



NOTICE AND AGENDA

SOUTH OGDEN CITY PLANNING COMMISSION MEETING

Thursday, November 14, 2024

Notice is hereby given that the South Ogden City Planning Commission will hold a meeting on Thursday, November 14, 2024, beginning at 6:15 p.m. The meeting will be located at City Hall, 3950 Adams Ave., South Ogden, Utah, 84403, in the city council chambers. The meeting is open to the public; anyone interested is welcome to attend. Some members of the commission may be attending the meeting electronically.

I. CALL TO ORDER AND OVERVIEW OF MEETING PROCEDURES - Chairman Nic Mills

II. ZONING ITEMS

- A. Discussion/Recommendation on Proposed Amendments to Section 10-14-22, 10-14-23, And 10-14-8 On Requiring Land Use Permits
- B. Discussion/Recommendation on Short-Term Rentals

III. SPECIAL ITEMS

Code Enforcement Update

IV. APPROVAL OF MINUTES OF PREVIOUS MEETING

- A. Approval of September 12, 2024 Planning Commission Minutes
- B. Approval of October 10, 2024 Planning Commission Minutes

V. STAFF REPORTS

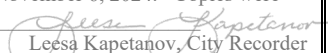
- A. City Council Updates
- B. Upcoming Weber County Open House November 20th
- C. Upcoming Planning Commission Meetings

VI. OTHER BUSINESS

VII. PUBLIC COMMENTS

VIII. ADJOURN

The undersigned, duly appointed City Recorder, does hereby certify that a copy of the above notice and agenda was posted to the State of Utah Public Notice Website, on the City's website (southogdencity.gov) and emailed to the Standard Examiner on November 6, 2024. Copies were also delivered to each member of the Planning Commission.


Leesa Kapetanov, City Recorder

In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during the meeting should notify the City Recorder at 801-622-2709 at least 48 hours in advance.

STAFF REPORT



SUBJECT: Code Change Discussion - Land Use Permits for
Accessory Buildings, ADUs, and Fencing
AUTHOR: Alika Murphy
DEPARTMENT: Planning Administration
DATE: November 14, 2024

BACKGROUND

As planning staff gets accustomed to plan review procedures, staff found that the city code does not clearly state that a Land Use Permit application needs to be filled out and approved by planning staff for fencing, accessory buildings and accessory dwelling units.

ANALYSIS

It is important to be clear about our processes, especially for common items such as accessory buildings, ADUs or fences. Adding language to the respective ordinances will make it mandatory to fill out a land use permit application. The application does not have a fee associated with it and is more so used as a tool to make sure that the code is being followed

PROPOSED CHANGES:

10-14-22: Standards For Accessory Buildings In Residential Zones

1. Residents wanting to build an accessory building less than 200 square feet must obtain an approved Land Use Permit from planning staff.

10-14-23: Accessory Dwelling Units (ADU)

2. Conditions: An Accessory Dwelling Unit may be permitted subject to the following conditions:
 14. The property owner must obtain a South Ogden City Rental Dwelling Business License for ADUs for which they receive any monetary compensation. They must also obtain an approved Land Use Permit from planning staff.

10-14-8: Fence Regulations

5. Residents wanting to replace or put up a new fence must apply for and receive an approved Land Use Permit.

RECOMMENDATION

Staff recommends adding the proposed language in red, but is open to any modification suggestion.

STAFF REPORT



SUBJECT: Code Change Discussion - Residential Parking
AUTHOR: Aliko Murphy
DEPARTMENT: Planning Administration
DATE: November 14, 2024

BACKGROUND

On the October 10, 2024 agenda, there was an item where Staff was proposing to add in the definition of short-term rental (STR) to Section 3-11-0 to explain how the city defines an STR and to be clear that they are not allowed in the city. This addition was based on previous discussions that previous planning staff has had with the commission about the allowance of STRs. At the October 10th meeting, there was interest from the commission to explore the conversation of STRs further since most of the current commission is new.

ANALYSIS

A short-term rental is a living space available to rent for short periods of time. Typically, they have been treated as a hotel adjacent rental where people stay for a couple days to a few weeks. Anything less than 30 days is considered a short-term rental. Utah defines it a short-term rental as a residential unit or any portion of a residential unit that the owner or record or the lessee of the residential unit offers for occupancy for fewer than 30 consecutive days.

Short-term rentals (STRs) have been a topic of discussion in the past and current planning staff is always open to having the STR discussion again. Leading up to that decision, there was a lot of back and forth for Planning Commission and City Council. Part of the last STR conversation was a survey that had about 400 responses and it was basically a 50/50 split of residents with 192 residents being for them and 197 residents against them. Planning Commission voted (5-1) to recommend that short-term rentals be allowed and regulated. The last discussion that City Council had was in March of 2023 and it was decided to still not allow STRs in the city. Since then, there have been phone calls asking about short-term rentals and new staff is open to having the STRs.

As mentioned, one of the items in the last planning commission meeting was adding language in the code that explicitly says that STRs are not allowed in the city. The Accessory Dwelling Unit section is the only one that has a line prohibiting short-term rentals within an ADU, but there has not been any other section that specifically states that STRs are not allowed. The code does say under 10-14-2 "Any use not expressly permitted, or listed as a conditional use,

is prohibited” and under 10-1-3 D it states “If a use is not listed and cannot be interpreted as similar in nature and impact to a use within a zone that is either permitted or requires a conditional use permit, the use is not permitted and may only be approved through an amendment of this title”. These two sections do cover the non-permitted use of STRs, but before adding further language prohibiting short-term rentals, it is worth having the conversation again about whether or not to have an ordinance that could allow them with restrictions.

