that the colors were chosen to avoid confusion with standard traffic signs and shared his trust in the consultants' expertise in setting standards. Scott mentioned the Federal Highway Administration and Manual for Urban Transportation Design as resources for color guidelines. There was a discussion about the printed appearance of the colors and the official City colors, with Scott noting that colors could look different once printed and tested.

Commissioner Bailey suggested involving local businesses in City projects, citing the Library as an example of successful local involvement. He also proposed using QR codes on signs to provide information about trails and paths, enhancing community engagement.

Commissioner Green raised concerns about the plan for adding sidewalks on Fruitland Drive, suggesting it could compromise the area's country feel. Scott acknowledged the complexity of maintaining the country feel while ensuring safety. The group discussed the possibility of alternative solutions, such as grade-separated paths or creative landscaping, to preserve the character of the road.

The conversation shifted to the challenges of balancing development with maintaining North Ogden's unique feel. Scott and the Commissioners agreed on the importance of thoughtful planning and considering community feedback.

In conclusion, the Commission agreed on the need for more discussion and careful consideration of the community's needs and preferences in future developments. Scott advised the Commissioners to submit their comments via email for consolidation and forwarding to the consultant.

## **10. PUBLIC COMMENTS**

**1:46:00** Chris Pulver, North Ogden City resident, asked for the City Engineer, Eric Casperson's, input about the median island next to the Senior Center near the Library and its possible complications during snowfall. Eric confirmed there were concerns from streets and supply drivers about visibility during the winter. Reflective markers, which are inexpensive, are being

considered to improve visibility. Chris mentioned that to the west of the road near the island, the area is mostly wetlands, which are protected and will not have any developments. Acting Chairman Webb confirmed this, noting a small piece near Nielsen's is not wetlands, but the majority is.

#### **11. REMARKS - PLANNING COMMISSIONERS:**

There were no additional comments from Planning Commissioners.

#### **12. REPORT – COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR**

**1:47:33** Scott Hess reported that the milestone of submitting the Modern Income Housing Plan Report to the State has been met. The report's due date is August 1, and timely submission is crucial to avoid risking the loss of B&C road funding, which the City heavily relies on for various local improvements. The B&C road funding amounts to approximately \$800,000 to \$900,000. Timely submission allows for a 90-day cure period to correct any issues in the report.

Scott mentioned the success in previous submissions, highlighting that the City's high rate of first-time approval is noteworthy. This year's report has been submitted, and the outcome is pending. He also announced the near completion of two new apartment buildings in Village at Prominence Point, along with a new trail section along Coldwater Creek connecting 1900 North over to the Lodge. This new pedestrian connection addresses previous concerns of private property owners and was a project requirement. The area is set to be paved soon, marking significant progress.

#### **13. REMARKS – CITY MANAGER/ATTORNEY**

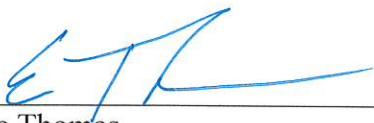
**1:50:06** Jon Call, City Manager/Attorney, expressed gratitude for Scott's involvement in the State process and his value as a resource for other planners, noting his consistent success. The State's commitment to providing better data is promising for future accuracy, as initial City submissions faced challenges due to insufficient data. The Council has approved a new public safety impact fee effective September 16, approximately \$400 per house, and increased the park impact fee from \$2,600 to nearly \$6,000 per house due to rising land costs and the need for infrastructure improvements. Future increases in sewer, water, and stormwater fees are expected. Despite the higher costs, consultants are working on creative solutions to manage expenses.

Commissioner Bailey praised the staff's dedication and competence, noting that their commitment to doing a good job is evident in their work. He contrasted their performance with other cities, highlighting the efficiency and organization of their Planning Commission meetings.

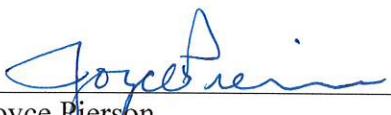
#### **14. ADJOURNMENT**

**Acting Chairman Webb motioned to adjourn the meeting. Commissioner Bailey seconded the motion.**

The meeting adjourned at 7:58 p.m.



Eric Thomas  
Planning Commission Chair



Joyce Pierson  
Deputy City Recorder

August 21, 2024

Date Approved