Ogden City

City Council Meeting Agenda
September 1, 2015 at 6:00 p.m.
City Council Chambers
Municipal Building – Third Floor
2549 Washington Boulevard, Ogden, Utah 84401

1. Roll Call.

2. Pledge of Allegiance.

3. Moment of Silence.

4. Recognition:
   a. **Ogden AYSO Youth Soccer Team.** Proposed Joint Resolution 2015-25 honoring the Ogden ICE AYSO Youth Soccer Team for an exceptional season. *(Adopt joint resolution – voice vote)*
   b. **Engaged Learning Series on Waste at Weber State University.** Proposed Joint Resolution 2015-26 recognizing the Engaged Learning Series on Waste at Weber State University. *(Adopt joint resolution – voice vote)*

5. Approval of Minutes: (*Voice vote*)
   a. Special meeting of May 12, 2015 – *Council member Wicks*
   b. Study session of June 16, 2015 and joint study session of July 7, 2015 – *Council member Gochnour*

6. Common Consent: *(Voice vote)*
   a. **Annexation – 2863 South 1250 West**. Proposed Ordinance 2015-36 providing for the annexation of 19.17 acres of land generally located at 2863 South 1250 West and classifying said land as Manufacturing and Industrial Zone (M-2). *(Set public hearing for September 15, 2015)*
   b. **Annexation – 1438 West 3300 South**. Proposed Ordinance 2015-37 providing for the annexation of 1.97 acres of land generally located at 1438 West 3300 South and classifying said land as Manufacturing and Industrial Zone (M-2). *(Set public hearing for September 15, 2015)*

7. Public Hearings:
   a. **Budget Amendment – New Fire Station #3.** Proposed Ordinance 2015-38 amending the budget for the fiscal year July 1, 2015 to June 30, 2016 by increasing the anticipated revenues for a gross increase of $1,234,254. *(Adopt/not adopt ordinance – roll call vote)*

8. Reports from Planning Commission:
   a. **Proposed Property Rezone – Weber River between 24th and 30th Streets**. Proposed Ordinance 2015-39 amending the Zoning Map of Ogden City as adopted by Section 15-3-3 of the Ogden Municipal Code reclassifying property generally located along the east side of the Weber River between 24th and 30th Streets from Manufacturing and Industrial Zone (M-2) to Open Space Zone (O-1). *(Receive public input; adopt/not adopt ordinance – roll call vote)*
   b. **Proposed Property Rezone – Lake Street between A and B Avenues**. Proposed Ordinance 2015-40 amending the Zoning Map of Ogden City as adopted by Section 15-3-3 of the Ogden Municipal Code reclassifying property generally located along the south side of Lake Street between A Avenue and B Avenue from Manufacturing and Industrial Zone (M-2) to Single-Family Residential Zone (R-1-5). *(Receive public input; adopt/not adopt ordinance – roll call vote)*

9. Reports from the Administration:
   a. **Ogden City Arts Advisory Committee.** Proposed Ordinance 2015-41 amending Title 3, Chapter 16 of the Ogden Municipal Code to restate the purpose, organization, and powers and duties of the Ogden City Arts Advisory Committee. *(Receive public input; adopt/not adopt ordinance – roll call vote*)

10. Public Comments: This is an opportunity to address the Council regarding your concerns or ideas. Please state your name and address clearly for the record, and limit your comments to three minutes.

11. Comments:
    a. Mayor.
    b. Council Members.

12. Adjournment.

Reminder: **A City Council work session will be held immediately following the regular Council meeting at the Water Filter Plant, 916 East Ogden Canyon. The purpose of the work session is to conduct a tour of the Plant and to discuss Council business.**

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In compliance with the Americans with Disabilities Act, persons needing auxiliary communicative aids and services for this meeting should contact the Management Services Department at 629-8701 (TDD # 629-8949) or by email: ADACompliance@ci.ogden.ut.us at least 48 hours in advance of the meeting.

CERTIFICATE OF POSTING

The undersigned, duly appointed City Recorder, does hereby certify that the above notice and/or agenda was posted in three public places within the Ogden City Limits on this 28th day of August, 2015. These public places being: 1) City Recorder's Office on the 2nd floor of the Municipal Building; 2) 2nd floor foyer of the Municipal Building; and 3) the Weber County Library. A copy was posted to the Utah State Public Notice Website and the Ogden City Website, as well as provided to the Standard-Examiner.

TRACY HANSEN, MMC
OGDEN CITY RECORDER

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Ogden City Council Agenda Information Line – 801-629-8159
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City Council Meeting
COUNCIL STAFF REVIEW

RECOGNIZING THE AYSO OGDEN ICE SOCCER TEAM

COUNCIL STAFF REVIEW

ACTION: **Adopt joint resolution**

Request

Joint Resolution 2015-25 recognizes the American Youth Soccer Organization (AYSO) Ogden ICE team. The team had an exceptional 2015 season and secured a multi-regional championship title.

Coach Steven Van Wagoner, Assistant Coach David Girardo, and team members will be in attendance to accept this recognition.

During the City Council meeting, the team has also requested to present their championship trophy to Ogden City Recreation Manager Edd Bridge, as a token of their appreciation for the substantial partnership between Ogden AYSO and Ogden City Recreation.

Council Staff Contact: Amy Sue Mabey, (801)629-8629

JOINT RESOLUTION OF THE OGDEN CITY COUNCIL AND MAYOR

#2015-25

HONORING THE AMERICAN YOUTH SOCCER ORGANIZATION (AYSO) OGDEN ICE TEAM FOR AN EXCEPTIONAL SEASON

WHEREAS, Ogden ICE, an American Youth Soccer Organization (AYSO) Region 351 team, played an exceptional 2015 season. The team secured a multi-regional championship title after going undefeated in its 18-game season, scoring a total of 117 goals and allowing only 18 goals to be scored against them. The team also had five clean sheet games, where the team prevented opponents from scoring any goals; and

WHEREAS, The young athletes on this team are not only dedicated to soccer but have also been heavily involved in their community. When the athletes are off the field, they can often be seen hiking on the trails and participating in local events, including the Ogden Marathon KidsK and 5K. The girls were also thrilled to participate in the Ogden Community Soccer Complex groundbreaking ceremony and have been involved with presenting soccer safety information during the Ogden Recreation After-School Program; and

WHEREAS, The Ogden ICE soccer team, led by Coach Steven Van Wagoner and Assistant Coach David Girardo, consists of the following talented young athletes:

- ***Ajae Belliston***
- ***Bella Gonzalez***
- ***Drew Meikle***
- ***Izzy Felix***
- ***Kathryn Van Wagoner***
- ***Madelyn Girardo***
- ***Mercedes Randhahn***
- ***Olivia Christopulos***
- ***Rees Bockwoldt***
- ***Sydney D'Hulst***

WHEREAS, Participation in soccer allows local youth to learn about the importance of athletic development, exercise, teamwork, dedication and sportsmanship. Ogden AYSO embodies the "get out and live" motto. AYSO has a longstanding partnership with Ogden City and serves more than 800 children every year. The program is run entirely by volunteers to reduce costs and allow youth to have the option to play soccer. This upcoming season, a scholarship program will be utilized for more than 40 children to play soccer with reduced or no associated costs.

NOW, THEREFORE BE IT RESOLVED that Ogden City Council and Mayor Michael P. Caldwell proudly recognize the Ogden ICE team for its exceptional performance and success this season. We express our appreciation for the significant efforts and dedication of all AYSO teams, coaches, volunteers and Ogden City Recreation staff to provide this exceptional program to youth in our community.

PASSED AND ADOPTED this 1st day of September 2015.

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Richard A. Hyer, Council Chair

_____
Michael P. Caldwell, Mayor

ATTEST:

_____
Tracy Hansen, City Recorder

City Council Meeting
COUNCIL STAFF REVIEW

RECOGNIZING THE WSU ENGAGED LEARNING SERIES ON WASTE

COUNCIL STAFF REVIEW

ACTION: **Adopt joint resolution**

Request

Joint Resolution 2015-26 recognizes the Weber State University (WSU) Engaged Learning Series on "waste." The series is an educational campaign for the WSU campus and Ogden community.

Lydia Gravis, WSU Director of the Mary Elizabeth Dee Shaw Gallery, will be in attendance to accept this joint resolution.

Becky Jo Gesteland, Interim Associate Dean for the Lindquist College of Arts & Humanities, and Christie Denniston, Director of Marketing & PR for the Lindquist College, will also be present. It is also anticipated that other university representatives will be in attendance.

Council Staff Contact: Amy Sue Mabey, (801)629-8629

JOINT RESOLUTION OF THE OGDEN CITY COUNCIL AND MAYOR

#2015-26

RECOGNIZING THE ENGAGED LEARNING SERIES ON WASTE AT WEBER STATE UNIVERSITY

WHEREAS, The Engaged Learning Series (ELS) is a university-wide series of events designed to engage students, faculty, staff, and community in discussion, debate, dialogue, learning, and action around an issue of public concern. For 2015-2016, the series aims to raise awareness, improve personal behavior, and increase public engagement around the issue of "waste." Discussions will cover topics related to the waste of time, resources, history and life. The series is provided through the WSU Center for Community Engaged Learning (CCEL); and

WHEREAS, The series will commence with the Confetti & Distress/Honey & Suspicion art exhibit by Elisabeth Higgins O'Connor, which includes art created completely out of repurposed and recycled materials. The exhibit will be open to the public in the Mary Elizabeth Dee Shaw Gallery at WSU from Sept. 11-Nov. 21, 2015; and

WHEREAS, Two award-winning documentaries are being shown during the series: "Waste Land," on Sept. 6th, which describes the world's largest landfill; and "Bag It: Is Your Life Too Plastic?" on Oct. 15th, which describes single-use disposables, waste and recycling options and overall human health.

The series also includes the following presentations:

- *Oct. 21:* "Wasting Time" lecture by Dr. Alexis McCrossen;
- *Nov. 4:* "American Indian Land and Water: Confronting Many Challenges" keynote presentation by Dr. Dan McCool;
- *Nov. 10:* "Respecting Sacred Land: Conversations on Water, Waste, and Sustainability" Native Symposium with Goshute Tribes;
- *Nov. 19:* "The Activist" part of the Native Symposium;
- *Jan. 25:* "Conserving Lives" suicide prevention training and resource fair;
- *Feb. 18:* Nurture the Creative Mind presentation and workshop;
- *Mar. 3:* Waste Fair;
- *Mar. 24-25:* Intermountain Sustainability Summit;
- *Apr. 20:* CCEL Symposium; and

WHEREAS, This educational series will provide our community with valuable insights about the importance of reducing waste, both individually and collectively. It will also serve as an educational forum to discuss the many options to reduce contributions to waste.

NOW, THEREFORE BE IT RESOLVED that the Ogden City Council and Mayor Michael P. Caldwell hereby recognize the Engaged Learning Series on "waste" at Weber State University. We appreciate the significant efforts to plan this series and encourage the Ogden community to participate in these planned events.

PASSED AND ADOPTED this 1st day of September 2015.

_____ _____

Richard A. Hyer Council Chair Michael P. Caldwell, Mayor

ATTEST:

_____

Tracy Hansen, City Recorder

City Council Meeting
COUNCIL STAFF REVIEW

PROPOSED ANNEXATION OF APPROXIMATELY 19 ACRES OF PROPERTY LOCATED AT 2863 SOUTH 1250 WEST

COUNCIL DETERMINATION:

- **Set/not set Public Hearing for September 15, 2015**

PLANNING COMMISSION RECOMMENDATION: **Approval of the annexation and M-2 zone (9-0)**

Executive Summary

The proposed ordinance would approve the annexation of approximately 19 acres of property consisting of property owned by Geneva Rock and a smaller section of railroad track owned by Oregon Short Line Railroad (OSLRR). The property is located at 2863 South 1250 West and is within Area 7 of the City's annexation plan. The proposed zoning designation is M-2, or the Manufacturing and Industrial Zone, which is consistent with the General Plan for annexation in this area.

Background

A petition has been filed for the annexation of approximately 19 acres of property located at 2863 South 1250 West. The petitioner, Geneva Rock Products, Inc., has submitted the petition requesting the City annex their property into the City from Weber County. The property is located within Area 7 of the City's annexation plan and the General Plan indicates that the properties should be zoned M-2.

During the discussions with the Planning Commission, concerns were raised about the potential M-2 zoning and the surrounding residential uses. Much of the concern raised by the residents was specific to the Recycled Earth facility and not to the Geneva Rock recycling facility. Concern was raised about the impact of the uses allowed in the M-2 zone. The Planning Commission included in their recommendation that the Council consider other zones for the property. Geneva Rock has indicated that they wish to expand their operation and that an M-2 zoning designation is needed to do so. A less intense zone, such as the M-1, would not allow them to expand as desired. As mentioned, much of the concern of the residents was specific to the Recycled Earth facility and not the Geneva Rock facility. Planning Staff indicated that they would review the terms of the conditional use permit for Recycled Earth and address the issues that way. The City's annexation plan does call for the property to be zoned M-2.

With the application completed and accepted for review, a formal noticing process was initiated by the Recorder's Office. This was completed as required by City and State Code. The noticing period that takes place after acceptance allows for affected entities and other stakeholders to file formal protests against a proposed annexation. As indicated by the Recorder's Office, no formal protest has yet been filed.

Timeline

June 3, 2015
Planning Commission reviews petition and approves a motion recommending approval for the annexation and the M-2 zone to the Council.

July 28, 2015
City Council accepts the petition for review as a common consent item. No significant review of the petition was provided at the July 28, 2015 meeting.

August 7, 2015
Ogden City Recorder's Office begins formal noticing period during which protests may be filed. Notification to affected entities and stakeholders was given.

August 25, 2015
Council work session held to review the proposed annexation petition. In response to the Planning Commission recommendation, and upon review, no other zone was considered by the Council for the area proposed for annexation.

September 1, 2015
Item placed on the Council's agenda to set the public hearing for September 15, 2015. Once the public hearing is set, a notice will be sent to affected entities and residents of the area informing them of the public hearing for the petition. At the public hearing, the Council will accept public comment on both the annexation and the zoning designation and may then approve, amend or deny the annexation ordinance.

September 7, 2015
Formal notification and protest period closes.

September 15, 2015
Public hearing to be held by the Council on the proposed annexation petition.

Current Proposal

The current proposal is to approve the petition to annex 19 acres of property at 2863 South 1250 West and to assign the zoning classification of M-2 to the property. The subject property is included within Area 7 of the City's annexation plan and the proposed zoning is consistent with the anticipated zoning designation included in the City's General Plan.

There are currently policies in place for the review of both rezones and annexations. Planning Staff analysis of and response to both the zoning policies and the annexation policies are included in the Planning Commission's report which is attached to this report.

Planning Commission Review

The Planning Commission reviewed both the annexation and the zoning designation for the properties at the meeting on June 3, 2015 and made a motion to recommend approval of the annexation and zoning designation with the finding that the M-2 zone is consistent with the character of the area, the proper edges are being created, it does not divide lots, and better reflects current development patterns in the area. Additionally, the Commission found that adequate services can be provided to this area, and the annexation is consistent with the Annexation Area 7 map. The Commission's recommendation of approval was subject to the following conditions:

1. The railroad properties and the areas northwest of the property and south of the property be included in the annexation plat;
2. The annexed property be zoned M-2;
3. All department Staff requirements be obtained and satisfied; and
4. The City Council considers whether other zoning options might be more appropriate.

The motion was approved with a vote of 9 to 0.

Public Comments

Several residents provided comment during the Planning Commission meeting. Most of the concerns were regarding the impacts of additional industrial and manufacturing uses to the existing residential uses.

Attachment

1. Administrative Transmittal from Recorder's Office
2. Certification from Recorder's Office
3. Administrative Transmittal from Planning
4. Ordinance 2015-35
5. Planning Commission Report
6. Petition 2015-7
7. Vicinity Maps
8. Annexation Policy Plan
9. Area 7 Annexation Plan

Memos Prepared By: **Administrative Staff – Greg Montgomery, 629-8931**
Council Staff - Glenn Symes, 629-8164

Ogden City Council Transmittal

DATE: July 21, 2015

TO: Ogden City Council

FROM: Tracy Hansen, City Recorder

RE: Annexation Petition 2015-7,
Generally located at 2863 S. 1250 W., Ogden Utah

RECOMMENDATION: Accept Petition for Further Consideration

Background:

Utah State Code Title 10, Chapter 2 provides for the annexation of property to a city or town. These sections also require a municipality adopt an Annexation Policy Plan (10-2-401.5) that describes the areas the city would consider annexing (expansion area) if petitioned by property owners; as well as criteria to be used to decide when annexation is appropriate. Ogden City adopted an Annexation Policy Plan in 2002 to be included in the Ogden City General Plan.

In order to annex property into Ogden City, a Petition for Annexation must be filed with the City Recorder and contain the signatures of private real property owners for property that is located in the proposed area to be annexed. The petition must be accompanied by a recordable map prepared by a licensed surveyor, and must identify the sponsors (up to five) of the annexation petition with a mailing address for each. One of the sponsors must be designated as the contact person or petitioner for the proposed action.

Once a complete petition is filed with the City Recorder, the legislative body may either reject or accept the petition for further consideration. There is no obligation to annex the property even if the property was included in the city's expansion area. The petition should be rejected or accepted within 14 days of the date the petition was accepted by the City Recorder. If a city fails to reject the petition within 14 days it is deemed accepted for further consideration. Acceptance of the petition by acting, or failing to act does not mean the property is annexed or will be annexed.

If a petition is accepted by the legislative body, the City Recorder begins the process of certification, which is to review the petition to ensure the minimum legal requirements for annexation are present.

The petition was referred to the Planning Commission which met on June 3, 2015 and found the petition was consistent with the annexation policy of the city, adequate services can be provided to the property, and recommended an M-2 zoning designation which is consistent with the character of the area.

Proposal:

A complete petition for Annexation #2015-7 was received by the City Recorder's Office in which the petitioner, Brent Sumsion, is requesting the annexation of 19.17 acres of land generally located at 2863 South 1250 West.

Recommendation:

Accept Petition #2015-7 for further consideration and review for certification by the City Recorder.

UTAH Ogden recorders office

CERTIFICATION

I, Tracy Hansen, the duly appointed City Recorder, in and for the City of Ogden, Weber County, State of Utah, do hereby certify that completed Annexation Petition 2015-7, for property generally located at 2863 South 1250 West, Ogden, Utah was filed in the office of the City Recorder on July 21, 2015; and such petition meets the annexation requirements outlined in Section 10-2-403(2), (3) and (4) of the Utah Code Annotated, or their successor provisions, specifically:

1. That the property to be annexed is not located in a county of the first class;

2. That said petition contains the names and signatures of the owners of private real property located within the area proposed for annexation;

3. That said petition was accompanied by an accurate plat or map prepared by a licensed surveyor and intended to meet the requirements of Utah Code Annotated, as amended; accurately describing the existing city boundaries and providing an accurate legal description of the property to be annexed and the number of acres to be annexed;

4. That said petition designates at least one of the signers of the petition as the contact sponsor, and indicates the mailing address and telephone number of the contact sponsor;

5. That no previous petition for annexation has been filed which has not been denied, rejected or granted.

IN WITNESS WHEREOF, I have hereunto set my hand and the official seal of Ogden City, this 7th day of August, 2015.

OGDEN CITY, UTAH CORPORATE SEAL

Tracy Hansen

Tracy Hansen, MMC
Ogden City Recorder

2549 Washington Boulevard, Suite 210 • Ogden, UT 84401
Phone: 801-629-8156 • Fax: 801-629-8154 • tracyhansen@ogdencity.com

RECEIVED
JUN 2 1 2015
OGDEN CITY
COUNCIL OFFICE

OGDEN CITY COUNCIL TRANSMITTAL

DATE: June 3, 2015

TO: Ogden City Council

THRU: Mark Johnson, CAO

FROM: Tom Christopulos, CED Director

RE: Petition 2015-7 to annex and zone property to M-2 at approximately 2863 South 1250 West.

STAFF CONTACT: Greg Montgomery, Planning Manager

REQUESTED TIMELINE: September 8, 2015

RECOMMENDATION: Approval of the annexation and zoning to M-2, subject to obtaining and satisfying all Department Staff and Service Provider requirements.

DOCUMENTS: Ordinance & June 3, 2015 Staff Report

DISCUSSION:

Staff explained to the Commission that the proposal is to annex two parcels into the city. Staff explained that the proposed annexation would contribute to reducing the large island of unincorporated property in the area. It was also explained that the Annexation Plan (Area 7) includes this property, which calls for the area to be zoned for manufacturing uses. Staff pointed out that the surrounding properties that have been annexed into the city have been zoned M-2, and would support having these properties zoned M-2 as well. Staff also noted that there are unincorporated railroad properties to the north and south of this property that should be included in this petition as well. It was pointed-out that excluding these properties would create a small island to the north and a large peninsula to the south, which is contrary to the General Plan.

The petitioner, Mr. Sumsion (representing Geneva Rock) stated that the request is to annex 19.7 acres of property in order for Geneva Rock to expand its existing recycling facility to the east. Mr. Sumsion indicated that he had concerns with trying to get the railroad involved with the annexation, in that it could hold-up the project. Legal Staff explained that Utah law does not require approval from the railroad to proceed with the inclusion of their property due to its limited size; and noted that the railroad would have a 60-day period to protest the annexation as part of the process.

The Commission expressed concerns with the expansion of the recycling use in this area and potential visual impacts to public views. Planning Staff noted that there are provisions already in place in the ordinance that require screening of materials from the public view. Staff also explained that the use of the property would be reviewed in greater detail after the annexation through a site plan review for permitted uses, and additionally would be reviewed by the Commission for conditional uses like a recycling facility.

The Commission was concerned that this area did not have a district plan for guidance and of the potential impact an M-2 zoning could have on the unincorporated nonconforming homes to the west of the property. The Commission was conscious of the surrounding incorporated area being zoned M-2, which would support the property being zoned M-2, but discussed the possibility of another zoning designation more compatible with the neighboring homes.

Planning Staff addressed the concerns of the citizens explaining that no easement is required between the residents and the development of this property, but through the conditional use process, impacts to the residents would be addressed through the Commission and mitigating measures could be taken. Staff also noted that the unincorporated residential properties are currently nonconforming as they are zoned M-1 in the County. Staff explained that the residential properties are included in the City annexation plan, which supports this area being used for manufacturing zoning and uses. Staff also noted that the homes are legal nonconforming uses and would be allowed to continue their use under either the County or the City jurisdictions. Staff also explained that generally the M-2 zones allow more intensive uses than the M-1 zones, but the uses allowed in the County M-1 zone may not necessarily reflect the uses allowed in the City M-1 zone.

Staff did discuss the issues brought forth by the citizens regarding the negative impacts being generated by Recycled Earth on the other side of the residential area. Staff noted that the conditions of the approved conditional use permit for the recycling facility are likely being violated and that Planning Staff would work with Code Enforcement Staff to ensure conditions are being met. The Planning Commission requested that they be apprised of the status of the recycling facility in the following month's meeting.

PLANNING COMMISSION ACTION:

The Planning Commission reviewed this item on June 3, 2015. A motion was made based on the findings that the M-2 zone is consistent with the character of the area, the proper edges are being created, it does not divide lots, and better reflects current development patterns in the area, adequate services can be provided to this area, and the annexation is consistent with the Annexation Area 7 map, to ***recommended approval*** of petition #2015-7 to annex and zone property to M-2 at approximately 2863 South 1250 West, subject to:

1. The railroad properties and the northwest of the property and to the south of the property be included in the annexation plat.
2. The annexed property be zoned M-2.
3. All Department Staff requirements be obtained and satisfied.
4. The City Council considers whether other zoning options might be more appropriate.

PLANNING COMMISSIONERS VOTE:	Yes	No
Atencio	X	
Blaisdell	X	
Herman	X	
Holman	X	
Orton	X	
Patterson	X	
Schade	X	
Southwick	X	
Wright	X	

CONCERNS OF CITIZENS:
There were concerns brought forth in the meeting by residents in the unincorporated area to the adjacent west and are as follows:

Mr. William Robert Godwin, 2961 S. 1400 W. asked if there are any easement or protections to the residential area along 1400 West. He stated there have been problems with debris and dust from Recycled Earth, which is located on the other side (to the west) of the residential area. He stated this area is now zoned M-1 and M-2, but had been agricultural, and that 23 years ago when he purchased his home, he contacted Weber County Planning and was informed the area on the south side of Midland Drive would remain R-1 and R-2. He wanted to be assured there would be some protection to the existing residences along 1400 West. He also stated that he wanted to be clear that Geneva Rock has been there longer than Recycled Earth and they have never had problems with Geneva Rock, but the issues with the dust and hours of operation are related to Recycled Earth to the west.

Ms. Connie Godwin, 2961 S. 1400 W. asked what M-2 zoning allowed, and what the future of the homes would be under the M-1/M-2 zoning.

Ms. Marilyn Boss, 3000 S. 1400 W. expressed concern that the City would annex the residential property and wanted to know what would be the future of the residential property.

ORDINANCE NO. 2015-36

AN ORDINANCE OF OGDEN CITY, UTAH PROVIDING FOR THE ANNEXATION TO OGDEN CITY OF 24.18 ACRES OF LAND CONTIGUOUS TO THE CORPORATE LIMITS OF SAID CITY, WHICH LAND ANNEXED IS GENERALLY LOCATED AT 2863 SOUTH 1250 WEST; AND IS MORE PARTICULARLY DESCRIBED IN THE BODY OF THE ORDINANCE; DECLARING THE ANNEXATION THEREOF AND EXTENSION OF THE CORPORATE LIMITS OF SAID CITY ACCORDINGLY; AND CLASSIFYING SAID LAND FOR ZONING AS MANUFACTURING AND INDUSTRIAL ZONE (M-2); AND PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE IMMEDIATELY UPON POSTING AFTER FINAL PASSAGE.

WHEREAS, the owners of property located generally at 2863 South 1250 West, and more particularly described in Section 3 of this ordinance, have petitioned the Ogden City Council to annex such property to Ogden City; and

WHEREAS, the Planning Commission has reviewed the annexation petition with respect to the property described and has recommended that such property be annexed to Ogden City and that the property in question should be zoned as Manufacturing and Industrial Zone (M-2); and

WHEREAS, no protests have been timely filed which would restrict the City from proceeding with such annexation.

NOW, THEREFORE, the Council of Ogden City hereby ordains:

SECTION 1. Petition and plat accepted and approved: The Council of Ogden City hereby accepts and approves the written petition for the annexation to Ogden City of the territory hereinafter described and finds that said petition has been filed in the office of the City Recorder of Ogden City, and that the same meets the standards of annexation set forth in Chapter 2, Title 10, Utah Code Annotated. The Council further accepts and approves the copy of the map of said territory certified by Matthew B. Judd, a registered professional land surveyor of the State of Utah, License No. 167268, and finds that it is an accurate and recordable map of said territory in said petition and hereinafter described, and that it was made under the supervision of the said Matthew B. Judd.