As far as Utah legislation is concerned, there is one section of code that talks about STRs (17-50-338). This state code states that a legislative body may not do the following:

1. Enact or enforce an ordinance that prohibits an individual from listing or offering a short-term rental on a short-term rental website; or
2. Use an ordinance that prohibits the act of renting a short-term rental to fine, charge, prosecute, or otherwise punish an individual solely for the act of listing or offering a short-term rental on a short-term rental website.

The section above does not apply to an individual who lists or offers an internal accessory dwelling unit as a short-term rental on a short-term rental website if the county records a notice for the internal accessory dwelling unit under Subsection 17-27a-526(6).

Some cities have adopted ordinances allowing short-term rentals, but there are still cities that have decided not to allow them. Surrounding that do have an ordinance include Ogden, North Ogden, and West Haven. Below are some of the main requirements for STRs.

Ogden:

- Allowed in R-1 zone, owner-occupied
- R-2, R-2EC, R-3, R-3EC, R-4, R-5, and R-9 zones limit one per block if they are not owner-occupied
- Must pass a building and fire inspection
- Contact information must be sent to all neighbors within 300 feet and proof of letters but be submitted to city
- STR license must be renewed annually
- 2 people per sleeping room
- No visitors
- There must be off-street parking offered to renters otherwise there is a fine

North Ogden:

- Only within owner-occupied structures or those managed by the owner
- Allowed within ADUs

- 1 parking space per bedroom
- Provide contact information to city (must be reached 24/7)
- STR business license required
- Fire inspection annually
- Max of 12 persons
- Violation is \$500 fine

West Haven

- Owner-occupied
- Must show proof of residence which includes driver's license, deed, and a notary note must be turned in
- Site plan, floor plan, parking plan, and contact information must be turned in
- Land Use Permit and business license is required
- Fire code inspection
- Property description
- Limit of 182 nights that can be rented
- Must provide an information packet for renter that includes emergency contact, business license, owner contact information, noise ordinance, etc.

Things to consider when looking at a short-term rental ordinance:

- How will this affect the neighborhood?
- Is this wanted by residents?
- Will it affect housing affordability?
- Will it be required for the property to owner-occupied?
- Are they allowed in ADUs?
- What will the approval process be?
- How will it be enforced?

PROPOSED CHANGES

Attached is the STR draft that was presented to Planning Commission and City Council the last time it was discussed with a couple propositions from staff in red. If STRs were to be allowed, staff is proposing letting them be allowed in an ADU.

RECOMMENDATION

Staff recommends that we proceed with a public hearing regarding a short-term rental addition to the city code and have more discussion regarding STRs.

DEFINITION

10-2-1 Short-Term Rental.

Any approved dwelling or portion thereof that is available for use or is used for accommodations or lodging of guests paying a fee or other compensation for a period of at least one 24-hour day and less than 30 consecutive days [max of 180 nights a year in total can be rented out] a Short-Term Rental shall not contain more than four bedrooms. [May be allowed in an ADU]

[Property must be owner occupied, and the owner must prove ownership by way of a copy of a deed and drivers license address]

ORDINANCE

10-14-24 Short-Term Rentals.

(a) Purpose. The purpose of this Section is to establish the process for permitting of short-term rentals whether as a vacation rental or otherwise. The intent is to protect the integrity and characteristics of established land use districts by ensuring that short-term or vacation rentals are located in appropriate land use districts and operated in a manner that minimizes negative impacts of those uses on neighbors, public services and the surrounding community. A short-term rental use is permitted in any zone that allows residential uses.

(B) Definitions:

(1) Responsible Party. The owner(s), agent(s) or management company responsible for the operation and maintenance of the Short-Term Rental property and for its compliance with all laws, rules and regulations applicable to the same.

(2) Occupant(s). The individual(s) renting or residing in a Short-Term Rental dwelling unit.

(3) Pets. Dogs, cats or other domesticated animals allowed under City ordinances that, with permission of the Responsible Party, accompany the occupants of the Short-Term Rental.

(C) License Required. A Short-Term Rental License and all licenses and permits required by the Weber County Health Department and the State of Utah shall be required for all properties used as Short-term Rentals. The fee required by the consolidated fee schedule shall accompany the Short-Term Rental License.

(1) Application for License. The application for a Short-Term Rental License shall be made on forms provided by the City and shall include a phone contact number and

email address for the owner and the Responsible Party, as applicable. The application shall be accompanied by a site plan [floor plan] and architectural drawings that demonstrate all requirements of this section are met. The plans shall be drawn to scale showing the location of all buildings, property lines, distances from property lines to all buildings, the location of all parking stalls, utility meters, entrances, and such other information as may be required for consideration of the application. The drawings shall also demonstrate compliance with all applicable building, health and fire codes.

[Needs to pass a Fire Code Inspection]

[If there is an HOA a letter from them is required]

If the application is made by any person other than the owner of the property, or if the property is not owner-occupied or owner-managed, the application shall be accompanied by a signed document demonstrating the owner's permission to use the premises as a Short-Term Rental, identifying the Responsible Party, and providing all details about the identity and business operations of the Responsible Party as may be required in the application.

(2) Prior to operating a Short-Term Rental, the owner or Responsible Party shall obtain a South Ogden City Short-Term Rental license. At the time of, or prior to, receiving approval of the license, the Responsible Party shall register the business with the State, and obtain a State Sales Tax ID number; proof of the same shall be filed with the City.

(3) Review. The business license official or his/her appointee shall review complete applications for a Short-Term Rental license under this Section and shall approve, or deny the application based on the criteria listed in this Section.

(3) Reports and Taxes. The Responsible Party shall comply with all reporting requirements incident to the use as a Short-Term Rental property, and shall collect and remit all sales, resort and transient room taxes to the State Tax Commission.

