



PLANNING COMMISSION MEETING MINUTES

January 21, 2026

The North Ogden Planning Commission convened on January 21, 2026, 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 Public Notice Website on January 15, 2026. Notice of the annual meeting schedule was posted on the bulletin board at the municipal office and posted to the Utah State Public Notice Website on December 10, 2025.

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/UCriqbePBxTucXEzRr6fc1hQ/videos> or by requesting a copy of the audio file from the North Ogden City Recorder.

COMMISSIONERS:

| | |
|------------------|--------------|
| Nicole Nancarrow | Chair |
| Nissa Green | Vice Chair |
| Johnson Webb | Commissioner |
| Cody Watson | Commissioner |
| Chad Bailey | Commissioner |
| Lorin Gardner | Commissioner |
| Steve Nabor | Commissioner |

Excused

STAFF:

| | |
|------------|---|
| Jon Call | City Manager/Attorney |
| Scott Hess | Community and Economic Development Director |

VISITORS:

| | | |
|---------------|-----------------|-------------|
| Brent Call | Chris Pulver | Kevin Burns |
| Jay D Dalpias | Phillip Swanson | |

Chair Nancarrow called the meeting to order at 6:00 p.m. and offered the thought, announcing that this would be her final Planning Commission meeting after 10 years of service. She expressed gratitude for fellow Commissioners and staff, noting the City's growth during her tenure and hoping she made a positive impact.

Chair Nancarrow thanked staff for their consistent support and guidance, and recognized that this was also Commissioner Webb's last meeting, expressing appreciation for his thoughtful perspective and commitment to preserving the City's character. Commissioner Webb then led the Pledge of Allegiance.

CONSENT AGENDA

1. ROLL CALL

0:02:08 Chair Nancarrow excused Commissioner Watson and acknowledged that all other Commission members were in attendance.

2. CONSIDERATION AND ACTION TO APPROVE THE DECEMBER 17, 2025, PLANNING COMMISSION MEETING MINUTES

0:02:41 Commissioner Gardner made a motion to approve the December 17, 2025, Planning Commission Meeting minutes. Commissioner Nabor seconded the motion.

Voting on the motion:

| | |
|----------------------|---------|
| Chair Nancarrow | aye |
| Vice Chair Green | aye |
| Commissioner Webb | aye |
| Commissioner Watson | excused |
| Commissioner Bailey | aye |
| Commissioner Gardner | aye |
| Commissioner Nabor | aye |

The motion carried.

3. EX PARTE COMMUNICATIONS OR CONFLICTS OF INTEREST TO DISCLOSE

0:03:05 There were no disclosures made.

LEGISLATIVE ITEMS

4. ZTA 2026-01 PUBLIC HEARING TO CONSIDER REGULATIONS PERMITTING LIMITED FOOD ESTABLISHMENTS WITHIN PUBLIC USES AND ASSOCIATED BUILDINGS LOCATED IN RESIDENTIAL, COMMERCIAL, AND CIVIC ZONES – THIS ITEM WILL BE RE-NOTICED AND TABLED UNTIL THE FEBRUARY 4, 2026, PLANNING COMMISSION MEETING. PUBLIC COMMENT WILL STILL BE HEARD AT TONIGHT'S MEETING

0:05:11 Scott Hess, Community and Economic Development Director, explained that a business applied for a food user license at the library, but staff discovered that food sales are not a permitted use in residential zones. A temporary 90-day business license was issued to allow time for the matter to be considered by the City Council. The library was originally designed with a café space, and there were no concerns with the use itself; however, staff identified that the public notice for the Zoning Text Amendment was incomplete due to missing code definition references. Staff will re-notice the item with the appropriate code sections before bringing the item back for recommendation.

Discussion clarified that any agreements between the food vendor and the library are handled independently by the Weber County Library System. The proposed Zoning Text Amendment would also address similar situations on City property. Commissioners asked for clarification on the term “limited” in the proposed amendment. Scott explained that limitations may include restrictions such as prohibiting drive-throughs, gas station uses, or defining the food service as a secondary use limited by square footage or percentage of a building. Staff will further refine these definitions and return with a clearer proposal after proper public notice.

Chair Nancarrow opened the Public Hearing at 6:10 p.m.

No public comment was made.