SECTION 2. Territory annexed. The territory hereinafter particularly described and situate, lying and being immediately contiguous to Ogden City, Utah, boundaries and the same is hereby declared to be annexed to Ogden City, Utah; and the corporate limits of said city are hereby declared to be and they are executed accordingly to include and embrace said territory.

SECTION 3. Annexed territory described. The territory hereinafter referred to and hereby annexed to Ogden City and generally located at 2863 South 1250 West in Weber County, State of Utah, consisting of about 24.18 acres, is more particularly described as follows:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 6, SAID POINT ALSO BEING 1320.90 FEET NORTH 89°44'35" WEST, FROM THE EAST QUARTER CORNER OF SECTION 36, TOWNSHIP 6 NORTH, RANGE 2 WEST, SALT LAKE BASE & MERIDIAN; AND RUNNING THENCE SOUTH, 130.40 FEET; THENCE WEST, 20.00 FEET; THENCE SOUTH 836.36 FEET TO A POINT ON A SOUTHERLY BOUNDARY OF THE UTAH TRANSIT AUTHORITY PROPERTY (PARCEL# 080070023) AS ESTABLISHED BY RECORD OF SURVEY #4637; THENCE ALONG SAID UTA PROPERTY THE FOLLOWING TWO (2) COURSES AND DISTANCES: 842.87 FEET ALONG A 4483.75 FOOT RADIUS CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 10°46'14" (CHORD BEARS SOUTH 65°54'40" WEST, 841.63 FEET); THENCE NORTH 29°26'47" WEST 50.00 FEET; THENCE NORTH 25°54'34" WEST, 86.09 FEET ; THENCE NORTH 29°28'00" WEST, 49.01 FEET; THENCE NORTH 59°30'00" EAST, 99.10 FEET; THENCE NORTH 04°29'11" WEST, 1111.44 FEET; THENCE NORTH 43°08'00" EAST, 307.46 FEET; THENCE SOUTH 46°33'25" EAST, 115.26 FEET TO A POINT ON THE SOUTHERLY BOUNDARY OF THE STOCK ROAD (ENTRY NO: 2338212 BOOK 68 PAGE 26); THENCE ALONG THE SOUTH BOUNDARY OF THE STOCK ROAD FOR THE FOLLOWING THREE (3) COURSES: SOUTH 73°45'59" EAST 54.92 FEET; THENCE NORTH 77°58'56" EAST, 70.56 FEET; THENCE SOUTH 89°13'40" EAST, 450.00 FEET; THENCE SOUTH, 19.72 FEET; THENCE NORTH 89°44'55" WEST, 0.11 FEET; THENCE SOUTH, 130.36 FEET; THENCE EAST, 10.70 FEET OT THE POINT OF BEGINNING.

SECTION 4. Plat and ordinance to be recorded. The map with the certification thereof of Matthew B. Judd, a registered land surveyor, as aforesaid and duly certified by the Ogden City Recorder to be a full, true and correct copy of said map so filed and deposited with the City Recorder, shall be forthwith filed and recorded by the City Recorder in the office of the County Recorder of Weber County, Utah, together with a copy of this ordinance duly certified by the Ogden City Recorder. The City Recorder is also directed to file amended articles of incorporation reflecting such annexation with the lieutenant governor of the state of Utah as required by ordinance and State law.

SECTION 5. Zoning classification. The land hereby annexed is hereby classified as Manufacturing and Industrial Zone (M-2).

SECTION 6. Notices and filings. The Mayor, Recorder, Attorney and other officers, employees and agents of the City are hereby authorized and empowered to make such filings and to provide such notices as may be legally required to effect and formalize the annexation described in this Ordinance, including, without limitation, filing a notice of impending boundary action with the Lieutenant Governor's office pursuant to Utah Code Ann. § 10-2-425.

SECTION 7. Action of officers. All actions of the officers, agents and employees of the City that are in conformity with the purpose and intent of this Ordinance, whether taken before or after the adoption hereof, are hereby ratified, confirmed and approved.

SECTION 8. Effective date. This ordinance shall become effective

immediately upon posting after final passage.

PASSED, ADOPTED AND ORDERED POSTED this _____ day of _____, 2015.

_____
CHAIR

ATTEST:

_____
Tracy Hansen, City Recorder

Transmitted to the Mayor on: _____

Mayor's Action: ☐ Approved ☐ Vetoed

_____
Michael P. Caldwell, Mayor

ATTEST:

_____
Tracy Hansen, City Recorder

Posting Date: _____

Effective Date: _____

APPROVED AS TO FORM: MHS 7/10/15
LEGAL DATE

June 3, 2015
OGDEN CITY PLANNING COMMISSION

ATTACHMENT ITEM E

SUBJECT: Annexation Petition #2015-7 to annex property at 2863 South 1250 West, and have it zoned to M-2.

PETITIONER'S REQUESTED ACTION: Approval is requested to annex 19.17 acres of property at approximately 2863 South 1250 West into Ogden City.

PLANNING STAFF RECOMMENDATION: ***Approval*** of the annexation subject to the following:

1. The railroad properties and the northwest of the property and to the south of the property be included in the annexation plat (as shown on attached area zoning map).
2. The annexed property be zoned M-2.
3. All Department Staff requirements be obtained and satisfied.

FINDINGS FOR ACTION

In considering this request, the Planning Commission will need to determine:

1) If the M-2 zone is consistent with the character of the area, the proper edges are being created, does not divide lots, and better reflects current development patterns in the area.
2) The Commission will also need to consider if adequate services can be provided to this area.
3) The Commission will also need to find that the annexation is consistent with the Annexation Area 7 map.

CONTACTS

Petitioner: Brent Sumsion
Geneva Rock Products, Inc.
PO Box 1955
Orem, Utah 84059

Staff report: Joseph Simpson
801-629-8923
josephsimpson@ogdencity.com

PAST ACTIONS AT THIS LOCATION

None

SITE INFORMATION

Existing zone: Zoned M-1 manufacturing in County
Existing land use: Vacant lot/Agriculture
Lot Area: 19.17 acres (proposed)

APPLICABLE ORDINANCES

1-6-7 Planning Commission criteria for reviewing an annexation.
15-21 M-2 Manufacturing Zone Use Regulations

APPLICABLE GENERAL PLAN PROVISIONS

8A. General Annexation Standards for Ogden City.

8G. Annexation Area 7.

A. CHARACTER OF AREA SURROUNDING REQUEST

- North- Ogden City (Midland Drive, Industrial Park)
- South- Ogden City (Industrial & Manufacturing)
- West- Weber County (Single-Family Homes)
- East- Ogden City (Industrial & Manufacturing)

B. DESCRIPTION OF PROJECT

The applicant desires to annex two parcels into the city identified as parcel numbers 15-097-0018, 15-101-0028. These parcels are located south of Stock Road and southeast of Midland Drive. Both properties consist of approximately 19.17 acres. It is the desire of the applicant to have these properties designated with an M-2 zoning, which is consistent with the surrounding properties that are in Ogden City.

Staff is recommending that the scope of the annexation be expanded to include railroad property to the northwest and south of the proposed properties (see attached area zoning map).

C. SUMMARY OF ISSUES

- The Commission should determine what this piece should be properly zoned.
- The Commission should also consider if it complies with the General Plan area considered for annexation.

D. STAFF ANALYSIS OF PROPOSAL

The Planning Commission is required to review an annexation petition request and the following issues should be addressed as part of the review:

1. Recommend to the City Council the appropriate zoning for the area proposed for annexation, in accordance with the Ogden City general plan.
   The annexation area plan calls for manufacturing type uses in this area. M-2 zoning connects with the property to the north, south, and east, making it a reasonable consideration to have the property zoned M-2. In determining if M-2 is the appropriate zoning the following policies should be reviewed:
   a. *A definite edge to development and buffering between types of uses should be provided to protect the integrity of each use, e.g. between commercial and residential uses, between types of commercial uses.*
      The overall area is zoned for manufacturing uses (both in the City and County), which is mostly apparent with the surrounding uses. There are a few single-family homes to the adjacent east, but these are currently nonconforming uses in the County as they are for manufacturing uses (M-1). Looking at the existing zoning map for this area, it seems that the M-2 zoning will continue to expand in the existing islands and peninsulas of unincorporated property, which includes this property.

b. *Zoning should reflect the prevailing character of an overall district or neighborhood to the largest extent possible, with consideration being given to the use and characteristics of individual properties. Districts determined to be in transition may be given special considerations.*
It would appear that because this area is currently zoned manufacturing in the County and the annexation plan calls for this area to be zoned manufacturing that M-2 zoning would fit the character of this area. This is supported by the fact that the surrounding properties are zoned M-2.

c. *Where possible, properties, which face each other across a local street, should be the same or similar zone. Collector and arterial roads may be sufficient buffers to warrant different zones.*
This property fronts on to Stock Road and Midland Drive, which have properties zoned M-2 on both sides of the streets in this area.

d. *Zoning boundaries should not cut across individual lots or development (i.e., placing a lot on two separate zones). Illogical boundaries should be redrawn to follow along property lines.*
This request would maintain zoning on the two parcels. Staff has made recommendations that the railroad property northwest and south of the petitioned property be included as well (the basis for this recommendation is discussed in section 2.d below). The recommended southern parcel of railroad property would have a zoning boundary cut across the parcel. This dividing of the parcel is to prevent creating an unincorporated island where the nonconforming single-family homes are located to the adjacent west (see attached area zoning map).

2. Review the annexation policy adopted as part of the Ogden City General Plan to determine whether the area proposed for annexation is within the expansion area and whether the petition meets the goals and policies of the plan.
The general plan indicates that the following standards be reviewed for a favorable recommendation.
   a. *The area to be annexed must be contiguous to the corporate limits of Ogden City at the time of submission of an annexation request.*
   Annexing the petitioned properties and the railroad properties recommended by staff would create a contiguous connection with Ogden City limits to the north, south, and east.
   b. *The area to be annexed must fall within the areas designated for future expansion and annexation on the Annexation Policy Plan Map.*
   The general plan indicates that this area is part of the proposed annexation expansion area as shown in attachment Area 7. Area 7 has had several annexations over the past 10+ years, which has reduced the amount of unincorporated land in the area. The plan indicates that development in this area is slated for manufacturing.

c. *The area to be annexed shall not be located within the corporate limits of another incorporated city.*
In this case the property is located in the county and no other city has this property in their annexation declaration.

d. *The area to be annexed will not create unincorporated islands or peninsulas.*
This proposal would be reducing the island size of the unincorporated properties in the southwest Ogden area. As supported in the general plan, the intention is to continue to annex this remaining island into the City as petitions are filed.

A small island of unincorporated railroad property at the northwest end of the site would be created. Additionally, a large peninsula of unincorporated railroad property will be created at the south end of the property as a result of this petition. To prevent the development of the island and peninsula, staff is recommending that the railroad properties be included in the annexation to fill the north and south boundaries of the area (see attached area zoning map).

e. *Where an area to be annexed may be served by an entity providing urban type services (e.g. culinary water), Ogden City will negotiate reimbursement for revenues lost over the actual delivery costs of the services provided, as well as for acquisition of service delivery systems in place at the time of annexation.*
In this case water and sewer is located near the property in the adjacent Midland Drive and Stock Road right-of-ways. The water and sewer would need to be stubbed in from the City's existing service lines as the property is developed.

3. Evaluate the city's ability to deliver municipal services, with the assistance of the fire department, the police department, and the public works department.
The Fire, Police and Public Works Departments have indicated that they can provide services to this area and do at this time through interlocal agreements.

E. ALTERNATIVE ACTIONS

- Deny the annexation finding that adequate services cannot be provided to this area at this time.

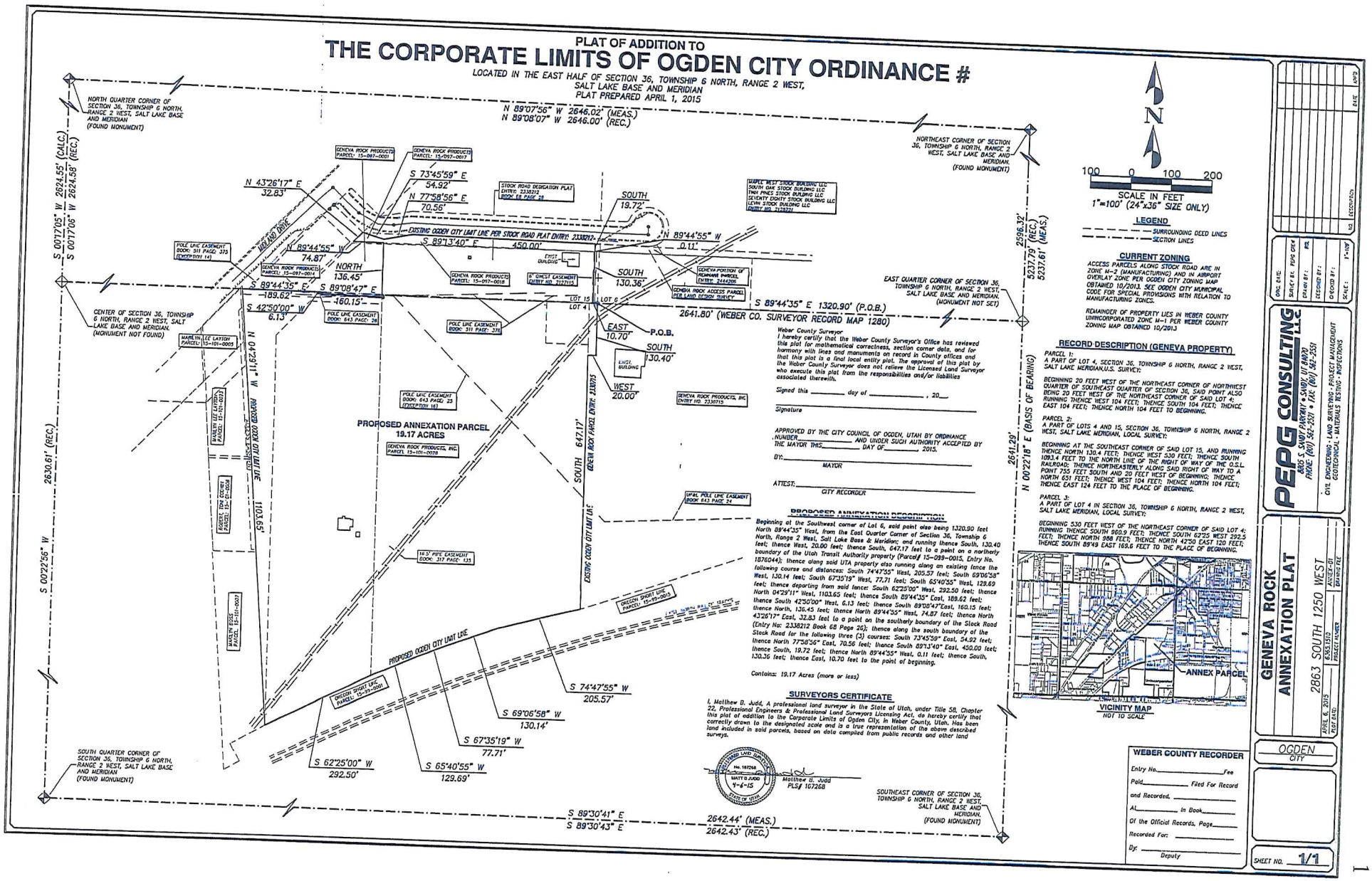
F. STAFF RECOMMENDATION

Approval of the annexation subject to the following:

1. The railroad properties and the northwest of the property and to the south of the property be included in the annexation plat (as shown on attached area zoning map).
2. The annexed property be zoned M-2.
3. All Department Staff requirements be obtained and satisfied.

ATTACHMENTS

1 Petition
2 Location map
3 Area zoning map
4 Parcel map
5 Area 7 annexation plan and map
6 Department Staff comments (incomplete)
7 Notice


PLAT OF ADDITION TO
THE CORPORATE LIMITS OF OGDEN CITY ORDINANCE #
LOCATED IN THE EAST HALF OF SECTION 36, TOWNSHIP 6 NORTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN
PLAT PREPARED APRIL 1, 2015
NORTH QUARTER CORNER OF SECTION 36, TOWNSHIP 6 NORTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN (FOUND MONUMENT)
N 89°07'56" W 2646.02' (MEAS.)
N 89°08'07" W 2646.00' (REC.)
NORTHEAST CORNER OF SECTION 36, TOWNSHIP 6 NORTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN. (FOUND MONUMENT)
S 00°17'05" W 2624.55' (CALC.)
S 00°17'06" W 2624.58' (REC.)
2596.32'
5237.79' (REC.)
5237.61' (MEAS.)
N 00°22'18" E (BASIS OF BEARING)
2641.29'
2630.61' (REC.)
S 00°22'56" W
CENTER OF SECTION 36, TOWNSHIP 6 NORTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN. (MONUMENT NOT FOUND)
EAST QUARTER CORNER OF SECTION 36, TOWNSHIP 6 NORTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN. (MONUMENT NOT SET)
S 89°44'35" E 1320.90' (P.O.B.)
2641.80' (WEBER CO. SURVEYOR RECORD MAP 1280)
SOUTHWEST CORNER OF SECTION 36, TOWNSHIP 6 NORTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN. (FOUND MONUMENT)
S 89°30'41" E
S 89°30'43" E
2642.44' (MEAS.)
2642.43' (REC.)
SOUTHEAST CORNER OF SECTION 36, TOWNSHIP 6 NORTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN. (FOUND MONUMENT)
SCALE IN FEET
1"=100' (24"x36" SIZE ONLY)
LEGEND
SURROUNDING DEED LINES
SECTION LINES
CURRENT ZONING
ACCESS PARCELS ALONG STOCK ROAD ARE IN ZONE M-2 (MANUFACTURING) AND IN AIRPORT OVERLAY ZONE PER OGDEN CITY ZONING MAP OBTAINED 10/2013. SEE OGDEN CITY MUNICIPAL CODE FOR SPECIAL PROVISIONS WITH RELATION TO MANUFACTURING ZONES.
REMAINDER OF PROPERTY LIES IN WEBER COUNTY UNINCORPORATED ZONE M-1 PER WEBER COUNTY ZONING MAP OBTAINED 10/2013
RECORD DESCRIPTION (GENEVA PROPERTY)
PARCEL 1:
A PART OF LOT 4, SECTION 36, TOWNSHIP 6 NORTH, RANGE 2 WEST, SALT LAKE MERIDIAN,U.S. SURVEY:
BEGINNING 20 FEET WEST OF THE NORTHEAST CORNER OF NORTHWEST QUARTER OF SOUTHEAST QUARTER OF SECTION 36, SAID POINT ALSO BEING 20 FEET WEST OF THE NORTHEAST CORNER OF SAID LOT 4; RUNNING THENCE WEST 104 FEET; THENCE SOUTH 104 FEET; THENCE EAST 104 FEET; THENCE NORTH 104 FEET TO BEGINNING.
PARCEL 2:
A PART OF LOTS 4 AND 15, SECTION 36, TOWNSHIP 6 NORTH, RANGE 2 WEST, SALT LAKE MERIDIAN, LOCAL SURVEY:
BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 15, AND RUNNING THENCE NORTH 130.4 FEET; THENCE WEST 530 FEET; THENCE SOUTH 1093.4 FEET TO THE NORTH LINE OF THE RIGHT OF WAY OF THE O.S.L. RAILROAD; THENCE NORTHEASTERLY ALONG SAID RIGHT OF WAY TO A POINT 755 FEET SOUTH AND 20 FEET WEST OF BEGINNING; THENCE NORTH 651 FEET; THENCE WEST 104 FEET; THENCE NORTH 104 FEET; THENCE EAST 124 FEET TO THE PLACE OF BEGINNING.
PARCEL 3:
A PART OF LOT 4 IN SECTION 36, TOWNSHIP 6 NORTH, RANGE 2 WEST, SALT LAKE MERIDIAN, LOCAL SURVEY:
BEGINNING 530 FEET WEST OF THE NORTHEAST CORNER OF SAID LOT 4; RUNNING THENCE SOUTH 960.9 FEET; THENCE SOUTH 62°25 WEST 292.5 FEET; THENCE NORTH 988 FEET; THENCE NORTH 42°50 EAST 120 FEET; THENCE SOUTH 89°49 EAST 169.6 FEET TO THE PLACE OF BEGINNING.
PROPOSED ANNEXATION PARCEL
19.17 ACRES
PROPOSED ANNEXATION DESCRIPTION
Beginning at the Southwest corner of Lot 6, said point also being 1320.90 feet North 89°44'35" West, from the East Quarter Corner of Section 36, Township 6 North, Range 2 West, Salt Lake Base & Meridian; and running thence South, 130.40 feet; thence West, 20.00 feet; thence South, 647.17 feet to a point on a northerly boundary of the Utah Transit Authority property (Parcel# 15-059-0015, Entry No. 1876044); thence along said UTA property also running along an existing fence the following course and distances: South 74°47'55" West, 205.57 feet; South 69°06'58" West, 130.14 feet; South 67°35'19" West, 77.71 feet; South 65°40'55" West, 129.69 feet; thence departing from said fence: South 62°25'00" West, 292.50 feet; thence North 04°29'11" West, 1103.65 feet; thence South 89°44'35" East, 189.62 feet; thence South 42°50'00" West, 6.13 feet; thence South 89°08'47" East, 160.15 feet; thence North, 136.45 feet; thence North 89°44'55" West, 74.87 feet; thence North 43°26'17" East, 32.83 feet to a point on the southerly boundary of the Stock Road (Entry No: 2338212 Book 68 Page 26); thence along the south boundary of the Stock Road for the following three (3) courses: South 73°45'59" East, 54.92 feet; thence North 77°58'56" East, 70.56 feet; thence South 89°13'40" East, 450.00 feet; thence South, 19.72 feet; thence North 89°44'55" West, 0.11 feet; thence South, 130.36 feet; thence East, 10.70 feet to the point of beginning.
Contains: 19.17 Acres (more or less)
SURVEYORS CERTIFICATE
I, Matthew B. Judd, A professional land surveyor in the State of Utah, under Title 58, Chapter 22, Professional Engineers & Professional Land Surveyors Licensing Act, do hereby certify that this plat of addition to the Corporate Limits of Ogden City, in Weber County, Utah, has been correctly drawn to the designated scale and is a true representation of the above described land included in said parcels, based on data compiled from public records and other land surveys.
No. 167268 MATT B. JUDD 4-6-15 STATE OF UTAH
Matthew B. Judd
PLS# 167268
Weber County Surveyor
I hereby certify that the Weber County Surveyor's Office has reviewed this plat for mathematical correctness, section corner data, and for harmony with lines and monuments on record in County offices and that this plat is a final local entity plat. The approval of this plat by the Weber County Surveyor does not relieve the Licensed Land Surveyor who execute this plat from the responsibilities and/or liabilities associated therewith.
Signed this _____ day of _____, 20__
Signature
APPROVED BY THE CITY COUNCIL OF OGDEN, UTAH BY ORDINANCE NUMBER_____ AND UNDER SUCH AUTHORITY ACCEPTED BY THE MAYOR THIS_____ DAY OF_____, 2015.
BY:_____ MAYOR
ATTEST:_____ CITY RECORDER
VICINITY MAP
NOT TO SCALE
ANNEX PARCEL
WEBER COUNTY RECORDER
Entry No._____ Fee
Paid_____ Filed For Record
and Recorded_____
At_____ In Book_____
Of the Official Records, Page_____
Recorded For:_____
By:_____ Deputy
PEPG CONSULTING LLC
885 S. CHEVY PARKWAY • SANDY, UT 84070
PHONE (801) 542-2531 • FAX (801) 542-2551
CIVIL ENGINEERING - LAND SURVEYING - PROJECT MANAGEMENT
GEOTECHNICAL - MATERIALS TESTING - INSPECTIONS
GENEVA ROCK
ANNEXATION PLAT
2863 SOUTH 1250 WEST
OGDEN CITY
SHEET NO. 1/1

1 Petition

Annexation Petition

Ogden City Development Services
2549 Washington Blvd. Suite 240
Ogden, Utah 84401
(801) 629-8930

Please print legibly and complete all areas:

Sponsor/Petitioner Information

Name: Geneva Rock Products, Inc. - Brent Swinson

Address: P.O. Box 1955 City: Orem State: UT Zip: 84059

Email: bswinson@clydeinc.com Phone: 801-360-1344

Property Information

Address or location: 2863 S. 1250 W., Ogden, UT. Number of acres: 19.17

Current use: Agricultural - grass hay

Intended use: Industrial

Required items to submit with this application:

- ☐ **Receipt from Weber County** showing payment for county plat review
- ☑ **An accurate and recordable map/plat** prepared by a licensed surveyor
- ☑ **Legal description** of the property to be annexed
- ☒ **$600 Fee**

To the Council of Ogden City

The undersigned real property owners respectfully petition that the following described lands and territory in Weber County, Utah, be immediately annexed to Ogden City, to wit:

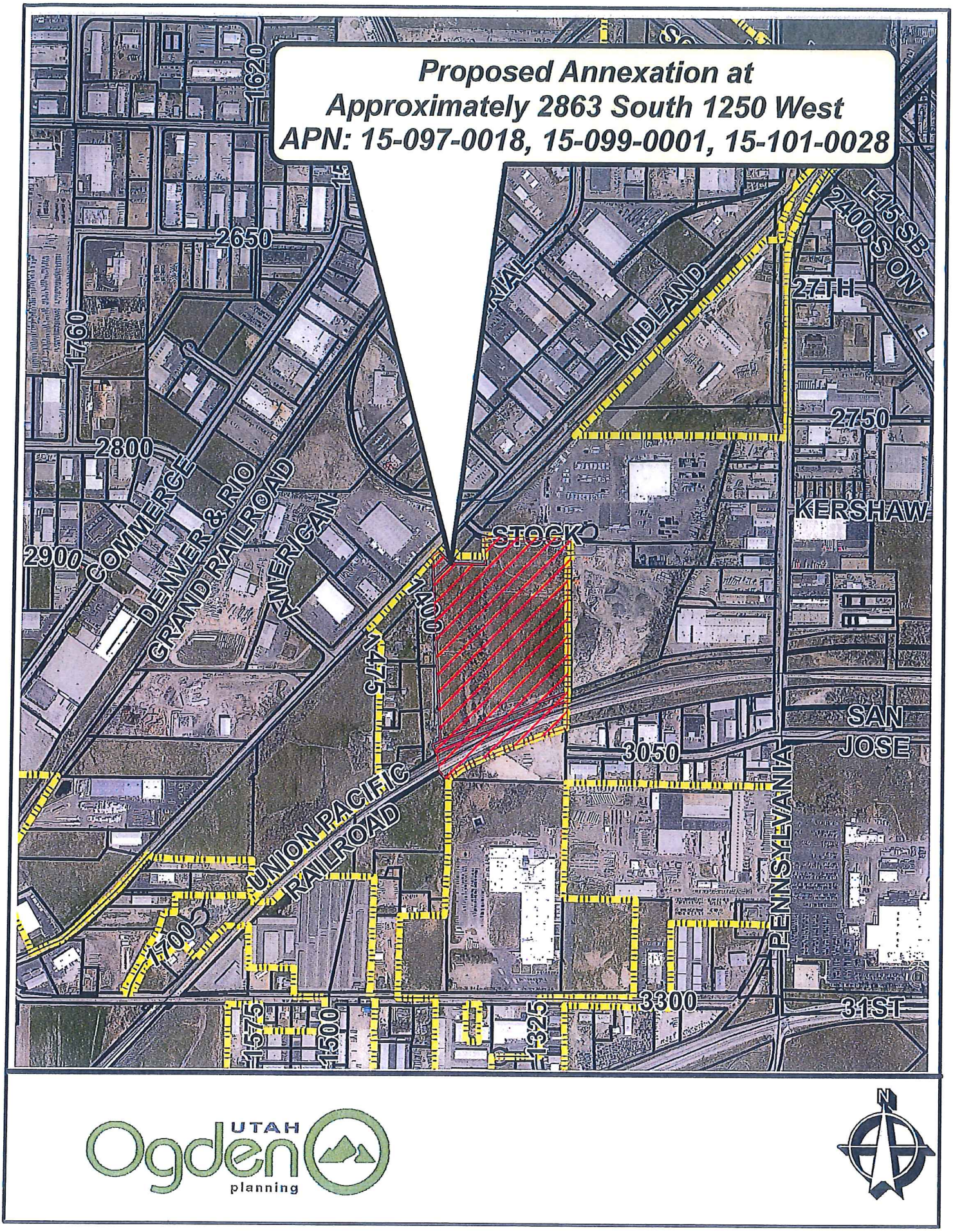
(Please attach the legal description of the property to be annexed.)