(D) Noise, Nuisances and Adverse Effects of Use. The Responsible Party shall regulate the occupancy of the Short-Term Rental and ensure that:

(1) Occupants and their pets do not create noise or other conditions that by reason of time, nature, intensity or duration are out of character with noise and conditions customarily experienced in the surrounding neighborhood;

(2) Occupants do not disturb the peace of surrounding residents by engaging in outside recreational activities or other activities that adversely affect nearby properties before 7:00 a.m. or after 10:00 p.m.;

(3) Occupants and their pets do not interfere with the privacy of nearby residents or trespass onto nearby properties;

(4) Occupants do not engage in disorderly or illegal conduct, including illegal consumption of drugs or alcohol; and

(5) The premises, responsible party and all occupants strictly comply with Utah Administrative Code Rule R392-502, Public Lodging Facility Sanitation.

(E) Parking. On-street parking is prohibited. An off-street parking stall shall be provided for each vehicle, including trailers, an Occupant brings to the premises of the Short-Term Rental. The number of Occupants' vehicles shall not exceed the number of bedrooms available in the Short-term Rental.¹ (max of four bedrooms allowed; see 10-2-1 of this Title). Vehicles parked at the Short-Term Rental shall not impede clear sight distances, create a nuisance or hazard, violate any City laws or winter-restricted parking requirement, or infringe on the property rights of any adjacent or nearby property. Parking of vehicles shall be entirely within a garage or carport, or upon a driveway or other approved paved surface that meets established standards and norms. Parking is prohibited within any yard or landscaped area.

(F) Camping equipment, facilities and other temporary facilities. All Short-Term Rentals shall be conducted entirely within an approved residential dwelling unit. Occupied camp trailers, travel trailers, recreational vehicles, tents, yurts, or any similar structures are prohibited.

(G) Signage – Exterior and Interior. Exterior signage other than ordinary street address signage is prohibited.

(H) Renter's Packet: The Responsible Party shall also provide a prominent display within the dwelling unit that provides, at minimum, the following information:

(1) contact information for the Responsible Party at which it may be contacted at any time (24/7);

(2) all local regulations addressing noise, parking, pets, trespassing, illegal activity, and conduct;

(3) contact information of local police, fire and emergency service; and

(4) any additional rules or regulations imposed by the Responsible Party.

¹ *The maximum number of bedrooms in a Short-term rental is four (4). See Definitions; Chapter 10-x-x.*

(5) copy of business license and parking site plan

(6) Emergency exits

(H) Maintenance and Standards. Any property licensed as a Short-Term Rental shall conform to the following standards:

(1) Structures shall be properly maintained and all facilities such as plumbing, HVAC equipment, appliances, etc. kept in a condition that is fully operational and otherwise in good repair.

(2) Grounds and landscaped areas shall be properly maintained to ensure that the use does not detract from the general appearance of the neighborhood or create any hazard or nuisance to the Occupants or to neighboring properties.

(3) Each habitable space shall meet current federal, state and local building and health codes, and shall be equipped with fully functional smoke and carbon monoxide detectors located at places within the dwelling unit that comply with applicable building codes.

(4) Garbage shall be placed in City-approved receptacles. Trash shall not be allowed to accumulate on the property and be removed on regularly scheduled pick up days.

(5) All requirements of the local fire authority shall be met

(6) A fire exit route plan and statement of the maximum occupancy number for the premises shall be prominently posted.

(7) A fully functional fire extinguisher shall be located in an easily accessible location.

(8) The responsible party shall comply with all inspection requirements of the State of Utah, Weber County and the City.

(I) Notification of Adjacent Property Owners. Property owners within one hundred fifty feet (150') of the premises proposed for a Short-Term Rental shall be notified of the application by the city.

(J) Complaints. Complaints received by the City for any violation of this chapter will be handled as follows:

(1) A first complaint will result in an investigation and, if warranted, the City will issue a written warning to the Responsible Party; said warning shall provide notice of the complaint, a description of any violation, and actions to be performed to correct a violation.

Upon receipt of a second complaint, the City will conduct an investigation, and if warranted, will take one of the following courses of action:

- (A) issue another warning;
- (B) issue a citation for violation of City ordinances or rules;
- (C) initiate revocation proceedings as provided in this Section

(2) In the event of a revocation or suspension proceeding, the Hearing Procedure found in 3-1A-5 of this code will be used.

(3) Notwithstanding any other remedy in this section, violations of Federal, State, County or local laws may be prosecuted in any court or administrative tribunal having jurisdiction over the matter.

***Code
Enforcement
Update***

City Council

- Presentation in work session of last CC meeting (10/15)
 - Discussion on the following:
 - Current code enforcement (PD)
 - Part-time/Full-time
 - Cost
 - Categories of code to enforce
- CC decided to go ahead with preparing to hire full-time code enforcer

Current Code Enforcement

- Reporting
 - Police Department
- One Police Officer
 - 2 to 3 hours a week September through May
 - 30 hours a week June through August
 - 198 hours/annually
- Responds to 70 to 90 cases annually
 - Parking
 - Junk/Weeds
 - Snow removal
- Complaint basis only

So Far So Good

- Meetings with Management, PD, Building, and Planning
 - Discussed the following:
 - Current Process and proposed process
 - Training
 - Equipment needed
 - How to keep track of cases
 - Which department will this position be under?
 - Codes to update (Civil vs Criminal)

Enforcement Needs

Health & Safety	Disruptions	Aesthetics
Parking off premise and on premise	Nuisances	Signage
Chickens	Noise	Fencing
Bees	Lighting	Accessory Structures
Snow removal	Sidewalk Vendors	Pools/sport courts
Special Events	Commercial Entertainment	Weeds
Trailers on property		Junk on property/Abandoned Vehicles
Line of Sight Violations		New driveways, approaches, etc.
Clear Sidewalks- snow		
Cracked, lifted driveways		

What's Next?

