



**CITY COUNCIL MEETING & JOINT WORK SESSION WITH PLANNING COMMISSION AGENDA
APRIL 07, 2020 - 6:00 PM
NORTH OGDEN, UTAH**

Public invited to attend by:

<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/UCriqbePBxTucXEzRr6fclhQ>

Welcome: Mayor Berube

Invocation & Pledge of Allegiance: Council Member Phil Swanson

CONSENT AGENDA

1. Discussion and/or action to consider the February 11, 2020 City Council meeting minutes

JOINT WORK SESSION

2. Public Comments*
3. Planning Department Annual Report **NO VOTE**
Presenter: Rob Scott, Planning Director
4. Discussion on Land Use Development Code Process & Key Policy Decisions/Format **NO VOTE**
Presenter: Rob Scott, Planning Director
5. Discussion on amending Accessory Building Standards **NO VOTE**
Presenter: Rob Scott, Planning Director
6. Discussion and/or action to adjourn the work session and move into an active City Council meeting
Presenter: Mayor Berube **VOICE VOTE**

ACTIVE AGENDA

7. Discussion and/or action to consider a Resolution amending the City Council Rules of Procedure
Presenter: Jon Call, City Manager/Attorney **ROLL CALL VOTE**
8. Discussion and/or action to consider a Resolution adopting the Electronic Meetings Policy
Presenter: Jon Call, City Manager/Attorney **ROLL CALL VOTE**
9. Discussion and/or action to consider a appointing the City Treasurer as the City Treasurer/HR Director
Presenter: Jon Call, City Manager/Attorney **ROLL CALL VOTE**
10. Public Comments*
11. Council/Mayor/Staff Comments
12. Adjournment

****Please see notes regarding Public Comments rules and procedure***

The Council at its discretion may rearrange the order of any item(s) on the agenda. Final action may be taken on any item on the agenda. In compliance with the American with Disabilities Act, needing special accommodation (including auxiliary communicative aids and service) during the meeting should notify Annette Spendlove, City Recorder at 782-7211 at least 48 hours prior to the meeting. In accordance with State Statute, City Ordinance, and Council Policy, one or more Council Members may be connected via speakerphone or may by two-thirds vote to go into a closed meeting

CERTIFICATE OF POSTING

The undersigned, duly appointed City Recorder, does hereby certify that the above notice and agenda was posted within the North Ogden City limits on this 3rd day of April, 2020 at North Ogden City Hall, on the City Hall Notice Board, on the Utah State Public Notice Website, at <http://www.northogdencity.com>, and faxed to the Standard Examiner. The 2020 meeting schedule was also provided to the Standard Examiner on December 22, 2019. S. Annette Spendlove, MMC, City Recorder

Public Comments/Questions

- a. Time is made available for anyone in the audience to address the Council and/or Mayor concerning matters pertaining to City business.
- b. When a member of the audience addresses the Mayor and/or Council, he or she will come to the podium and state his or her name and address.
- c. Citizens will be asked to limit their remarks/questions to five (5) minutes each.
- d. The Mayor shall have discretion as to who will respond to a comment/question.
- e. In all cases the criteria for response will be that comments/questions must be pertinent to City business, that there are no argumentative questions and no personal attacks.
- f. Some comments/questions may have to wait for a response until the next Regular Council Meeting.
- g. The Mayor will inform a citizen when he or she has used the allotted time.

**NORTH OGDEN CITY COUNCIL
MEETING MINUTES**

February 11, 2020

The North Ogden City Council convened in an open meeting on February 11, 2020 at 6:00 p.m. at the North Ogden City Office at 505 East 2600 North. Notice of time, place, and agenda of the meeting was posted on the bulletin board at the municipal office and posted to the Utah State Website on February 6, 2019. 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

STAFF PRESENT:

Jon Call	City Manager/Attorney
Annette Spendlove	City Recorder/H.R. Director
Evan Nelson	Finance Director
Rob Scott	Planning Director
Brandon Bell	Planning Associate
Susan Nance	Deputy City Recorder
Tiffany Staheli	Parks & Recreation Director
Dave Espinoza	Public Works Director
Dirk Quinney	Chief of Police
Paul Rhoades	Police Officer
Lynne Bexell	Administrative Assistant

VISITORS:

Dale Anderson	Julie Anderson	Amy Willis
John Arrington	Jessica Erickson	Kevin Burns
Hallie Richards	Duane Richards	Dan Lee
Jodi Cleveland	Tim Brunos	JoAnn Schmalz
Charles Schmalz	Christina Watson	Shauna Vanduesal
Joan Heap	Brent Heap	Jeremy Hanks
Taleese Hanks	John Hansen	Stefanie Casey
Randy Winn	Rick Scadden	Scott Shuman
Christine Stegen	Janis Christensen	Kathryn Warren
Danny Wall	Bud Stephenson	Karen Stephenson
Sarah Heilig	Bob Napoli	Dave Hulme
Deborah Bennett	Terry Bexell	Zephyr Shindole

Rod Southwick	Tam Southwick	Linda Webber
Seth Koetitz	Art Stowers	Pegge Stowers
Julie Martindale	William Martindale	Diane Layton
Steven Layton	Fred Munson	Brenda Ashdown
Keith Ashdown	Rick Austin	Shelley Burke
Charles Chandler	Doug Nance	Rosie Alexander
William Jones	Ashely Reedy	Kim Christensen
Calvin Cooper	Dennis Crompton	Justin Southwick
Spencer Alexander		

Mayor Berube called the meeting to order. Pastor Seth Koetitz offered the invocation and led the audience in the Pledge of Allegiance.

PRESENTATIONS

1. RECOGNITION BY THE UTAH MUNICIPAL CLERK'S ASSOCIATION OF SUSAN NANCE FOR EARNING THE CERTIFIED MUNICIPAL CLERK DESIGNATION

City Recorder Spendlove introduced Shauna Vanderschaaf, Hooper City Recorder, who was present in representation of the Davis, Weber, Morgan Recorders Association (DWMRA), to present Susan Nance with a certification of her receipt of the Certified Municipal Clerk (CMC) Designation from the International Institute of Municipal Clerks (IIMC). Ms. Spendlove summarized the amount of work an individual must do to earn this designation and she congratulated Ms. Nance on her efforts.

Ms. Nance stated she appreciates the opportunity to work for North Ogden City; the City has allowed her to attend training conferences to further her education and skills in her profession and she is grateful for that. Ms. Spendlove noted there are 249 cities and towns in the State of Utah and Ms. Nance is number 134 to receive her CMC designation.

Mayor Berube noted that Ms. Spendlove serves as the President of the Utah Municipal Clerks Association (UMCA). He then stated that the City's Public Works Director, Dave Espinoza, recently received his bachelor's degree; this is a significant accomplishment while working a full-time job and raising a family and he congratulated Mr. Espinoza for this achievement.

CONSENT AGENDA

2. DISCUSSION AND/OR ACTION TO CONSIDER JANUARY 7, 2020 CITY COUNCIL MEETING MINUTES

Council Member Barker motioned to approve January 7, 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.

ACTIVE AGENDA

3. PUBLIC COMMENTS

Christina Watson, 1820 N. 100 E., offered her opinion regarding the proposed 7-Eleven project at the corner of 1700 North and Washington Boulevard as well as discussions to build storage units in that area. She stated that she does not feel the uses fit in the area and she feels they are repetitive. She noted there are several other storage facilities that are located in very close proximity – less than a mile away – to the property. She has contacted these facilities and all of them have available units open and available for lease. She stated it seems to her that if there are 100 units available within less than a mile, the proposed use is repetitive. Also, storage units are an industrial use, but they are being proposed for a non-industrial area of the City and that is not conducive to the nature of the surrounding neighborhoods. She has concerns about the proposal to build a gas station on the northwest corner of the intersection; there are six other gas stations within less than two miles of that location; a gas station use is repetitive as well. She added that gas station and storage unit uses do not benefit the area. During the discussions about the Village at Prominence Point project there was a focus on creating a high-end development with high rents and different offerings, but potential residents may be scared off by the uses that are being proposed in the area. The nearby single-family neighborhood and future projects, such as a school, would be negatively impacted by the proposed uses and the potential for loiterers associated with these uses.