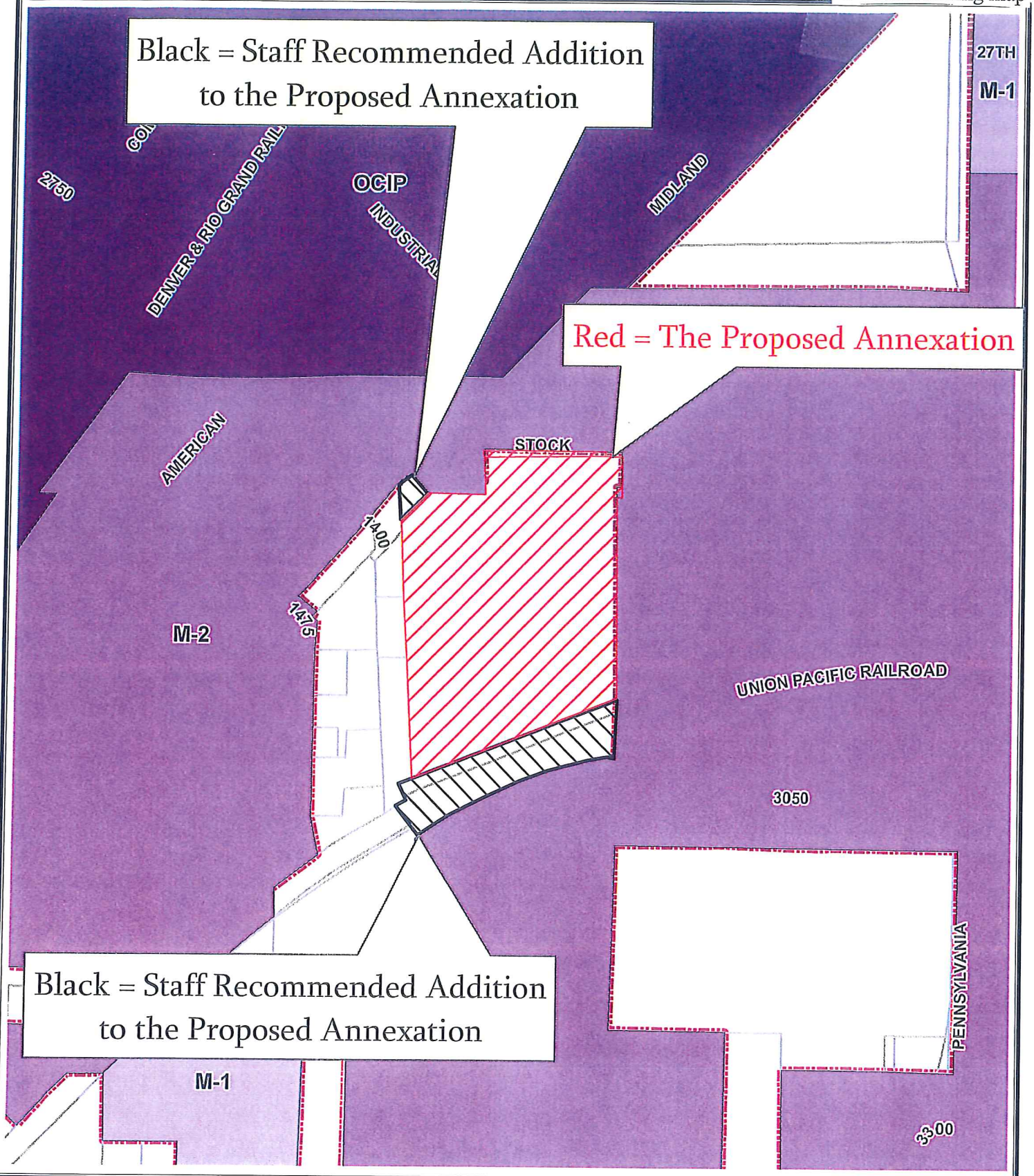
In support of this petition, the petitioners respectfully declare and represent that they are a majority of the owners of the private real property located within the above-described territory and are the owners of not less than one-third (1/3) in value of all said territory as shown by the last assessment rolls of Weber County, State of Utah, and that the said territory lies contiguous to the corporate limits of Ogden City, a municipal corporation of Utah.

The petitioners further file herewith the original mylar and three (3) counterparts of an accurate map or plat of the territory sought to be annexed which the petitioners have caused to be made by and under the supervision of Matt S. Judd, a competent surveyor and engineer licensed under the State of Utah, License Number: 167268.

Petition number: 2015-1
Filed in the office of the City Recorder
By Abbie
Date 5/5/15
Fee $600.00 Check # 4001

Sponsor's Name (print)	Signature	Address	Phone
Brent Summers for Geneva Rock		P. O. Box 1955 Orem, UT. 84059	801-360-1344
Other Petitioners	Signature	Address	Phone


Proposed Annexation at
Approximately 2863 South 1250 West
APN: 15-097-0018, 15-099-0001, 15-101-0028
1620
2650
1760
2800
2900
COMMERCE
DENVER & RIO GRAND RAILROAD
AMERICAN
1400
1475
STOCK
MIDLAND
I-15 SB
2400 S ON
27TH
2750
KERSHAW
SAN JOSE
3050
PENNSYLVANIA
UNION PACIFIC RAILROAD
1700
1575
1500
1325
3300
31ST
Ogden UTAH planning
N



ZONING
- M-1
- M-2
- OCIP
- Parcel Boundary

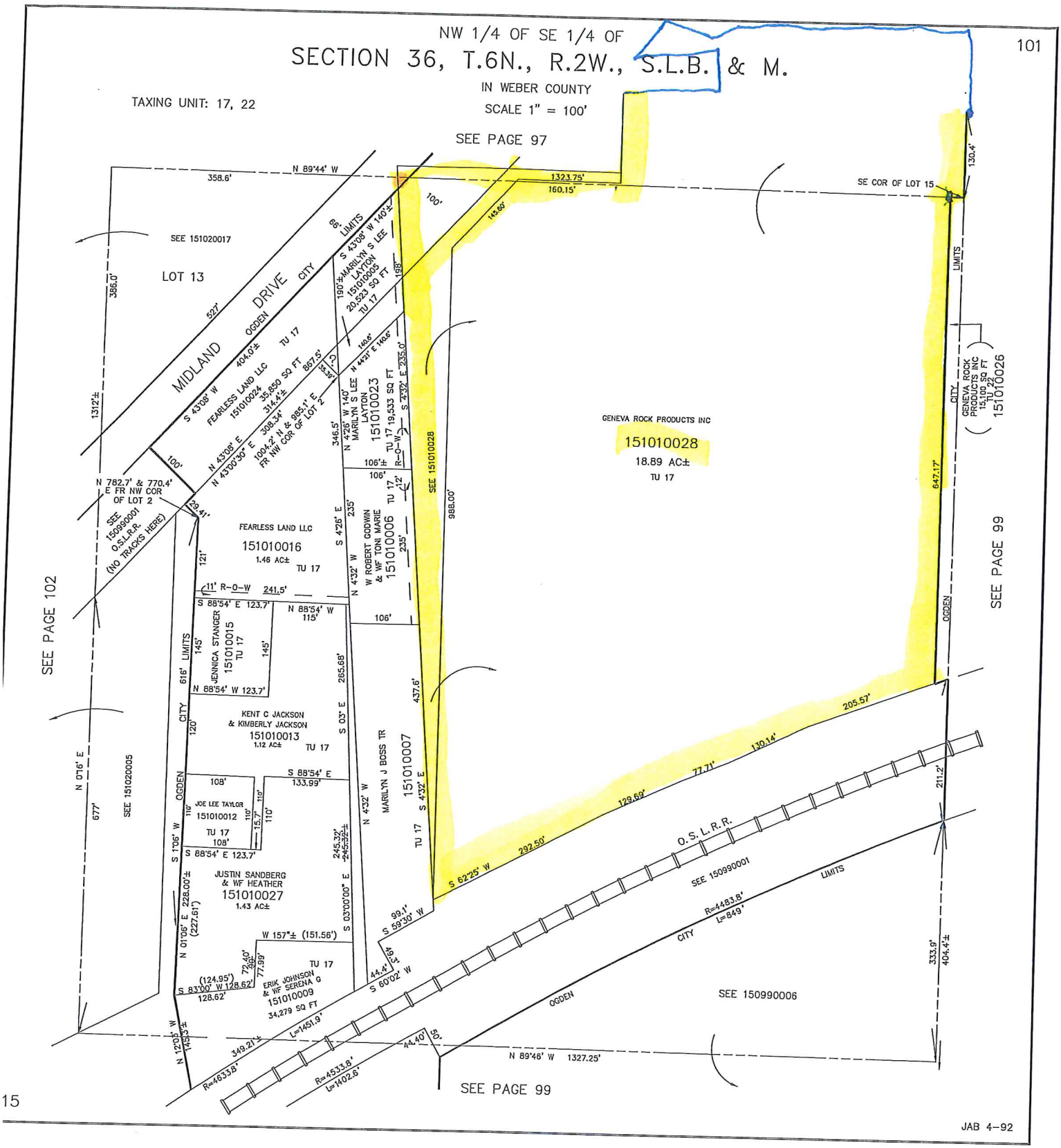
Geneva Rock Annexation
2863 South 1250 West

1 inch = 500 feet
(at 8.5" x 11" Sheet Size)

Ogden UTAH planning

NOTE: Property lines shown are NOT percise and are for reference purposes only

Map: 05/2015


NW 1/4 OF SE 1/4 OF
SECTION 36, T.6N., R.2W., S.L.B. & M.
IN WEBER COUNTY
SCALE 1" = 100'
TAXING UNIT: 17, 22
101
SEE PAGE 97
SEE PAGE 102
SEE PAGE 99
SEE PAGE 99
SEE 151020017
LOT 13
MIDLAND DRIVE
OGDEN CITY LIMITS
FEARLESS LAND LLC
151010024
35,850 SQ FT
TU 17
MARILYN S LEE LAYTON
151010005
20,523 SQ FT
TU 17
MARILYN S LEE LAYTON
151010023
TU 17 19,533 SQ FT
GENEVA ROCK PRODUCTS INC
151010028
18.89 AC±
TU 17
GENEVA ROCK PRODUCTS INC
15,100 SQ FT
TU 22
151010026
SEE 151010028
FEARLESS LAND LLC
151010016
1.46 AC±
TU 17
W ROBERT GODWIN & WF TONI MARIE
151010006
TU 17
JENNICA STANGER
151010015
TU 17
KENT C JACKSON & KIMBERLY JACKSON
151010013
1.12 AC±
TU 17
JOE LEE TAYLOR
151010012
TU 17
JUSTIN SANDBERG & WF HEATHER
151010027
1.43 AC±
ERIK JOHNSON & WF SERENA G
151010009
34,279 SQ FT
TU 17
MARILYN J BOSS TR
151010007
TU 17
SEE 151020005
SEE 150990001
O.S.L.R.R.
SEE 150990006
N 89°44' W
N 89°46' W 1327.25'
SE COR OF LOT 15
N 782.7' & 770.4' E FR NW COR OF LOT 2
SEE 150990001 O.S.L.R.R. (NO TRACKS HERE)
N 1°06' E 677'
N 0°16' E 1312'±
S 62°25' W 292.50'
129.69'
77.71'
130.14'
205.57'
647.17'
988.00'
1323.75'
160.15'
JAB 4-92

15

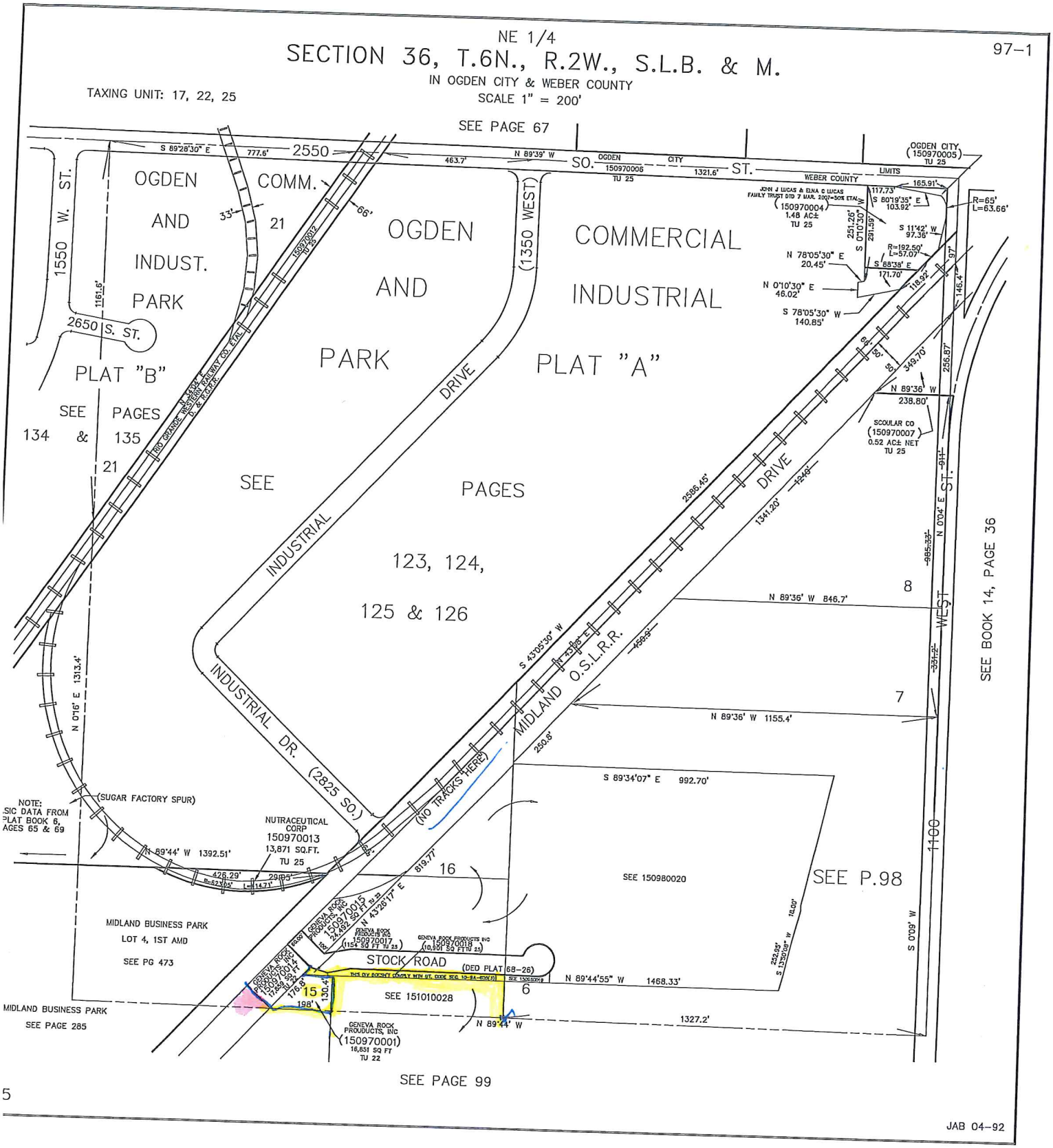
NE 1/4

SECTION 36, T.6N., R.2W., S.L.B. & M.

IN OGDEN CITY & WEBER COUNTY

SCALE 1" = 200'

TAXING UNIT: 17, 22, 25



JAB 04–92

G. Area 7

1. Area considered for Annexation

The area that is being considered in this segment of the Policy Plan is that area lying west of the Ogden City Corporate Limits, south of the Ogden Commercial and Industrial Park, north of Highway U 38 (Hinckley Dr) and east of Highway U 84 (1900 W.), as shown on the map (see Figure 8.26).

2. Character of Area and Adjacent Community

Area #7 contains approximately 335 acres of ground. Development in this area is slated to be of a manufacturing nature comparable to the development within the industrial park to the north. The majority of the properties within this area are being used for agricultural purposes, however, the area is bisected by rail lines leading to the Ogden yards and by rail spurs serving manufacturing users in the incorporated area. The area is currently zoned M-1 in Weber County.

3. Need for Municipal Services in Unincorporated Area

Full development of Area #7 for industrial purposes will require a much higher degree of service as far as police and fire protection are concerned than can be provided by Weber County. Ogden City has extended a 10-inch sewer line along 3300 S. Street to 1900 W. Street to provide sewer service to the area. Annexation will eliminate this peninsula of unincorporated land which is the intent of the State Annexation Legislation.

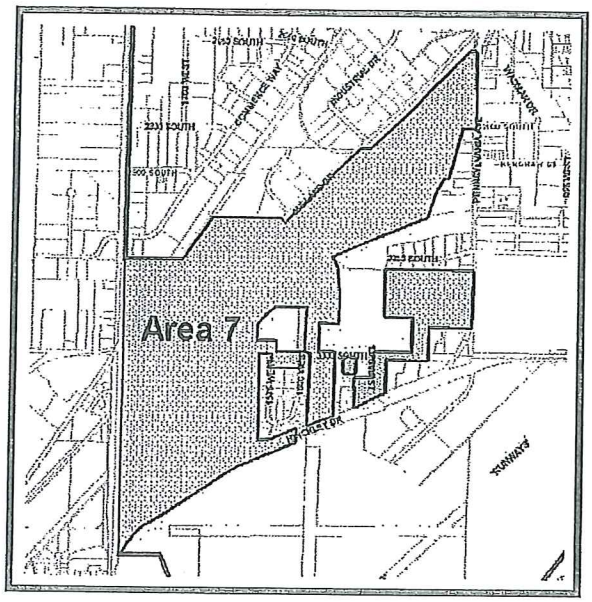


Figure 8.26 – Annexation Area 7

4. Plans and Time Frame for Extension of Municipal Services

Ogden City has extended sewer service into this area. Additional service feeder lines will be extended to intercept the existing trunk line as development occurs. Culinary water lines will be extended by the developer of the property at the time of development. Police and fire protection will be available to the area upon annexation.

5. Financing of Services

Extension of services to provide for accessibility to water and sewer connections will be done at the expense of the developer at the time of project construction. Police, fire and other municipal services will be provided for by payment of property and other taxes.

6. Estimate of Tax Consequences

Annexation will increase property taxes due to the addition of Ogden City taxes. Ogden City will negotiate with the Bona Vista Water District, who is providing water to the area, to eliminate double taxation within the Districts' boundaries on those properties that cannot be serviced by the Ogden City water utility.

7. Interests of Other Effected Entities

Weber County is the primary affected entity. Weber County General Government will continue to collect property and sales taxes whether the property is in the County or in Ogden City.

Other entities affected by the annexation of this area are:

1. Weber School District
2. Ogden School District
3. Weber Basin Water-Ogden
4. Bona Vista Water Improvement District
5. Weber Fire GO Bond
6. Weber Fire Department

The Weber School District and the Weber Fire Department would lose their taxes from the properties. Ogden School District would gain a tax from the properties. The Weber Fire GO Bond would continue to be paid by the owners of the property. Bona Vista Water would lose their tax and Weber Basin Water-Ogden would gain a tax on properties serviced by Ogden City.

City Council Meeting
COUNCIL STAFF REVIEW

PROPOSED ANNEXATION OF APPROXIMATELY 2 ACRES OF PROPERTY LOCATED AT 1438 WEST 3300 SOUTH

COUNCIL DETERMINATION:

- **Set/not set Public Hearing for September 15, 2015**

PLANNING COMMISSION RECOMMENDATION: **Approval of the annexation and M-2 zone (9-0)**

Executive Summary

The proposed ordinance would approve the annexation of approximately 2 acres of property owned by Michael and Melissa Smith. The property is located at 1438 West 3300 South and is within Area 7 of the City's annexation plan. The proposed zoning designation is M-2, or the Manufacturing and Industrial Zone, which is consistent with the General Plan for annexation in this area.

Background

A petition has been filed for the annexation of approximately 2 acres of property located at 1438 West 3300 South. Michael and Melissa Smith, owners of Smith Stone Supply Company, have submitted the petition requesting the City annex their property into the City from Weber County. The property is located within Area 7 of the City's annexation plan and the General Plan indicates that the properties should be zoned M-2.

With the application completed and accepted for review, a formal noticing process was initiated by the Recorder's Office. This was completed as required by City and State Code. The noticing period that takes place after acceptance allows for affected entities and other stakeholders to file formal protests against a proposed annexation. As indicated by the Recorder's Office, no formal protest has yet been filed.

Timeline

June 3, 2015
Planning Commission reviews petition and approves a motion recommending approval for the annexation and the M-2 zone to the Council.

July 28, 2015
City Council accepts the petition for review as a common consent item. No significant review of the petition was provided at the July 28, 2015 meeting.

August 7, 2015
Ogden City Recorder's Office begins formal noticing period during which protests may be filed. Notification to affected entities and stakeholders was given.

August 25, 2015
Council work session held to review the proposed annexation petition.

September 1, 2015
Item placed on the Council's agenda to set the public hearing for September 15, 2015. Once the public hearing is set, a notice will be sent to affected entities and residents of the area informing them of the public hearing for the petition. At the public hearing, the Council will accept public comment on both the annexation and the zoning designation and may then approve, amend or deny the annexation ordinance.

September 7, 2015
Formal notification and protest period closes.

September 15, 2015
Public hearing to be held by the Council on the proposed annexation petition.

Current Proposal

The current proposal is to approve the petition to annex 2 acres of property at 1438 West 3300 South and to assign the zoning classification of M-2 to the property. The subject property is included within Area 7 of the City's annexation plan and the proposed zoning is consistent with the anticipated zoning designation included in the City's General Plan.

There are currently policies in place for the review of both rezones and annexations. Planning Staff analysis of and response to both the zoning policies and the annexation policies are included in the Planning Commission's report which is attached to this report.

Planning Commission Review

The Planning Commission reviewed both the annexation and the zoning designation for the properties at the meeting on June 3, 2015 and made a motion to recommend approval of the annexation and zoning designation with the finding that the annexation is consistent with the City's policy declaration and ability to provide services. The motion was approved with a vote of 9 to 0.

Public Comments
No residents spoke at the meeting; however, one resident spoke to staff after the meeting regarding private access to adjacent property. Staff indicated that the access was a private property issue and that the annexation would not effect that agreement.

Attachment

1. Administrative Transmittal from Recorder's Office
2. Certification from Recorder's Office
3. Administrative Transmittal from Planning
4. Ordinance 2015-37
5. Planning Commission Report
6. Petition 2015-6
7. Vicinity Maps
8. Annexation Policy Plan
9. Area 7 Annexation Plan

Memos Prepared By: **Administrative Staff – Greg Montgomery, 629-8931**
Council Staff - Glenn Symes, 629-8164

Ogden City Council Transmittal

DATE: July 21, 2015

TO: Ogden City Council

FROM: Tracy Hansen, City Recorder

RE: Annexation Petition 2015-6,
Generally located at 1438 W. 3300 S., Ogden Utah

RECOMMENDATION: Accept Petition for Further Consideration

Background:

Utah State Code Title 10, Chapter 2 provides for the annexation of property to a city or town. These sections also require a municipality adopt an Annexation Policy Plan (10-2-401.5) that describes the areas the city would consider annexing (expansion area) if petitioned by property owners; as well as criteria to be used to decide when annexation is appropriate. Ogden City adopted an Annexation Policy Plan in 2002 to be included in the Ogden City General Plan.

In order to annex property into Ogden City, a Petition for Annexation must be filed with the City Recorder and contain the signatures of private real property owners for property that is located in the proposed area to be annexed. The petition must be accompanied by a recordable map prepared by a licensed surveyor, and must identify the sponsors (up to five) of the annexation petition with a mailing address for each. One of the sponsors must be designated as the contact person or petitioner for the proposed action.

Once a complete petition is filed with the City Recorder, the legislative body may either reject or accept the petition for further consideration. There is no obligation to annex the property even if the property was included in the city's expansion area. The petition should be rejected or accepted within 14 days of the date the petition was accepted by the City Recorder. If a city fails to reject the petition within 14 days it is deemed accepted for further consideration. Acceptance of the petition by acting, or failing to act does not mean the property is annexed or will be annexed.

If a petition is accepted by the legislative body, the City Recorder begins the process of certification, which is to review the petition to ensure the minimum legal requirements for annexation are present.

The petition was referred to the Planning Commission which met on June 3, 2015 and found the petition was consistent with the annexation policy of the city, adequate services can be provided to the property, and recommended an M-2 zoning designation which is consistent with the character of the area.

Proposal:

A complete petition for Annexation #2015-6 was received by the City Recorder's Office in which the petitioner, Michael Smith, is requesting the annexation of .1.97 acres of land generally located at 1438 West 3300 South.

