

**NORTH OGDEN CITY COUCIL MEETING
AND JOINT WORK SESSION WITH PLANNING COMMISSION
MEETING MINUTES**

April 7, 2020

The North Ogden City Council convened in an virtual meeting on April 7, 2020 at 6:05 p.m. at <https://zoom.us/j/387105354> or by Telephone: Dial: US: +1 346 248 7799 or +1 669 900 9128 or +1 312 626 6799 Webinar ID: 387 105 354 or <https://www.youtube.com/channel/UCriqbePBxTucXEzRr6felhQ> Notice of time, place, and agenda of the meeting was posted on the bulletin board at the municipal office and posted to the Utah State Website on April 3, 2020. Notice of the annual meeting schedule was published in the Standard-Examiner on December 22, 2019.

PRESENT:	S. Neal Berube	Mayor
	Ryan Barker	Council Member
	Blake Cevering	Council Member
	Charlotte Ekstrom	Council Member
	Cheryl Stoker	Council Member
	Phillip Swanson	Council Member

Planning Commission:

Eric Thomas	Chairman	
Brandon Mason	Vice-Chairman	
Lisa Arner	Commissioner	excused
Scott Barker	Commissioner	
Alan Lunt	Commissioner	excused
Nicole Nancarrow	Commissioner	
Don Waite	Commissioner	excused

STAFF PRESENT:	Jon Call	City Manager/Attorney
	Annette Spendlove	City Recorder
	Rob Scott	Planning Director

VISITORS:	Julie Anderson	Meg Sanders	Jennifer Garder
	JD Dalipas	John Jansen	Susan Clements
	Meg Ryan	Stefani Casey	

Mayor Berube called the meeting to order. He briefly reported on work being done by City staff and a Committee that has been created to analyze the City's needs relative to a new Public Safety Facility. He emphasized that no decisions regarding a new facility or funding sources for such a project have been made; rather, the group has been gathering data and working with a consultant to formulate a formal proposal. All decisions regarding the project will be made in the open and will be transparent.

Commissioner Eric Thomas offered the Invocation and led the audience in the Pledge of Allegiance.

Mayor Berube then provided a summary of adjusted City operations in response to the State's recommended guidelines aimed at preventing the spread of COVID-19.

CONSENT AGENDA

1. **DISCUSSION AND/OR ACTION TO CONSIDER FEBRUARY 11, 2020 CITY COUNCIL MEETING MINUTES**

Council Member Swanson motioned to approve February 11, 2020 City Council meeting minutes. Council Member Ekstrom seconded the motion.

Voting on the motion:

Council Member Barker	aye
Council Member Cevering	aye
Council Member Ekstrom	aye
Council Member Stoker	aye
Council Member Swanson	aye

The motion passed unanimously.

JOINT WORK SESSION

2. **PUBLIC COMMENTS**

There were no public comments.

3. **PLANNING DEPARTMENT ANNUAL REPORT**

A staff report from Planning Director Scott explained the City of North Ogden is a dynamic city with opportunities for residents to live in sustainable and attractive

neighborhoods, for businesses to thrive, with recreational opportunities to enliven the soul, and is a wonderful place to visit.

The Planning Department's 2019 Annual Report highlights the Department's activities and accomplishments. The collaboration between the Planning Staff, the Planning Commission, City Council, and outside agencies provides coordination and direction for the City's future. The interaction with applicants and citizens allows for an open and transparent decision-making process for land use applications.

The General Plan gives guidance to North Ogden's future with goals, policies, and strategies intertwine these directions in topics from land use, transportation, economic development, recreation, and the environment. The Moderate-Income Housing Plan was reviewed this year with appropriate amendments adopted.

The Planning Department staff of 2 full-time and 2 part-time employees are kept busy engaging in policy development (General Plan review and code writing) and the processing of land use applications. The Planning function guides the investment activity for land use within the city.