Dan Lee, 1819 N. 100 E., echoed Ms. Watson’s concerns and added that he would like for the City to try to get a feeling for the plan for the area. There are development challenges for the area and as a City, North Ogden needs to make good on its development promises for the Village at Prominence Point and see if the project is successful before considering additional developments. He is concerned about the expansion of high-density housing projects; these projects have high rents and that is not helping the issue of the shortage of affordable housing in the community. Issues in schools in the area continue to worsen; students are being bussed to schools that are of a

considerable distance from their home and there are no plans to build another school to serve the southtown area for another 10 years. If his facts are incorrect, he welcomes correction. But if his facts are correct, the City should take a step back and evaluate the impact that additional high-density projects will have on the school system. He stated he shares Ms. Watson's concerns about the proposed gas station and storage units; there was recently a homicide in the area for which these developments have been proposed and he asked that the Council take those factors into consideration as they are working on the overall plan for North Ogden.

Rosie Alexander, 1740 N. 150 E., stated her family built their home three years ago and at that time, the zoning for the area was different than it is now. They are not pleased with the development occurring behind their property because part of the reason they built in North Ogden was the small-town feeling. She did not grow up in North Ogden, but now that she is here, she loves it. She is disappointed in the way that current residents are being treated. When she built her home, she wanted it to be her forever home. She did not plan to have high density housing built so close to her and to have people parking up and down her street and in front of her home. She asked the Council to consider if they would like a 7-Eleven store or high-density housing project right next to their home and if they would be happy with people parking in front of her home. She asked the Council to take into consideration the people who already live here, who pay their taxes and contribute to the community. These residents have been asked to take into account the future of North Ogden, but she asked the Council what they want that future to be. The area in question is the entrance to North Ogden and she asked if the Council wants people to drive into North Ogden and see storage units and a 7-Eleven or if they want them to see homes and beautiful families walking and enjoying the esthetics of the community. She feels the Council is focusing on the wrong things; it is important to make housing available to people, but that is not what is being proposed. Developers are pursuing luxury apartment buildings rather than affordable housing units and they do not even know if the current projects that are being built will be full. She agreed with Ms. Watson about the tendency for the City to approve repetitive uses; there are two hardware stores, multiple gas stations, and other repetitive uses. However, there are many other uses that could be brought to the City to benefit the residents. She understands that the City cannot tell property owners what they can and cannot do with their property so long as they comply with zoning regulations; however, she does not believe that single family homeowners would get the same exceptions to rules that large developers have been granted. She asked why the City is making accommodations for developers and treating them different than regular residents. She stated she appreciates the time and effort the Council puts into their job, but there are many issues they need to consider. She echoed the comments made about overcrowding in schools; she chooses to send her children to a charter school because traditional public schools are so overcrowded. She would hate for North Ogden to be known for having to bus its children to other schools because of development decisions that have been made. She asked the Council to step back and think about what they want people from other cities to think of when they think of North Ogden.

Charlie Chandler stated he lives closer to Washington Boulevard than anyone in the room; he lives in the Three Fountains development and from his home he has a view of the Maverik gas station that was built in the last few years. His grandparents were leaders in the community and his uncle is Cal Chandler; if he were alive today, he would be disgusted with what he would see. Leaders have great responsibility, but the lack of planning is beyond belief. Not only does he have a gas station on one side of him, but all the area across from Walgreens will be developed and he does not know what will be built there. Traffic congestion is horrible and dangerous and as commercial development moves further south, it will get worse. He lived in the Washington, D.C. area for three years and this type of plan would not be accepted there; the City would have multiple lawsuits. Environmental impact studies are required and aesthetics of the plan must be vetted, but it feels as if none of that has been done in North Ogden. He challenged the Council to look carefully, not at revenue, but at what the City already has. There are two auto parts stores within a block of each other, two coffee shops within a half-block; this seems ludicrous because eventually one of the like-stores will go out of business and remain vacant until someone knocks the building down and builds something new in its place. He asked the City to complete effective studies before building a project; the City should not just charge forward based upon the promise of revenue for the community, but the Council should personally visit sites where projects are being proposed to determine if it is something they would want next to their own home. If other residents agree that these types of projects are going forward without good planning, they should consider lawsuits; the City is going forward without the will of the people.

Brett Jones, 335 W. 1825 N., echoed the concerns that have been expressed tonight and noted that when he moved to his home five years ago, they had more space than they needed and thought of renting their basement to generate income. When he called the City to inquire about a permit for that use, City staff commented that his home was in a nice area and they did not want it to turn into an area with a lot of rentals to detract from residents' plans to build their 'dream homes'. He stated this is very comical to him now because the area is flooded with apartments and townhomes. He then noted that the traffic is already problematic in the area and it will be unbearable in the near future. He has begun to contemplate his options and the possibility of leaving North Ogden. He was so excited to move back to North Ogden after leaving to go to school, but that has changed quickly for him. He stated he hopes there is something the Council can do to address the concerns that have been raised by so many.

Fred Munson, 1690 N. 60 W., stated that he shares many of the concerns that have been raised tonight. He purchased his home thinking it would be his last and he would retire here; the community was very quiet with little industry. He has lived in five different states and he does not think that North Ogden City has the infrastructure to support this kind of lifestyle change. At the Village at Prominence Point project, there will be 400 apartments, 114 townhomes, 25 patio homes, and 68 condominiums. The infrastructure of the City must change to handle this. The project includes four-story buildings and the City's Fire Department apparatus must be improved dramatically to be able to provide service for this type of development. This will result in additional costs to the residents of

the City. Additionally, schools will be overcrowded and traffic will be even more congested than it already is. When he first moved to the City there was just one thing that he did not like: the traffic and directional signals. High density housing will overburden the City and make these problems even worse. He is hopeful that changes will be made to preserve the current feeling of North Ogden.

Shelley Burke, 2791 N. 1125 E., stated she agrees with many of the comments that have been made tonight. She has been a teacher for 25 years in Weber School District and her concern relates to inadequate school infrastructure to support high density housing projects. Schools are overcrowded and classrooms are too large. The District does not have the money to support these students. Some families choose to send their kids to charter schools and if they are making that choice as a result of the District having an average of 37 children in a classroom, that is unfair. One thing the Council needs to take into consideration before approving more high-density housing is whether the school infrastructure can be improved. There are long term plans for school growth, but housing projects will be built in less than a year and the increased population will only make the problem worse. Having too many children in a classroom has a very negative impact on a child's education. She realizes that school capacity is not within the City's purview, but the Council should be taking that issue into account when planning for the City. The development that has already been approved has and will continue to have a significant impact on North Ogden; the District is bussing children to Pioneer Elementary School, though there are four other schools that are closer to the child's home. Those schools are just too overcrowded. The District can only move as fast as the State Legislature and can only ask for approval of a bond during an election cycle, so there is no way to build another school in this area in time to accommodate the increased population associated with these high-density projects. She stated that the kids of the community deserve to have the City Council take those issues into consideration.

Dr. Stephenson stated he and his wife returned to North Ogden to be close to their children and grandchildren. He looks at this issue from the standpoint of quality; there has not been significant attention paid to the qualitative aspects of development projects. He has asked for a traffic study as a data point for the proposed projects. With the new proposed development there will be at least 350 more vehicles added to City streets. The streets are already congested and existing residents struggle to get to and from their homes. He is aware of some transportation improvement projects planned for the City, but they are not adequate to address the problems. Some of the construction that is occurring in the City as of late is ill conceived; he is opposed to high density projects and talked of many things that commonly occur in multi-story buildings, such as fires. The City needs to consider protection for people that will be moving to the City. He encouraged the Council to abide by the decisions of the residents who conceived of the City's General Plan.

Dennis Crompton, 2421 N. 400 E., stated that the City is projected to grow dramatically, but the City needs to consider zoning that has been assigned to properties based upon

those growth projections. He is opposed to an adjustment to those zoning assignments that is only aimed at maximizing the density of a project.

Hallie Richards, 139 E. Country Boy Drive, stated she and her husband lived next to a gas station in the past and the ground became contaminated, with contaminants leaching into the basement of the home she was renting. It was not until they got very sick and called for help that a firefighter indicated that their condition could be related to the nearby gas tanks. The thought of having another gas station built near their home is very disheartening; she and her husband built their current home as a means of investing in their future and they are very concerned that this project and proposed commercial uses will negatively impact their property values. She added that many of her neighbors have moved away from the neighborhood because of concerns about traffic and high rates of speed. She is very nervous about how that will get worse upon continued development. There is a great deal of through traffic without sufficient traffic calming tools and she is concerned for the safety of residents, especially children, living in the area. She then noted she is concerned about the proposal to build storage units near her home and the lack of regard that some in the City have had about the manner in which this use could detract from a single-family neighborhood. She asked that the Council be mindful of the concerns of residents and indicated she appreciates the service they provide to the community.