Recommendation:

Accept Petition #2015-6 for further consideration and review for certification by the City Recorder.

UTAH Ogden recorders office

CERTIFICATION

I, Tracy Hansen, the duly appointed City Recorder, in and for the City of Ogden, Weber County, State of Utah, do hereby certify that completed Annexation Petition 2015-6, for property generally located at 1438 West 3300 South, Ogden, Utah was filed in the office of the City Recorder on July 21, 2015; and such petition meets the annexation requirements outlined in Section 10-2-403(2), (3) and (4) of the Utah Code Annotated, or their successor provisions, specifically:

1. That the property to be annexed is not located in a county of the first class;

2. That said petition contains the names and signatures of the owners of private real property located within the area proposed for annexation;

3. That said petition was accompanied by an accurate plat or map prepared by a licensed surveyor and intended to meet the requirements of Utah Code Annotated, as amended; accurately describing the existing city boundaries and providing an accurate legal description of the property to be annexed and the number of acres to be annexed;

4. That said petition designates at least one of the signers of the petition as the contact sponsor, and indicates the mailing address and telephone number of the contact sponsor;

5. That no previous petition for annexation has been filed which has not been denied, rejected or granted.

IN WITNESS WHEREOF, I have hereunto set my hand and the official seal of Ogden City, this 7th day of August, 2015.

OGDEN CITY, UTAH CORPORATE SEAL

Tracy Hansen

Tracy Hansen, MMC
Ogden City Recorder

2549 Washington Boulevard, Suite 210 • Ogden, UT 84401
Phone: 801-629-8156 • Fax: 801-629-8154 • tracyhansen@ogdencity.com

OGDEN CITY COUNCIL TRANSMITTAL

RECEIVED
JUN 21 2015
OGDEN CITY
COUNCIL OFFICE

DATE: June 3, 2015

TO: Ogden City Council

THRU: Mark Johnson, CAO

FROM: Tom Christopulos, CED Director

RE: Petition to annex two acres of property at 1438 W. 3300 S.

STAFF CONTACT: Greg Montgomery, Planning Manager

REQUESTED TIMELINE: Public hearing on July 21, 2015

RECOMMENDATION: Approval of the proposed annexation of parcels 15-099-0005 and 15-099-0022 subject to the property being zoned M-2.

DOCUMENTS: Ordinance and staff report to Planning Commission

DISCUSSION: Planning Staff (Mr. Mayer) appeared before the Commission and presented the petition to annex the 2+ acres of property at 1438 W. 3300 S. This property belongs to Michael and Melissa Smith who operate Smith Stone Supply at this address in unincorporated Weber County. The area to be annexed is part of an unincorporated island that straddles 3300 S at this address. The surrounding uses are all industrial except to the east which is open field, but zoned M-2. The Planning Commission determined this zoning should be M-2 as the zoning for the annexed property. It is the most prevalent zoning in the area, although there is the Kapp Industrial Park to the southwest that is zoned M-1. The Planning Commission is required to review annexations, and address certain issues. The first criteria to be reviewed is the zoning. The M-2 zoning allows the issues to be satisfied. The questions explore the concepts of "edges", "prevailing character", and the matching up of zoning boundaries with lot lines. The second set of issues for review compare the proposal to the General Plan. The principle issues here are serviceability by utilities, adjacency to Ogden City, and the non-creation of islands. This proposed annexation would reduce the size of an existing unincorporated island that is situated between Hinckley Drive and the Union Pacific rail line.

As stated above the original annexation proposal was for 2+ acres. Staff presented the situation and showed where the edges, prevailing zoning and existing property lines are located. This annexation will reduce the size of the existing unincorporated island.

PLANNING COMMISSION ACTION

The Planning Commission reviewed this item on June 3, 2015 and found that the M-2 zoning is consistent with the plan and that annexation is consistent with the City's policy declaration and ability to provide services. The Commission voted to recommend annexation by the following vote:

PLANNING COMMISSIONERS VOTE	Yes	No
Blaisdell	X	
Holman	X	
Herman	X	
Atencio	X	
Orton	X	
Schade	X	
Southwick	X	
Patterson	X	
Wright	X	

CONCERNS OF CITIZENS

None, although there was a subsequent discussion with Ms. Lorrie Bowhuis after the meeting about the applicant's use of her land to access their land. This was deemed a civil matter between the two parties as the applicant has acceptable access onto their property to the east of the main office building.

STAFF RECOMENDATION

Approve the annexation subject to the property being zoned M-2.

ORDINANCE NO. 2015-37

AN ORDINANCE OF OGDEN CITY, UTAH PROVIDING FOR THE ANNEXATION TO OGDEN CITY OF APPROXIMATELY TWO ACRES OF LAND CONTIGUOUS TO THE CORPORATE LIMITS OF SAID CITY, WHICH LAND ANNEXED IS GENERALLY LOCATED AT 1438 WEST 3300 SOUTH; DECLARING THE ANNEXATION THEREOF AND EXTENSION OF THE CORPORATE LIMITS OF SAID CITY ACCORDINGLY; AND CLASSIFYING SAID LAND FOR ZONING AS MANUFACTURING AND INDUSTRIAL ZONE (M-2); AND PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE IMMEDIATELY UPON POSTING AFTER FINAL PASSAGE.

WHEREAS, the owners of the property located generally at 1438 West 3300 South, and more particularly described in Section 3 of this ordinance, have petitioned the Ogden City Council to annex such property to Ogden City; and

WHEREAS, the Planning Commission has reviewed the annexation petition with respect to the property described in the petition and has recommended that such property be annexed to Ogden City and that the property in question should be zoned as Manufacturing and Industrial Zone (M-2); and

WHEREAS, no protests have been timely filed which would restrict the City from proceeding with such annexation.

NOW, THEREFORE, the Council of Ogden City hereby ordains:

SECTION 1. Petition and plat accepted and approved: The Council of Ogden City hereby accepts and approves the written petition for the annexation to Ogden City of the territory hereinafter described and finds that said petition has been filed in the office of the City Recorder of Ogden City, and that the same meets the standards of annexation set forth in Chapter 2, Title 10, Utah Code Annotated. The Council further accepts and approves the copy of the map of said territory certified by Stephen I. Fackrell, a registered professional land surveyor of the State of Utah, License No. 191517, and finds that it is an accurate and recordable map of said territory in said petition and hereinafter described, and that it was made under the supervision of the said Stephen I. Fackrell.

SECTION 2. Territory annexed. The territory hereinafter particularly described and situate, lying and being immediately contiguous to Ogden City, Utah,

boundaries and the same is hereby declared to be annexed to Ogden City, Utah; and the corporate limits of said city are hereby declared to be and they are executed accordingly to include and embrace said territory.

SECTION 3. Annexed territory described. The territory hereinafter referred to and hereby annexed to Ogden City and generally located at 1438 West 3300 South in Weber County, State of Utah, consisting of about two acres, is more particularly described as follows:

> PART OF THE SOUTHEAST QUARTER OF SECTION 36, TOWNSHIP 6 NORTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN: BEGINNING AT A POINT IN THE CENTER OF COUNTY ROAD, WHICH POINT IS SOUTH 89°30'43" WEST 1037.58 FEET ALONG SECTION LINE FROM THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 36; AND RUNNING THENCE SOUTH 89°30'43" WEST 174.12 FEET, THENCE NORTH 02°07'17" EAST 500.80 FEET, THENCE NORTH 89°30'43" EAST 169.38 FEET, THENCE SOUTH 01°34'45" WEST 500.69 FEET TO THE POINT OF BEGINNING.

SECTION 4. Plat and ordinance to be recorded. The map with the certification thereof of Stephen I. Fackrell, a registered land surveyor, as aforesaid and duly certified by the Ogden City Recorder to be a full, true and correct copy of said map so filed and deposited with the City Recorder, shall be forthwith filed and recorded by the City Recorder in the office of the County Recorder of Weber County, Utah, together with a copy of this ordinance duly certified by the Ogden City Recorder. The City Recorder is also directed to file amended articles of incorporation reflecting such annexation with the lieutenant governor of the state of Utah as required by ordinance and State law.

SECTION 5. Zoning classification. The land hereby annexed is hereby classified as Manufacturing and Industrial Zone (M-2).

SECTION 6. Notices and filings. The Mayor, Recorder, Attorney and other officers, employees and agents of the City are hereby authorized and empowered to make such filings and to provide such notices as may be legally required to effect and formalize the annexation described in this Ordinance, including, without limitation, filing a notice of impending boundary action with the Lieutenant Governor's office pursuant to Utah Code Ann. § 10-2-425.

SECTION 7. Action of officers. All actions of the officers, agents and employees of the City that are in conformity with the purpose and intent of this Ordinance, whether taken before or after the adoption hereof, are hereby ratified, confirmed and approved.

SECTION 8. Effective date. This ordinance shall become effective immediately upon posting after final passage.

PASSED, ADOPTED AND ORDERED POSTED this _____ day of _____, 2015.

_____
CHAIR

ATTEST:

_____
Tracy Hansen, City Recorder

Transmitted to the Mayor on: _____

Mayor's Action: ☐ Approved ☐ Vetoed

_____
Michael P. Caldwell, Mayor

ATTEST:

_____

Tracy Hansen, City Recorder

Posting Date: _____

Effective Date: _____

APPROVED AS TO FORM: JMH 7/10/15

LEGAL DATE

June 3, 2015 **ATTACHMENT ITEM D**

OGDEN CITY PLANNING COMMISSION

SUBJECT: Annexation Petition #2015-6 to annex property at 1438 W. 3300 S.

PETITIONER'S REQUESTED ACTION: Approval is requested to annex 2 acres of property at approximately 1438 W. 3300 S.

PLANNING STAFF RECOMMENDATION: Approval of the annexation subject to the following:

1. The property be zoned M-2.

FINDINGS FOR ACTION

In considering this request, the Planning Commission will need to determine if :

1) M-2 zoning is consistent with the character of the area, it does not divide lots, and is compatible with current development patterns in the area.
2) Adequate services can be provided to this area and is consistent with the Annexation Area 7 map.

CONTACTS

Petitioner: Mr. Michael Smith
c/o Pinnacle Engineering
2720 N. 350 W. #108
Layton, UT 84041

Staff Report: John Mayer
johnmayer@ogdencity.com

PAST ACTIONS AT THIS LOCATION

Current use as a purveyor of rock/stone products was developed in unincorporated Weber County.

SITE INFORMATION

Existing zone: M-1 (Weber County)
Existing land use: Office, outdoor and indoor storage areas

APPLICABLE ORDINANCES

1-6-7 Planning Commission – This section sets out the process for reviewing an annexation upon receipt of the proposal through the City Recorder's office, and forwarding the recommendation on to the City Council.

15-21 M-2 Zoning regulations – The M-2 zoning regulations are the most permissive in Ogden City. The M-2 zone is for those industrial uses that may have some noise or other byproducts but do not pose a threat to the environmental quality of the community.

APPLICABLE GENERAL PLAN PROVISIONS

8F2. Utah State Law Regarding Annexations – this proposal meets this criteria.

8G. Annexation Area 7 – This area is located inside Area 7, which is a designated area for annexation into Ogden City.

A. CHARACTER OF AREA SURROUNDING REQUEST

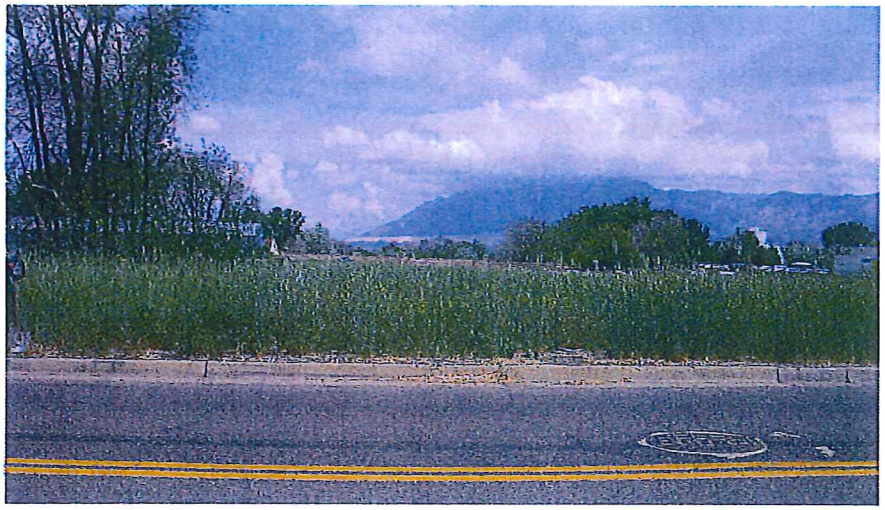
To the east is vacant land, zoned M-2
To the west are storage units that are zoned M-1
To the southwest is an RV storage facility in the city that is zoned M-2
To the south is a single family home and Buxton's Commercial Construction
To the north is a contractor/storage area

B. DESCRIPTION OF PROJECT

The applicant desires to annex two acres made by two parcels that are currently owned by Mr. and Mrs. Smith. It is sized: 174.12' x 500.20'. It contains an office building that fronts onto 3300 S. with 2 steel buildings to the rear of the property. This property takes its only public access from 3300 S. and is contiguous to Ogden City on 2 of its 4 sides. The cutting and processing of the stone occurs in the rear buildings. The properties to the east and west are currently within Ogden City. The property to the west is zoned M-1 and is situated slightly below this property that is seeking annexation.

Front of the property and building being considered for annexation

Photos of the back portion of the property being considered for annexation.



To the east of the stone company

To the west of the stone company

To the west of this Pool Contractor business is a single family home (unincorp. county)

C. SUMMARY OF ISSUES

The Commission should consider if it complies with the General Plan area considered for annexation.
The Commission should determine what this piece should be properly zoned.

D. STAFF ANALYSIS OF PROPOSAL

The Planning Commission is required to review an annexation petition request and the following issues should be addressed as part of the review:

1. Recommend to the City Council the appropriate zoning for the area proposed for annexation, in accordance with the Ogden City general plan.
   As previously indicated the applicant desires to be inside Ogden City. In determining if M-2 is the appropriate zoning the following policies should be reviewed.
   a. *A definite edge to development and buffering between types of uses should be provided to protect the integrity of each use, e.g. between commercial and residential uses, between types of commercial uses.*
      At the present time this property is surrounded on three sides by industrial, but mostly vacant land. To the west where the zoning is M-1 are personal storage units that are actually situated slightly below the level of the stone company. This creates a natural edge between the M-1 and M-2. A rock/stone company would not present a major impact to personal storage units as the cutting is done inside the building to the rear. There is an access lane that separates the stone company from the storage units as well. To the south is 3300 South Street that fronts an RV storage facility, a construction company with contractor storage and a pool contractor business. There is a single family home sandwiched between the two contracting companies. Staff would recommend the property being annexed be zoned M-2 (Industrial) which is compatible with the new land uses in the area.

   b. *Zoning should reflect the prevailing character of an overall district or neighborhood to the largest extent possible, with consideration being given to the use and characteristics of individual properties. Districts determined to be in transition may be given special considerations.*
      The industrial character in this area has not changed for several years. Trucking activity that is associated with the neighboring businesses is common along 3300 South in this area. 3300 South is a street that is shared with Weber County. Annexation would bring a greater proportion of the street under city control. Apart from the storage units and the Kapp Industrial Park all the city land in the area is zoned M-2. The General Plan calls for the Annexation Area 7 to be zoned "manufacturing". Other properties in the area are zoned M-2. Therefore M-2 zoning is consistent with the development for this area and appropriate zoning for this area.

c. *Where possible, properties, which face each other across a local street, should be the same or similar zone. Collector and arterial roads may be sufficient buffers to warrant different zones.*
The general trajectory of evolving land uses has been and continues to be industrial. 3300 South is a collector that merges with Midland drive near 1900 West. The properties on the south side of the street is M-2, so it is consistent. It should be noted that the "heavy industrial" activity on the property is taking place about 400' to the north of 3300 South, which in itself is a sufficient buffer from any adjacent activity.

d. *Zoning boundaries should not cut across individual lots or development (i.e., placing a lot on two separate zones). Illogical boundaries should be redrawn to follow along property lines.*
This request would be to take in 2 complete parcels, and would not cut across other lots. The existing 2 lots if combined would better integrate the existing uses on the site which are administrative and industrial with a significant storage component.

2. Review the annexation policy adopted as part of the Ogden City General Plan to determine whether the area proposed for annexation is within the expansion area and whether the petition meets the goals and policies of the plan.
The general plan indicates that the following standards be reviewed for a favorable recommendation.
   a. *The area to be annexed must be contiguous to the corporate limits of Ogden City at the time of submission of an annexation request.*
   This property is bordered on 2 (of 4) sides by Ogden City. However, it should be noted that the property being developed that is inside Ogden City has a higher standard i.e. curb, gutter, landscaping, improved access ways and full variety of utilities than the unincorporated area.
   b. *The area to be annexed must fall within the areas designated for future expansion and annexation on the Annexation Policy Plan Map.*
   The general plan indicates that this area is part of the proposed annexation expansion area as shown in attachment Area 7. Area 7 is made up of the area that is sandwiched between the Ogden Airport on the south and the OCIP to the north. It is bordered by 1900 West to the West and Pennsylvania Avenue to the east.
   c. *The area to be annexed shall not be located within the corporate limits of another incorporated city*
   This area is not inside any other city.
   d *The area to be annexed will not create unincorporated islands or peninsulas.*
   This proposal will annex two parcels that comprise two acres. This action would not create new islands. In fact it would reduce the existing island that is located between 3300 South and Union Pacific Railroad by two acres.
   e. *Where an area to be annexed may be served by an entity providing urban type services (e.g. culinary water), Ogden City will negotiate reimbursement for revenues lost over the actual delivery costs of the services provided, as well as for acquisition of service delivery systems in place at the time of annexation.*

This area is served by the Ogden City water and has the ability to hook onto sewer. There is no formal storm drain system in the area.

8.E.3 Evaluate the city's ability to deliver municipal services, with the assistance of the fire department, the police department, and the public works department.
There is city water and sewer in 3300 S. Future industrial land uses will benefit from the expanded array of urban services that are being provided to the adjoining properties that are located within Ogden City.

E. ALTERNATIVE ACTIONS

- Deny the annexation finding that this action still leaves an existing remnant county island.

F. STAFF RECOMMENDATION

Approval of the annexation subject to the following:

1. The property be zoned M-2.

ATTACHMENTS

1 Petitioner request via memorandum from City Recorder
2 Annexation plat (survey)
3 County plat
4 Aerial photos
5 Department Comments
6 Notice

deadline 5/13/15
P/C June
J. Mayer

Annexation Petition

Ogden City Development Services
2549 Washington Blvd. Suite 240
Ogden, Utah 84401
(801) 629-8930

15-099-0028

Please print legibly and complete all areas:

Sponsor/Petitioner Information

Name: Michael Smith

Address: 3067 W. 2650 S. City: Ogden State: Ut Zip: 84401

Email: SmithStoneSupply@msn.com Phone: 801-309-0336 | 801-309-0334

Property Information

Address or location: 1436 W. 3300 S. Ogden, Ut 84401 Number of acres: 1.97

Current use: Construction Company - Cabinets and Counter tops (Smith Stone Supply Inc)

Intended use: same

Required items to submit with this application:

- ☑ Receipt from Weber County showing payment for county plat review
- ☐ An accurate and recordable map/plat prepared by a licensed surveyor
- ☑ Legal description of the property to be annexed
- ☑ $600 Fee

To the Council of Ogden City

The undersigned real property owners respectfully petition that the following described lands and territory in Weber County, Utah, be immediately annexed to Ogden City, to wit:

(Please attach the legal description of the property to be annexed.)

In support of this petition, the petitioners respectfully declare and represent that they are a majority of the owners of the private real property located within the above-described territory and are the owners of not less than one-third (1/3) in value of all said territory as shown by the last assessment rolls of Weber County, State of Utah, and that the said territory lies contiguous to the corporate limits of Ogden City, a municipal corporation of Utah.

The petitioners further file herewith the original mylar and three (3) counterparts of an accurate map or plat of the territory sought to be annexed which the petitioners have caused to be made by and under the supervision of Stephen J. Fackrell, a competent surveyor and engineer licensed under the State of Utah, License Number: 191517.

Petition number: 2015-6
Filed in the office of the City Recorder
By Melissa Smith
Date 04-22-15
Fee 600.00 Check # 1613

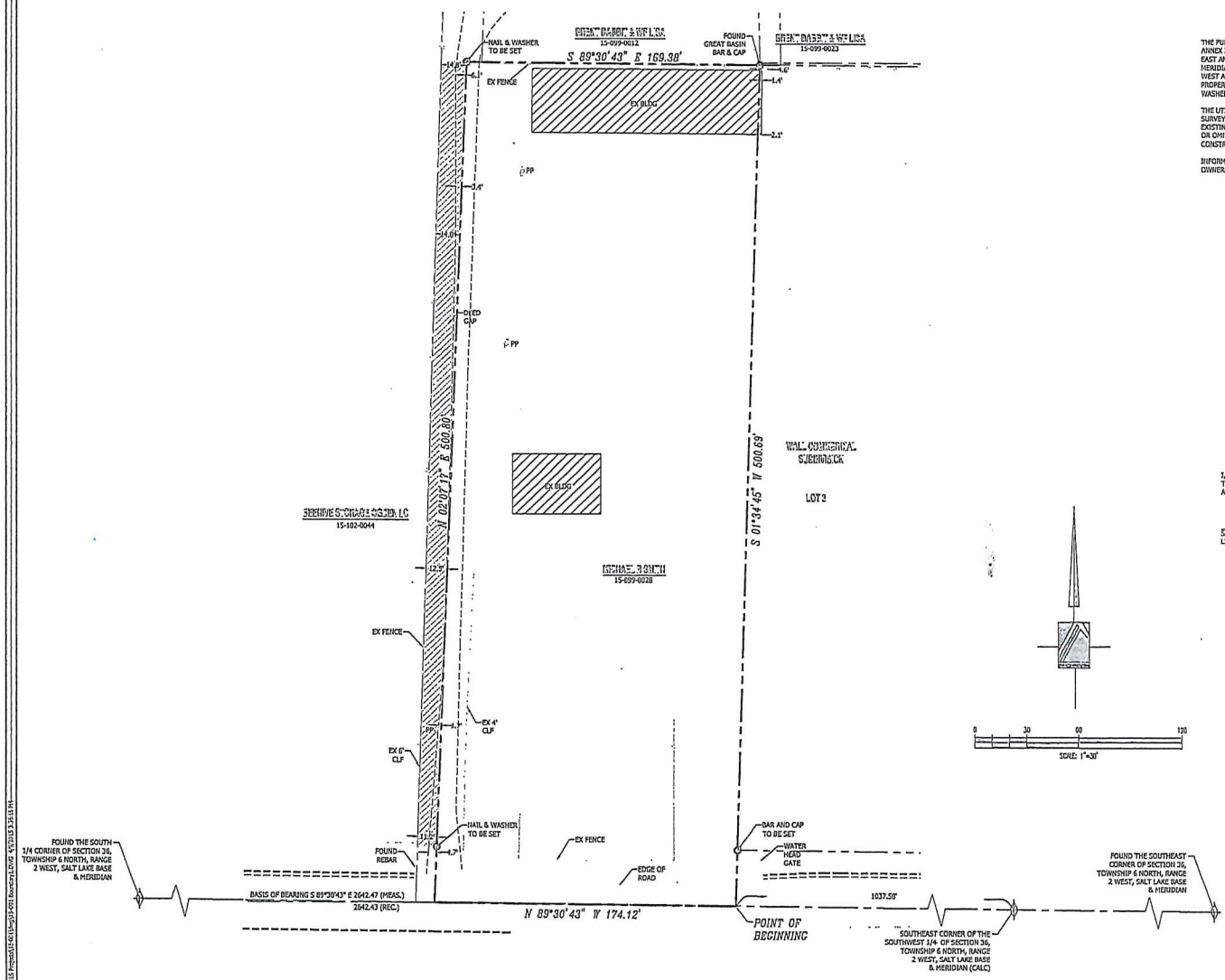
Sponsor's Name (print)	Signature	Address	Phone
Melissa Smith	Melissa Smith	1438 w. 3300 s. Ogden, Ut 84401	801-309-0334
Other Petitioners	Signature	Address	Phone

Ogden UTAH planning

Proposed Annexation
1438 W. 3300 S.

N

1 inch = 157 feet



NARRATIVE

THE PURPOSE OF THIS SURVEY IS TO RETRACE THE BOUNDARIES OF THE PARCEL SHOWN HEREON IN ORDER TO ANNEX INTO OGDEN CITY. THE BASIS OF BEARING FOR THIS SURVEY IS SOUTH 89°30'43" EAST BETWEEN THE SOUTH EAST AND THE SOUTH QUARTER CORNER OF SECTION 36, TOWNSHIP 6 NORTH, RANGE 2 WEST, SALT LAKE BASE & MERIDIAN. THE BOUNDARIES WERE RETRACED BASED UPON THE DEED ROTATED TO SECTION LINE FOR THE SOUTH, WEST AND NORTH LINES. THE EAST LINE WAS BASED ON THE ADJOINING SUBDIVISION PLAT. CORNERS FOR THIS PROPERTY NOT FOUND WERE SET WITH A 5/8" REBAR, TWO FEET IN LENGTH AND PLASTIC CAP, OR NAIL AND WASHER, STAMPED "PINNACLE."

THE UTILITY INFORMATION SHOWN ON THIS PLAT IS BASED ON ABOVE GROUND STRUCTURES AS OBSERVED BY THE SURVEYOR IN THE FIELD AS WELL AS INFORMATION PROVIDED TO THE SURVEYOR. NO FURTHER INVESTIGATIONS OF EXISTING UTILITIES WERE PERFORMED; THEREFORE THE SURVEYOR IS NOT RESPONSIBLE FOR THE REPRESENTATION OR OMISSION OF SUCH INFORMATION ON THIS PLAT. CONTACT BLUE STAKES IF ANY DIGGING, EXCAVATION OR CONSTRUCTION IS INTENDED.

INFORMATION OBTAINED BY THE SURVEYOR FOR THE PERFORMANCE OF THIS SURVEY CONSISTED OF THE OWNERSHIP PLAT, LEGAL DESCRIPTIONS, SUBDIVISION PLATS AND PREVIOUSLY RECORDED SURVEYS.