Vice Chair Green motioned to close the Public Hearing. Commissioner Gardner seconded the motion. All in attendance voted aye. The Public Hearing was closed at 6:11 p.m.

5. **ZTA 2026-02 PUBLIC HEARING, CONSIDERATION AND RECOMMENDATION ON A LEGISLATIVE AMENDMENT TO CONSIDER AMENDING NORTH OGDEN CODE 11-26-8: SECONDARY WATER SYSTEM TO CONSIDER UNAVAILABLE INFRASTRUCTURE AND DEFERRAL AGREEMENT REQUIREMENTS**

0:10:37 Scott Hess, Community and Economic Development Director, presented a forthcoming code amendment for consideration regarding secondary water availability in hillside areas. He explained that current code requires applicants to provide secondary water or enter into a deferral agreement if secondary water is unavailable. However, ambiguity exists around the terms “shall” and “unavailable,” particularly in situations where secondary water infrastructure is physically present but water shares cannot be obtained from the provider, or where infrastructure cannot reasonably be extended without significant offsite improvements.

Staff is proposing to amend the code to change the word “shall” to “may,” giving the City Council discretion on whether to require a deferral agreement.

The amendment would also provide clearer guidance on what a deferral agreement could include, such as requiring future secondary water improvements within a set timeframe, bonding or escrow for those improvements, limits on turf grass areas, deed restrictions, plat notes limiting irrigation water use, and other measures to protect culinary water resources. Scott asked the Planning Commission for input on whether any additional provisions should be considered to further define how limited culinary water use for irrigation could be managed if secondary water is not immediately available.

Commissioner Gardner clarified that the proposed code change from “shall” to “may” applies only to the requirement to enter into a deferral agreement and does not remove the requirement for developers to provide secondary water. Scott explained that the City verifies secondary water availability at both the subdivision stage, through a required “will serve” letter from the provider, and at the building permit stage, where proof of payment for a secondary water connection is required. The City no longer accepts conditional will-serve letters due to past issues where water ultimately could not be delivered.

Commissioner Gardner expressed concern that deferring secondary water installation could create long-term problems if infrastructure is not installed before streets are paved, making future installation costly and disruptive. Jon Call discussed an alternative concept where secondary lines could be installed and temporarily connected to culinary water, with a master meter and HOA oversight to regulate irrigation use until secondary water becomes available. This approach would avoid tearing up infrastructure later while allowing shared responsibility for managing limited culinary water use. Commissioners noted the importance of proper backflow protection to prevent contamination of the culinary system.

The discussion also addressed landscaping approaches such as xeriscaping and water-wise plantings, noting that some options may still require minimal irrigation to establish vegetation and prevent heat sink effects. Concerns were raised about the long-term equity of water costs for homeowners in areas where secondary water is more expensive to obtain, and whether future residents might challenge those costs. Staff acknowledged that water rights and costs are often passed through the developer to homeowners and vary depending on ownership and availability.

Scott noted broader legal and practical questions emerging across the State regarding whether secondary irrigation water can or should be required as part of residential development, particularly as water scarcity increases. He emphasized that the current code already mandates secondary water and deferral agreements, and the proposed amendment is intended to provide clearer guidance and flexibility for the City to protect culinary water resources while addressing real-world limitations in secondary water availability.

a. Chair Nancarrow opened the public hearing at 6:28 p.m.

0:27:35 Phillip Swanson, a North Ogden resident, stated a personal opposition to allowing culinary water to be used for irrigation but expressed support for changing the code language from “shall” to “may.” He asked whether the wording could instead be changed to “shall not,” which would prevent the City from entering into such deferral agreements altogether.

He cautioned that permitting culinary water for secondary use, even in limited cases, could set a precedent that may threaten the City's culinary water supply in the long term.

Vice Chair Green motioned to close the Public Hearing. Commissioner Gardner seconded the motion. All in attendance voted aye. The Public Hearing was closed at 6:30 p.m.

0:30:21 Commissioners discussed concerns about allowing culinary water to be used for irrigation through deferral agreements when secondary water is unavailable. Several members expressed agreement with prior comments cautioning against creating a precedent that could strain the City's culinary water supply over time. While there was general support for changing the code language from "shall" to "may" regarding entering into deferral agreements, Commissioners debated whether certain conditions within those agreements should be mandatory rather than discretionary.