- Staff will be going through ordinances to update
 - Clarify who will be enforcing
 - Penalty if not listed
 - Procedure
 - Fees, escalate to PD
 - Title 3 (Business license regulations), 4 (Public health and safety), 6 (Motor Vehicles and Traffic), 7 (Public ways and property), 10 (Zoning Regulations)

Anything To Add

- Anything to add?
 - Concerns
 - Questions
 - Specific ordinances to take a look at
 - Training/ certifications



MINUTES OF THE SOUTH OGDEN CITY PLANNING COMMISSION MEETING

THURSDAY, SEPTEMBER 12, 2024
COUNCIL CHAMBERS, CITY HALL –6:15 pm

PLANNING COMMISSION MEMBERS PRESENT

Chair Nic Mills, Commissioners John Bradley, Brian Mitchell, Norbert Didier, and Pete Caldwell

PLANNING COMMISSION MEMBERS EXCUSED

Commissioners Robert Bruderer and Brock Gresham

STAFF PRESENT

Assistant City Manager Summer Palmer, Planner Alikea Murphy, Communications and Events Specialist Danielle Bendinelli, and Recorder Leesa Kapetanov

OTHERS PRESENT

Ron Litchfield, Sandi Mohr, Roger Palme, Karl Palmer, Ashley Herbert, Verna Facer, Anji Litchfield

Note: The time stamps indicated in **blue** correspond to the audio recording of this meeting which can be found at:

https://cms7files.revize.com/southogden/document_center/Sound%20Files/2024/PC240912_1812.mp3

or requested from the office of the South Ogden City Recorder.

A briefing session was held before the planning commission meeting and was open to the public. The audio recording for the briefing meeting can be found by clicking this link:

https://cms7files.revize.com/southogden/document_center/Sound%20Files/2024/PC240912_1736.mp3

I. CALL TO ORDER AND OVERVIEW OF MEETING PROCEDURES

- Chair Nic Mills called the meeting to order at 6:15 pm. He introduced Assistant City Manager Summer Palmer and Planner Alikea Murphy who were both new staff members. He then gave a brief overview of meeting procedures
- The chair called for a motion to open the South Ogden City Planning Commission Meeting
00:01:030

Commissioner Bradley so moved. The motion was seconded by Commissioner Mitchell. Commissioners Bradley, Mitchell, Didier, and Caldwell all voted aye.

II. PUBLIC HEARING

To Receive and Consider Comments on the Proposed Rezone of All City Parks to the O-1 (Openspace-1) Zone

- Chair Mills explained how the public hearing would proceed
- Overview of parks rezone 00:02:38
- The chair called for a motion to open the public hearing 00:04:00

Commissioner Bradley moved to open the public hearing. Commissioner Didier seconded the motion. All present voted aye.

- Chair Mills invited anyone who wished to come forward and comment
- Ron Litchfield 00:04:53 Concerned about a field near his house that was part of Nature Park, but not well maintained.
- There were no more comments, either in person or online. The chair called for a motion to close the public hearing in chambers, but leave online comments open for the next five minutes. 00:08:08

Commissioner Bradley moved to leave the public hearing and reconvene as the Planning Commission, with the exception of leaving online comments open for the next five minutes. The motion was seconded by Commissioner Caldwell. The voice vote was unanimous in favor of the motion.

III. ZONING ITEMS

Discussion/Recommendation on Rezone of All City Parks

- Discussion 00:08:55
- The chair asked if any online comments had been made; seeing none, he called for a motion on this item 00:12:17

Commissioner Bradley moved to recommend approval to the City Council for the rezone of city parks from their current zone to O-1. Commissioner Didier seconded the motion. Chair Mills called the vote:

Commissioner Didier-	Yea
Commissioner Bradley-	Yea
Commissioner Caldwell-	Yea
Commissioner Mitchell-	Yes

The motion stood.

IV. APPROVAL OF MINUTES OF PREVIOUS MEETING

Approval of July 11, 2024 Planning Commission Minutes

- Chair Mills asked if there were any changes to the minutes and seeing none, he called for a motion to approve them 00:13:10

Commissioner Mitchell moved approve the minutes from the July 11, 2024 planning commission, followed by a second from Commissioner Caldwell. All present voted aye.

V. STAFF REPORTS

- There were no staff reports

VI. OTHER BUSINESS

- Discussion on Nature Park 00:14:43

VII. PUBLIC COMMENTS

- There were no comments, either in person or online 00:16:42

VIII. ADJOURN

- At 6:32 pm, Chair Mills called for a motion to adjourn 00:16:52

Commissioner Bradley so moved. Commissioner Mitchell seconded the motion. The voice vote was unanimous in favor of the motion.

I hereby certify that the foregoing is a true, accurate and complete record of the South Ogden City Planning Commission Meeting held Thursday, September 12, 2024.


Leesa Kapetanov, City Recorder

October 10, 2024
Date Approved by the Planning Commission



MINUTES OF THE SOUTH OGDEN CITY PLANNING COMMISSION MEETING

THURSDAY, OCTOBER 10, 2024
COUNCIL CHAMBERS, CITY HALL –6:45 pm

PLANNING COMMISSION MEMBERS PRESENT

Chair Nic Mills, Commissioners John Bradley, Norbert Didier, Pete Caldwell, Robert Bruderer and Brock Gresham

PLANNING COMMISSIONERS EXCUSED

Brian Mitchel

STAFF PRESENT

Assistant City Manager Summer Palmer, Planner Alikea Murphy, Communications and Events Specialist Danielle Bendinelli, and Recorder Leesa Kapetanov

OTHERS PRESENT

Mike & Cheryl Sims, Joe & Amy Holden, Paul & Susan Stoddard, Steve & Sharon Pruess, Lynda Callister, John Bran, Katrina Marriott, Katie & Tyler Driggs, Jackie Ermini, Harly Yates

Note: The time stamps indicated in blue correspond to the audio recording of this meeting which can be found at:

https://www.southogdencity.com/document_center/Sound%20Files/2024/PC241010_1847.mp3

or requested from the office of the South Ogden City Recorder.