Justin Southwick, 1890 N. 200 W., stated this is the third meeting he has participated in regarding this topic; the first meeting resulted from former Mayor Brent Taylor knocking on his door. He advised Mr. Southwick to attend an upcoming meeting to hear about a project that would directly impact his neighborhood. That was when the Village at Prominence Point project was presented by the developer; not long after, Mr. Taylor ran and was elected to office. Soon after there was another meeting and he was interested to see the change in tone among the Council. The walls of the room were lined with people who were expressing their concerns about the proposed growth and the shortcomings of the City's infrastructure. It seems to him that the residents are given the opportunity to express their concerns, yet nothing is done. That is one of the reasons he voted for Mayor Berube; He knows that residents cannot completely stop growth that is taking place, but in working with Mayor Berube, they can have a role in determining how growth looks. He encouraged the Council to truly take into account the concerns that are being expressed by North Ogden residents at it seems that developers are dictating the way that growth is taking place more than the concerns of the citizens are being listened to. He stated he knows that Mayor Berube has expressed those same concerns, but there are other people on the City Council who seem to be 'rubber stamping' proposals because they see the dollar signs associated with a project. He knows the City needs money to maintain and improve infrastructure, but they are generating that revenue at the expense of existing City residents. He addressed traffic and noted there are times that he refuses to drive in the City because of congestion.

An audience member stated he would like to know if the residents will receive any responses to what they have said tonight. Mayor Berube stated that there will be

discussion of the project tonight and during that discussion, Council members will have a chance to respond to residents' concerns.

Duane Richards, 139 E. Country Boy Drive, stated his professional background is in development and the green industry; he has served as a professional consultant for many developments and he has many concerns about how the proposed gas station and storage units will impact his property. Both will increase traffic on 1700 North, which is perceived as a negative impact on properties in adjacent residential neighborhoods. The City continues to develop hardscape and landscape plans, but those plans are not being enforced; there is no protection for Coldwater Creek and all the sediment that is collected in the water running off the Village at Prominence Point project is deposited into the drainage system and the Creek. The same issues are true for the proposed Coopers Town project. He stated that at the Village at Prominence Point project, a construction vehicle access point has been identified, but it is not being used; instead, construction vehicles are accessing the site from wherever they choose and this is a violation of the storm water protection plan (SWPP) for the project. He concluded by noting that he would echo all of the concerns that have been expressed by the residents who have spoken before him. Becoming involved in this type of process can feel like a waste of time for residents because their concerns are not heard. In closing, he wondered why projects like these are not being proposed for areas up on the hill; there are many residents living on the City's hillsides that likely need access to storage units or who buy gas in the City, so he wondered why those types of uses are not being built in those areas.

Rod Southwick, 595 E. 2250 N., stated he is hoping notes are being taken of this discussion and he also wanted to know if the citizens who have spoken will receive a response from the City as opposed to the developers. He stated that the documents he read for tonight's meeting reference 1,500 new multi-family units seeking approval and that bothers him greatly. He has looked at Pleasant View and Harrisville and both are predominantly single-family homes; they have large tracts of land, but have kept high density housing out. He noted that the density in one of the City's zones was changed from 12 units per acre to 20 units per acre and he asked why that was done and who is in charge of making those kinds of decisions. He also asked how the development community influences the City Council as opposed to the input they receive from residents. He is strongly opposed to multi-family housing in the community and suggested that other communities should bear the burden that is being driven by the market. The City needs a town center that includes nice sit-down restaurants and retailers rather than multiple businesses that offer the same service or product.

Mayor Berube stated that he has a great deal of confidence in the members of the City Council. He has found that being an elected official is not as easy as one might think, but he believes that each Council Member has the best interest of the citizens in mind. He invites members of the community to participate in Council meetings; he has expressed how disappointing it has been to at times attend a Council meeting and find just four residents in attendance, while there are 18,000 residents. Tonight, the Council will be discussing its budget process, which is very important. He hopes that citizens will get

involved in these matters and do so in a respectful way. He believes that what makes North Ogden such a great place to live is the diversity of opinions, but he hopes that everyone will work to head in the direction of seeking to keep North Ogden a great place to live. There will be opportunities for additional comment throughout the night.

4. INTRODUCTION AND DISCUSSION OF THE 2021 FISCAL YEAR BUDGET

A staff memo from Finance Director Nelson explained in this meeting City Administration will introduce the budget process for Fiscal Year (FY) 2021. This process is an opportunity for the City to look to the future and establish priorities and plans for City services and programs. Key players in this process are (1) Residents, (2) City Council, and, (3) City Staff. A budget calendar below has been crafted to incorporate participation by all key players and to help the City Council in its role to establish the course and guide the direction of the City. The discussion at the Council meeting on February 11th is an opportunity for staff to hear initial Council budget priorities that can be incorporated into preliminary budget proposals. The discussion may also reveal needed budgetary analysis that can be initiated. More in-depth discussions will occur in subsequent meetings. Administration looks forward to a constructive and engaging experience as we work together to create the North Ogden City Budget for Fiscal Year 2021.

Mr. Nelson reviewed his staff memo and the proposed budget calendar, after which he reviewed documentation intended to illustrate the City's budget process; the budget is the City's financial plan to provide services and build and maintain facilities and infrastructure for the fiscal year, including estimates of revenues and authorization of expenditures. The total budget expenditures in FY 2020 are \$30,225,147 and this budget is made up of the General Fund, Capital Improvement Fund, and the Water, Sewer, Storm Water, Solid Waste, Motor Pool, and Aquatic Center funds. A fund is a tool for tracking revenues, expenditures, assets, and balances that have a common purpose. He briefly discussed the types of expenses charged to the various funds in the City, after which he discussed the role of the City Council, City staff, and the public in the development of the annual budget. Adoption of the tentative budget is scheduled for May 12, after which a public hearing will be held on May 26. Final consideration of the budget will be advertised for June 9. The Council will also approve the certified tax rate in conjunction with adoption of the final budget.

Council discussion centered on the format of the meetings during which the budget will be discussed; Mr. Nelson noted that all meetings will be open to the public and public input will be accepted. He then facilitated discussion among the Council to solicit their priorities for the budget. Council Member Cevering stated the bathroom project at Lomond View Park is a priority for him and he asked if that project will be completed this year or if it will be necessary to include funding in the FY21 budget. Mr. Nelson stated it will be completed using funds in the current FY budget. Council Member Cevering then noted that he would like to carefully examine the option to use RDA funds

for needs at the City's Aquatic Center. Mr. Nelson stated the RDA and CDA funds will be discussed during the April 14 meeting and he will be prepared to discuss the possible uses of RDA and CDA funds.

Mayor Berube stated that he has asked Council Member Swanson to serve as a liaison to the Finance Division of the City as he has a great deal of confidence in his knowledge and ability. He added that Mr. Nelson advised him to review the process the City followed last year to develop the FY20 budget and that led him to draw a few conclusions; he has gotten to know many of the City's employees well and he has learned of their commitment to serve the citizens. They are highly skilled and should be fairly compensated and given the resources they need to provide the expected level of service. That will be a priority for him for the FY21 budget. He added that he has challenged the City's Public Works Department to present a budget that will not require any increases in City utility fees. He also feels it is necessary to be proactive in the area of public safety; Police Chief Quinney speaks of the need to keep citizens safe and to do that the City must appropriately fund resources and infrastructure that supports the Police Department. The City must develop a plan for the replacement of the outdated public safety building. This is something that may not be popular in the community, but it is something the City needs to have the courage to address; the current facility is lacking and it is important for the City to provide public safety officials with a safe facility that they can be proud of. He also feels that the City needs to address the practice of accepting a reduced tax rate each year. He would support fixing the rate from year to year to ensure that the City collects the appropriate amount of property tax revenue from year to year; the City cannot continue to absorb increased costs while accepting reduced revenues. He also wants to ensure proper maintenance of City parks and streets at a level that exhibits the value of citizens; the City is proud of its park space and he wants to ensure that the Parks and Recreation Department has adequate resources to properly maintain the existing park space. He has challenged Council Member Ekstrom to work with the Parks and Recreation Department to develop an operating plan for the Barker Park Amphitheater; this is an asset that the City has spent a great deal of money on and it is important to develop a plan that helps the community to realize the value of that asset. He also wants to ensure the City has a proper plan in place to provide the needed funding to facilitate the widening of the intersection of 2600 North and Washington Boulevard. He hopes that the Council will consider a plan to address the negative balances in the City's impact fee funds; this will take some time to address, but it needs to be considered. He would also like to ensure the City has an adequate 'rainy day' fund; the City has been blessed to have a balance that is equal to the maximum allowed by State statute, but he would like for the Council to set a policy that defines the minimum amount the City will keep in its general fund balance. He is committed to seeking citizen input on these issues. He recognizes that the City will never achieve 100 percent agreement on all of these issues, but he would appreciate citizen input and support. He is hopeful the overarching goal of the annual budget process will be to keep North Ogden a great place to live by not only providing proper infrastructure, but providing activities that maintain connectivity. He stated that he knows many people in the audience tonight and many of them have young children who will want to live in this community and that is because they feel a connection to this City.