This past year the City continued to progress as they expanded through the annexation process, added businesses through the site plan review process, guided individual lot projects using land use permits (e.g., fence permits), amended the zoning ordinance standards, and approved subdivisions. This report details some of the highlights of these activities.

In 2020 the major goal for the Department will be to oversee a complete review of the zoning and subdivision ordinances and the creation of an integrated Land Development Code.

4. **DISCUSSION ON LAND USE DEVELOPMENT CODE PROCESS & KEY POLICY DECISIONS/FORMAT**

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

North Ogden City is updating its zoning and subdivision regulations. The consulting firm of Logan Simpson has been hired as the consultant for the project. The consultant team will be joining us for the meeting.

The purpose of this discussion is to consult with the Planning Commission and City Council regarding the list of code policy issues and gain a consensus prior to giving direction on the project.

Staff has done a complete review of the existing zoning and subdivision regulations and identified conflicting provisions and potential revisions. Much of what needs to be done is to incorporate existing processes into the code, e.g., the subdivision process is inconsistent with the subdivision ordinance.

Additionally, the code has related provisions that are scattered throughout the code and these need to be collected and reformatted. A code table of contents has been created to address this.

The budget for this project does not allow for the complete rewrite of the ordinance, i.e., the following provisions are potential add ons to the contract, (cluster subdivision, sign chapter, Transfer of Development Rights provision, PRUD and Group Dwelling chapter, Sensitive Lands chapter, and parking). City staff has committed to writing the sensitive lands chapter, creating a civic zone for city owned properties, and an infill ordinance. A decision will be made as we get into the project as to which of the add on provisions will be included.

CONFORMANCE WITH THE GENERAL PLAN

The North Ogden General Plan was adopted on September 22, 2015.

A key component, but not the only action, for implementing the General Plan is to establish codes that reflect the desired future for North Ogden. The Land Development Code's foundation is the Vision, Goals, Policies, and Strategies found in the General Plan.

The Land Development Code purpose statement will encapsulate the components of this implementation, i.e., safety, vision, and community character.

The following excerpt is from the General Plan Vision statement. The Vision includes statements regarding ensuring North Ogden remains a beautiful place, the need for quality development, visual quality, transportation, the environment, improving the tax base, having a transparent government, a balanced economy, and a high quality of life.

The Vision for North Ogden:

North Ogden City will continue to be a community of beautiful homes and friendly people that capitalizes on the impressive setting beneath the slopes of Ben Lomond peak. North Ogden will strive to:

- Assure that North Ogden remains a beautiful place to live, work, and recreate.
- Create a unique downtown that complements the desires of the community with an improved appearance and public spaces.

- Promote housing variety with a broad spectrum of high-quality housing options along Washington Boulevard, 2700 North, and especially within and adjacent to the Downtown and Southtown.
- Assure improved visual quality for all types of development.
- Improve current and future streets in terms of appearance, connectivity, and by providing additional city-wide choices for travel in addition to Washington Boulevard and 2700 North.
- Continue to provide a variety of parks, trails with connections to the mountains and within the community, and open spaces for the community to enjoy.
- Recognize that the proximity to the mountains also results in many environmental issues that need to be proactively addressed through community policies, incentives, and ordinances.
- Engage and connect with the community through active governmental transparency, public WIFI systems, and places for people to gather.
- Strive to create a more balanced community that results in a better, more sustainable tax base; which anticipates and reflects the diversity of housing and services necessitated by changing population life cycles, norms and preferences.
- Preserve the essential characteristics of a family friendly community that assures an enduring legacy, small town feel, and high quality of life in North Ogden.

A key Strategy is found in the Housing Goals, “Proactively evaluate current ordinances and policies to determine whether there are obstacles that can be removed or modified to achieve the community’s housing goals.

The memo offered the following summary of potential Land Use Authority considerations:

- What direction does the City Council and Planning Commission wish to give regarding the Land Development Code?
- What direction will ensure that the rewrite is in line with the goals of the General Plan?