No briefing meeting was held before the planning commission meeting.

I. CALL TO ORDER AND OVERVIEW OF MEETING PROCEDURES

- Chair Nic Mills called the meeting to order at 6:48 pm and entertained a motion to open the meeting 00:00:00

Commissioner Bruderer so moved. The motion was seconded by Commissioner Bradley. Commissioners Bradley, Bruderer, Didier, and Gresham all voted aye.

Note: Commissioner Caldwell joined the meeting soon after the vote was taken.

II. SUBDIVISIONS

Discussion/Action on Hinckley Commons Subdivision Amendment

- Overview by Planner Alikea Murphy
00:00:23
- There were no questions or discussion on this matter
- Chair Mills called for a motion concerning the Hinckley Commons Subdivision Amendment
00:01:46

Commissioner Gresham moved to approve the Hinckley Commons Subdivision Amendment. Commissioner Bradley seconded the motion. The chair called the vote:

Commissioner Gresham-	Aye
Commissioner Didier-	Aye
Commissioner Bruderer-	Aye
Commissioner Bradley-	Aye
Commissioner Caldwell-	Aye

The subdivision amendment was approved.

III. PUBLIC HEARINGS

To Receive and Consider Comments on the Following Items

- Proposed Rezone of Parcel# 060510018 Located at 4055 Liberty Avenue
- Proposed Amendment to Section 10-14-12A Private Swimming Pools
- Proposed Amendment to Section 10-23-5 Landscape Design Standards (Park Strips)

- Chair Mills called for a motion to open a public hearing for items A, B, and C
00:02:28

Commissioner Bradley moved to leave the planning commission meeting and convene in a public hearing. The motion was seconded by Commissioner Didier. The voice vote was unanimous in favor of the motion.

- Chair Mills invited anyone who wished to come forward and comment on the rezone
 - Sharon Pruess 00:03:48 Ms. Pruess gave a handout to the commissioners before her comments. See Attachment A. She spoke against the rezone
 - Mike Sims 00:11:40 Spoke against the rezone
 - Susan Stoddard 00:12:27 Submitted written comments. See Attachment B. Spoke against the rezone
 - Cliff Wayment 00:17:37 Spoke against the rezone

- Katie Driggs 00:18:00 Spoke against the rezone
 - Katrina Marriott 00:21:11 Spoke against the rezone
 - Brian Marriott 00:22:35 Spoke against the rezone
 - Lynda Callister 00:25:20 Spoke against the rezone
 - Steve Pruess 00:28:26 Spoke against the rezone
 - Susan Stoddard 00:35:31 Spoke against the rezone
 - Cliff Wayment 00:37:55 Spoke against the rezone
 - Jackie Ermini 00:39:27 Spoke against the rezone
- Written comments for the rezone, which were submitted before the meeting, can be found in Attachment C.
- Chair Mills opened the floor for comments concerning Item B, swimming pool setbacks
 - Amy Holden 00:40:26 Spoke in favor of changing setbacks to 10 feet
 - Joe Holden (applicant) 00:43:53 Spoke in favor of changing setbacks to 10 feet
 - The chair called for comments concerning landscape design standards for park strips. No one came forward to comment. 00:44:35
- Communications and Events Specialist Danielle Bendinelli read an online comment asking how written comments submitted before a public hearing were handled. City Recorder Leesa Kapetanov replied to the question 00:44:57
- Chair Mills entertained a motion to close the public hearing 00:45:27

Commissioner Bradley moved to close the public hearing and reconvene as the planning commission. The motion was seconded by Commissioner Bruderer. The voice vote was unanimous in favor of the motion.

IV. ZONING ITEMS

- A. Discussion/Recommendation on Rezone of Parcel # 060510018 Located at 4055 Liberty Avenue
 - Staff overview 00:45:46
 - Chair Mills invited the applicant for the rezone to comment 00:50:50
 - Questions/discussion 00:53:13
 - The chair entertained a motion for the rezone

01:04:16

Commissioner Bradley moved to recommend denial to the City Council for the rezone of the property located at 4055 Liberty. Commissioner Didier seconded the motion. Chair Mills called the vote:

Commissioner Didier-	Yea
Commissioner Bruderer-	Yes
Commissioner Bradley-	Yes
Commissioner Caldwell-	Yes
Commissioner Mitchell-	Yes

The motion stood.

B. Discussion/Recommendation on Proposed Amendments to Section 10-14-12A Private Swimming Pools

- Staff overview 01:05:26
- Discussion/questions 01:10:29
- Motion 01:11:09

Commissioner Didier recommended approval to the City Council of 10-14-12A(3) from 15 feet to six feet, followed by a second from Commissioner Bruderer. Chair Mills made a roll call vote:

Commissioner Bruderer-	Yes
Commissioner Bradley-	Yes
Commissioner Caldwell-	Yes
Commissioner Gresham-	Yes
Commissioner Didier-	Yes

The motion passed unanimously.

C. Discussion/Recommendation on Proposed Amendments to Section 10-23-5 Landscape Design Standards (Park Strips)

- Staff overview 01:11:53
- There was no discussion on this item
- Motion 01:13:40

Commissioner Bruderer recommended approval to the City Council of the

amendments as they appear in the packet. Commissioner Gresham seconded the motion. The chair called the vote:

Commissioner Bradley-	Yes
Commissioner Caldwell-	Yes
Commissioner Gresham-	Yes
Commissioner Didier-	Yes
Commissioner Bruderer-	Yes

The motion was approved.

V. SPECIAL ITEMS

Discussion on Amendment to South Ogden City Code Concerning Short-Term Rentals

- Staff overview 01:14:12
- Discussion/questions 01:15:18
- Motion 01:22:32

Commissioner Bruderer moved to table this item for further discussion with the idea to allow and regulate short-term rentals. The motion was seconded by Commissioner Caldwell. The chair made a roll call vote:

Commissioner Caldwell-	Yes
Commissioner Gresham-	Yes
Commissioner Didier-	Yes
Commissioner Bruderer-	Yes
Commissioner Bradley-	No

The motion stood.