DEED DESCRIPTION

PART OF THE SOUTHEAST QUARTER OF SECTION 36, TOWNSHIP 6 NORTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN: BEGINNING AT A POINT IN THE CENTER OF COUNTY ROAD, WHICH POINT IS SOUTH 89°32' WEST 1037.7 FEET FROM THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 36; RUNNING THENCE SOUTH 89°37' WEST 174 FEET, THENCE NORTH 1°15' EAST 500.8 FEET, THENCE NORTH 89°37' EAST 174 FEET, THENCE SOUTH 1°15' WEST 500.8 FEET TO THE POINT OF BEGINNING. EXCEPTING THEREFROM THAT PORTION LYING WITHIN THE BOUNDARIES OF THE COUNTY ROAD SITUATED ON THE SOUTH THEREOF.

AS-SURVEYED DESCRIPTION

PART OF THE SOUTHEAST QUARTER OF SECTION 36, TOWNSHIP 6 NORTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN: BEGINNING AT A POINT IN THE CENTER OF COUNTY ROAD, WHICH POINT IS SOUTH 89°30'43" WEST 1037.58 FEET ALONG SECTION LINE FROM THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 36; AND RUNNING THENCE SOUTH 89°30'43" WEST 174.12 FEET, THENCE NORTH 01°07'17" EAST 500.80 FEET, THENCE NORTH 89°30'43" EAST 169.38 FEET, THENCE SOUTH 01°34'45" WEST 500.69 FEET TO THE POINT OF BEGINNING. EXCEPTING THEREFROM THAT PORTION LYING WITHIN THE BOUNDARIES OF THE COUNTY ROAD SITUATED ON THE SOUTH THEREOF.

SURVEYOR'S CERTIFICATE

I, STEPHEN J. FACKRELL DO HEREBY DEPOSE THAT I AM A REGISTERED LAND SURVEYOR AND THAT I HOLD CERTIFICATE NO. 191517 AS PRESCRIBED BY THE LAWS OF THE STATE OF UTAH AND REPRESENT THAT I HAVE MADE A SURVEY OF THE FOLLOWING DESCRIBED PROPERTY

STEPHEN J. FACKRELL — DATE
LICENSE NO. 191517

LEGEND

NOT ALL ITEMS IN THE LEGEND MAY BE APPLICABLE

- BOUNDARY LINE
- CENTERLINE
- SETBACK LINE
- EASEMENT LINE
- EX. IRRIGATION LINE
- EX. LAND DRAIN
- EX. OVERHEAD POWER LINE
- EX. STORM DRAIN
- EX. SANITARY SEWER
- EX. SECONDARY WATERLINE
- EX. TELEPHONE LINE
- EX. GAS LINE
- EX. CULINARY WATERLINE
- EX. FENCE
- P.O.B. POINT OF BEGINNING
- EX. EXISTING
- WV WATER VALVE
- SSMH SANITARY SEWER MANHOLE
- FH FIRE HYDRANT
- SDCB STORM DRAIN CATCH BASIN
- SD BOX STORM DRAIN BOX
- UP UTILITY POLE
- SECTION CORNER
- MONUMENT
- CONTROL POINT
- EX. SPOT ELEVATION
- 4250 EG CONTOUR LINE
- BAR & CAP OR NAIL & WASHER TO BE SET
- EXISTING ASPHALT

BY	DATE	REVISION
		#1
		#2
		#3
		#4
		#5
		#6
		#7
		#8
		#9

SURVEYED BY: JP/KM 02/2015
DESIGNED BY:
DRAWN BY: SD 03/2015
APPROVED BY: SJF 03/2015

CALL BLUESTAKES 1-800-662-4111
AT LEAST 48 HOURS BEFORE DIGGING

SHEET 1 OF 1

PINNACLE
Engineering & Land Surveying, Inc.
Layton • West Bountiful • Mount Pleasant • St. George
2720 North 350 West, Suite #108, Layton, UT 84041
Phone: (801) 773-1910
Fax: (801) 773-1925

SMITH SURVEY
BOUNDARY SURVEY
FOR: MELISSA SMITH
1438 WEST 3300 SOUTH
OGDEN, UT
15-001

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CIVIL ENGINEERING — LAND PLANNING — LAND SURVEYING — STRUCTURAL ENGINEERING

SE 1/4

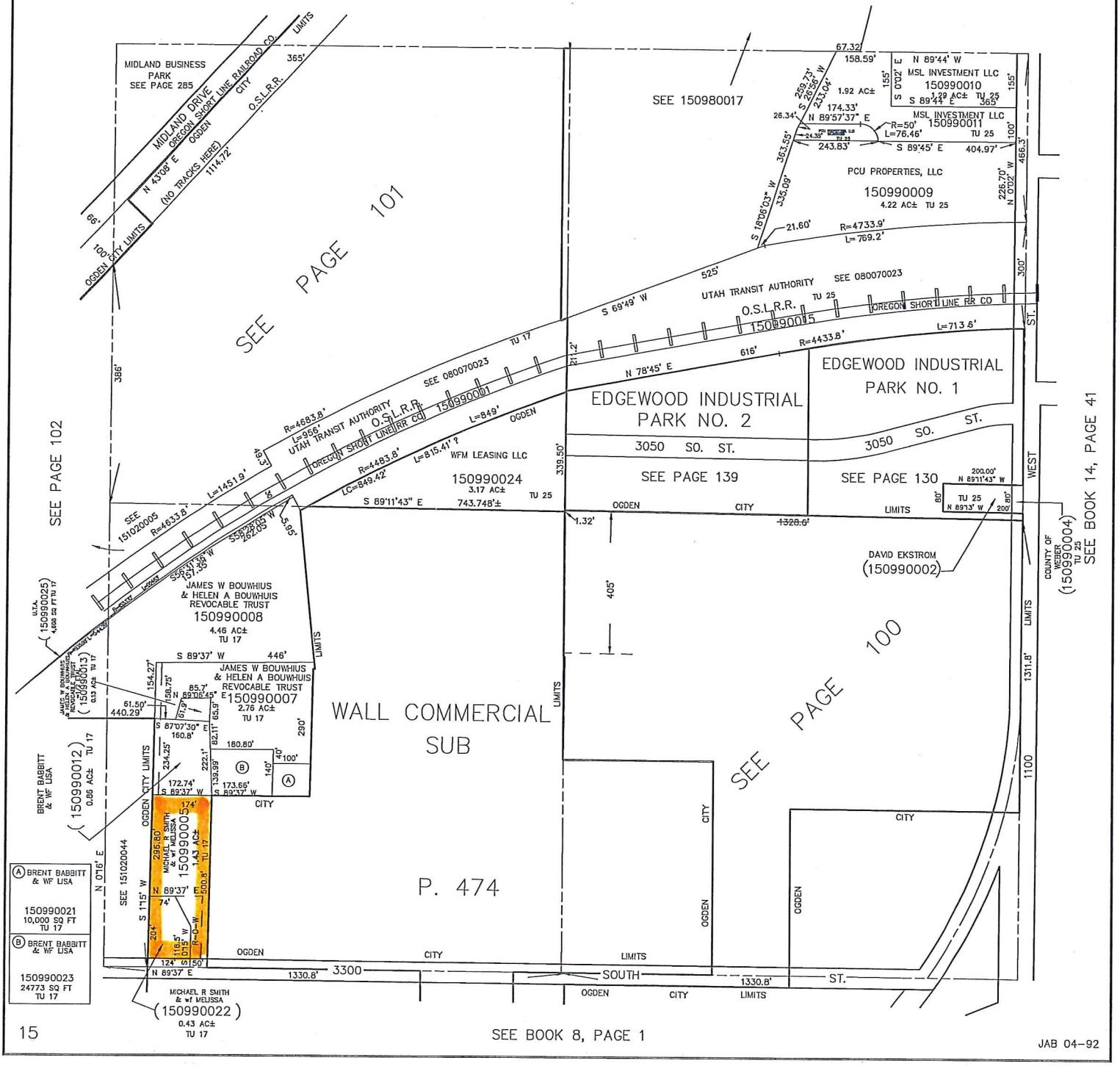
SECTION 36, T.6N., R.2W., S.L.B. & M.

IN OGDEN CITY & WEBER COUNTY

TAXING UNITS: 17, 25

SCALE 1" = 200'

SEE PAGE 97



SEE BOOK 8, PAGE 1

JAB 04-92

G. Area 7

1. Area considered for Annexation

The area that is being considered in this segment of the Policy Plan is that area lying west of the Ogden City Corporate Limits, south of the Ogden Commercial and Industrial Park, north of Highway U 38 (Hinckley Dr) and east of Highway U 84 (1900 W.), as shown on the map (see Figure 8.26).

2. Character of Area and Adjacent Community

Area #7 contains approximately 335 acres of ground. Development in this area is slated to be of a manufacturing nature comparable to the development within the industrial park to the north. The majority of the properties within this area are being used for agricultural purposes, however, the area is bisected by rail lines leading to the Ogden yards and by rail spurs serving manufacturing users in the incorporated area. The area is currently zoned M-1 in Weber County.

3. Need for Municipal Services in Unincorporated Area

Full development of Area #7 for industrial purposes will require a much higher degree of service as far as police and fire protection are concerned than can be provided by Weber County. Ogden City has extended a 10-inch sewer line along 3300 S. Street to 1900 W. Street to provide sewer service to the area. Annexation will eliminate this peninsula of unincorporated land which is the intent of the State Annexation Legislation.

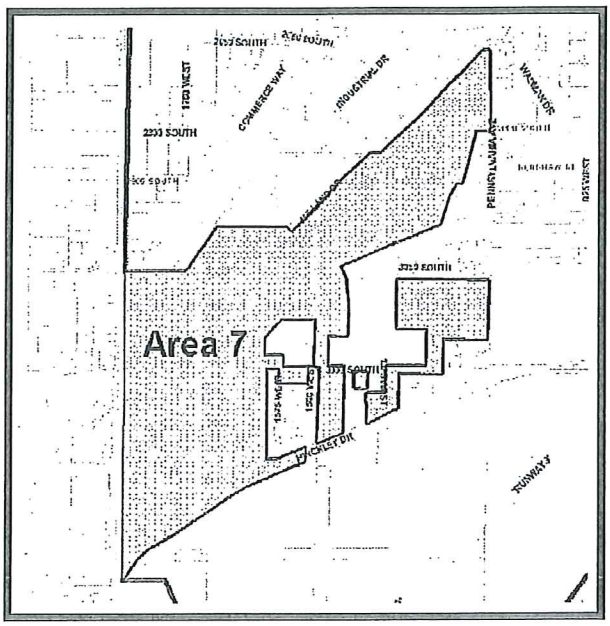


Figure 8.26 – Annexation Area 7

4. Plans and Time Frame for Extension of Municipal Services

Ogden City has extended sewer service into this area. Additional service feeder lines will be extended to intercept the existing trunk line as development occurs. Culinary water lines will be extended by the developer of the property at the time of development. Police and fire protection will be available to the area upon annexation.

5. Financing of Services

Extension of services to provide for accessibility to water and sewer connections will be done at the expense of the developer at the time of project construction. Police, fire and other municipal services will be provided for by payment of property and other taxes.

6. Estimate of Tax Consequences

Annexation will increase property taxes due to the addition of Ogden City taxes. Ogden City will negotiate with the Bona Vista Water District, who is providing water to the area, to eliminate double taxation within the Districts' boundaries on those properties that cannot be serviced by the Ogden City water utility.

7. Interests of Other Effected Entities

Weber County is the primary affected entity. Weber County General Government will continue to collect property and sales taxes whether the property is in the County or in Ogden City.

Other entities affected by the annexation of this area are:

1. Weber School District
2. Ogden School District
3. Weber Basin Water-Ogden
4. Bona Vista Water Improvement District
5. Weber Fire GO Bond
6. Weber Fire Department

The Weber School District and the Weber Fire Department would lose their taxes from the properties. Ogden School District would gain a tax from the properties. The Weber Fire GO Bond would continue to be paid by the owners of the property. Bona Vista Water would lose their tax and Weber Basin Water-Ogden would gain a tax on properties serviced by Ogden City.

City Council Meeting
COUNCIL STAFF REVIEW

FY2016 BUDGET AMENDMENT ($1,234,254)

- ***Recognize and Appropriate Revenue from Medical Services Fund Retained Earnings ($617,127) and Transfer to CIP and Percent for Arts Funds ($617,127)***
- ***Transfer Unused Funds from Fire Station #2 Remodel CIP Project to Fire Station #3 CIP Project ($128,985)***

DETERMINATION: **Adopt or Not Adopt Ordinance**

Executive Summary

The Council will consider an Ordinance amending the FY2016 Budget in the amount of $1,234,254 by recognizing and appropriating funds from the Medical Services Fund Retained Earnings to the CIP and Percent for Arts funds for construction of the new Fire Station #3. The Amendment will also transfer funds within the CIP Fund by transferring unused funds from the Station #2 remodel project to Station #3 construction project.

Background

June 19, 2012

The Council authorized $400,000 for property purchase for a new Station #3 as part of the FY2013 Budget.

June 17, 2014

The Council authorized $2,636,100 for construction of a new Station #3 as part of the FY2015 Budget.

June 16, 2015

The Purchasing Division received nine (9) bids in response to the Request for Proposal (RFP) for construction of Station #3. Eight (8) were deemed responsive to the RFP. Stacey Enterprises, Inc. was the successful bidder with a bid of $3,096,801.

July 21, 2015

The Council Office received an Administrative Transmittal requesting a Budget Amendment to provide an additional $740,002 for the new Fire Station #3.

July 27, 2015
The Administration entered into a contract with Stacey Enterprises, Inc. for construction of Phase I (footings and foundation) of Fire Station #3. The contract amount for Phase I is $791,750.

August 18, 2015
The Council set a public hearing for September 1, 2015 on the proposed FY2016 Budget Amendment. A work session was also held to review and discussed the proposed Budget Amendment.

Proposal

The Administration is requesting a budget amendment to add an additional $611,017 for construction of Station #3 and the corresponding $6,110 for Percent for Art. The source of these funds is the Medical Services Fund. The Administration would also like to transfer unused funds from Station #2 CIP Project to the Station #3 CIP Project and plans to use the unused remaining funds previously appropriated for land purchase.

Stacy Enterprises, Inc. was the successful bidder with a bid of $3,096,801. This amount was for construction only and did not include furnishings, architectural oversight, or contingency.

The total cost for Station #3 is as follows:

Total Cost - Station #3	
Contractor Total	$ 3,096,801
Furnishings	$ 200,000
Architectural Fee	$ 110,140
Contingency (4%)	$ 124,000
Total	**$ 3,530,941**

Because the $2,609,739 appropriated for Station #3 in the FY2015 budget is insufficient to cover all costs of construction, the Fire Chief has recommended using unused funds appropriated for the land purchase for Station #3 (previously transferred) and the remaining funds appropriated for Station #2 remodel to reduce the shortfall:

Funds Previously Appropriated/Available	
CIP--Station #3 & % for Arts	$ 2,609,739
CIP--Balance Station #2	$ 128,985
CIP Balance Land - Station #3	$ 181,200
Total	**$ 2,919,924**

Total Difference $ 611,017

The Medical Fund has sufficient retained earnings to cover the difference of $611,017 plus the $6,110 required for Percent for Art.

Question Please review the proposed budget amendment.

Council Staff Contact: Janene Eller-Smith, (801) 629-8165

Ogden City Council Transmittal

Date: July 16, 2015

To: Ogden City Council

From: Mike Mathieu, Fire Chief

Re: Station 3 Replacement

Executive Summary

CIP Project Station #3 was projected to cost $2,636,100. This projection was based on estimates of similarly built fire stations as recent as 3-5 years ago in this area. This estimate was for design, construction, and furnishings.

Bids from responsive contractors to award this work have come in close to $3,100,000 for construction without architectural services of $110,000. This does not include any funding for other ancillary costs, furnishings, or contingency. This is a budget opening request for additional funding of $611,017 and the re-appropriation of $128,985 balance in the remodel of station #2 CIP for a total of $740,002 to complete the project.

Background

Fire Station #3 replacement has been a top priority for the Fire Department and City since the 2007 Fire Management Audit called it out for replacement. The current fire station #3 located at 330 South Washington Blvd. was built in 1946-47 and was recommended to be replaced for a variety of reasons. In 2012, the land was purchased to build a new station #3 located at 450 East North Street. This general location was identified within the audit to improve and balance response time capability within the City due to boundary growth since 1946.

The funding estimates used in the CIP request were predicated upon discussions with general contractors in the area whom recently built (last 3-5 years) fire stations of similar size and function for other fire departments. Original costs estimates of $2,200,000 for the station and $400,000 for architectural and furnishings was believed to be sufficient. We received 9 bids, of which 8 were considered responsive. The bid preferred for building the station was $3,096,801. This does not include funding for architectural services, furnishings, or contingency.

The following is a breakdown of financial elements:

Contractor Total	$3,096,801
Furnishings	$200,000
Architectural	$110,140
Contingency 4%	$124,000
Total Cost	**$3,530,941**

Current Funding Allocations

CIP Station #3 –1%Arts	$2,609,739
CIP Balance St #2	$128,985
CIP Balance Land St #3	$181,200
Total Revenue	**$2,919,924**

Difference **$611,017**

The remaining CIP funds for land and improvements of $181,200 are already allocated for this project. The remaining funds from station #2 remodel of $128,985 and the additional $611,017 of new funds for a total of **$740,002** is what is necessary to complete the project as designed. Additionally we are taking this opportunity to use the same contractor for the epoxy floor for station #3 to redo the floor at station #1 as a maintenance issue at a reduced cost (separate funding) if station #1 floor was done independently.

Fiscal Impact

The proposal is to request the former station #2 remodel balance of $128,985 and $611,017 plus $6110 (1% Arts) for a total of $617,127 from the medical fund to be appropriated to complete the project. I believe the balance left in the medical fund can deal with any unforeseen medical fund operation matters that may arise in the near future.

Conclusion

The Fire Chief recommends using the amounts stated to be able to finish fire station #3 as originally designed. This station will prove to be a valuable asset to the City for many years to come.

For further information contact Chief Mathieu at (801)629-8068.

ORDINANCE NO. 2015-38

AN ORDINANCE OF OGDEN CITY AMENDING THE BUDGET FOR THE FISCAL YEAR JULY 1, 2015 TO JUNE 30, 2016 BY INCREASING THE ANTICIPATED REVENUES FOR A GROSS INCREASE OF $1,234,254 FROM SOURCES AS DETAILED IN THE BODY OF THIS ORDINANCE; AND INCREASING THE APPROPRIATIONS FOR A GROSS INCREASE OF $1,234,254 AS DETAILED IN THE BODY OF THIS ORDINANCE; AND PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE IMMEDIATELY UPON POSTING AFTER FINAL PASSAGE.

WHEREAS, after due consideration, the Council of Ogden City has approved the proposed modifications as described herein.

The Council of Ogden City hereby ordains:

SECTION 1. Anticipated revenues, transfers and adjustments for the 2015-2016 budget altered, increased and decreased. The anticipated revenues, transfers and adjustments for the various funds of the 2015-2016 budget are hereby changed as hereinafter set forth, with net adjustments of $1,234,254, as detailed in Schedule "A", which is attached hereto and made a part by reference.

SECTION 2. Appropriations from the 2015-2016 budget altered, increased and decreased. The appropriations for various funds of the 2015-2016 budget are herein altered, increased and decreased by net adjustments of 1,234,254, as follows:

Appropriations increased since June 30, 2015 as detailed in Schedule "B", which is attached hereto and made a part hereof by reference.

SECTION 3. Effective date. This ordinance shall become effective immediately upon posting after final passage.

PASSED, ADOPTED AND ORDERED POSTED by the Council of Ogden City, Utah, this _____ day of _____, 2015.

_____
CHAIR

ATTEST:

_____
Tracy Hansen, City Recorder

Transmitted to the Mayor on _____

Mayor's Action: ____ Approved ____ Vetoed

_____
Michael P. Caldwell, Mayor

ATTEST:

_____
Tracy Hansen, City Recorder

Posting Date: _____

Effective Date: _____

Approved as to Form: _____
Legal Date

OGDEN CITY
BUDGET OPENING - FY 2016 FIRE STATION #3 CONSTRUCTION
REVENUE SCHEDULE
SCHEDULE "A"

	Account Title	Account Number		Amount
Medical Services Fund				
	Use of Retained Earnings - Operations	5200-1-83002	$	611,017
	Use of Retained Earnings - Operations	5200-1-83002	$	6,110
	SUB TOTAL MEDICAL SERVICES FUND		**$**	**617,127**
CIP Fund				
	Contribution for Medic Services Fund	4100-1-84006	$	611,017
	Transfers - Percent for Arts	4100-1-84003	$	6,110
	SUB TOTAL MEDICAL SERVICES FUND		**$**	**617,127**
TOTAL REVENUE BUDGET			**$**	**1,234,254**

OGDEN CITY
BUDGET OPENING - FY 2016 FIRE STATION #3 CONSTRUCTION
REVENUE DETAIL SCHEDULE

Item Title	Description	Amount
Medical Services Fund		
Use of Retained Earnings	Fire station 3 replacement CIP additional funding. CIP project FI016	$ 611,017
Use of Retained Earnings	Fire station 3 replacement CIP additional funding, percent for arts	$ 6,110
	SUB TOTAL MEDICAL SERVICES FUND	**$ 617,127**
CIP Fund		
Contribution for Medic Services Fund	Fire station 3 replacement CIP additional funding. CIP project FI016	$ 611,017
Transfers - Percent for Arts	Fire station 3 replacement CIP additional funding, percent for arts	$ 6,110
	SUB TOTAL CIP FUND	**$ 617,127**
	TOTAL REVENUE BUDGET	**$ 1,234,254**

OGDEN CITY
BUDGET OPENING - FY 2016 FIRE STATION #3 CONSTRUCTION
APPROPRIATION SCHEDULE
SCHEDULE "B"

	Account Title	Account Number	CIP #		Amount
Medical Services Fund					
	Transfer to CIP Fund	5200-1-09-400500-41001		$	611,017
	Transfer to CIP Fund	5200-1-09-400500-41001		$	6,110
	SUB TOTAL MEDICAL SERVICES FUND			**$**	**617,127**
CIP Fund					
	Fire Station 3 Construction	4100-1-02-400100-32002	FI016	$	740,002
	Fire Station 2 Remodel	4100-1-02-400100-32001	FI031	$	(128,985)
	Percent for the Arts	4100-1-01-200100-33000		$	6,110
	SUB TOTAL CIP FUND			**$**	**617,127**
TOTAL APPROPRIATIONS				**$**	**1,234,254**

OGDEN CITY
BUDGET OPENING - FY 2016 FIRE STATION #3 CONSTRUCTION
APPROPRIATION DETAIL SCHEDULE

	Item Title	Description	Amount
Medical Services Fund			
Fire-Medical Services	Transfer to CIP Fund	Transfer to the CIP fund for CIP FI016, fire station 3 construction.	$ 611,017
Fire-Medical Services	Transfer to CIP Fund	Transfer to the CIP fund for percent for arts on fire station 3 construction.	$ 6,110
		SUB TOTAL MEDICAL SERVICES FUND	**$ 617,127**
CIP Fund			
Fire	Fire Station 3 Construction	Additional allocation to FI016, fire station 3 construction.	$ 740,002
Fire	Fire Station 2 Remodel	Reduction of fire station 2 remodel, CIP FI031.	$ (128,985)
Management Services	Percent for the Arts	Additonal funding for percent for arts, due to appropration of Medical Services fund balance for fire station 3 construction.	$ 6,110
		SUB TOTAL CIP FUND	**$ 617,127**
		TOTAL APPROPRIATIONS	**$ 1,234,254**

REZONE OF PROPERTY EAST OF THE WEBER RIVER IN WEST OGDEN FROM M-2 TO O-1

COUNCIL DETERMINATION:

- **Approve/not approve rezone**

PLANNING COMMISSION RECOMMENDATION: **Approval of the rezone (8-0)**

Executive Summary

As recommended in the West Ogden Community Plan two parcels of open space in west Ogden are proposed to be rezoned from M-2 to O-1. The properties are both on the east side of the Weber River and have been identified in the West Ogden Community Plan as areas that should be rezoned from their current manufacturing designation to the open space designation. The parcels are owned by Weber County with the larger of the two being the parcel on which Fort Buenaventura is located.

Background

In 2014, the Planning Commission and the Council reviewed and approved the West Ogden Community Plan. Within that plan were several areas of West Ogden that were identified as potential areas for zone changes. One of the areas was the area east of the Weber River and west of the railroad tracks south of 24th Street. The open space west of the river, which includes the landfill site, is currently zoned O-1. The two subject parcels, both owned by Weber County, are currently zoned M-2 but have no manufacturing uses on them. It is not anticipated that the railroad would need to expand their use onto these properties. Also, with limited vehicular access, it is unlikely that these properties would be used for manufacturing or industrial uses in the future.

August 18, 2015

The proposed rezone was reviewed by the Council at the August 18, 2015 meeting. No changes were directed as a result of the review.

Current Proposal

The current proposal is to rezone two parcels on the eastern bank of the Weber River from M-2 to O-1.

Planning Commission

The proposal was reviewed by the Planning Commission at the May 6, 2015 meeting and a recommendation of approval was forwarded to the Council with a vote of 8-0. The Commission's recommendation was

based on the finding that the O-1 zoning is consistent with the character of the area, that it does not divide lots, it better reflects the overall current development patterns, and that it is consistent with policies of the General Plan and the West Ogden Community Plan.

Public Comment

No public comment was received at the May 6, 2015 meeting regarding this amendment.

Attachments

1. Transmittal
2. Ordinance 2015-39
3. Planning Commission Report
4. West Ogden Community Plan page

Memos Prepared By: **Administrative Contact:** **Greg Montgomery, 629-8931**
Council Staff **Glenn Symes, 629-8164**

RECEIVED
MAY 19 2015
OGDEN CITY
COUNCIL OFFICE

OGDEN CITY COUNCIL TRANSMITTAL

DATE: May 8, 2015

TO: Ogden City Council

THRU: Mark Johnson, CAO

FROM: Tom Christopulos, CED Director

RE: Consideration to rezone from M-2 to O-1 the property along the east side of the Weber River between 24th Street and 30th Street.

STAFF CONTACT: Greg Montgomery, Planning Manager

REQUESTED TIMELINE: June 2, 2014

RECOMMENDATION: Approval of rezone from M-2 to O-1 the property along the east side of the Weber River between 24th Street and 30th Street.

DOCUMENTS: Ordinance and Staff report

DISCUSSION

There are 2 tracts of land to be considered for this rezone. One is the 4.21 acre property owned by Ogden City that is situated immediately south of the 24th Street viaduct between the railroad yards and the Weber River. It is largely inaccessible by motorized vehicles at this time. Although the property being considered is across the river to the east it still contributes to the Weber River parkway experience as it transitions into the Serge Simmons ball fields. The other property to be considered for this rezone is the 44.65 acres of Weber County owned land that makes up Ft Buenaventura and as it extends to the rail road tracks to the south. The prevailing character of both these areas is riparian open space. For that reason O-1 is appropriate. It should also be noted that these areas were designated O-1 as part of the West Ogden Community Plan that was adopted in 2014.