The memo concluded staff recommends a review of the relationship of the General Plan’s Vision to the policy issues associated with the Land Development Code and give direction as to the various code amendments within the Land Development Code.

Mr. Scott reviewed his staff memo and engaged in brief technical discussion with the Council regarding basic development approval processes. Mr. Scott emphasized that this item was intended to be an introduction to the concept of reformatting and reorganizing City ordinances while simplifying City processes; both the Planning Commission and City Council will see this item several times over the course of the coming months and there will be opportunities for in-depth, detailed discussion of the matter. The Planning Commission and City Council engaged in high level philosophical discussion about different types of land use such as clustered development that provides for the

preservation of larger amounts of open space; transfer of development rights (TDR); development patterns that encourage connectivity and walkability; opportunities for consolidating commercial zones in the City to provide for specific guidelines regarding the type of commercial development the City would like to see – specifically in its downtown area; and the City’s sign ordinance.

Meg Sanders asked for an opportunity to provide public input. She asked what Mr. Scott means about providing less discretion over a development project. City Manager/Attorney Call noted that State Law states that a City cannot include a standard or law in an ordinance if that standard or law cannot be clearly articulated; that could be interpreted to mean the City has less discretion. Ms. Sanders wondered what the role of the City Council would be if their discretion in regard to zoning is being reduced; zoning is a big part of the City Council’s job. She then noted she would be concerned about any control the City would have against cluster subdivisions; she is worried about dramatic increases in density in the name of increasing open space. Mr. Scott stated that the Council actually has a great deal of discretion in terms of policy and the City’s General Plan; they also have a great deal of discretion regarding the assignment of zoning. He then stated that a cluster subdivision would need to meet specific standards before it would be approved. Mr. Call added that in regard to the open space in a cluster subdivision, it is deed restricted by a conservation easement. Planning Commission Vice-Chairman Mason added that the theory behind cluster subdivisions is that density does not necessarily increase; rather, the zoning of the underlying zone remains intact, but units would be located more closely together to provide an increased amount of open space. He then stated that he would hope that any cluster project would be accompanied by a development agreement.

Mr. Scott then stated that he will continue to work with the consulting group that has been hired to work on this project; he will provide ongoing updates to the Planning Commission and City Council as the project progresses.

5. **DISCUSSION ON AMMENDING ACCESSORY BUILDING STANDARDS**

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

BACKGROUND

At the November 6, 2019 Planning Commission meeting a group of concerned citizens came before the Planning Commission with a concern regarding a large accessory building that was constructed at 1721 North 875 East.

The Planning Commission discussed potential amendments to the accessory building standards at their November 20, 2019 meeting. The Commission discussed the potential amendments with residents from the above-mentioned neighborhood.

Residents questioned whether or not the accessory building met all of the current standards. Staff further researched the building height and the circumstance behind this building permit and found that it was issued correctly based on the current ordinances.

The Planning Commission held further discussions on accessory building standards at the December 4 and 18, 2019 meetings. The Planning Commission conducted a further discussion on January 8, 2020 and requested that a public hearing be scheduled.

The Planning Commission conducted a public hearing on the amendment on February 19, 2020.

ACCESSORY BUILDING OPTIONS

The issue of compatibility for accessory buildings is a legitimate concern. The Planning Commission addressed the standard differences between the RE-20 zone, large accessory building size standards, building materials, building height, buffering, and numbers of large accessory buildings per lot, and the relationship to Accessory Dwelling Units.

Amendment overview. There are different standards for accessory buildings in the RE-20 zone and the R-1 zones. Accessory buildings should be in scale with the home / main building, i.e., in building height, setbacks, and materials.

City Council Issues Summary from March 10 Meeting

Parcel 170100072: Staff has reviewed the parcel in question regarding accessory building standards for the large lot questioned on March 10, 2020. The solution would be to rezone this property from R-1-8(AG) to RE-20. The property can easily accommodate a large accessory building with the appropriate setbacks and size if this property is rezoned to RE-20. The next step is for the property owner to make application for the rezone.