VI. APPROVAL OF MINUTES OF PREVIOUS MEETING

Approval of July 18, 2024 Planning Commission Minutes

- Chair Mills called for a motion concerning the July 18, 2024 minutes 01:24:26

Commissioner Bradley moved approve the minutes from the July 18, 2024 planning commission, followed by a second from Commissioner Didier. All present voted aye.

Note: The agenda referenced the July 18, 2024 minutes; however, the July 18 minutes had already been approved. The agenda should have read the “September 12, 2024” minutes. The September 12 minutes were the ones included in the packet for the commissioners to review. For clarification, the September 12 minutes will be included in the next meeting for approval.

VII. STAFF REPORTS

- A. City Council Approval Updates 01:25:03
- B. Exceptions Granted by Planning Staff 01:25:54
- C. “To Do” List Email 01:27:26

VIII. OTHER BUSINESS

- Discussion on Chimes View Drive 01:29:46

IX. PUBLIC COMMENTS

- Clint Wayment 01:32:16
- Susan Stoddard 01:35:30

X. ADJOURN

- At 8:26 pm, Chair Mills called for a motion to adjourn 01:38:17

Commissioner Bradley moved to adjourn. Commissioner Bruderer seconded the motion. The voice vote was unanimous in favor of the motion.

I hereby certify that the foregoing is a true, accurate and complete record of the South Ogden City Planning Commission Meeting held Thursday, October 10, 2024.


Leesa Kapetanov, City Recorder

Date Approved by the Planning Commission

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ATTACHMENT A

Written Comments from Ms. Pruess

SINGLE-FAMILY+ RESIDENTIAL

Existing single-family neighborhoods are preserved according to current zoning. Consisting primarily of detached single-family homes, this category also includes existing, duplex, triplex and four-unit residences. The few vacant sites that remain which are suitable for development should be infilled in a manner that is consistent with the character of the surrounding neighborhood. New types of residential uses such as Accessory Dwelling Units (ADUs) are encouraged to introduce easy-to-achieve housing affordability to these areas and the City as a whole.



Examples of Single-Family+ Residential

MIXED-RESIDENTIAL

These are transitional residential areas that serve as buffers between mixed-use and higher-density areas and existing single-family neighborhoods. Typical uses might include smaller lot single-family and "Missing Middle" housing types, including patio homes, townhomes, multiplexes, assisted living, and similar uses with maximum heights up to three or four stories. ADUs should also be encouraged in these areas to increase the supply of affordable housing in established neighborhoods.



Examples of Mixed Residential

A SAFE AND HEALTHY COMMUNITY

- Proactively plan for future public infrastructure needs.
- Transform major roadways and intersections into distinctive corridors and nodes.
- Enhance existing and establish new parks and trails to maintain high quality recreational experiences.



A FORWARD-THINKING COMMUNITY WITH STRONG CONNECTIONS TO IT'S PAST

- Leverage the positive characteristics of a built-out City through focused redevelopment, revitalization and infill.
- **Preserve and protect existing neighborhoods.**
- Improve and upgrade the City's well-loved and distinct neighborhoods through targeted streetscape, gateway and public realm improvements.



A DIVERSE AND MULTI-LAYERED COMMUNITY

- Provide a full range of housing options to meet the needs of existing and future residents at all stages of life.
- Enhance the local economic base and support local businesses.



INTRODUCTION

A clear land use and placemaking vision is essential for guiding future growth and ensuring infrastructure investments are well-utilized. Since South Ogden is nearly built out, this plan promotes targeted redevelopment and infill development as the primary methods for meeting future needs. The ideas presented in this chapter clarify community desires and aspirations, building upon the guiding principles established in Chapter 1. They include broad concepts followed by specific planning actions and unified policies to help guide future growth and change in South Ogden.



PLACEMAKING DEFINED

Placemaking is the process of creating quality places where people want to live, work, play, and learn. Quality places are marked by the following conditions:

- They have a **mix of human-scale uses**
- They are **walkable and bikeable**
- They include a variety of **transportation options**
- They provide a range of **housing options**
- They incorporate existing **historic structures and landscapes**
- They **respect community heritage and values**
- They incorporate the creative arts and provide **cultural opportunities**
- They include **green space** connected by robust **trail systems**



PUBLIC INPUT SUMMARY: LAND USE

The following are key takeaways from the public engagement process regarding land use. Further details can be found in Appendix A.

- **Preserving existing neighborhoods is a key objective for the future.**
- **Affordable housing is the number one issue facing the City.**
- **South Ogden does not have an obvious or attractive City center.**
- **Having parks and trails within walking distance of home is very important.**

FIVE FOUNDATIONAL THEMES

The following five trends emerged as the key themes from the public engagement process. Moving forward, the following findings will lay the foundation for the South Ogden General Plan.

1. AFFORDABLE HOUSING IS IMPORTANT

Affordable housing was ranked as the number one issue facing the City, with over 90% of respondents indicating they were concerned about housing affordability. Conversely, participants also indicated that they are concerned about higher density development, which is generally considered the primary type of housing that will help bring affordability to the City. It should also be noted that renters and low/moderate income households were underrepresented throughout all engagement efforts, which may contribute to the prevalence of these contrasting findings.

2. PRESERVING & ENHANCING EXISTING NEIGHBORHOODS

In the survey, preserving existing neighborhoods was the highest-ranked objective for South Ogden's future and the City's biggest housing challenge. Other highly-ranked objectives included preserving open space, limiting traffic impacts, and maintaining infrastructure capabilities – all of which are heavily related to preserving existing neighborhoods.