He does not want to lose that connection and is very interested in creating ‘One North Ogden’.

5. DISCUSSION ON THE QUARTERLY FINANCIAL REPORT

A staff memo from Finance Director Nelson referenced the Quarterly Financial Report for the quarter ending December 31, 2019. The detail report provides revenue, expenditure, and balance sheet information for all City funds. A summary sheet is included to provide a visual representation of the sales tax trend, and a revenue and expenditure comparison to budget.

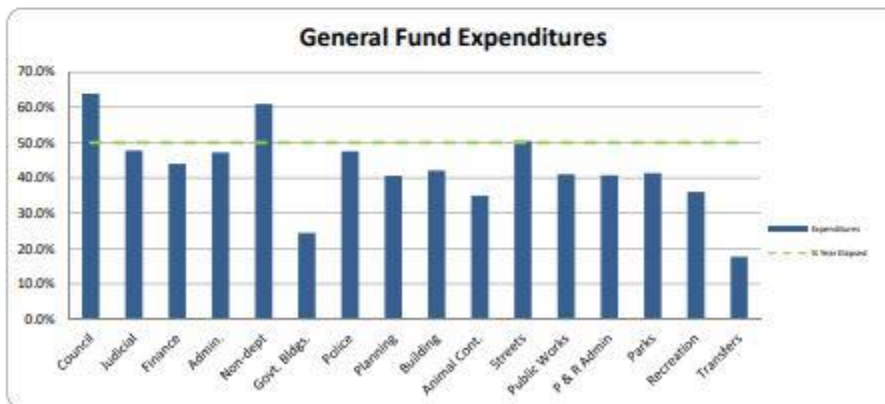
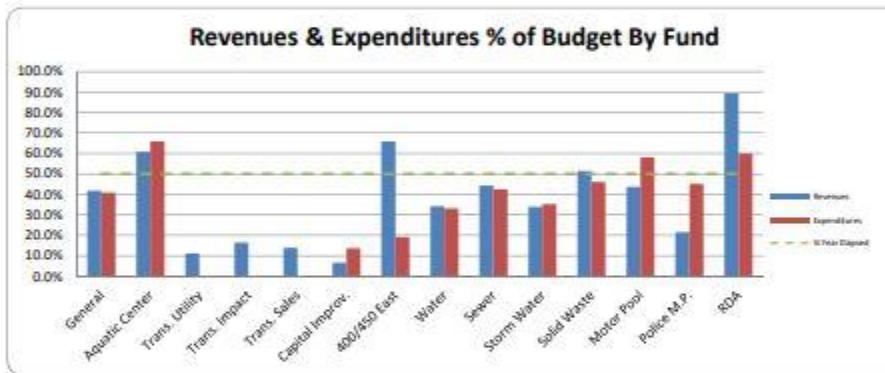
Sales Tax revenues for Fiscal Year 2020 are higher than projections at \$1,253,695. This is \$81,873 or 6.99% ahead of projections. The total represents an 8.24% increase over the previous fiscal year. The growth in revenue continues the trend we have been seeing for the past several years. This data includes revenues received through January 2020, which is from transactions through November 2019.

The summary graph shows revenues and expenditures compared to budget. Here are a few notes:

- Aquatic Center Fund – Expenditures exceed revenues due to the seasonal nature of revenues.
- Transportation Funds – Most of the revenue in the transportation funds is being reserved for future road projects, including the widening of Washington Blvd.
- Capital Improvement Fund – Several projects occurred near the beginning of the fiscal year. Fund balance and revenues received throughout the fiscal year are expected to offset these expenditures.
- Storm Water Fund - Expenditures exceed revenues due to expenditures on capital projects that have not yet been reimbursed.
- Motor Pools – Expenditures exceed revenues due to vehicle purchases at the beginning of the fiscal year.
- CDA Fund – The Community Development Area Fund started receiving property tax revenue for the first time this fiscal year. So far the fund has collected \$43,775.

Economic Forecast: Sales Tax revenues are closely tied to the local and statewide economy. This revenue source has been increasing each year since 2010. Some economists predict a slowdown in coming years, although they do not seem to think the risk is as great compared with sentiment 6 months ago. With that said, risks of terrorism, trade wars, natural disasters, viruses, and political conflict continue to appear in various forms. Economic trends will be monitored and will guide budget recommendations in the coming year.

Mr. Nelson reviewed his staff memo and provided a review page of graphs that illustrate the sales tax trend in the City, a comparison of revenues and expenditures by each City fund, and tracking of general fund expenditures.



Council Member Ekstrom asked if there is a reason for the spike in sales tax revenue in February. Mr. Nelson answered yes and indicated that sales tax revenue reporting has a two-month lag time; the revenue reported in February is actually from December sales tax collection.

Council Member Covering asked Mr. Nelson to briefly discuss the purpose of the City's Commercial Development Area (CDA) and the funding source for the CDA. Mr. Nelson stated the City has two defined redevelopment areas (RDAs) and the City Council acts as the Board of the Redevelopment Agency. The City has entered into agreements with other taxing entities to dedicate a portion of property tax increment generated in those areas. Increment is calculated by considering the base year property value and subtracting that from the increased value resulting from investments in those areas. Now that some development has occurred in the defined CDA, the property values have increased and increment is being generated. The CDA initially borrowed money from the Redevelopment Agency and that debt will be repaid now that the CDA is generating increment.

6. **DISCUSSION AND/OR ACTION TO CONSIDER AN ORDINANCE REZONING MULTIPLE PROPERTIES AS PART OF A ZONING MAP UPDATE FOR LAND LOCATED AT THE FOLLOWING APPROXIMATE LOCATIONS: 850 E 2600 N, 1401 E 3100 N, 100 E 1825 N, AND 193 E PLEASANT VIEW DRIVE**

A staff memo from Associate Planner Bell 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

The applicant for these zoning changes is the City. The City updates the zoning map on an annual basis, to make minor adjustments, correct errors, etc. There are a number of adjustments that are being made to the zoning map, which are discussed item-by-item below. As part of these proposed adjustments, and with the recommendation of the Planning Commission, Staff has included an updated version of the zoning map, which is proposed for adoption as part of the ordinance prepared to enact these changes.

CONFORMANCE WITH GENERAL PLAN

The applicable Zoning and Land Use Policy guidelines from the General Plan for each area where a zoning change is being proposed will be included and commented on, in the relevant section of this report.

Zoning and Land-Use Policy

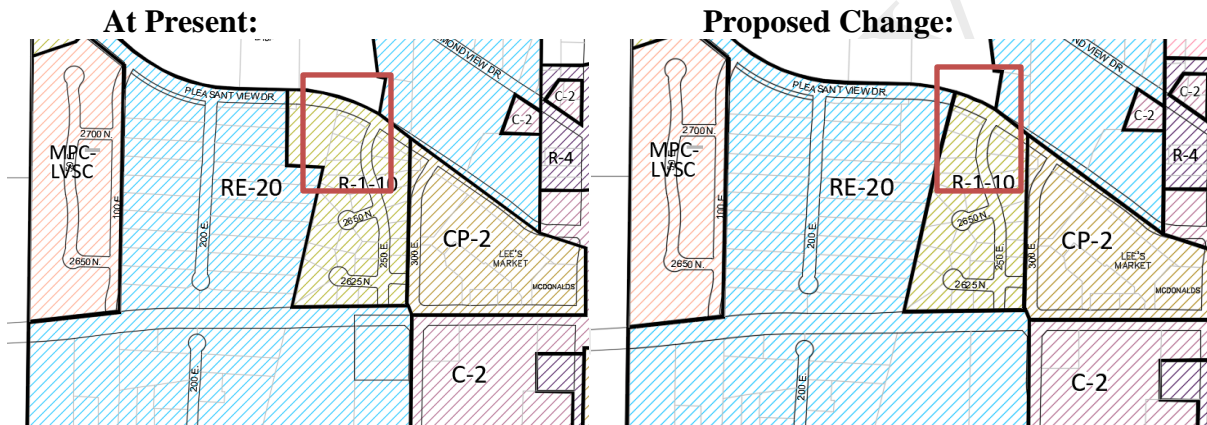
The following policy consists of general statements to be used as guidelines. Such guidelines may on occasion conflict, when several are compared. In such cases, the Planning Commission should prioritize the guidelines as they pertain to the specific parameters of the issue which is pending. All zoning requests should first be evaluated for their compliance with the General Plan.