Design Standards: The following table compares the Design and Materials Standards for the RE-20 and R-1 Zones and provides some options for consideration.

11-10-31: STANDARDS FOR ACCESSORY BUILDINGS IN RESIDENTIAL ZONES	
A. Design and Materials	
RE-20 Zone	R-1 and RCC Zones
Metal buildings under 200 square feet are allowed	Metal buildings under 200 square feet are allowed
Metal prefab buildings and architectural metal buildings over	Buildings over 200 square feet may be constructed of horizontal siding, stucco,

200 square feet are allowed	wood, or similar material as the main building
<p><u>3. All accessory buildings larger than 200 square feet must be integrated into the design of the residential building, with a similar residential exterior wall treatment color.</u>and</p> <p><u>a. Roofing materials including metal roofs shall have a similar color as the main building.</u></p> <p><u>b. An eave proportionate to the main building is required with a minimum of 12 inches. Aluminum fascia and soffits are allowed.</u></p> <p><u>c. Accessory buildings fronting onto a street must have a window(s) that occupy 5% of the façade of the building, or have a person door, or garage door with windows.</u></p> <p><u>Options:</u></p> <p>Should these standards apply to both RE-20 and R-1 and RCC Zones</p> <p>A. Apply to Both RE-20 and R-1 and RCC Zones</p> <p>B. Apply only to R-1 and RCC Zones</p> <p>C. Identify which sub sections a, b, or c should apply and to which zones</p>	
<p><u>4. All accessory buildings shall have a buffer of either a fence or landscaping or a combination of the two.</u></p>	
<p><u>5. Roof pitches shall be a minimum of a 4/12.</u></p>	

The following summary has not changed since the March 10, 2020 report:

AMENDMENT SUMMARY

- **11-10-31 Standards for Accessory Buildings in Residential Zones:**
 - Section B: Location and Design. Modifications are made that remove and relocate the design related provisions to Section A.
 - Section C: Height. No Change.
 - Section D: Prohibited Use. A provision clarifies that Accessory Dwelling Units are not considered accessory buildings.
- **RE-20 Zone.** There is one change to the RE-20 zone; a reference is made to the Building Design and Materials section in 11-10-31.
- **R-1 Zones.** The site development standards for R-1 zones are modified:
 - The height maximum table is modified to reflect a 20-foot maximum height.

- The scale reflects three height tiers. A range is shown for the 11-15-foot tier setback of 8 feet; an 80% of the main building height allowance is added.
- Building size provisions are shown limiting the size of an accessory building to half the size of the main building main floor plus 400 square feet and a maximum of 1,000 square feet.
- The building separation standard is moved.
- The maximum number of large accessory buildings is established with one per lot.
- A reference to the Building Design and Materials section in 11-10-31.
- **HP Zones.** Several standards are added in Section E:
 - A building separation standard is added.
 - The maximum number of large accessory buildings is established with one per lot.
 - A reference to the Building Design and Materials section in 11-10-31.
- **11-10-34 O. 5. Accessory Dwelling Units, Development Standards for ADU's**
 - 5. Height standards are identified for attached and detached ADU's. Attached may be the same as the main building. Detached ADUs may be 25 feet.

CONFORMANCE WITH THE GENERAL PLAN

Housing Goals

Goal #1 – Increase Housing Quality and Variety

- Establish and adhere to high quality building and design standards for all housing types so that development enhances the community character.

Strategies

- Proactively evaluate current ordinances and policies to determine whether there are obstacles that can be removed or modified to achieve the community's housing goals.
- Create design standards to improve the overall quality of North Ogden's housing.
- Work with homeowners, landlords, and renters to maintain and improve existing properties.

The memo offered the following summary of potential Land Use Authority considerations:

- Should the accessory building setbacks standards be modified to reflect an appropriate scale between accessory buildings and homes / main buildings?
- Is the amendment consistent with the General Plan?