3. MORE ALTERNATIVE MODES OF TRANSPORTATION

Survey participants indicated that South Ogden's infrastructure is currently most conducive to driving. The results, however, indicate a desire for more infrastructure that supports safe and comfortable travel by foot, bike and transit. The most desired transportation improvements included additional or upgraded sidewalks and trails, better road maintenance, and safer pedestrian crossings. More destinations within walking distance was also popular.

4. ACCESSIBLE PARKS & TRAILS

Having parks and trails within walking distance (1/4 mile) of home was very important to survey participants, who gave it a score of 8.8 out of 10 (10 being extremely important). Additionally, trails and walking paths were indicated as being the most used and desired facilities in the City, with the South Ogden Nature Park being the most frequented park in the City.

5. WATER CONSERVATION IS A CONCERN

97% of survey respondents were at least somewhat concerned about water use and preservation, with 54% being very concerned. The most popular conservation strategies among participants included: incentivizing water-conserving landscapes, planting water-conserving trees, and converting underutilized lawn areas in South Ogden public parks to water conserving landscapes.

ATTACHMENT B

Written Comments from Ms. Stoddard

To Planning Commission Oct 10 2024

Paul & Susan Stoddard
4065 Liberty Ave.

We have lived here 30+ yrs. We have enjoyed and love our neighborhood. South Ogden City has always answered my phone calls.

First, was our under~~standing~~^{standing} the property at 4055 next to us was a duplex the whole time we have lived here.

We are wondering how the owners would squeeze 7 units on the property plus the parking. There is about 13 feet from our driveway edge to the duplex driveway edge.

Where would their company park?

There is already more vehicles than the street will allow because of the existing rentals which makes it difficult for the neighborhood to have parking for their family and friends. The house across the street is advertised with basement apartment.

When the street is parked full, it's hard to see already when cars are coming west around the curve. What rule makes it

OK to advertise a basement apt. when it's zoned for single family dwelling.

We are an older neighbor^{hood}. There isn't any sidewalks, so people walk or ride bikes on the road.

In the winter the snowplows are already in a tight squeeze and it's bad when some cars don't move off the road.

We feel it's not a good fit for our neighborhood. We are zoned for residential and want to keep it that way.

ATTACHMENT C

Written Comments Received Before Public Hearing

October 4, 2024

South Ogden Planning Commission
South Ogden City Council

RE: Proposal to Rezone Property at 4055 Liberty Avenue

I will be out of town on the day of the Planning Commission meeting, so I am writing this letter to voice my opposition to the rezoning of this property to a multi-unit complex in this residential area.

I have lived on Liberty Avenue for the last 18 years and have watched as homes have been sold over the years and become rental units with several families living in them. Many of them have been purchased by out-of-state owners who never visit the property. Although the city sends out friendly reminders in the city newsletters, renters don't have the pride of ownership. There are now unmowed lawns (or dead lawns), numerous cars parked on lawns, and general unkept home appearances on this street. From my knowledge (?), there seems to be no follow up from the city to enforce their rules.

I can't even imagine how a 7 apartment complex could be squeezed into this small lot and what it would bring to this street except 14 additional cars? What would be the benefit to the tax-paying residents of Liberty Avenue? I retired as a Senior Consultant for Salt Lake City Corporation with the majority of my career working with the Fire & Police Departments, so am well aware of the additional issues associated with rental units.

If I were in attendance at the meeting, my questions would be:

- Has this property been purchased by an out-of-state investor with no concern for the neighborhood or South Ogden?
- Will the existing home be torn down? I would hope exact plans for the property be required before any Commission/Council approval.

Kirk Anderson
4025 Liberty Avenue

Leesa Kapetanov

From: Aliko Murphy
Sent: Thursday, October 10, 2024 8:57 AM
To: Leesa Kapetanov
Subject: Fw: Rezone of Property at 4055 Liberty

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From: Jeff Callister <jdcallister10@gmail.com>
Sent: Thursday, October 10, 2024 8:52:49 AM
To: Aliko Murphy <amurphy@southogdencity.gov>
Subject: Rezone of Property at 4055 Liberty

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Hello! I am writing in response to the city's proposal to rezone the property located at 4055 Liberty from R-2 to R-3. This is just down the street from our home, which is located at 775 41st Street (Callister residence). I am writing to let you know of my **strong opposition** to this rezone proposal. A possible 7-unit building on this small street makes no sense. We don't even have sidewalks on our street and adding more traffic to this small street is something I cannot support. Ever since the reconstruction of 40th Street, you cannot even make a left hand turn out of Liberty onto 40th Street, which forces all the traffic to come up our street, most of which do so at a high rate of speed. And again, with no sidewalks, and a fairly good blind turn in the street, it can become quite dangerous. We are entering a phase in life where grandkids come over to visit/play and it scares me to have even more added traffic on this small street. Not to mention all the on-street parking that is already happening as a result of larger families needing to live together to even be able to afford housing. Our community is slipping. With so many new apartments/townhomes in the area, there is not a need for even more "out of place" units like this in our small neighborhood. We used to love living in South Ogden, but lately we feel like we are being forced out by all the housing complexes shooting up and adding even more traffic to the area. So many homes are already being converted to "rentals" and I have even seen some being used as Airbnb. It's sad to see... I hope you truly listen to the voices of your concerned citizens as this topic is discussed. Especially the ones of us that live near this proposed area. It does not make sense.

Thank you!