Area 1: 193 E Pleasant View Drive

Address: 193 E Pleasant View Drive
Project Area: 1.85 acres
Current Zoning: R-1-10
Proposed Zoning: RE-20
Existing Land Use: Low-Density Residential
Proposed Land Use: Low-Density Residential
Parcel ID: 180480030

ADJACENT LAND USE

North: Agricultural
East: Residential
South: Residential
West: Residential



Applicable Guideline:

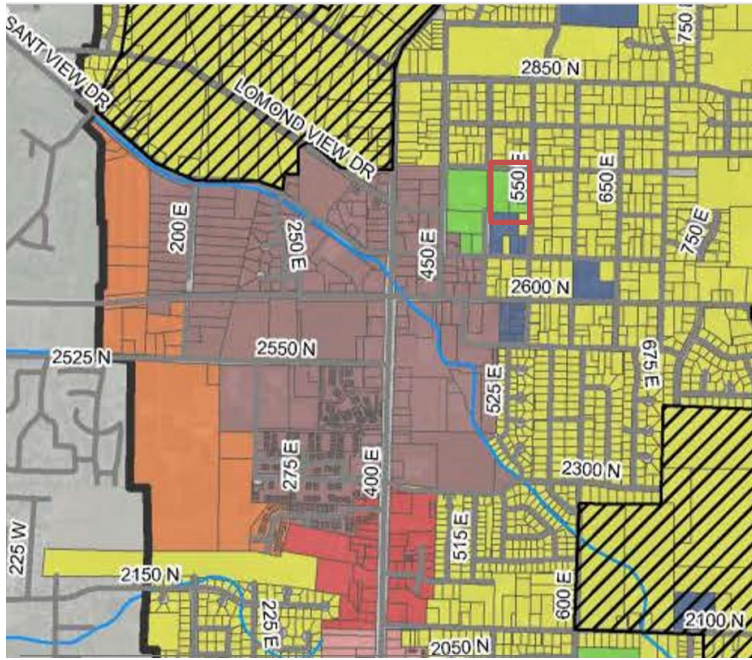
- Zoning should reflect the existing use of property to the greatest extent possible, unless the area is in transition or is in conflict with the General Plan.

Staff Comment: The proposed zone change would bring this into conformity with the standard that zoning should reflect the existing use of the property.

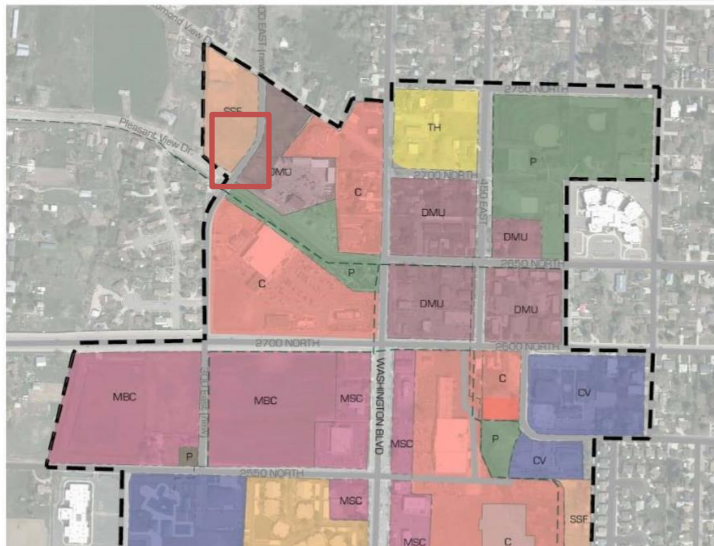
The General Plan is unclear in this area. There are 2 conflicting maps. One map states this property should be Downtown Mixed-Use. The map in the General Plan for this area specifically shows the property outside of the Downtown area.

Changing it to the requested zone would be consistent with its current use.

These maps are shown below:



NORTH OGDEN DOWNTOWN AREA
SCALE: 1"=200'



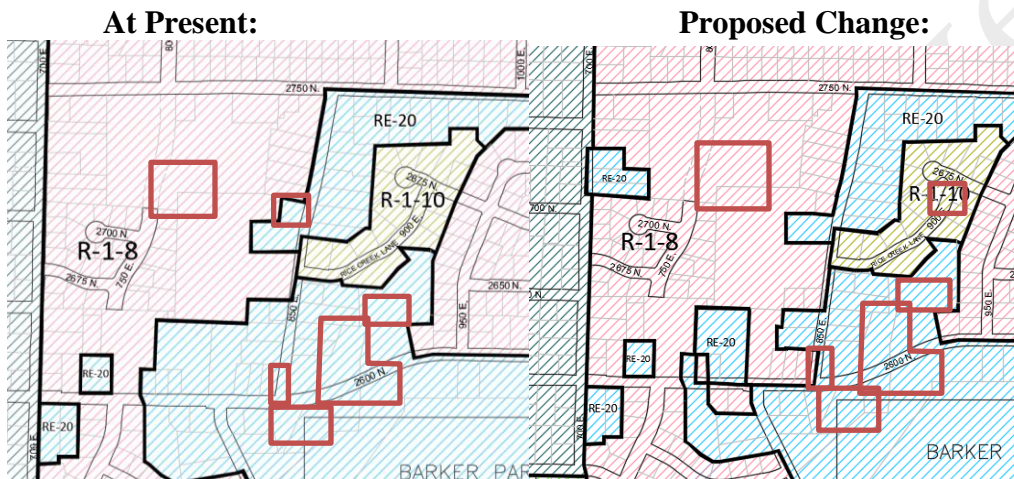
SYMBOL	NOTES	ACRES
[Light Orange]	SF - SMALL SINGLE FAMILY	0.31
[Red]	C - COMMERCIAL	34.42
[Green]	F - PARK/PARK	17.35
[Yellow]	MF - MULTI FAMILY	26.27
[Light Blue]	O - OFFICE	5.83
[Purple]	MSC - MAIN STREET COMMERCIAL	12.61
[Dark Blue]	CV - CIVIC	17.60
[Light Purple]	DMU - DOWNTOWN MIXED USE	18.25
[Dark Purple]	MBC MID BOX COMMERCIAL	19.74
[Yellow-Orange]	TH - TOWNHOUSES	4.47

- Avoid isolating neighborhoods.

Staff Comment: As the proposed zone would reflect the existing use of the property the Staff is of the opinion that the proposed zone would not isolate the surrounding neighborhoods in any way.

AREA 2: 850 E 2600 N

Address: Approximately 850 E 2600 N
Project Area: Multiple properties of various sizes
Current Zoning: Mostly RE-20 (One cluster R-1-8)
Proposed Zoning: Mostly R-1-8 (One cluster proposed to go back to RE-20)
Existing Land Use: Low-Density Residential
Proposed Land Use: Low-Density Residential
Parcel ID's: 170740041, 170740040, 170740047, 170740046,
170740031, 170740030, 170740024, 180270002,
180270003, 180270005, 170190022, 170190007,
170190006



In 2018 the City made a number of changes to the zoning map in this area as part of the development process surrounding the Mountain Valley Villas subdivision. Property owners in the area were surveyed to determine who was interested in having the zoning for their property changed to R-1-8.

Unfortunately, there were some inaccuracies on the exhibit that was part of the ordinance making the zoning changes, and a number of properties were not changed to R-1-8 that were supposed to be, and one cluster of properties was mistakenly changed from RE-20 to R-1-8 that were not supposed to be changed away from RE-20. This change is proposed to correct those errors.