The memo concluded the Planning Commission recommends on a 5-0 vote to adopt the amendment. The Planning Commission found that the amendment is consistent with the General Plan.

Council Member Swanson suggested that the group consider an amendment to the accessory building standards to allow for a larger accessory building on very large parcels of ground; he stated that limiting every parcel over one acre in size to the same maximum accessory building size may not be reasonable. Mr. Scott stated that he feels

the ordinance can be adjusted to allow the accessory building size to be scaled based upon the parcel size; or, an owner of properties larger than one acre can build multiple accessory buildings. Mayor Berube supports an ordinance amendment that would allow larger accessory buildings for large properties. Planning Commission Vice-Chairman Mason stated that his only concern is that a property owner would build a large accessory building on a parcel that is larger than one acre, but decide in the future to subdivide their property into smaller lots for single family homes. New homes would be located very close to an accessory building that would not typically be located in a residential zone. Mayor Berube stated that he feels language can be crafted to prevent that from happening. Mr. Scott stated he will research that issue. Mayor Berube stated that he feels staff can develop language that is aimed at providing a compromise to address the issues that have been raised relative to accessory building size in the City.

6. **DISCUSSION AND/OR ACTION TO ADJOURN THE WORK SESSION AND MOVE INTO AN ACTIVE CITY COUNCIL MEETING**

Council Member Cevering motioned to adjourn the work session and move into an active City Council Meeting. Council Member Swanson seconded the motion.

Voting on the motion:

Council Member Barker	aye
Council Member Cevering	aye
Council Member Ekstrom	aye
Council Member Stoker	aye
Council Member Swanson	aye

The motion passed unanimously.

The work session adjourned at 7:32 p.m.

City Council Meeting convened at 7:32 p.m.

7. **DISCUSSION AND/OR ACTION TO CONSIDER A RESOLUTION AMENDING THE CITY COUNCIL RULES OF PROCEDURE**

A staff memo from City Manager/Attorney Call explained there are two resolutions being proposed related to electronic meetings. One is for the actual order/authorization for all public bodies of the City to hold electronic meetings in accordance with Governor Herbert's direction. The other one deals with the minor tweaks in the City Council Rules and Procedures to fix a few items which wouldn't allow for us to hold electronic meetings because of some requirements for a certain number of Council Members to be present in the "anchor location". All of these changes have been done to accommodate an

Emergency situation or a Health Crisis. Under normal circumstances, the City Council would still be required to meet in an anchor location and have a quorum in the room together.

Staff recommends approval of these resolutions with any changes the Council feels is appropriate.

Mr. Call reviewed his staff memo.

Council Member Barker motioned to approve Resolution 09-2020 amending the City Council Rules of Procedure. Council Member Cevering seconded the motion.

Voting on the motion:

Council Member Barker	aye
Council Member Cevering	aye
Council Member Ekstrom	aye
Council Member Stoker	aye
Council Member Swanson	aye

The motion passed unanimously.

8. DISCUSSION AND/OR ACTION TO CONSIDER A RESOLUTION ADOPTING THE ELECTRONIC MEETINGS POLICY

City Manager/Attorney Call noted that he reached out to other cities to learn their policies for conducting electronic meetings; he has developed a draft policy that will allow the City to conduct electronic meetings. He briefly reviewed the policy document and noted it will allow the City to conduct electronic meetings during the COVID-19 pandemic and in other situations in the future when deemed necessary.

Council Member Cevering motioned to approve Resolution 10-2020 adopting the Electronic Meetings Policy. Council Member Stoker seconded the motion.

Voting on the motion:

Council Member Barker	aye
Council Member Cevering	aye
Council Member Ekstrom	aye
Council Member Stoker	aye
Council Member Swanson	aye

The motion passed unanimously.