The rezoning of these parcels will be the implementation of the West Ogden Community Plan and helps to preserve this area of flood plain as park land. It helps to preserve the Weber River corridor that includes ball fields, dog park space, county park space and a heavily used bicycle/pedestrian pathway for future generations. The character of the site is riparian and contains an abundance of native vegetation. All the properties have at least similar zoning across the river. No zoning boundaries will cut across any property lines.

PLANNING COMMISSION ACTION

The Planning Commission reviewed this item on May 6, 2015 and a motion was made to recommend approval to rezone from M-2 to O-1, the properties along the east side of the Weber River between 24th Street viaduct and approximately 30th Street. The Planning Commission finding that the O-1 zoning at this location is consistent with the character of the area, does not divide lots, better reflects the overall current development patterns and is consistent with policies of the General Plan and the West Ogden Community Plan.

PLANNING COMMISSIONERS VOTE	Yes	No
Blaisdell	X	
Orton	X	
Southwick	X	
Schade	X	
Herman	X	
Patterson	X	
Atencio	X	
Wright	X	

CONCERNS OF CITIZENS

None

ORDINANCE NO. 2015-39

AN ORDINANCE OF OGDEN CITY, UTAH, AMENDING THE ZONING MAP OF OGDEN CITY, AS ADOPTED BY SECTION 15-3-3 OF THE OGDEN MUNICIPAL CODE, TO RECLASSIFY AS OPEN SPACE ZONE (O-1) PROPERTY HERETOFORE CLASSIFIED AS MANUFACTURING AND INDUSTRIAL ZONE (M-2), GENERALLY LOCATED ALONG THE EAST SIDE OF THE WEBER RIVER BETWEEN 24TH STREET AND 30TH STREET; AND PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE IMMEDIATELY UPON POSTING AFTER FINAL PASSAGE.

WHEREAS, the Ogden City Planning Commission, after notice and public hearing as required by law, reviewed a proposal to rezone from Manufacturing and Industrial Zone (M-2) to Open Space Zone (O-1) property generally located along the east side of the Weber River between 24th Street and 30th Street in implementation of the West Ogden Community Plan, and has recommended to the City Council that such property be rezoned as proposed.

WHEREAS, the Ogden City Council has determined that the proposed rezoning is necessary for the implementation of the West Ogden Community Plan and will be in the best interests of the City to rezone such property.

The Council of Ogden City hereby ordains:

SECTION 1. Zoning Map amended. The Zoning Map of Ogden City, as adopted by Section 15-3-3 of the Ogden Municipal Code, is hereby amended to reclassify as Open Space Zone (O-1) property heretofore classified as Manufacturing and Industrial Zone (M-2), generally located along the east side of the Weber River between 24th Street and 30th Street, and more particularly described as follows:

PARCEL 1:

AN IRREGULAR PARCEL OF LAND SITUATED IN THE SOUTHEAST QUARTER SOUTHEAST QUARTER OF SECTION 30, TOWNSHIP 6 NORTH, RANGE 1 WEST, SALT LAKE MERIDIAN, U.S. SURVEY, BOUNDED AND DESCRIBED AS FOLLOWS: BEGINNING AT A POINT IN THE CENTER OF THE WEBER RIVER AND IN THE EAST LINE OF SAID SECTION 30, WHICH POINT BEARS NORTH 0D43' EAST ALONG SAID EAST LINE A DISTANCE OF 533.97 FEET, MORE OR LESS, FROM THE SOUTHEAST CORNER OF SAID SECTION; THENCE NORTH 0D43' EAST ALONG SAID EAST LINE OF SECTION 30 A DISTANCE OF 660.03 FEET, MORE OR LESS, TO A POINT IN

THE SOUTHERLY RIGHT-OF-WAY LINE FOR THE PORTION OF THE EVONA BRANCH OF THE OREGON SHORT LINE RAILROAD COMPANY LEASED TO THE OGDEN UNION RAILWAY AND DEPOT COMPANY; THENCE NORTH 72D23' WEST ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, WHICH IS PARALLEL WITH AND 50.0 FEET DISTANT SOUTHWESTERLY MEASURED AT RIGHT ANGLES, FROM THE CENTERLINE OF THE WESTERLY TANGENT PORTION OF SAID MAIN TRACT PRODUCED SOUTHEASTERLY, A DISTANCE OF 146.0 FEET, MORE OR LESS TO A POINT THAT IS 54.2 FEET DISTANT SOUTHERLY, MEASURED AT RIGHT ANGLES, FROM THE MONUMENTED LINE OF 24TH STREET IN SAID CITY OF OGDEN; THENCE NORTH 89D02' WEST ALONG A STRAIGHT LINE THAT IS PARALLEL WITH AND 54.2 FEET DISTANT SOUTHERLY MEASURED AT RIGHT ANGLES, FROM SAID MONUMENTED LINE OF 24TH STREET A DISTANCE OF 325.0 FEET, MORE OR LESS, TO A POINT IN THE CENTER OF SAID WEBER RIVER; THENCE IN A GENERAL SOUTHEASTERLY DIRECTION ALONG THE FOLLOWING DESCRIBED CENTER LINE OF THE WEBER RIVER: SOUTH 6D04' WEST A DISTANCE OF 44.28 FEET, SOUTH 14D37' EAST A DISTANCE OF 126.71 FEET, SOUTH 32D40' EAST A DISTANCE OF 73.33 FEET, SOUTH 51D24' EAST A DISTANCE OF 142.83 FEET, SOUTH 33D45' EAST A DISTANCE OF 151.17 FEET, SOUTH 36D13' EAST A DISTANCE OF 291.66 FEET, SOUTH 29D40' EAST A DISTANCE OF 43.66 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

AND

PARCEL 2:

A PARCEL OF LAND SITUATE IN THE EAST 1/2 OF SECTION 31, TOWNSHIP 6 NORTH, RANGE 1 WEST, SALT LAKE MERIDIAN, OGDEN CITY, WEBER COUNTY, UTAH, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE EAST LINE OF SAID SECTION 31 FROM WHICH THE NORTHEAST CORNER OF SAID SECTION BEARS NORTH 0D42'57" EAST, A DISTANCE OF 53.3 FEET, SAID POINT BEING ON THE CENTER LINEOF THE WEBER RIVER; THENCE ALONG SAID CENTER LINE OF THE WEBER RIVER, THE FOLLOWING COURSES AND DISTANCES: SOUTH 49D05' WEST, A DISTANCE OF 96.7 FEET; SOUTH 41D58' WEST, A DISTANCE OF 95.9 FEET; SOUTH 13D25' WEST A DISTANCE OF 76.8 FEET; SOUTH 29D38' WEST, A DISTANCE OF 222.0 FEET; SOUTH 45D10' WEST A DISTANCE OF 417.2 FEET; SOUTH 11D15' EAST, A DISTANCE OF 324.4 FEET; NORTH 88D15' WEST, A DISTANCE OF 370.2 FEET; SOUTH 57D31' WEST, A DISTANCE OF 253.4 FEET; SOUTH 46D35' WEST, A DISTANCE OF 113.5 FEET; SOUTH 25D31' WEST, A DISTANCE OF 158.7 FEET; SOUTH 32D39' WEST, A DISTANCE OF 69.9 FEET; SOUTH 9D35' WEST, A DISTANCE OF 259.0 FEET; SOUTH 18D18' EAST, A DISTANCE OF 170.2 FEET; SOUTH 32D30' EAST, A DISTANCE OF 81.7 FEET; SOUTH 8D52'

EAST, A DISTANCE OF 388.3 FEET; SOUTH 6D48' EAST, A DISTANCE OF 89.0 FEET; SOUTH 80D50' EAST, A DISTANCE OF 404.2 FEET; SOUTH 13D03' WEST, A DISTANCE OF 203.3 FEET; SOUTH 36D39' WEST, A DISTANCE OF 271.7 FEET; SOUTH 47D13' WEST, A DISTANCE OF 74.1 FEET, MORE OR LESS, TO A POINT THAT IS 256.0 FEET DISTANT NORTHERLY, MEASURED AT RIGHT ANGLES, FROM THE WESTERLY PROLONGATION OF THE NORTH LINE OF 30TH STREET; THENCE ALONG A STRAIGHT LINE PARALLEL WITH AND 256.0 FEET DISTANT NORTHERLY, MEASURED AT RIGHT ANGLES, FROM SAID WESTERLY PROLONGATION OF SAID NORTH LINE OF 30TH STREET, WHICH IS APPROXIMATELY PARALLEL WITH AND 305.5 FEET, MORE OR LESS, DISTANT NORTHERLY, FROM THE CENTER LINE OFTHE SOUTHERLY MAIN TRACK OF THE OREGON SHORT LINE RAILROAD COMPANY, AS NOW CONSTRUCTED AND OPERATED SOUTH 89D43' EAST, A DISTANCE OF 229.46 FEET, MORE OR LESS, TO A POINT THAT IS 150.0 FEET DISTANT WESTERLY, MEASURED RADIALLY FROM THE CENTER LINE OF TRACK 570-B OF THE OREGON SHORT LINE RAILROAD COMPANY, SAID POINT ALSO BEING THE BEGINNING OF A NON-TANGENT CURVE CONCAVE NORTHWESTERLY, FROM WHICH POINT A RADIAL LINE BEARS NORTH 25D26'02" WEST, A DISTANCE OF 892.1 FEET; THENCE NORTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 53D15'58", AN ARC DISTANCE OF 829.36 FEET; THENCE TANGENT TO THE END OF THE LAST DESCRIBED CURVE NORTH 11D18' EAST, A DISTANCE OF 1409.37 FEET, MORE OR LESS, TO A POINT ON THE EAST LINE OF SAID SECTION 31; THENCE ALONG SAID EAST LINE NORTH 0D42'57" EAST, A DISTANCE OF 896.48 FEET, MORE OR LESS, TO THE TRUE POINT OF BEGINNING. CONTAINING 44.65 ACRES, M/L.

SECTION 2. Effective date. This Ordinance shall become effective immediately upon posting after final passage.

PASSED, ADOPTED AND ORDERED POSTED by the Council of Ogden City, Utah this ____ day of _____, 2015.

_____
CHAIR

ATTEST:

_____
Tracy Hansen, City Recorder

TRANSMITTED TO THE MAYOR ON: _____

MAYOR'S ACTION: _____APPROVED ____VETOED

_____
Michael P. Caldwell, Mayor

ATTEST:

_____
Tracy Hansen, City Recorder

POSTING DATE: _____

EFFECTIVE DATE: _____

APPROVED AS TO FORM: MHS 5/15/15
LEGAL DATE

May 6, 2015 **ATTACHMENT ITEM** MA J

OGDEN CITY PLANNING COMMISSION

SUBJECT: Public Hearing: Consideration to rezone from M-2 to O-1 Ft. Buenaventura as well as the areas along the Weber River corridor (east side) between 24th Street and 30th Street

REQUESTED ACTION: Approval to rezone from M-2 to O-1 the property along the east side of the Weber River between 24th Street and 30th Street

PLANNING STAFF RECOMMENDATION: Approve the rezone

FINDINGS FOR ACTION:
In considering this request, the Planning Commission will need to determine if the O-1 zone is consistent with the character of the area, does not divide lots, and better reflects current overall development patterns in the area.

CONTACTS:
Petitioner:
Ogden City (Planning)
2549 Washington Blvd.
Ogden, UT 84401

Staff: John Mayer
johnmayer@ogdencity.com

PAST ACTIONS AT THIS LOCATION: **None**

SITE INFORMATION:
Existing zone: M-2

Existing land use: county park/vacant land

APPLICABLE ORDINANCES:
15-14 in the Development Code shows "Open Space O-1" which is the prescribed zoning for park space and other public recreation grounds in Ogden City.
15-1-4 Changes and Amendments- This section spells out the procedure for initiating changes to the zoning code. It requires a public hearing before the Planning Commission, and spells out the noticing procedure to allow for public input on the proposal.

APPLICABLE GENERAL PLAN PROVISIONS
14.N. West Ogden Community Plan – The West Ogden Community Plan states in 14.N.9.C "Rezone the areas along the Weber River flood plains from M-2 to O-1 to protect the natural water feature".

8.E.1.2 Zoning should reflect the prevailing character of an overall district or neighborhood to the largest extent possible, with consideration being given to the use and characteristics of the individual properties. Districts determined to be in transition may be given special consideration.

A. CHARACTER OF AREA SURROUNDING REQUEST
To the south is the railroad corridor that runs east/west
To the west are areas already zoned O-1
To the north is the 24th Street viaduct
To the east are there are the rail yards

Area on the left of the river to be rezoned to O-1 (Area to the right is already zoned O-1)

Area south of 24th Street and east of the Weber River

B. DESCRIPTION OF PROJECT

The property that is being proposed for this rezone from M-2 to O-1 (zoning) includes two separate properties totaling almost 50 acres.

Fort Buenaventura

This area is mostly occupied by Fort Buenaventura, which is a Weber County Park. The other principle area for this rezone is the west side of the Weber River immediately to the south of 24th Street. This is a 4.21 acre parcel that is also owned by Weber County. This area is northeast of the Serge Simmons ball fields is prone to periodic flooding. (Designated Floodway AE by FEMA Flood Insurance Rate Map) It does have potential as future park space, but as yet is undeveloped. This area is largely inaccessible to vehicular traffic at this time. The rezone to O-1 of this land would be an impetus to tie it into the park land to the southwest (Serge Simmons and Ft. Buenaventura). Ft Buenaventura occupies almost 44.65 acres almost all of it east of the river. Ogden City has a practice of zoning park land O-1. That is appropriate for these lands as they are park land or will be park land in the future. It is also an implementation measure of the West Ogden Community Plan. All the land is in public ownership by either Weber County or Ogden City. The total rezone would be for 48.86 acres.

C. SUMMARY OF ISSUES

The Commission should look to see these properties can accurately reflect the uses in these areas.

D. STAFF ANALYSIS OF PROPOSAL

These parcels are located in the West Ogden Community Plan. Single Family residential is the most prevalent land use in this community. However, this property is either existing park land or semi-wooded flood plain mostly along the east side of the Weber River. It is appropriate that these properties be tied to and perhaps someday included into the local park system. Rezoning the property is a logical step to making these lands part of the park experience that are there

today. If left as M-2 zoning, the development potential is limited. These areas do not have good truck access, topography concerns, and being in the flood plain. It is not likely the railroads would need these properties in the future as they appear to have sufficient ground for their current an future operations. In considering this request the Commission should also consider all these applicable Community Policies. The following are also those policies, which Staff feels are applicable to the request and should be addressed as part of the review:

1. A definite edge to development and buffering between types of uses should be provided to protect the integrity of each use, e.g. between commercial and residential uses, between types of commercial uses.
   At the present time a physical edge does exist for these properties. The Weber River on the west and the Union Pacific railway on the east are edges. On the north side is the 24th Street viaduct and to the south is the Oregon Short Line RR tracks. The actual eastern boundary will be the West Ogden Community boundary on that side.

2. Zoning should reflect the prevailing character of an overall district or neighborhood to the largest extent possible, with consideration being given to the use and characteristics of individual properties. Districts determined to be in transition may be given special considerations.
   The character in this area on all sides has not changed for several years. It is mainly Weber River flood plain. This was expressed dramatically in 2012 when extensive flooding damaged the ball fields at Serge Simmons. The area is riparian in nature both in its proximity to the river and with the predominant vegetation.

3. Where possible, properties, which face each other across a local street, should be the same or similar zone. Collector and arterial roads may be sufficient buffers to warrant different zones.
   The property is tied to the river. All the land to the west (across the river) is already zoned O-1. There is a pronounced absence of streets in this area, and no permanent residents.

4. Zoning boundaries should not cut across individual lots or developments (i.e. placing the lot into two separate zones) Illogical boundaries should be redrawn to follow along property lines.
   This action would not create a zone line through an existing building or parcel.

E. ALTERNATIVE ACTIONS

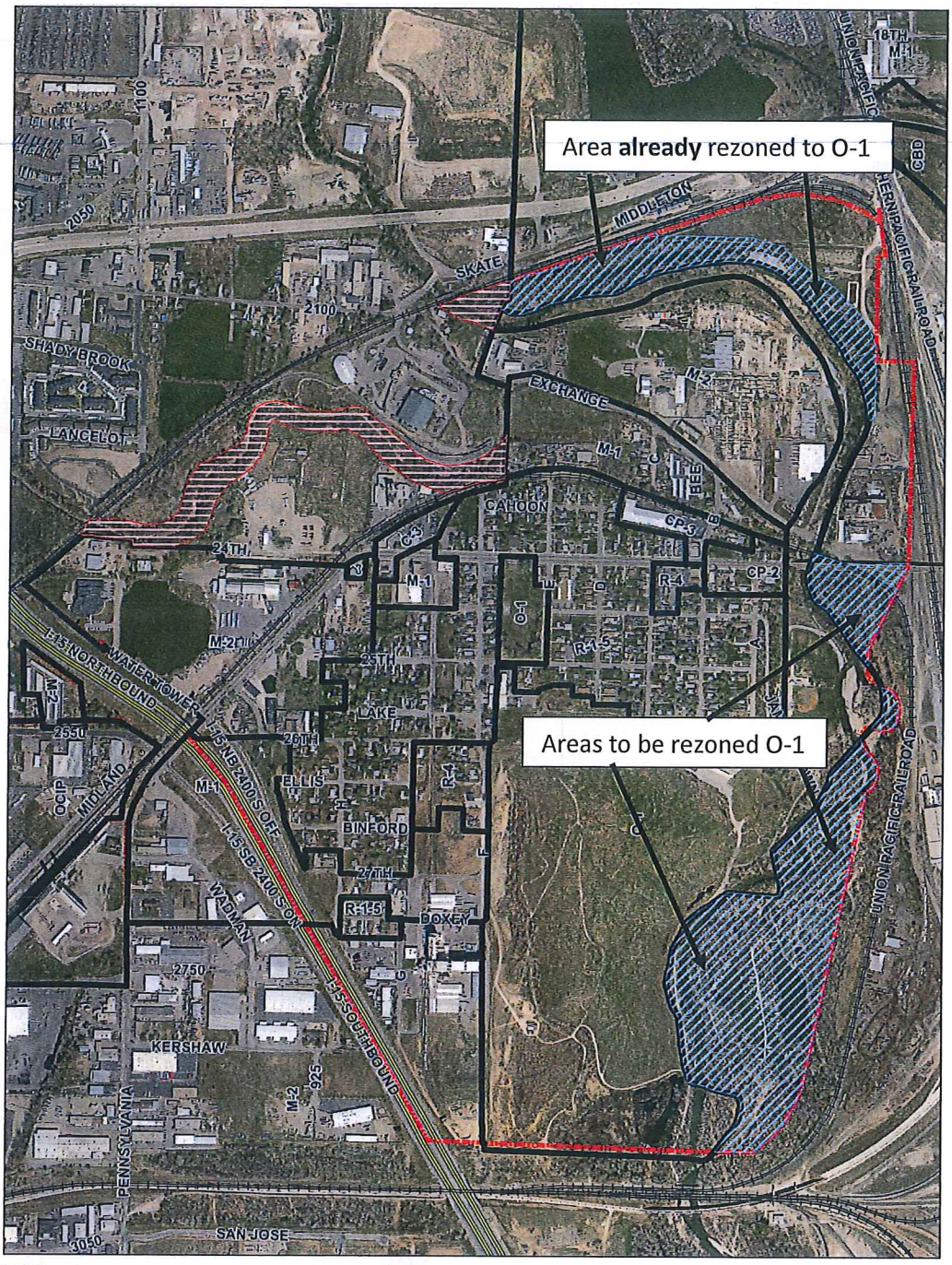
- Deny the rezone

G. STAFF RECOMMENDATION

Approval the rezone

ATTACHMENTS

1	Aerial photo
2	Plat map
3	Zoning map
4	Notices



WEST OGDEN COMMUNITY OPEN SPACE REZONING

Community Vision

- Annex and Zone to O-1
- Rezone to O-1
- Existing Zoning Boundaries
- West Ogden Community Boundary
- Ogden City Boundary

INVOLVE OGDEN

Prepared by Ogden City Planning 04/2013

0 250 500 1,000 1,500 2,000 Feet

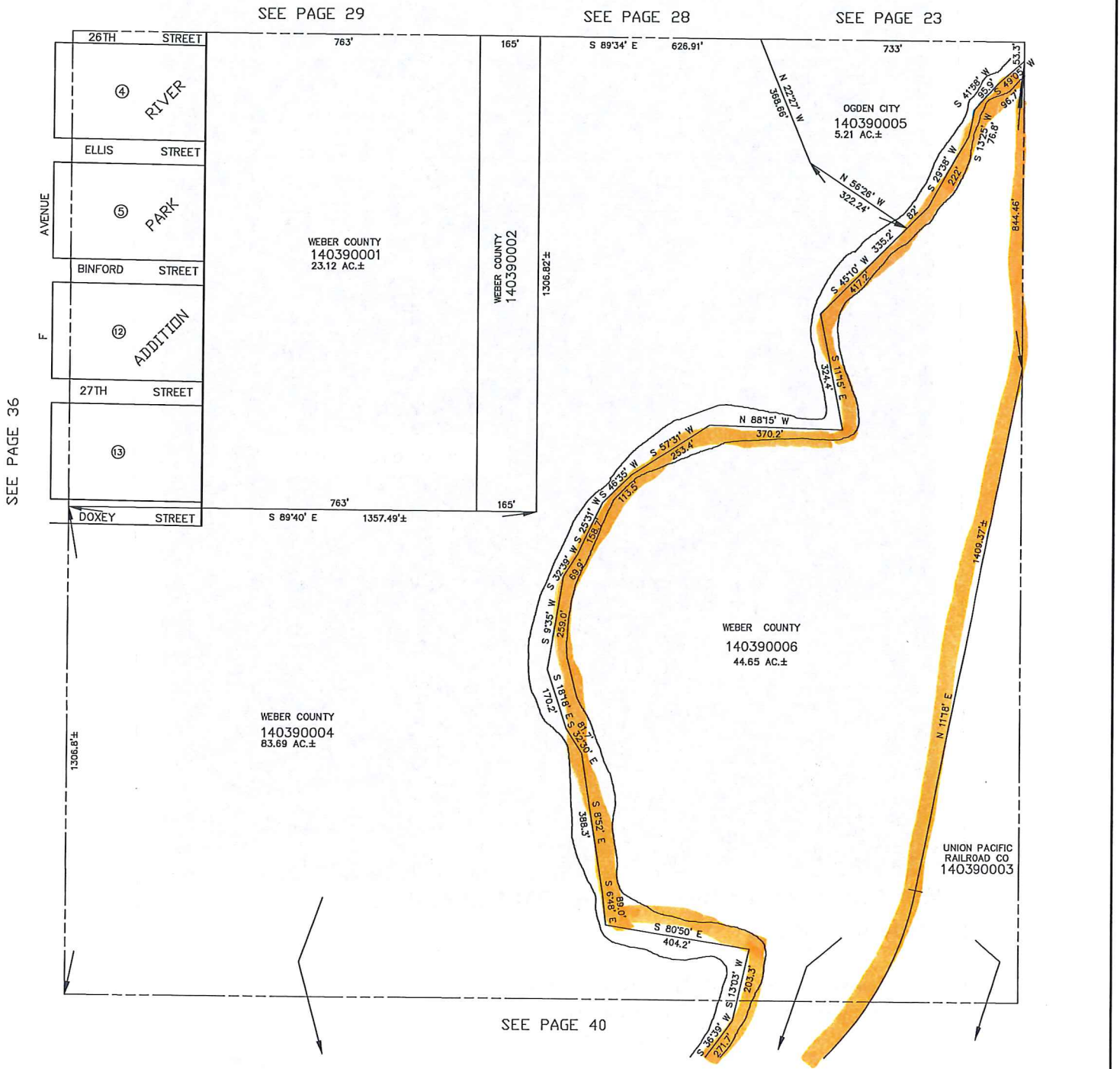
NE. 1/4

SECTION 31, T.6N., R.1W., S.L.B. & M.

IN OGDEN CITY

TAXING UNIT: 25

SCALE 1" = 200'



JPS 6-94

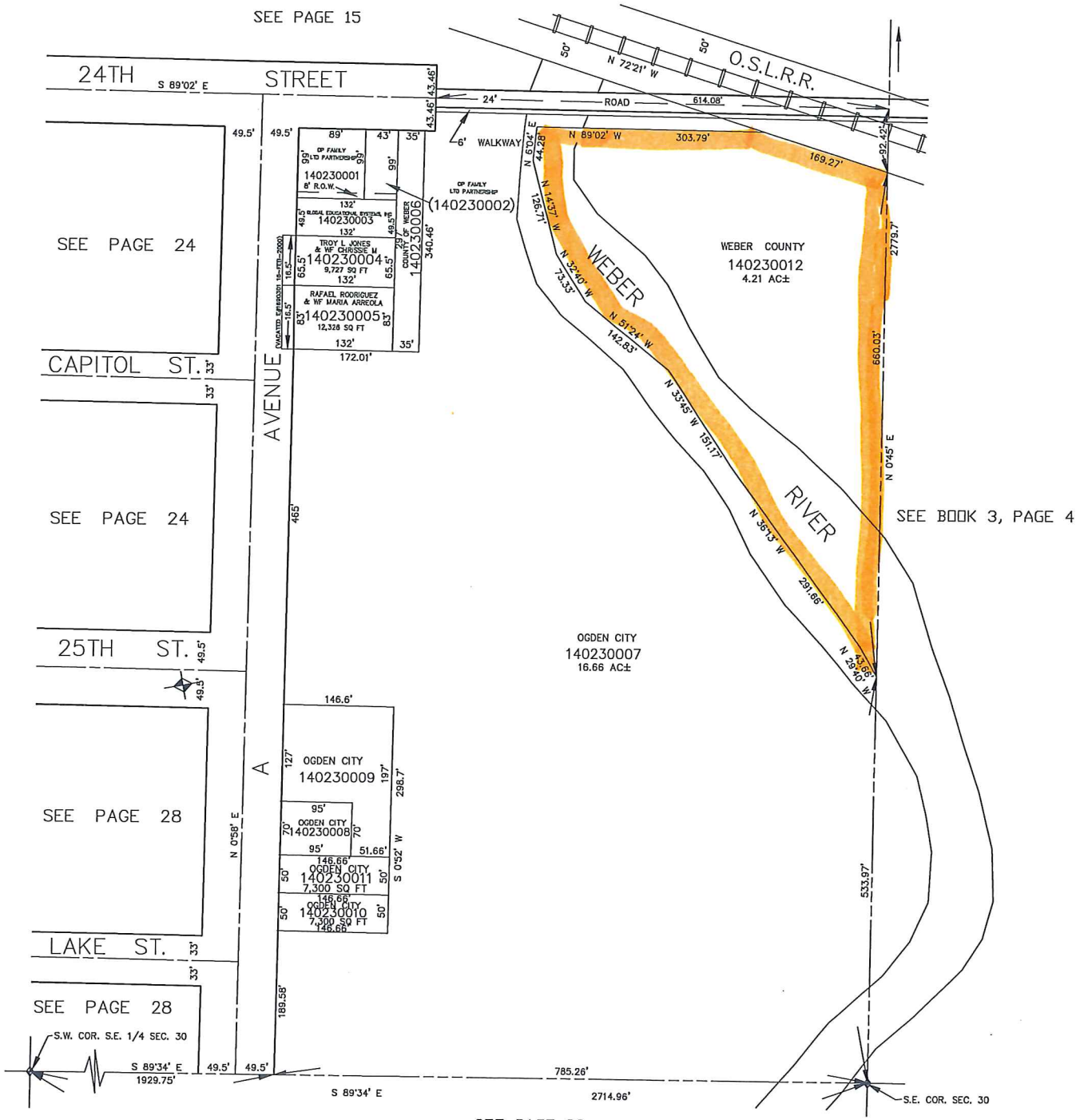
PART OF S.E. 1/4

SECTION 30, T.6N., R.1W., S.L.B. & M.