In regards to the properties that were mistakenly changed from RE-20 to R-1-8, by changing these properties back to the RE-20 zone (which they were originally), the City is keeping its promise to only include those properties whose owners wanted to be included in the change to the R-1-8 zone. This proposed zone change in this area includes only those properties that were mistakenly changed, or were supposed to have been changed and were not, in a map update for this area in 2018.

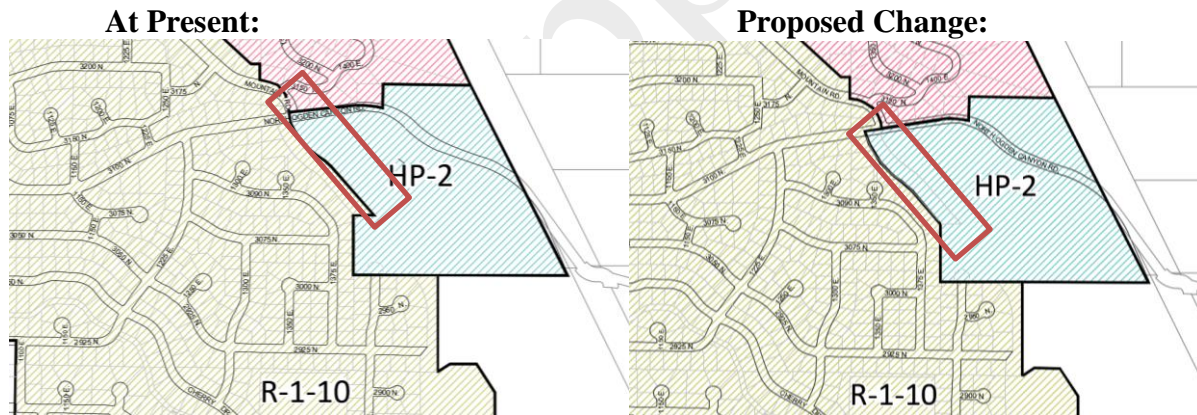
Applicable Guidelines:

- Zoning should reflect the existing use of property to the greatest extent possible, unless the area is in transition or is in conflict with the General Plan.
Staff Comment: The proposed zoning would allow development that is consistent with the Low-Density Residential land use category in the General Plan for these specific properties. This area is clearly in transition with an approved subdivision in the process of development, and a significant zoning map change having already taken place in this area in 2018.

The three properties proposed to be returned to the RE-20 zone will fulfill the City’s promise made at the time of the original zone change in this area, that only the properties of interested owners would be changed to R-1-8.

AREA 3: 1401 E 3100 N

Address:	Approximately 1401 E 3100 N
Project Area:	Approximately 1.86 Acres
Current Zoning:	R-1-10
Proposed Zoning:	HP-2
Existing Land Use:	Vacant / Low-Density Residential
Proposed Land Use:	Low-Density Residential
Parcel ID:	160490067



Applicable Guidelines

- Zoning boundaries should not cut across individual lots or developments (i.e., placing the lot in two separate zones). Illogical boundaries should be redrawn to follow property or established geographical lines.
Staff Comment: The requested zone change is a single parcel, and the proposed boundaries, if approved, would follow the boundaries of a subdivision that is in the process of development.
- Zoning should reflect the existing use of property to the greatest extent possible, unless the area is in transition or is in conflict with the General Plan.

Staff Comment: The General plan shows this parcel as grey, which does not have an assigned land use category, though the parcel is surrounded by Low-Density residential; Staff is of the opinion that the parcel was intended to be shown as Low-Density Residential.

Staff is of the opinion that the proposed zoning would allow development that is consistent with what we believe is the intent of the General Plan for this specific property. The proposed zone (HP-2) is extremely similar to the existing zone (R-1-10).

The Future Land Use Map from the General Plan for this area (note the grey parcel near the center) is shown below:



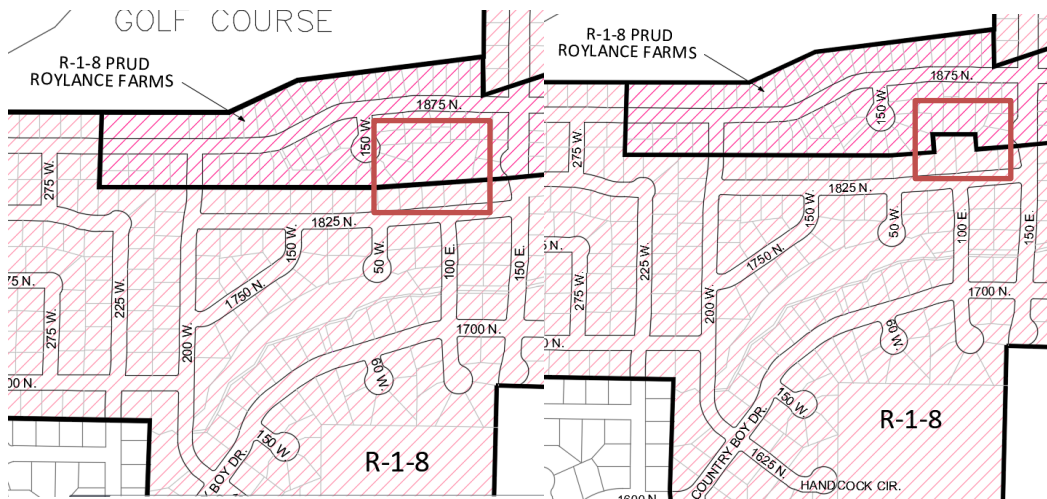
AREA 4: 100 E 1825 N

Address:	Approximately 100 E 1825 N
Project Area:	Approximately .2 Acres
Current Zoning:	Roylance Farms PRUD Zone
Proposed Zoning:	R-1-8
Existing Land Use:	Residential
Proposed Land Use:	Residential
Parcel ID:	114020002, 114020003, 174160001

A subdivision amendment was recently approved that divided common space in the Roylance Farms PRUD, and combined it with a number of private lots in the Roylance Farms subdivision. This caused an addition of property to two lots to have their new property lines cross zone the zoning district boundary. Due to this resulting situation, the subdivision amendment was approved with the condition that the property owners not object when the City updates the zoning map to adjust these zoning boundary lines.

At Present:

Proposed Change:



Applicable Guideline

- Zoning boundaries should not cut across individual lots or developments (i.e., placing the lot in two separate zones). Illogical boundaries should be redrawn to follow property or established geographical lines.

Staff Comment: *The proposed zone change would bring the zone boundary between the R-1-8 and the Roylance Farms PRUD zones in this area, into compliance with this guideline.*

The memo offered the following summary of potential City Council considerations:

- Is the proposal consistent with the General Plan?
- How does the proposal relate to the Zoning and Land Use Policy guidelines?

The memo concluded the Planning Commission unanimously recommended that the zoning district changes in this report be approved. The City Council should consider the guidelines and determine if the proposed rezoning of property in the above areas is appropriate for each of these properties and make a decision.

Mr. Bell reviewed his staff memo and used the aid of the maps in the staff report to orient the Commission to the location of the properties subject to the proposed amendments to the City's zoning map.

Council Member Barker asked if the property owners have been notified of the proposed zoning adjustments. Mr. Bell answered yes; all property owners were notified in 2018 and again recently when the errors were identified and staff moved to begin correcting the errors.

a. Public Comments

Mayor Berube invited public input.

Keith Ashdown, 193 E. Pleasant View Drive, stated he is supportive of this zone change; he raises cattle on his property and according to the current zoning designation, he could lose that right if the use of the property changed for an extended period of time. He would like to secure the RE-20 zoning for his property to protect the current use. He noted, however, he would be open to discussing selling his property to the City for construction of the new Public Safety Facility across the street from the Public Works Facility.

There were no additional persons appearing to be heard.

- b. **Discussion and/or action to consider an Ordinance rezoning multiple properties as part of a rezoning map update for land located at the following approximate locations: 850 E 2600 N, 1401 E 3100 N, 100 E 1825 N, and 193 E Pleasant View Drive.**

Council Member Cevering motioned to approve Ordinance 2020-02 rezoning map update for land located at the following approximate locations: 850 E 2600 N, 1401 E 3100 N, 100 E 1825 N, and 193 E Pleasant View Drive. 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.

Mayor Berube called for a five-minute recess.