Jeff Callister
775 41st Street
South Ogden, Utah
801-201-1551

Leesa Kapetanov

From: Aliko Murphy
Sent: Thursday, October 10, 2024 8:42 AM
To: Leesa Kapetanov
Subject: Fw: Re-Zoning Request for Lot 4055 Liberty: A Neighbor's Perspective

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From: Jackie Ermini <jackie.ermi@gmail.com>
Sent: Wednesday, October 9, 2024 6:58:08 PM
To: Aliko Murphy <amurphy@southogdencity.gov>
Cc: Jackie Ermini <jackie.ermi@gmail.com>
Subject: Re-Zoning Request for Lot 4055 Liberty: A Neighbor's Perspective

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Hello, South Ogden Planning Commission and City Council,

You know you love South Ogden—well, I do, too. That's why I'm writing to you, dear Councilpeople, to share a few thoughts about the latest rezoning request that's got our little slice of suburban paradise buzzing. Spoiler alert: I'm not exactly in favor of it, especially because we are property line besties.

Sure, I understand the need for progress. We all like shiny new buildings and well-placed skate parks (which, by the way, I absolutely love—who knew that many people still owned skateboards?). But this, my friends, is different. This isn't just about repurposing empty land for the greater good. This is about taking a quiet, charming residential lot with an uncommonly large backyard for the current times and giving it a commercial makeover. And trust me, it's not the kind of glow-up that benefits us residents. And look, it's a lot... but at least I tried to make it entertaining for you to read, right? Let's dive in, shall we?

First Up, The Power Play

You know what's not a good look? Stealing power from your neighbors—literally. The home that currently stands on lot 4055 draws its electricity from a pole in my backyard, lot 4031. In order for this new development to meet code for new construction, they'll need to bury those lines. Sounds like a small inconvenience, right? Not if it's your backyard that's getting a makeover without consent. And I don't mean a dream come true Pinterest-worthy garden complete with zen space to do yoga and a water feature. If they disrupt the lines, I could be stuck footing the bill for burying them on my property, too. Now, if there's another plan that doesn't involve me having to play electrician, I withdraw my concern and ask you to proceed to the next section. But if not, this feels like a rather... forcefully shocking development.

When the Ground Beneath Your Feet Starts Shifting

Demolition isn't always as clean-cut as it sounds. My shed and the neighboring lot's shed are basically twins—they're both cozied up to the property line. So, unless someone's got a magic wand that can keep my shed standing while they tear down the other one, we're looking at some serious structural integrity issues. Oh, and did I mention the erosion? This girl just dropped a hard-earned penny to level the ground and increase my outdoor living space. See? I want to make things pretty and new, too! However, all properties in question are on different elevations. If you move that much earth to build a 5-7 unit complex (complete with parking, no less), you risk triggering a whole lot more than just mudslides. Erosion is a real threat here, and trust me, no one wants their yard slipping away like an ill-fated romance.

Trees: The Street's True Elders

Ah, the trees. The real OGs of our street. These majestic maples (An arborist is welcome to correct me on that classification because I'm only pretty sure that's what they are.) have been standing tall for decades, their roots stretching far and wide—up to 30+ feet, in fact, for the big ones. (Yes, I did my research, but no need to fact-check me. It's legit. I walked out back, and I was like, yeah, that seems about right.) Here's the thing: their root systems are intertwined with the land, and disturbing it for construction could mean bad news for our beloved trees. These trees aren't just aesthetically pleasing; they're the character of the street and part of what makes this neighborhood feel like home. Mess with their roots, and we're messing with a legacy.

Plumbing: More Than Just a Flushing Concern

Now, onto the... fun stuff: plumbing. If you live on our street, you know that our plumbing situation is already dicey. It's like a house of cards where one wrong flush sends the whole street into chaos. I've personally shelled out \$10,000 to fix a plumbing disaster in my own yard after the main line backed up and flooded my basement. It was fun (if you define fun as heart palpitations and constant panic). Adding more units to this street? It's like throwing a match onto a powder keg and waiting to see who blows first. We all share the same main sewage line. You know, the one that the city has had to fix a few times over the last couple of years, most likely contributing to the eventual replacement of our road earlier this year. Do we really want to play "Plumbing Bingo" with 5-7 more homes? I, for one, do not.

Traffic: Let's Not Go There—Literally

We all know that traffic is already a bit of a nightmare on Monroe Blvd. So many little neighborhoods and communities rely on Monroe for access to and from their homes, making it like a main artery being fed by the veins of the neighborhoods (was that analogy a bit of a stretch?). Since the city added a median on 40th Street blocking the ability to turn south or west from Liberty Ave., we've had fewer cars coming through our street, and it's been *glorious*; it guided more traffic to Monroe. But this new development? It's going to funnel even more cars onto Monroe. We're talking 8 to 11 extra vehicles, based on the 1.5-cars-per-unit rule. (Don't ask me how someone gets half a car, but the math checks out.) Our streets are already crowded, and this is only going to make it worse.

Community: The Heart of the Matter

I love how South Ogden has been creatively using empty land for the community. Like that new skate park? Huge win! I see people there every time I drive by, and it feels like the kind of project that serves everyone. But this rezoning proposal? Not quite the same. This isn't about enhancing the community with new shared spaces—it's about cramming more people into an already bustling area. Sure, it might be great for the city's bottom line, but do we really want South Ogden to become the next high-impact housing hotspot? I mean, have you heard anyone say, "I love that I can't see the sunrise anymore because of the beautiful new townhomes that

were built in order to optimize the space and cram as many people as possible on one lot. They sure do brighten up the space." Overcrowding benefits no one, and it's not why we have chosen to live in South Ogden.

A Neighborly Goodbye

So, there you have it. I know I've rambled a bit (okay, a lot), but if you're still with me, thank you. I moved onto this street 7 years ago as a single mother. I have seen renters come and go. However, the foundational, permanent residents are what create the culture and set the tone of the community. The impact of more temporary housing here is that the people who live here permanently have less control over the culture of their neighborhood than temporary residents. This neighborhood means something to me, and I know it means something to you, too. I love living on this beautiful, tree-lined street, surrounded by amazing neighbors in the wonderful city of South Ogden. Let's work together to keep it that way—not just for us, but for the future generations who'll call this place home.

Respectfully,
Jackie Ermini