IN OGDEN CITY

TAXING UNIT: 25

SCALE 1" = 100'



SEE PAGE 39

BMO 8-94

LAND USE

9. Expand and Protect Open Spaces

There are two areas at the north and northwest end of the community that are unincorporated property and cannot be developed due to access restrictions and no utilities. These areas include the Hooper Canal and the area located northwest of where the Weber River exits the current Ogden City boundary. This area includes the Weber River and a small piece of land to the north, which contains a portion of the Centennial Trail and is between the Weber River and rail-tracks. These areas should be assigned an open space (O-1) zoning designation when annexed into the City. The O-1 zoning will protect the existing riparian area and trails in the community. It will also ensure and allow trail and park developments.

There are areas in the community that are currently used for trails and open space, but have an intensive (M-2) manufacturing zoning. The community would like to see these areas rezoned O-1 to reflect their open space uses. These areas include the land encompassing Fort Buenaventura and the Weber River on the east and north edges of the community.

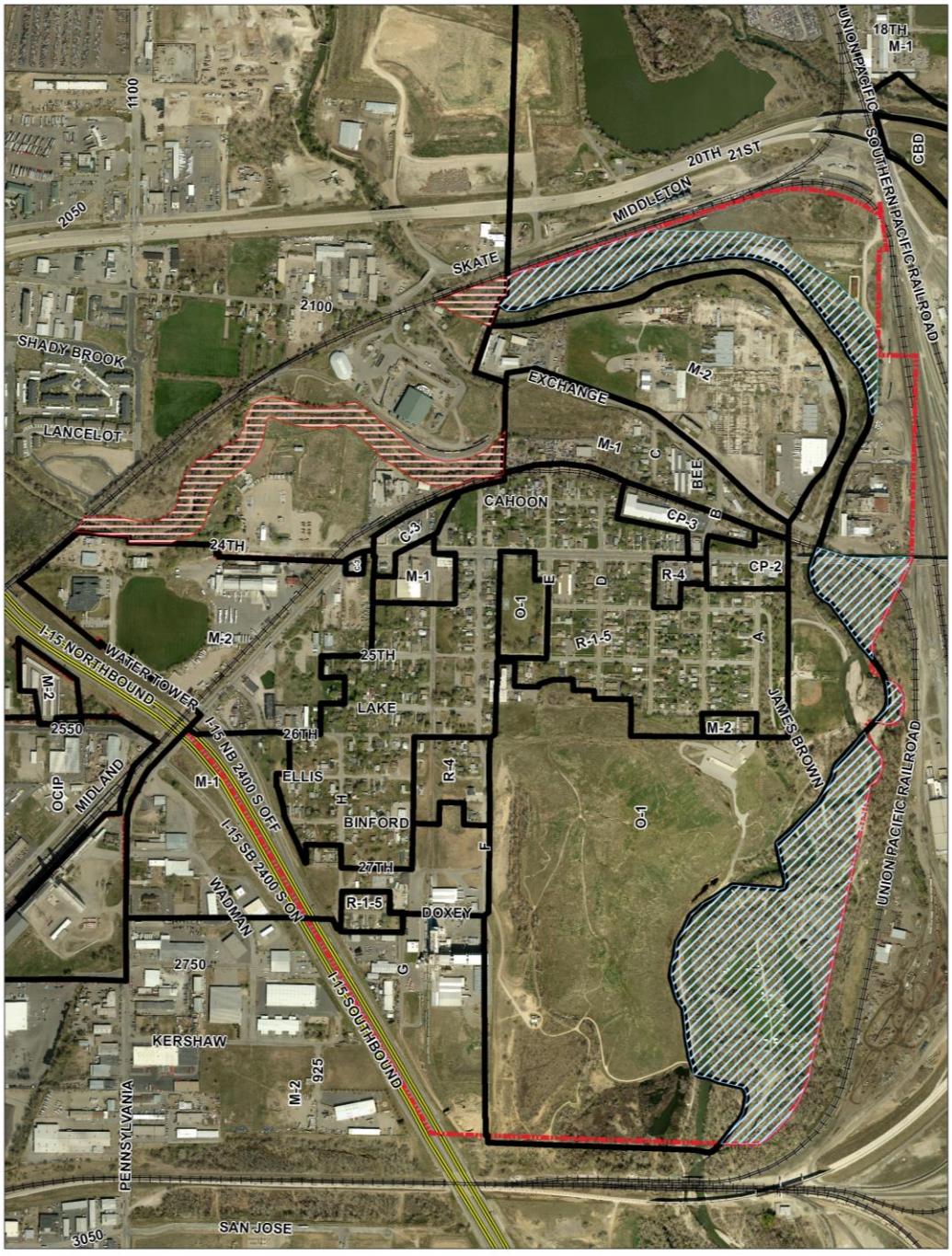
Weber County owns a piece of property on the East side of the Weber River, just south of the 24th Street rail-yard bridge. This property is isolated and cannot be accessed by vehicles. Foot-bridges over the Weber River is an option and could tie this area with the surrounding parks. Rezoning this property from manufacturing (M-2) to open space (O-1) zoning will be more fitting with this intended use.

Vision Strategies

9.A. The property encompassing the Hooper Canal be designated as an O-1 zone for the development of a trail connection to the west when annexed into the City.

9.B. Rezone the areas that make up the trails in the community to open space (O-1) zoning to preserve the trails. **High Priority**

9.C. Rezone the areas along the Weber River flood plains from M-2 to O-1 to protect this natural water feature. **High Priority**



WEST OGDEN COMMUNITY OPEN SPACE REZONING

Community Vision

Annex and Zone to O-1

Rezone to O-1

Existing Zoning Boundaries

West Ogden Community Boundary

Ogden City Boundary

INVOLVE OGDEN PLAN YOUR FUTURE

Prepared by Ogden City Planning 04/2013

Feet

0 250 500 1,000 1,500 2,000

REZONE OF PROPERTY ON LAKE STREET BETWEEN A AVENUE AND B AVENUE FROM M-2 TO R-1-5

COUNCIL DETERMINATION:

- **Approve/not approve rezone**

PLANNING COMMISSION RECOMMENDATION: **Approval of the rezone (6-2)**

Executive Summary

In 2014, the West Ogden Community Plan was reviewed and approved by the Council. As part of that plan, there were several areas within the west Ogden community that were identified for a potential rezone. This area, the properties on the south side of Lake Street between A Avenue and B Avenue, was identified as one of the areas to be rezoned. The purpose of the rezone as stated in the plan is to reduce the amount and intensity of manufacturing and industrial zoning. The proposed rezone is the implementation of the plan and would rezone five properties from M-2 to R-1-5.

Background

When the West Ogden Community Plan was developed and reviewed in 2013 and 2014, one of the goals of the plan was to rezone certain areas within the plan area to reduce the amount and intensity of the manufacturing and industrial zoning. There were several areas within the community that had previously been slated for more intense development but which were never actually developed that way. The plan identifies several of these areas and proposes that they be rezoned to residential zones to better accommodate the actual use of the properties.

While the properties proposed for rezone are primarily residential, there is one property among them that is an industrial use. The building on the east end of these properties, on the corner of A Avenue and Lake Street, is currently being used as a welding shop. The company, 123 Welding, Inc., could continue to operate after a rezone as a legal non-conforming use. Planning Staff has indicated that they would generate a certificate for them to secure their legal non-conforming status. The use, although industrial in nature, constitutes less than one quarter of the properties proposed for rezone. The remaining properties are either residential in nature or are vacant lots. The properties and uses to the north and to the west are residential in nature and the properties to the south and east are open space or recreational in nature. The small patch of manufacturing/industrial

zoning seems out of place among the other properties and uses and was thus identified in the plan as an area appropriate for rezoning.

August 18, 2015
The proposed rezone was reviewed by the Council at the August 18, 2015 meeting. No changes were directed as a result of the review.

Current Proposal

The current proposal is to rezone five parcels on the south side of Lake Street between A Avenue and B Avenue from M-2 to R-1-5.

Planning Commission

The proposal was reviewed by the Planning Commission at the May 6, 2015 meeting and a recommendation of approval was forwarded to the Council with a vote of 6-2. The Commission's recommendation was made with the finding that the lots better reflect the overall current development patterns and the rezone is consistent with policies of the General Plan and the West Ogden Community Plan. No reason for the two Commissioners' no vote was provided in the transmittal.

Public Comment

No public comment was received at the May 6, 2015 meeting; however, Planning Staff has indicated that a phone call was received after the meeting from the owner of one of the vacant lots indicating objection to the proposed rezone.

Attachments

1. Transmittal
2. Ordinance 2015-40
3. Planning Commission Report
4. West Ogden Community Plan page

Memos Prepared By: **Administrative Contact:** **Greg Montgomery, 629-8931**
Council Staff **Glenn Symes, 629-8164**

RECEIVED
MAY 19 2015
OGDEN CITY
COUNCIL OFFICE

OGDEN CITY COUNCIL TRANSMITTAL

DATE: May 8, 2015

TO: Ogden City Council

THRU: Mark Johnson, CAO

FROM: Tom Christopulos, CED Director

RE: Consideration to rezone from M-2 to R-1-5 the frontage property along the south side of Lake Street between A and B Avenues

STAFF CONTACT: Greg Montgomery, Planning Manager

REQUESTED TIMELINE: June 2, 2014

RECOMMENDATION: Approval of rezone of the properties along the south side of Lake Street between A and B Avenues from M-2 to R-1-5.

DOCUMENTS: Ordinance and Staff report

DISCUSSION

There are 5 properties along the south side of Lake Street between A and B Avenues. The one property at the corner of Lake and A Avenue is 123 Welding LLC. It is the only property that meets the prescribed land use (manufacturing) for the existing zoning. The other properties are either single family residential or vacant at this time. The existing M-2 zoning between A and B Avenues is an island of manufacturing surrounded by R-1-5 and O-1 (open space). The welding shop only amounts to 23.8% of the total land being considered for the rezone. The prevailing character of the area is clearly single family residential. It should also be noted that this area was designated for R-1-5 as part of the West Ogden Community Plan that was adopted in 2014.

Staff explained that the R-1-5 zoning at this location meets the standard tests for analysis of such zoning changes. The streets and O-1 zoning on the south satisfy the standard for an established edge. As mentioned above the character of the site is residential. All the properties except the welding shop have at least similar zoning across the street. No zoning boundaries will cut across property lines. A Planning Commissioner raised the question of the welding shop being non-conforming. He pointed out that this rezone would impact the existing business. Staff pointed out that zoning maps do not always reflect existing land use, and that the business could continue to function as a non-conforming use at its current location.

PLANNING COMMISSION ACTION

The Planning Commission reviewed this item on May 6, 2015 and a motion was made to recommend approval to rezone from M-2 to R-1-5, the properties along the south side of Lake Street between A and B Avenues. The Planning Commission finding that the R-1-5 zoning at this location is consistent with the character of the area, does not divide lots, better reflects the overall current development patterns and is consistent with policies of the General Plan and the West Ogden Community Plan.

PLANNING COMMISSIONERS VOTE	Yes	No
Blaisdell	X	
Orton	X	
Southwick		X
Schade	X	
Herman	X	
Patterson		X
Atencio	X	
Wright	X	

CONCERNS OF CITIZENS

After the meeting, staff received a phone call from one of the vacant property owners indicating their objection to the zoning due to the fact they had purchased the property "several" years ago for a future manufacturing use.

ORDINANCE NO. 2015-40

AN ORDINANCE OF OGDEN CITY, UTAH, AMENDING THE ZONING MAP OF OGDEN CITY, AS ADOPTED BY SECTION 15-3-3 OF THE OGDEN MUNICIPAL CODE, TO RECLASSIFY AS SINGLE-FAMILY RESIDENTIAL ZONE (R-1-5) PROPERTY HERETOFORE CLASSIFIED AS MANUFACTURING AND INDUSTRIAL ZONE (M-2), GENERALLY LOCATED ALONG THE SOUTH SIDE OF LAKE STREET BETWEEN A AVENUE AND B AVENUE, AND PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE IMMEDIATELY UPON POSTING AFTER FINAL PASSAGE.

WHEREAS, the Ogden City Planning Commission, after notice and public hearing as required by law, reviewed a proposal to rezone from Manufacturing and Industrial Zone (M-2) to Single-family Residential Zone (R-1-5) property generally located along the south side of Lake Street between A Avenue and B Avenue in implementation of the West Ogden Community Plan, and has recommended to the City Council that such property be rezoned as proposed.

WHEREAS, the Ogden City Council has determined that the proposed rezoning is necessary for the implementation of the West Ogden Community Plan and will be in the best interests of the City to rezone such property.

The Council of Ogden City hereby ordains:

SECTION 1. Zoning Map amended. The Zoning Map of Ogden City, as adopted by Section 15-3-3 of the Ogden Municipal Code, is hereby amended to reclassify as Single-family Residential Zone (R-1-5) property heretofore classified as Manufacturing and Industrial Zone (M-2), generally located as the frontage property along the south side of Lake Street between A Avenue and B Avenue, and more particularly described as follows:

> ALL OF BLOCK 18, WEST OGDEN ADDITION, OGDEN CITY, WEBER COUNTY, UTAH, INCLUDING THE LAND EXTENDING TO THE CENTERLINE OF THE STREETS ABUTTING THEREON.

SECTION 2. Effective date. This Ordinance shall become effective immediately upon posting after final passage.

PASSED, ADOPTED AND ORDERED POSTED by the Council of Ogden City, Utah this ____ day of _____, 2015.

_____
CHAIR

ATTEST:

_____
Tracy Hansen, City Recorder

TRANSMITTED TO THE MAYOR ON: _____

MAYOR'S ACTION: _____APPROVED ____VETOED

_____
Michael P. Caldwell, Mayor

ATTEST:

_____
Tracy Hansen, City Recorder

POSTING DATE: _____

EFFECTIVE DATE: _____

APPROVED AS TO FORM: MHS 5/15/15
LEGAL DATE

May 6, 2015 **ATTACHMENT ITEM 9I**

OGDEN CITY PLANNING COMMISSION

SUBJECT: Public Hearing: Consideration to rezone from M-2 to R-1-5 the frontage property along the south side of Lake Street between A and B Avenue

PETITIONER'S REQUESTED ACTION: Approval is requested to rezone from M-2 to R-1-5 the frontage property along the south side of Lake Street between A and B Avenue.

PLANNING STAFF RECOMMENDATION: Approval
(staff to generate a nonconforming certificate for the welding shop)

FINDINGS FOR ACTION
In considering this request, the Planning Commission will need to determine if the R-1-5 zone is consistent with the character of the area, does not divide lots, and better reflects current overall development patterns in the area.

CONTACTS
Petitioner:
Ogden City (Planning)
2549 Washington Blvd.
Ogden, UT 84401

Staff: John Mayer
johnmayer@ogdencity.com

PAST ACTIONS AT THIS LOCATION
None

SITE INFORMATION
Existing zone: M-2

Existing land use: single family residences and welding shop and vacant/abandoned lots

APPLICABLE ORDINANCES
15-15 in the Development Code shows "single family dwelling" which is the predominant use in this area as permitted in the R-1-5 zone

15-1-4 Changes and Amendments-

A. This title, including the zoning map, may be amended from time to time by the city council at a public meeting; provided that no amendment may be made unless the amendment was proposed by the planning commission or first submitted to the planning commission for its recommendation.

B. Prior to proposing or recommending any change to this title or the zoning map, the Planning Commission shall hold a public hearing at a public meeting. Notice of the date, place and time of the first public hearing shall be:
1. Mailed to each affected entity at least ten (10) calendar days before the public hearing; and
2. Posted:
   a. In at least three (3) public locations within the city; or
   b. On the city's official website; and
3. Published in a newspaper of general circulation in the city at least ten (10) calendar days before the public hearing; and
4. For any amendment to the zoning map, mailed at least seven (7) days before the public hearing to:

a. The record owner of each parcel to be rezoned; and

b. The record owner of each parcel located within three hundred feet (300') of the property to be rezoned regardless of whether such property is located within the jurisdictional boundaries of the city.

APPLICABLE GENERAL PLAN PROVISIONS

14.N. West Ogden Community Plan – The West Ogden Community Plan states in 14.N.8.A "Downzone the area south of Lake street, between A and B Avenues from M-2 to R-1-5.

8.E.1.2 Zoning should reflect the prevailing character of an overall district or neighborhood to the largest extent possible, with consideration being given to the use and characteristics of the individual properties. Districts determined to be in transition may be given special consideration.

A. CHARACTER OF AREA SURROUNDING REQUEST

To the south is the old land fill site that is zoned O-1
To the west are single family homes and B Avenue.
To the east is city park space and A Avenue
To the north are single family homes

B. DESCRIPTION OF PROJECT

The property that is being proposed for R-1-5 single family zoning includes five separate properties. The easternmost property at the southeast corner of Lake Street and A Avenue is 123 Welding Service. The remaining 4 properties between this industrial use and B Avenue are either single family homes or vacant parcels. The overall square footage is 34,272 square feet in Block 18 of the West Ogden Addition.

Vacant lot along the south side of Lake Street looking south into the O-1 zoned area

B
LAKE
Proposed rezone of this area to R-1-5
Ogden UTAH
Rezone south side of Lake St. Betw. A and B St. to R-1-5
N
1 inch = 60 feet

One of the single family homes along the south side of Lake Street between A and B Aves.

Property at the southwest corner of Lake Street and A Avenue (123 Welding LLC)

C. SUMMARY OF ISSUES

The Commission should look to see if this property can function comfortably as a single family zone even though it will contain a manufacturing land use inside it.

D. STAFF ANALYSIS OF PROPOSAL

These parcels are located in the West Ogden Community Plan. Single Family residential is the most prevalent land use in this community. 76.2 % of the land being proposed for this rezone is already single family residential or vacant. The property at the southwest corner of A Avenue and Lake Street is a "manufacturing" land use (123 Welding). Should this property be included into the R-1-5 (residential) zone as well as the other properties along this stretch of Lake Street? In considering this request the Commission should also consider all these applicable Community Policies. The following are also those policies, which Staff feels are applicable to the request and should be addressed as part of the review:

1. A definite edge to development and buffering between types of uses should be provided to protect the integrity of each use, e.g. between commercial and residential uses, between types of commercial uses.
   At the present time a physical edge does not exist between the existing M-2 island of properties being considered for this rezone and the O-1 zoned land to the south. The properties to the north, west and east have frontage on public streets, and are characterized by single family homes. This O-1 zoning to the south (the old landfill site) will be an amenity to residential development along the south side of Lake Street. Although the property to the east is also zoned R-1-5, it is a hillside that overlooks Serge Simmons Field and will be difficult to develop.

2. Zoning should reflect the prevailing character of an overall district or neighborhood to the largest extent possible, with consideration being given to the use and characteristics of individual properties. Districts determined to be in transition may be given special considerations.
   The character in this area to the north and west has not changed for several years. It is mainly a single family area. The structures on the land proposed for rezoning are single family homes except the welding shop on the corner of Lake and A Avenue. The park spaces to the east and south are additional reasons for the rezone. If rezoned the welding shop would be recognized as nonconforming with a certificate, however, single family residential is a better transitional zone to the adjacent park spaces in the area.

3. Where possible, properties, which face each other across a local street, should be the same or similar zone. Collector and arterial roads may be sufficient buffers to warrant different zones.
   The property directly across the street to the north, east and west is residential. As mentioned above the property to the south is the old land fill which is zone O-1.

4. Zoning boundaries should not cut across individual lots or developments (i.e. placing the lot into two separate zones) Illogical boundaries should be redrawn to follow along property lines.
   This action would not create a zone line through an existing building or parcel. However, as pointed out the property on the southwest corner of Lake Street and A Avenue has been a welding shop for many years. Although, the use will be

nonconforming (welding shop in the R-1-5), the majority of properties along this block are residential. It would be illogical to retain this one 8,161 square foot parcel in M-2 zoning when all around is O-1 or R-1-5.

E. ALTERNATIVE ACTIONS

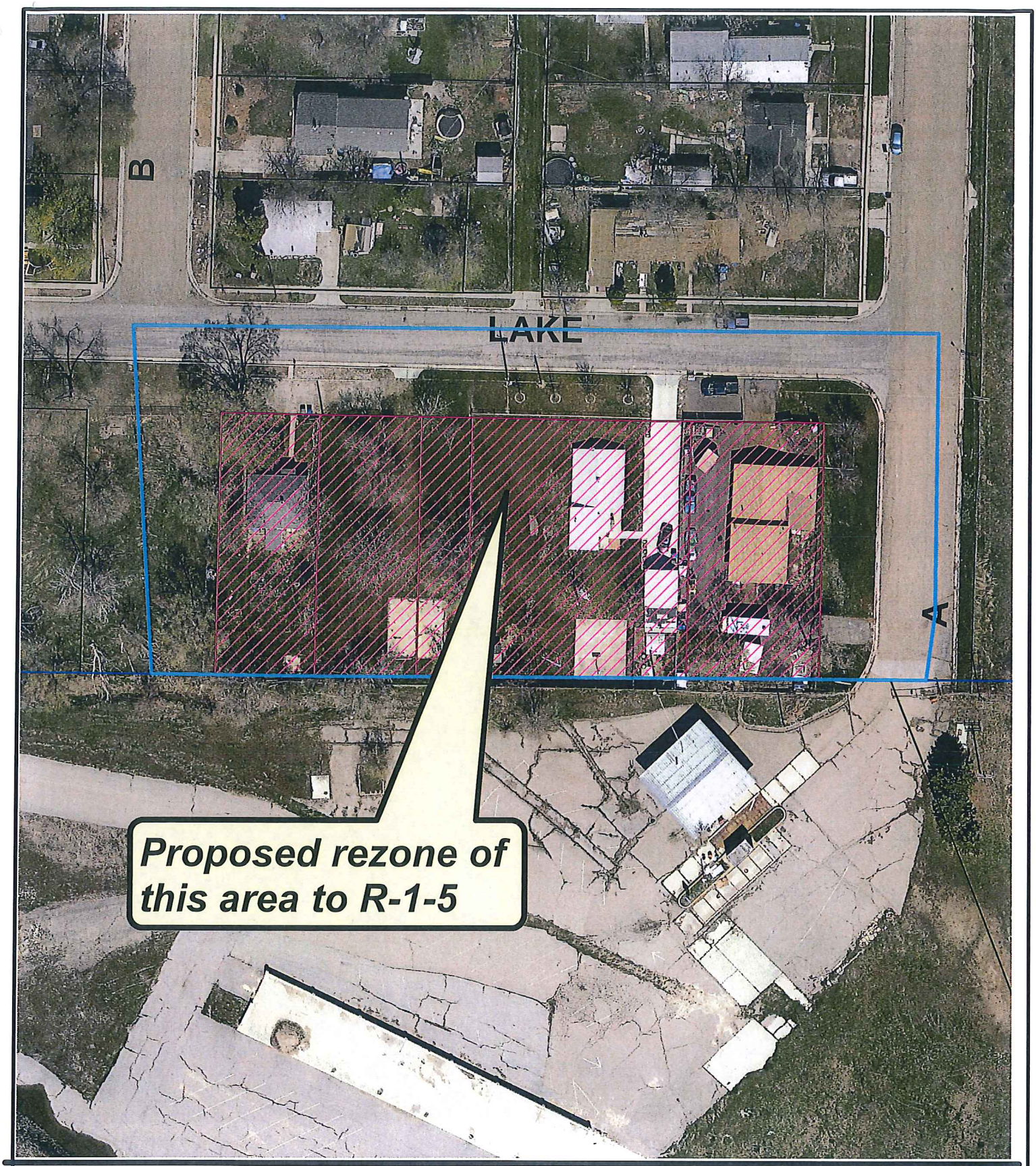
- Deny the rezone

G. STAFF RECOMMENDATION

Approve the Rezone
(staff to generate a nonconforming certificate for the welding shop)

ATTACHMENTS

1	Aerial photo
2	Plat maps
3	Zoning maps
4	Notices



Ogden UTAH planning

Rezone south side of Lake St. Betw. A and B St. to R-1-5

N

1 inch = 63 feet

R-4
CP-2
CAPITOL
D
C
B
A
25TH
R-1-5
JAMES BROWN
LAKE
M-2
O-1
M-2
UNION PACIFIC RAILROAD

PART OF THE S.E. 1/4, SEC. 30, T.6N., R.1W., S.L.B. & M.