7. **DISCUSSION AND/OR ACTION TO DIRECT STAFF TO PREPARE AN ORDINANCE AND DEVELOPMENT AGREEMENT FOR CONSIDERATION OF REZONING PROPERTY LOCATED AT APPROXIMATELY 1550 NORTH WASHINGTON BOULEVARD FROM COMMERCIAL CP-2 TO MASTER PLANNING COMMUNITY (MPC-CT) COOPERS TOWNE**

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, land use text amendments, and development agreements. 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

The Planning Commission conducted a public hearing on January 22, 2020. There were a number of comments received from the public along with the applicant's presentation. See the January 22, 2020 Planning Commission minutes in Exhibit S.

The applicant owns two parcels at approximately 1550 North Washington Boulevard to the south of the Walker Theaters and west of the Cold Creek Village PRUD. The three parcels total approximately 7.195 acres. The two southern parcels are currently in Ogden City; an Interlocal agreement is proposed to transfer this parcel within the North Ogden City limits. The project will be constructed in two phases while the boundary transfer takes place. 1525 North will be constructed as a public street and bisects the project.

The initial project was to be a mixed use residential and commercial project with apartments, townhomes, and commercial. The applicant reported that their efforts to attract commercial have been unsuccessful and the proposal is to now be residential only. **This will require an adjustment to the development agreement. The Planning Commission recommends that residential only is acceptable.**

A joint work session with the Planning Commission and City Council was held on October 3, 2017. (See Exhibit Q) The following summary of discussion conclusions is listed below; adjustments to the design are reported in the analysis:

- Adequate parking, two stalls per unit
- Total landscaped / open space and the usability of the space
- Building heights; proposed 40 feet
- Location of trash enclosures
- Quality and design of construction
- Feasibility of the project

A further discussion of the project was held on April 17, 2019 with the Planning Commission. A summary was made stating, "...that the architecture is pleasing and acceptable, the four-story buildings are acceptable, but not in the locations currently proposed, parking for the club-house should be adjusted so that it is not on 1525 North."

ANALYSIS

The purpose of the MPC zone is stated in 11-7K-1 Purpose:

The purpose of the Master Planned Community Zone is to provide opportunities for creative and unique developments within North Ogden City. This ordinance includes guidelines for creating neighborhood-oriented village projects that may include a mix of residential, commercial, recreational and/or public uses.

An integral part of this Zone is a multistep review process to assure compatibility of proposed land uses with existing, and proposed adjacent neighborhoods, as well as the vision of the General Plan. The desired goal is to move toward vibrant, sustainable, and walkable neighborhood centers, with integrated streets.

Proposed plans for development must follow or exceed design standards found within this ordinance. Specific plans shall be a reflection of a required development agreement.

The Coopers Towne project is a residential project that will be built in two phases. The project consists of walk-up garden style apartments. The amenities consist of a club house, pool, splash pad, tot lot / playground, and pavilion. (See Exhibit E)

1525 North will be constructed to connect between Washington Boulevard and the Cold Spring Village PRUD. There is an intervening parcel that is owned by the Walker Theaters which is to be dedicated as part of the subdivision approval.

If the zone change is approved; two additional reviews will take place, a subdivision plat and site plan review.

Project Summary (See Exhibit F)

Residential

Apartments	
20-plex	4 buildings (C, D, E, F)
28-plex	2 Buildings (A & B)
30-plex	1 Building (G)
166 Units	7 Buildings on 7.195 acres / 23.07 units per acre

The apartment units are a combination of 1, 2, and 3-bedroom units; 55 one-bedroom units, 87 two-bedroom units, and 24 three-bedroom units

11-7K-9 MASTER PLANNED COMMUNITY ZONE CONFLICTS WITH OTHER REQUIREMENTS IN THE CITY CODE:

When the requirements of this chapter are found to be in conflict with other provisions of the City Code, the standards, requirements, and processes of this chapter shall take precedence, especially where a development agreement has been approved. The various conflicting provisions are identified in the Development Standard sections below highlighted in red.

11-7K-5 DEVELOPMENT STANDARDS

Staff has reviewed each of the design standards and provided an analysis.

A. Building Placement and Massing

The Washington Boulevard frontage has three buildings. The building setbacks vary from 10 to 18 feet. The middle building has undulating setbacks to provide interest. This setback standard is 0 to 10 feet on Washington Boulevard. **This will**

require an adjustment to the development agreement. The Planning Commission recommends this adjustment.

1525 North needs a minimum of 15 feet setback. The buildings on the north side of 1525 North meet the 15-foot standard. The buildings on the south side have a 5 to 8-foot setback. The Planning Commission recommends that the south side setback meet the 15-foot standard.

Building facades should occupy 65% of the frontage facing Washington Boulevard and 50% on 1525 North. The buildings north of 1525 North have a building façade of 200 feet with frontage of 321 feet. These buildings are at 62% of the frontage. The south building façade is 59 feet with frontage of 125 feet. This building has a 51% frontage. South of this building is a detention basin. This will require a development agreement modification. The Planning Commission recommends this modification.

B. Building Heights

The building heights are specified below in the ordinance.

Land Use	Commercial, Office & Vertical Mixed-Use or residential flats	Condos, Townhomes, single purpose apartments	Single Family, Twin Homes, & 4-unit buildings	Civic Uses & other stand-alone uses
Minimum Building Height	Two Stories or 24’	Two Stories or 24’	One Story or 14’	One Story or 14’
Maximum Building Height	Four Stories or 50’	Three Stories or 36 ‘	Two Stories or 24 ‘	Three Stories or 36 ‘

The applicant is proposing building heights as shown below:

<u>Building Type</u>	<u>Height & Stories</u>
Building A – 20 plex (C, D, E, F)	45’ 5” Feet / 3 Story
Building B – 28 plex (A & B)	54’ 10” / 4 Story
Building C – 30 plex (G)	45’ 5” Feet / 3 Story
Club House	26’ 8” Feet / 1 Story

Apartments are limited to 3 stories and 36 feet in building height. (See Exhibit E) if the Planning Commission and City Council find these heights acceptable. The development agreement will need to address these height differences.

The Planning Commission desires to not have a blank wall along Washington Boulevard and is recommending that Building A be a 3-story building and Building E a 4-story building. The Planning Commission recommends these height adjustments. The revised

plan (See Exhibit E-1) shows that this recommendation has been followed; Building A is now a 3-story building and Building E is a 4-story building.

Adjoining Lot Separation. Exhibit E Section C-101 shows the building heights and distances from adjoining buildings on neighboring lots. The separation between Building A going north to the North Ogden Animal Hospital is approximately 152 feet. The separation from Building F to the South is 93 feet. The separation from Building G to the South mobile home units is 109 feet. The separation from Building E to the East condo units is 147 feet.

Building Setbacks. Building setbacks are determined by the formula of up to 24 feet in height requires a 20-foot setback. Any additional height requires an additional foot for each foot of increased height.

Buildings A and B are 4-story buildings. **The Planning Commission is recommending Building A be a 3-story building with a reduced height as identified above.** The minimum setback for these buildings is 51 feet. The north setback for these buildings is approximately 75 feet and the east setback for Building B is approximately 80 feet.

Buildings C and D are interior buildings and do not have a rear or side setback; however, their front setback is addressed in section A above.

Building E is a 3-story building. The minimum east setback for this building is 42 feet. The east setback is approximately 80 feet.

Building F is a 3-story building. The minimum setback for this building is 42 feet. The south setback is approximately 115 feet.

Building G is a 3-story building. The minimum setback for this building is 42 feet. The east setback is approximately 83 feet and the south setback is approximately 97 feet.

The Planning Commission and City Council should review each of these requests and determine if they are acceptable. **The Planning Commission recommends these adjustments.**

C. Land use Impact and Buffering.

The site plan shows a landscape buffer around the perimeter of the project. There is an existing chain link fence partially on the north side along with a combination barbed wire fence. On the east property line is a barbed wire fence; Cold Springs Village has a vinyl fence. There is a slatted chain link fence on the south boundary next to the mobile home park. The applicant stated the site plan will be revised to construct a 6-foot-high vinyl fence around the project. It is suggested that a gate be installed on the north side in order to allow residents to walk to the adjoining theater. **The Walker Theater owner will be contacted to see if the gate is acceptable. The Planning Commission recommends the vinyl fence be added and the owner contacted about the gate.**

D. Architectural Design and Materials (See Exhibits G, H, I, and J)

The applicant has given a building elevation for the apartment buildings and club house. (See Exhibits G, H, I, and J)

Materials are summarized below:

Building A: Brick Veneer 40%, Cement Siding 40.8%, Stucco 15.2%
Building B: Brick Veneer 36.3%, Cement Siding 42.7%, Stucco 21%
Building C: Brick Veneer 45.2%, Cement Siding 38%, Stucco 16.8%
Club House: Brick Veneer 52%, Stucco 48%

The applicant stipulated at the meeting that the stucco will be removed and replaced with cement siding. Revised elevations have been submitted. The Planning Commission was comfortable with the building elevations, revised materials, and colors.