Discussion focused heavily on landscaping limitations, with multiple members advocating for stronger language to prohibit or significantly limit turf grass and instead require drought-tolerant, drip-irrigated, or xeriscape landscaping when culinary water is used. Commissioners noted that drip systems and non-turf landscaping use dramatically less water and would help protect spring and well sources. Suggestions included requiring zero-turf provisions, dual metering or separate irrigation systems, HOA oversight, bonding or escrow for future secondary water improvements, and safeguards to prevent cross-contamination.

Members also emphasized the importance of giving the City clear authority to deny development intensity where secondary water cannot reasonably be provided, while still allowing flexibility for unique project proposals that minimize or eliminate irrigation needs. There was discussion about ensuring future decision-makers would have clear standards to follow, rather than relying on case-by-case interpretation. Staff noted that the current code already allows deferral agreements and that clarifying expectations would help avoid inconsistent decisions and potential long-term impacts on culinary water infrastructure and capital planning. Additional questions were raised about timelines for deferral agreements, how bonding or escrow could be managed, potential tax implications for properties in secondary water districts, and the possibility of gray water reuse as a long-term conservation measure.

(See Attachment: "Exhibit A")

b. Consideration and recommendation

0:56:31 Vice Chair Green made a motion to recommend approval to the City Council of Amendment to the North Ogden Code, 11-26-8: Secondary Water System, as recommended in Exhibit A. Commissioner Nabor seconded the motion.

Voting on the motion:

| | |
|-----------------------------|---------|
| Chair Nancarrow | aye |
| Vice Chair Green | aye |
| Commissioner Webb | aye |
| Commissioner Watson | excused |
| Commissioner Bailey | aye |
| Commissioner Gardner | aye |
| Commissioner Nabor | aye |

The motion carried.

Commissioners briefly discussed that secondary water challenges are not limited to hillside areas and can occur anywhere water rights cannot be secured, even when infrastructure is present. Past legal and development issues were noted where rising water share costs halted projects. There is no formal penalty for using culinary water for irrigation beyond higher usage rates, though enforcement could occur if it replaces required secondary water. Staff emphasized that if culinary water use is allowed through deferral agreements, HOA oversight would be essential because the City lacks resources to enforce long-term landscaping compliance.

6. ZTA 2025-06 PUBLIC MEETING (PUBLIC HEARING WAS HELD ON NOVEMBER 5, 2026), CONSIDERATION AND ACTION ON A LEGISLATIVE AMENDMENT OF NORTH OGDEN CODE 11-10A-2: PERMITTED USES IN COMMERCIAL ZONES, TO CONSIDER REGULATIONS FOR MASSAGE ESTABLISHMENTS, AS WELL AS NOC 11-7: DEFINITIONS, TO UPDATE THE DEFINITION OF MASSAGE ESTABLISHMENTS

1:01:26 Scott Hess, Community and Economic Development Director, explained that this item relates to a temporary land use regulation adopted by the City Council in October 2025 that placed a six-month restriction on new massage establishment business licenses in commercial zones, giving the City time to update its ordinances before the restriction expires. The temporary action followed concerns about a local business operating contrary to its license, despite providing required State massage therapy credentials, prompting the City to seek clearer distinctions between legitimate massage and spa establishments and those potentially operating under a different intent.

Proposed ordinance changes include adding clarifying language to the definition of a massage establishment requiring all therapists to be trained and licensed in accordance with Utah State Code, creating additional safeguards during the business license review process. The amendments would return massage establishments to permitted uses in the Downtown and Southtown commercial zones once the temporary restriction ends, but add operational requirements intended to promote transparency and legitimacy.

These include requiring the sale of related products as part of the business model and mandating 100% transparent storefront glazing, minus approved signage, to prevent obscured windows commonly associated with problematic operations. Scott noted that these measures were informed by reviewing other City codes and are intended to provide reasonable standards to help ensure massage establishments operate as legitimate, professional businesses.

1:05:09 Commissioners discussed the proposed requirement that massage establishments offer taxable retail products as a way to reinforce business legitimacy, noting challenges in defining how much product must be offered without placing an undue burden on small, legitimate practitioners. Ideas included dedicating a portion of floor space to retail sales rather than tying requirements to a percentage of revenue. Commissioners emphasized that the intent of the standards is to create enforceable criteria that help distinguish legitimate spa and massage businesses from those operating under questionable practices.