9. **DISCUSSION AND/OR ACTION TO CONSIDER APPOINTING THE CITY TREASURER AS THE CITY TREASURER/HR DIRECTOR**

A staff memo from City Manager/Attorney Call explained City Administration has been looking at the internal workings of the administrative department and working towards balancing the workload across departments and capable individuals. In that analysis we have found an opportunity to pass the Human Resource Department responsibilities to one of the current Department Heads, Jami Jones, the current City Treasurer. This move allows the City to align some job responsibilities effectively, as well as provide for the department to be run by someone with no direct reports. City Administration sees this change as a very positive move as the City continues to grow and change and staff recommends the Council approve this adjustment.

Mr. Call reviewed his staff memo. Mayor Berube added that he fully endorses this recommendation; he has met with Ms. Jones and believes she will do an excellent job. Several Council Members concurred and Council Member Ekstrom stated she hopes that Ms. Jones will be compensated for the additional workload that will be assigned to her. Mayor Berube stated that an appropriate salary adjustment will accompany this action.

Council Member Swanson motioned to appoint the City Treasurer as the City Treasurer/HR Director. Council Member Cevering seconded the motion.

Voting on the motion:

Council Member Barker	aye
Council Member Cevering	aye
Council Member Ekstrom	aye
Council Member Stoker	aye
Council Member Swanson	aye

The motion passed unanimously.

10. **PUBLIC COMMENTS**

Julie Anderson, 940 E. 2600 N., stated that she has a great concern about large trucks driving up and down 2600 North hauling large loads of dirt and other materials. She asked if the City is monitoring this activity to measure the amount of damage that is being caused.

Mayor Berube asked Ms. Anderson if she has a recommendation for how to resolve or address the issue. Ms. Anderson stated she does not have a recommendation, but hopes City workers can watch the road to determine if damage is occurring. Or, maybe citizens could pay closer attention and report any damage to the City.

Meg Sanders, 2915 N. 875 E., thanked the Council and Mayor for participating in this meeting tonight and providing a sense of normalcy in what is a very awkward situation at this time. She thanked them for being brave and participating in this meeting. She encouraged everyone to stay safe and healthy.

11. COUNCIL/MAYOR/STAFF COMMENTS

City Manager/Attorney Call stated it would be helpful for him to receive feedback from those who participated in this meeting regarding the ease of use of the software the City is using. Several Council Members commented on their experience with the software; they feel it is very user friendly and staff has done a great job at moderating virtual meetings.

Mayor Berube read chat comments from several people who participated in the meeting indicating they felt the zoom platform is user friendly.

Mayor Berube reported on upcoming agenda items – specifically the upcoming annual budget process. Next week’s meeting agenda will include a heavy focus on budget matters.

Council Member Stoker encouraged first responders and citizens alike to stay safe and healthy. Council Member Swanson echoed Council Member Stoker’s comments and thanked first responders for the work they are doing at this time.

Mayor Berube concluded these are very strange times and he encouraged all citizens to look out for their neighbors and to take care of one another. He reported he has been in close contact with City Department Heads and other City employees; they are all doing very well and are staying safe and he thanked them for their service to the City.

Mr. Call noted that each Department Head would appreciate hearing from the Council Member that has been assigned as a liaison to their Department to learn of any budget priorities for the upcoming budget process.

12. ADJOURNMENT


Council Member Stoker motioned to adjourn the meeting. Council Member Ekstrom seconded the motion.

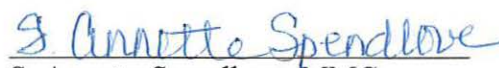
Voting on the motion:

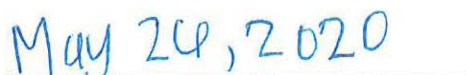
Council Member Barker	aye
Council Member Cevering	aye
Council Member Ekstrom	aye
Council Member Stoker	aye
Council Member Swanson	aye

The motion passed unanimously.

The meeting adjourned at 8:05 p.m.


S. Neal Berube, Mayor


S. Annette Spendlove, MMC
City Recorder


Date Approved