WEST OGDEN ADDITION

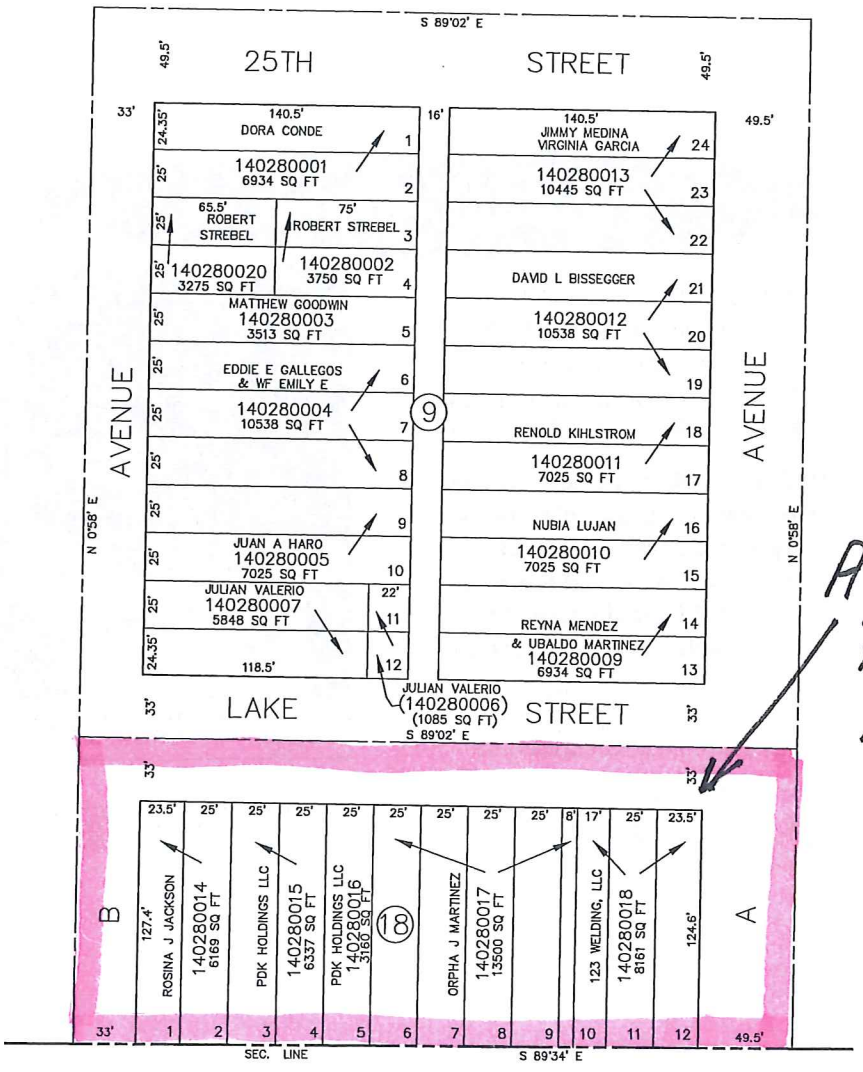
BLOCKS 9 & 18

TAXING UNIT: 25

IN OGDEN CITY

SCALE 1" = 50'

SEE PAGE 24



SEE PAGE 27

SEE PAGE 23

AREA TO BE REZONED M-2 → R-1-5

FOR COMPLETE ENG DATA SEE ORIGINAL DEDICATION PLAT IN BOOK 6, PAGE 18 OF RECORDS.

SEE PAGE 39

LAND USE

8. Reduce the Amount and Intensity of Manufacturing/ Industrial Zoning

The community recognizes that the manufacturing businesses in the area are good for the economy and provide jobs. Some uses are near residential homes and have negative impacts on the residential neighborhood. Issues of noise and dust particularly impact the residents that live close to the manufacturing uses. Some of the larger manufacturing uses existed in the community before many of the homes were constructed. These include the flour mill, cannery (where Grant Trucking is located), and the stockyards. As the homes began to develop in the community, the number of manufacturing buildings also increased around the already existing manufacturing businesses, placing manufacturing and residential uses closer together.

There is a strong desire to reduce the amount and intensity of manufacturing/industrial zoning in the community. Doing this will allow opportunities to strengthen the residential neighborhood and increase commercial/retail uses in the community. There are some manufacturing/industrial uses that are too intense for the community, some already existing and some that could be developed in the M-2 zones. The areas at the north end of the community zoned M-2 should be downzoned to M-1 to prevent additional salvage and junk operations from developing in the community. There are plans for the City to develop this area with an industrial park, which should be done with a master plan emphasizing improved design. The unincorporated area at the northeast end of Exchange Road should also be annexed into the City and be given a zoning designation of M-1. The area north of the Hooper Canal is already included in the City Annexation Plan and is to be designated with an M-1 zoning. The area zoned M-2 south of Lake Street, between A and B Avenues should be downzoned to R-1-5 to reflect the single-family uses in the area. The area zoned M-1 north of Binford Street, between F and G Avenues should be downzoned to R-1-5 to reflect the surrounding single-family homes.

Vision Strategies

8.A. Downzone the area south of Lake Street, between A and B Avenues from M-2 to R-1-5. **High Priority**

8.B. Downzone the area north of Binford Street, between F and G Avenues from M-1 to R-1-5.

8.C. Downzone the properties north of Exchange Road from M-2 to M-1 so future developments or expansions are more compatible with the community. **High Priority**

8.D. Develop a master plan for the potential industrial park adjacent to Exchange Road.

8.E. Annex the unincorporated area at the northeast end of Exchange Road with a zoning designation of M-1to tie with the developing industrial park to the east.

Residential Next to Industrial

City Council Meeting
COUNCIL STAFF REVIEW

OGDEN ARTS ADVISORY COMMITTEE– ORDINANCE AMENDMENTS

- ***Reestablishes City Management***
- ***Revises Advisory Committee Structure***
- ***Clarifies Arts Grants Funding Process and Adds Guidelines***
- ***Outlines Powers and Duties of Percent for Arts Subcommittee***

DETERMINATION: **Adopt or Not Adopt Ordinance**

Executive Summary

The Council will consider an Ordinance amending various provisions governing the Ogden Arts Advisory Committee.

Background

January 2014

Representatives from the CED and the City Attorney's Office, met with Council staff to discuss proposed changes that would be recommended with the FY2015 Budget. The Administration indicated it was their intent to terminate the outside contract with Ogden City Arts and reestablish management and oversight of City art programs under CED. CED outlined the intent to revamp the program to bring it back into alignment with City goals and objectives. After some discussion, the group outlined several action items:

1. Arts Grants
   a. Review and revise the arts grants process
   b. Align the recommendations from arts committee and administration
   c. Complete funding for FY2014 projects
2. Arts Committee
   a. Reestablish City management/oversight
   b. Establish clear policies, procedures and expectations
   c. Amend current committee ordinance
   d. Begin work on Arts Master Plan
3. CIP/Percent for Arts Ordinance

a. Review existing policies and procedures
b. Amend ordinance
   i. Align with existing practices/procedures (or change to preferred practices/procedures)
   ii. Clarify policy issues
      1. What's the appropriate level of funding
      2. What is funding source(s)
      3. Should there be limits on funding amounts
      4. Consider separating "building" projects from "pooled-fund" projects
   iii. Review funding levels, applications
   iv. Review funding process
   v. Review Council approval process, incorporating Arts Master Plan

June 2, 2015
The Council office received an Administrative Transmittal requesting the Council amend sections of the Ogden City Municipal Code relating to the Arts Advisory Committee and arts grants process.

July 7, 2015
The Council held a work session to review and discuss the proposed changes to the Ogden City Municipal Code relating to the Arts Advisory Committee. After discussion, the Council requested the following changes:

- Provide that a committee member elected to a leadership position (vice-chair, or chair) have their terms extended if necessary to allow them to complete the three-year leadership cycle through vice-chair, chair, and past-chair.
- Clarify the term "ephemeral."

Proposal

The Administration is proposing changes to Title 3 Chapter 16 Ogden Municipal Code to reflect changes in the governance of the City's arts programs. A summary of those proposed changes are as follows

3-16-1: Purpose

- Clarifies the advisory role of the committee
- Revises the purpose statements to align with the committee's functions
- Adds new provision that the committee serves as the municipal cultural council (required for grants funding applications)

3-16-2: Organization

- Imposes term limits
- Provides a succession plan for chair, vice-chair, and past chair

3-16-3: Powers and Duties

- Specifies that the committee will work under the direction of the arts coordinator
- Clarifies arts grant funding process involvement
- Adds advisory role on percent for arts projects, arts master plan, Mayor's awards, and art stroll
- Adds responsibility for RAMP funding applications
- Adds responsibility to coordinate ephemeral art for receptions or public events

3-16-4: Conflicts of Interest/Ethics

- No Changes

3-16-4: Guidelines for Arts Funding (Renamed from "Sunset Provision")

- Establishes that committee acts under direction of arts coordinator
    - Recommend distribution of arts grants
    - Appoint a grants subcommittee
- Establishes process for arts grants recommendations
    - Review applications
    - Recommend minimum requirements, criteria, deadlines, application forms, and other documentation
    - Submit recommendations to CED
- Establishes criteria for grants
    - Meets 10-8-2 requirements

  - Must be used to support and promote arts development
  - City must receive value
  - Support grants awarded only to organizations with principal place of business in Ogden City
  - Project grants awarded to individuals or organizations
  - Recipient must enter into an agreement
- City Council retains final decision making authority

3-16-6: Percent for Arts; Administration (New) (Establishes Powers and Duties)

- Assist with administration of percent for arts program
  - Recommend procedures, implementation of program to Mayor
  - Recommend artist for public art projects, review design, execution, etc.
  - Appoint design subcommittee annually
- Establishes subcommittee members and duties
  - Subcommittee Members
    - Three members of the Ogden City arts advisory committee,
    - Department director or designee
    - General members of the public as appropriate
    - CED director or designee (non-voting)
    - One City Council member or designee (non-voting)
  - Duties
    - Recommend scope of specific percent for arts projects consistent with Arts Master Plan
    - Make recommendations regarding artist selection
    - Review major public art projects
    - Review applications

CS Note: The Administration and Council Staff are still working through issues relating to changes to the Percent for Arts ordinance. Those ordinance changes will come at a later date.

Questions

Please review the proposed ordinances affecting the Arts Advisory Committee.

Please highlight the changes made to the proposed ordinance at the Council's request.

Council Staff Contact: Janene Eller-Smith, (801)629-8165

Ogden City Council Transmittal

RECEIVED
JUN 02 2015
OGDEN CITY
COUNCIL OFFICE

Date: May 29, 2015
To: Ogden City Council
From: Mark Johnson, CAO
RE: Revision of Ogden City Arts Advisory Committee ordinance

Staff Contact: Tom Christopulos, CED
Requested Timeline: As soon as possible
Recommendation: Adoption of ordinance
Documents: Proposed ordinance

Executive Summary

The Ogden City Arts Advisory Committee performs a valuable service through and under the direction of the Ogden City Arts Coordinator in the areas of arts advocacy, administration of the percent for art program, the arts grants program, the Mayor's awards in the arts and first Friday art stroll. Modifications are being proposed to the ordinance authorizing the Arts Advisory Committee to clarify the Committee's roles and responsibilities.

Background

For the past ten years, the Arts Advisory Committee was managed by an outside contractor. During fiscal year 2015, City Administration moved the management of arts programs back to Ogden City. The change in management necessitates changes to the ordinance to more accurately describe the structure of the Arts Advisory Committee, the relationship between the Ogden City Arts Coordinator and the Arts Advisory Committee, and the duties and responsibilities of the Arts Advisory Committee.

Proposal

Section 1 of the ordinance proposes the following changes to Title 3 Chapter 16 of the Ogden City Code:

Subsection 3-16-1, in new subsection F, is modified to establish the Arts Advisory Committee as the municipal cultural council for Ogden City. This is a reference to a state law designation to allow the Committee to apply for funding through Weber County Recreation, Arts, Museums and Parks.

In subsection 3-16-2.D, the terms of office and duties of chair, vice chair and past chair are clarified as well as the line of succession.

Subsection 3-16-3.C clarifies the process for recommending funding to be distributed through the arts grants program.

Subsection 3-16-3 also outlines the powers and duties of the Arts Advisory Committee in the areas of advising on the percent for art program (F), the arts master plan (G), the Mayor's awards in the arts (H), the first Friday art stroll (I), grant funding (J), the coordination of ephemeral art (K), and the planning of arts on the town (L), to better reflect the activities of the Arts Advisory Committee.

In subsection 3-16-5, the sunset provision was removed and guidelines for arts grant funding were added. The guidelines (3-16-5.A – D) go into detail about the relationship between the Ogden City Arts Coordinator and the Arts Advisory Committee and the appointment of a subcommittee to oversee the recommendation of arts grants. This subsection details that the grant subcommittee will have five

(5) members, at least three of whom will be members of the arts advisory committee as well as members of the general public, as appropriate, and stipulates that a representative from community and economic development and a City Council member be included on the grants subcommittee as ex officio members. The grant subcommittee will adhere to the guidelines for grant applications and prepare recommendations for funding.

Subsection 3-16-5 also adds additional detail regarding minimum guidelines for grants. There is language establishing that up to forty percent (40%) of appropriated funds be allocated to general support grants for ongoing community organizations. The balance of funding will be allocated to project support grants.

Subsection 3-16-6 (A-B) outlines the duties of the Arts Advisory Committee in connection with determining recommendations for the percent for art program. The Arts Advisory Committee will appoint a design subcommittee comprised of members of the Arts Advisory Committee, members of the general public, a representative from community and economic development (ex officio) and a City Council member (ex officio).

Section 2 includes a transition clause to recognize that the provisions of this ordinance applicable to the percent for art process supersede contrary provisions in title 4, article C of Ogden City Code.

Fiscal Impact

None.

ORDINANCE NO. 2015-41

AN ORDINANCE OF OGDEN CITY, UTAH, AMENDING TITLE THREE CHAPTER SIXTEEN OF THE OGDEN MUNICIPAL CODE TO RESTATE THE PURPOSE, ORGANIZATION, AND POWERS AND DUTIES OF THE OGDEN CITY ARTS ADVISORY COMMITTEE; AND BY PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE IMMEDIATELY UPON POSTING AFTER FINAL PASSAGE.

The Council of Ogden City hereby ordains:

SECTION 1. Section amended. Chapter 16 of Title 3 of the Ogden Municipal Code is hereby amended to read and provide as follows:

3-16-1: [PURPOSE:]

This chapter is enacted and intended for the purpose of establishing, by ordinance, the Ogden City arts advisory committee, [~~hereinafter referred to as "Ogden City arts",~~] whose purpose shall be to foster an environment where the arts can thrive and become an integral part of the infrastructure of the city. The goals of the Ogden City arts advisory committee acting in conjunction with the Ogden City arts coordinator shall be:

A. [~~To advise city officials on matters of cultural planning and development within the community;~~]

A. [~~B~~]. To [~~create,~~] recommend [~~and implement~~] arts policies for the city;

B. [~~C~~]. To coordinate and administer defined arts functions;

C. [~~D~~]. To assist in the nourishment of a positive image for the community that will benefit residents, attract visitors, and enhance the vision for Ogden's future;

D. [~~E~~]. To educate the public, promote the arts, and increase public awareness of the benefits the arts provide for a well rounded community;

F. [~~To serve as a cultural resource center for the arts in all disciplines and at all levels;~~]

G. [~~To assist local cultural organizations in strengthening their arts programming;~~]

E. [~~H~~]. To provide financial resource information and assistance to artists and art organizations; and

[~~I. To advise the planning commission the mayor and the city council on the aesthetic quality of planned public developments.~~]

F. To serve as the municipal cultural council for Ogden City, having as its primary purpose the advancement and preservation of the arts, including visual art, music, theater, dance, literary art and art education, for purposes of applying for and receiving funding distributed annually from the county legislative body to support cultural organizations.

3-16-2: [ORGANIZATION:]

A. **[Created; Compensation:]** There is hereby established the Ogden City arts advisory committee, [~~known as "Ogden City arts",~~] which shall consist of fourteen (14) members, which number may be increased by the mayor as the need changes; provided however, that there shall be at no time more than sixteen (16). All members of the committee shall be either residents of the city or provide expertise necessary in the performance of the duties of the committee, but in no event, shall committee membership be comprised of less than a majority of city residents. All members shall be appointed by the mayor, with the advice and consent of the city council. Members of the committee shall serve without compensation.

B. **[Composition:]** Eight (8) of the members of the Ogden City arts advisory committee shall be arts professionals or arts administrators and shall individually or collectively represent the eight (8) major areas of the arts: dance, design arts, folk arts, literature, media arts, music, theater, and visual arts. Six (6) members shall be representatives of the community at large, and might include for the purpose of interfacing elementary/secondary schools, university, public library, and local business and people who bring special skills necessary for the productive management of the committee.

C. **[Terms:]** Members shall be appointed for four (4) year terms. Members may be appointed to a maximum of two (2) full successive terms. Those who have served for the maximum number of successive terms may be reappointed after a minimum of one (1) year off of the committee.

D. **[Chair And Vice Chair:]** The Ogden City arts advisory committee shall annually elect [~~at its May meeting~~] a chair, [~~and~~] vice chair, and past chair. [~~who shall assume the duties of office at the regular meeting in July. The term of office shall be for one year.~~] Any vacancy may be filled by the Ogden City arts advisory committee for the balance of the remaining term. The chair shall supervise and coordinate all activities of the committee. The vice chair shall assist the chair in all of the duties and functions and shall take over the duties and responsibilities of the chair in the absence of the chair. Upon election by the committee, the vice chair moves into the chair position, and the chair moves into the past chair position. The chair, vice chair and past chair serve a one-year term, or until their successors are elected. If a member is elected to serve as chair, vice chair or past chair at the end of the member's term, the term will be extended as needed to allow the member to rotate through the chair, vice chair, and past chair positions.

E. **[Meetings; Rules Of Procedure:]** Regular m[~~M~~]eetings of the Ogden City arts advisory committee shall be held at least monthly, as needed, and other meetings called by the chair or three (3) members of the committee may be held as needed. Meetings shall be held in conformance with the Utah open and public meetings act. The Ogden City arts advisory committee may establish rules and procedures, not inconsistent with law or this code, for conducting its business and meetings. The Ogden City arts advisory committee shall take written minutes and make an electronic recording of its meetings, copies of which shall be filed with the city recorder's office. The taking and approval of minutes shall follow the policy and procedure set forth in subsection 3-2-1H of this title.

F. **[Vacancies:]** Vacancies occurring in the membership of the Ogden City arts advisory committee other than by expiration of term of office shall be filled by the mayor with the advice and consent of the city council for the unexpired term.

G. **[Finances:]** All monies budgeted for or generated by the Ogden City arts advisory committee shall be accounted for and expended in accordance with the budgeting and financial laws, rules and regulations of the city through its director of management services.

H. **[Staff Assistance:]** The mayor may provide administrative support and assign, hire, or contract for such staff assistance as is determined to be necessary for the operations of the Ogden City arts advisory committee, within existing budgetary restraints.

I. **[Removal:]** Any member of the Ogden City arts advisory committee may be removed at any time by the mayor for any reason.

3-16-3: [POWERS AND DUTIES:]

The Ogden City arts advisory committee shall act through and under the direction of the Ogden City arts coordinator in the exercise of the following powers and duties:

A. **[Advisory Body:]** The Ogden City arts advisory committee may [~~shall~~] act as an advisory body to the city council and the mayor [~~on all matters~~] concerning the cultural welfare of the community.

B. **[Coordinate And Encourage Cultural Events:]** The Ogden City arts advisory committee [~~It~~] may [~~shall~~] consult with persons and organizations sponsoring arts activities with the purpose of coordinating and encouraging diversified and appropriate cultural events.

C. **[Recommend Distribution Of Funding:]** The Ogden City arts advisory committee [~~It~~] shall recommend to city administration a fair distribution of arts funding to be appropriated by the city council. After making any necessary adjustments to conform to grant criteria, the administration shall submit the funding recommendation to the city council for approval. [~~At least thirty (30) days prior to submitting its recommendations to the city council, Ogden City arts shall submit its recommendations to the director of community and economic development who shall provide any comments on such recommendations to the city council and mayor.~~]

D. **[Establish Standing Committees:]** The Ogden City arts advisory committee may establish such standing committees as deemed necessary to fulfill its objectives.

E. **[Submit Annual Report:]** In [~~January~~] July of each year, the Ogden City arts advisory committee shall submit in writing to the city council and the mayor an annual report of its activities during the preceding fiscal year, including the results of the percent for arts program, together with any recommendations for the subsequent year.

[~~F. **[Advise On Major Public Planned Developments:]** Acting through its design subcommittee advise the planning commission, the mayor and the city council on the aesthetic merits for all major public planned developments in Ogden.~~]

F. **[Advise on Percent for Art:]** Acting through its design subcommittee, and consistent with other provisions contained in this chapter, advise the Mayor on the percent for arts program adopted in title 4, chapter 1, article C of this code.

G. **[Arts Master Plan:]** Advise city administration on adoption and implementation of an Arts Master Plan, which shall be developed in accordance with the Ogden City general plan, including stand-alone visual arts projects, and integrated building design projects.

H. [**Mayor's Awards in the Arts:**] To assist with planning the Mayor's Awards in the Arts.

I. **[Ogden Art Stroll:]** To assist with planning the Ogden City Art Stroll.

J. [**Grant Funding:**] In conjunction with city administration, apply for funding distributed annually from the county legislative body, and other private or governmental sources, to support cultural organizations.

K. **[Ephemeral Art*:]** Coordinate ephemeral art at a reception or other public event to unveil or dedicate a public art project. (*An example of ephemeral art would be a musical or dance performance piece chosen to highlight the public event.)

L. **[Arts on the Town:]** To assist with planning the Ogden City Arts on the Town.

3-16-4: [CONFLICTS OF INTEREST; ETHICS:]

Members of Ogden City arts shall be subject to the municipal officers' and employees' ethics act, Utah Code Annotated section 10-3-1301 et seq., as amended, or any successor provision, and all applicable ordinances of the city regarding conflicts of interest or ethics. A violation of such provisions shall be grounds for removal from office.

3-16-5: [~~SUNSET PROVISION~~ GUIDELINES FOR ARTS FUNDING:]

A. The Ogden City arts advisory committee shall act through and under the direction of the Ogden City arts coordinator in the exercise of the following powers and duties:

1. Acting through the grant subcommittee, assist the director of community and economic development to recommend a fair distribution of arts grants to be appropriated by the City Council:

2. Annually appointing a grant subcommittee as provided in subsection B of this section.

B. The Ogden City arts advisory committee shall appoint a grant subcommittee which shall consist of at least five (5) voting members to oversee the recommendation of arts grants. Members of the grant subcommittee shall include at least three (3) members of the Ogden City arts advisory committee and members of the general public as appropriate. The director of community and economic development, or the director's designee, and a city council member or designee, shall be ex officio members of the grant subcommittee. Consistent with the other provisions of this chapter, the grant subcommittee shall:

1. Review and recommend grant applications for approval by the City Council;

2. Review and recommend minimum grant application requirements, applicant ranking criteria, application deadlines, and create grant applications, instructions and informational documentation which may be adopted as administrative policy.

3. Prepare a written study and recommendation for funding, together with a recommendation and bases for the recommendation, which study shall satisfy the requirements of Utah Code Ann. section 10-8-2 (as amended). Subject to City Council approval, up to forty percent (40%) of appropriated funding may be allocated to general support grants for ongoing community organizations;

4. Submit the recommendation to the director of community and economic development, who, after making any necessary adjustments to adhere to grant guidelines, shall submit the recommendation to the City Council at least fourteen (14) days prior to the public hearing to appropriate grant funds as required by Utah Code Ann. section 10-8-2.

C. Minimum Criteria For Grants: While the grant subcommittee may adopt stricter ranking criteria and applicant requirements to assist it in making its recommendations, no grant shall be awarded unless the following minimum criteria are met:

1. The substantive and procedural requirements of Utah Code Ann. section 10-8-2 (as amended) must be complied with.
2. General and project grants must be used to support and promote arts development in Ogden City.
3. The City must receive equal value in return for any grant expenditure, whether measured in terms of tangible or intangible benefits.
4. General support grants shall only be awarded to organizations. An organization receiving a general support grant must be a 501(c)(3) nonprofit corporation, and have its principal place of business in Ogden City.
5. Project support grants may be awarded to individuals or organizations. An organization receiving a project support grant must either be a 501(c)(3) nonprofit corporation, or have a Utah nonprofit charter.
6. The grant recipient shall as a condition of receipt, if required by the City, enter into an agreement with the City to use grant monies for the specific purpose for which the grant is awarded.

D. Nothing in this Section shall be construed to limit the City Council's authority to make grant determinations without subcommittee recommendations, to adopt additional criteria for the determination of specific grants, or revise a written study presented by the administration.

[~~Unless subsequently extended by appropriate action, the term of Ogden City arts shall sunset and expire on December 31, 2014.~~]

3-16-6: [PERCENT FOR ARTS; ADMINISTRATION:]

The Ogden City arts advisory committee shall act through and under the direction of the Ogden City arts coordinator in the exercise of the following powers and duties:

A. The Ogden City arts advisory committee shall assist the director of community and economic development or the director's designee in the administration of the percent for arts program set forth in title 4, chapter 1, article C of this code by:

1. Developing and making recommendations to the mayor with regard to procedures and implementation of the percent for arts program, with the final decision concerning such recommendations and final disbursements for all appropriated funds resting with the mayor;

2. Acting through the design subcommittee, recommending to the mayor or the mayor's designee the selection of artists for public art projects, together with the reviewing of design, execution and placement, and the acceptance of art in consultation with the

architects for major public projects, subject to final written approval in each instance by the mayor or the mayor's designee, and the budgetary or other review of the city council; and

3. Annually appointing a design subcommittee as provided in subsection B of this section.

B. The Ogden City arts advisory committee shall appoint a design subcommittee which shall consist of at least five (5) voting members, to oversee the selection of artists and art that will be funded by the percent for art program. Members of the design subcommittee shall include at least three (3) members of the Ogden City arts advisory committee, the department director, or the director's designee, responsible for the design and construction of the associated public art project, as applicable, and members of the general public as appropriate. The director of community and economic development, or the director's designee, and a city council member or designee, shall be ex officio members of the design subcommittee. Consistent with the other provisions of this chapter, the design subcommittee shall:

1. Recommend the scope of the specific art projects for funding by the percent for arts program consistent with the Arts Master Plan;

2. Advise City administration regarding establishing an open and fair process for selecting artists and art;

3. Serve as the reviewing panel for each major public art project;

4. Review applications and submit no fewer than two (2) and no more than five (5) recommendations for artists to the Mayor for final approval.

SECTION 2. Transition Clause [Non-Codified]. The changes adopted in this ordinance take precedence over contrary provisions contained in title 4, article C of this code.

SECTION 3. Effective date. This ordinance shall be effective immediately upon posting after final passage.

PASSED, ADOPTED AND ORDERED POSTED by the Council of Ogden City, Utah this ____ day of _____, 2015.

_____
CHAIR

ATTEST:

_____
CITY RECORDER

TRANSMITTED TO THE MAYOR ON: _____

MAYOR'S ACTION: □ Approved □ Vetoed

_____
MAYOR

POSTING DATE: _____

EFFECTIVE DATE: _____

APPROVED AS TO FORM: MAB 8/27/15
Legal Date

* The headings, catchlines or catchwords suggested for use in the Ogden Municipal Code and which are bracketed at the beginning of sections or subsections, shall not be considered to be a part of the ordinance adopted herein.