The group discussed whether additional input from local law enforcement would be helpful and agreed that consulting police for recommendations prior to forwarding the ordinance to City Council could strengthen the proposal. The requirement for transparent storefront glazing was noted as particularly helpful from an enforcement standpoint. Commissioners also considered whether requiring professional licenses to be publicly displayed, similar to other licensed professions, could add another layer of legitimacy.

Questions were raised about how the ordinance would apply to massage therapists operating within larger businesses such as gyms, salons, or chiropractic offices, and whether separate licensing would be required in those cases. Staff noted that State code for massage therapy licensing is already extensive and designed to address many of these concerns. Commissioners acknowledged that while the ordinance cannot eliminate all problematic activity, establishing clear standards in code demonstrates due diligence, provides enforcement guidance, and supports legitimate businesses. The discussion concluded with an opportunity for any public comment, though a formal public hearing was not required.

1:14:43 Kevin Burns, a North Ogden resident, referenced a previous presentation about massage establishments which included the Police Chief, Sheriff, and other representatives. The discussion focused on how some massage businesses are linked to human trafficking, highlighting the serious exploitation and captivity involved. While there may be misconceptions from media portrayals, the issue is significant, with around 350 suspicious establishments statewide at the time. Kevin emphasized that human trafficking is a serious concern behind these businesses.

0:15:31 **Chair Nancarrow made a motion to recommend approval to the City Council of amendment to the North Ogden Code 11-10A-2: Permitted Uses in Commercial Zones and North Ogden Code 11-7: Definitions, including that licenses be posted at place of business and any additional recommendations from Police Department. Commissioner Webb seconded the motion.**

Voting on the motion:

| | |
|-----------------------------|----------------|
| Chair Nancarrow | aye |
| Vice Chair Green | aye |
| Commissioner Webb | aye |
| Commissioner Watson | excused |
| Commissioner Bailey | aye |
| Commissioner Gardner | aye |
| Commissioner Nabor | aye |

The motion carried.

7. PUBLIC COMMENTS

1:19:39 Jay D Dalpias, a North Ogden resident and City Council member, expressed gratitude to Commissioners Nicole Nancarrow and Johnson Webb for their many years of service to North Ogden City, noting appreciation for their discussions and recommendations to the City Council.

8. REMARKS - PLANNING COMMISSIONERS

No remarks were made.

9. REPORT – COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR

1:20:34 Scott Hess thanked Commissioner Nancarrow and Commissioner Webb for their years of service, noting both long-standing Commissioners' contributions as dedicated citizen planners and encouraging their continued involvement. He shared that Mayor Barker will make recommendations to the City Council on January 27 for new Planning Commission members, with the expectation that a full Commission will be in place by the February 4th meeting with training scheduled beforehand. He also informed the group of recent changes on the City Council and noted that public interviews for applicants to fill the open Council seat will be held on the 27th for those interested in observing the selection of new elected leaders.

10. REMARKS – CITY MANAGER/ATTORNEY

1:21:55 Jon Call noted that, as required by State statute, interviews for the open City Council seat will be conducted in public and can be watched on YouTube or attended in person. He encouraged those interested to view the applicants' names and applications on the City's election webpage, where eight individuals have applied.

He explained that the City Council will vote to fill the seat, and if there is a tie among the four Council members, the Mayor will cast the deciding vote

11. ADJOURNMENT

Commissioner Webb motioned to adjourn the meeting.

The meeting adjourned at 7:25 p.m.

Attachments:

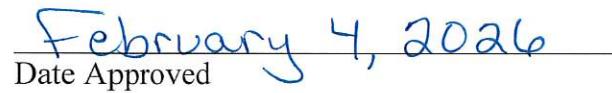
“Exhibit A”



Nissa Green
Planning Commission Vice Chair



Joyce Pierson
Deputy City Recorder



Date Approved

Exhibit A

Deferral Agreements shall require the City to consider:

- secondary water system improvements to be completed within a specified time period; and
- bonding or escrow for future improvements; and
- prohibition on turf grass areas and the incorporation of xeriscape principles with drought tolerant plants; and
- deed restrictions for individual properties to include Plat notes limiting gallons of water used per property to be managed by an HOA on a subdivision wide basis; and
- separate irrigation mainline system with a master meter, backflow preventers, and possible surcharge; and
- other necessary provisions to protect the City's culinary water resources.