The building color board is in Exhibit K. Illustrations are also included in Exhibit D.

The Planning Commission should determine if the elevations, building materials, and colors are acceptable.

E. Signage

No signage requests have been made at this time. Previously, they have been submitted as part of the building permit applications. The Project Brochure, Exhibit D, identifies a welcome to North Ogden sign that the applicant committed to provide. The Planning Commission and City Council will need to give their approval.

F. Open Space & G. Landscaping

The minimum open space requirement is 20% of the project. The project has 25% open space with 22% landscaping. The landscaping plan is attached. (See Exhibit E) The club house area is 1%.

The final landscape plan will be approved as part of the site plan review.

H. Outdoor Lighting

Lighting details for streets and building are yet to be submitted. The street lighting along Washington Boulevard has been identified by the City. The standards for lighting are contained in this ordinance section and must be complied with.

I. Streets and Pedestrian Ways

1525 North will be a public street and will be extended to Washington Boulevard with a 60-foot right of way. The cross section will need to meet the City Public Work standard for local streets. The Walker Theater property that borders the eastern side of this Coopers Towne project has a 51.58-foot strip of land. The applicant is working with the Theater to dedicate this strip as part of the 1525 North extension. Along Washington

Boulevard there will be a dedication. UDOT approval is required for the dedication and access.

Washington Boulevard has an adopted streetscape standard. The design will need to reflect that standard. The site plan shows interior walkways.

J. Other Forms of Transportation

The site plan shows a bus stop and shelter.

K. Parking (See Exhibit F)

Apartment Parking

Apartments

Surface Stalls 95, Carport Stalls 83, Garage Stalls 83, Tandem Parking 83

Total 344 / 2.07 stalls per unit

The parking standard of two per unit is satisfied. Bicycle parking is required and the location is yet to be identified.

L. Environmental

This standard relates to building, landscape, and solar design. The ordinance suggests a design that emphasizes extensive landscaping, building recesses, porches, and parking that uses concrete that absorb sunlight.

M. Requirements Unique to Residential Uses.

The following shall apply to residential uses:

1. Multi-family residential use shall comprise a variety of types of housing, fulfilling housing needs with a wide assortment of housing choices.
 - a. The following standards shall be required for multi-family residential:
 1. Properly designed off-street surface parking hidden from streets, parking terraces, or underground parking. Attached or detached garage units associated with multi-family development should be rear loaded. Where only front-loaded garages are possible, they shall be subservient and setback 5 feet from the front façade and at least 20' from the front property line.
 2. Flat roofs with a parapet and pitched roofs with a 4/12 pitch or greater, unless otherwise approved by the Land Use Authority.
 3. Extensive windows facing streets, alleys and pedestrian connections.
 4. Covered porch entrances.
 5. Entry sidewalks that connect directly to public sidewalks.
 6. Livable balconies of 50 square feet or larger with a minimum of 5' in depth
 7. Material variety
 8. Building relief

The above standards appear to have been met.

N. Density

The proposal is for 23.07 dwelling units per acre. This MPC zone density range is 18-40 units per acre

GENERAL PLAN

The General Plan map calls for this property to be developed as Southtown Mixed Use; the MPC zone is consistent with this designation.

The memo offered the following summary of potential City Council considerations:

- Is the proposal consistent with the General Plan?
- Does the proposal meet the North Ogden Zoning ordinance standards?
- Is the MPC request appropriate for this neighborhood?
- Does the application meet the purpose / intent of the MPC zone?
- What modifications are appropriate?

The memo concluded the Planning Commission is recommending approval of the request zone change from CP-2 to MPC (CT) on a 6 -0 vote with 1 abstention due to a conflict of interest.

The following is a summary of the recommended changes to the development agreement. Based upon the City Council's determinations, a development agreement along with an ordinance will be presented in a future meeting for final approval. Once the City Council has approved the rezone, a subdivision and site plan review application will be processed for approval by the Planning Commission.

Development Agreement Summary:

Allow a residential only project.

Allow the Setbacks on Washington Boulevard to be adjusted from the required: 0 to 10 feet; to between 10 to 18 feet.

1525 North required: 15 feet; requested: 5 to 8 feet The PC recommends that the south side setback meet the 15 feet standard and not approve a modification. The east building has been revised to have a setback between 10 – 13 feet.

Building Facade Percentages are recommended as shown for the Washington Boulevard frontage be adjusted from 65% to 62% north of 1525 North and the building south of 1525 North from 65% to 51%.

Building Heights: The Planning Commission recommends that the maximum heights for the apartment buildings be adjusted from the 36 feet maximum to be between 46 feet to

54 feet. Further, that Building A be a 3-story building and Building E be a 4-story building.

Buffering and Fencing Requirement: The applicant stipulated to building a 6-foot vinyl fence around the project. The theater owner will be contacted about allowing a gate on the north side of the project.

Architectural Design and Materials: The stucco material shown on the building elevations be replaced with cement siding; revised elevations making this change have been submitted.

Mr. Scott reviewed his staff memo and aided the Planning Commission in their review of the concept plan; there was a focus on the layout and orientation of the various building types in the project.

Council Member Swanson inquired as to the size of the project without the land to the south that is still to be obtained. City Manager/Attorney Call indicated that Weber County parcel records indicate the property is approximately five-acres in size; the amount located in Ogden City is approximately two-acres.

Council Member Stoker asked if storm water has been adequately addressed on the property. Mr. Scott identified the location of a detention basin that will be required in the project. In addition, this project will facilitate the completion of a major storm drainpipe that will cross Washington Boulevard and direct storm water further to the west. Council Member Stoker asked if a geological study has been completed. Mr. Scott replied that he is not sure it has been done yet, but completion of a study is a requirement.

Council Member Swanson asked if 1525 North will be a public road, to which Mr. Scott answered yes.

Council Member Ekstrom asked if there are multiple steps in the process, with the annexation of the property that is located in Ogden City being one of the steps. Mr. Scott stated it is not actually an annexation action; rather, local government entities are allowed to adjust their boundaries. The concept of adjusting the boundary for this project has been discussed, but no official action has been initiated. Council Member Ekstrom asked if the project will be managed by an on-site management company. Mr. Scott answered yes; the applicant intends to contract with a property management company that will oversee the day to day operations at the project.

Council Member Swanson inquired as to the portion of the project that will not be constructed if an agreement to adjust the boundaries between North Ogden and Ogden City is not reached. Mr. Scott stated the street could still be constructed, but the portion of the project south of that street would not be built. He noted it is his opinion that it is sensible to adjust the boundary to ensure the two-acre portion of the property is located in North Ogden.

Council Member Stoker stated she recalls discussions about the Village at Prominence Point project and the commitment made by the applicant for that project to hire an on-site property management company. She asked if that has been done or if that requirement has been eliminated as a result of the multiple amendments to the Village at Prominence Point development agreement. Mr. Scott stated the apartments in that project have not yet been constructed; the townhome portion of the project will be managed by a homeowner's association (HOA). Once the apartment units are built, the requirement to have an on-site management company will be triggered. Council Member Stoker stated that when a project is discussed and promises are made, it can sound very positive, but sometimes those promises do not come to fruition. Mr. Scott stated that quality development has been the hallmark of the Council and staff discussions regarding any Master Planned Community (MPC) project; having good property management is key to ensuring quality development.

Mayor Berube invited input from the applicant.

Rick Scadden approached and provided a colored rendering illustrating the adjustments to the design and layout of the project responsive to the Planning Commission recommendation. He added a geotechnical study has been conducted and he provided a copy. There is a 10-foot utility easement along the property frontage on Washington Boulevard and that has impacted setbacks for the project. Setbacks for buildings along 1525 North are adequate in his opinion, but he can adjust them if necessary. He referenced Council Member Stoker's comments about storm drain capacity, noting there is a three-foot line that will run from his property and west to Mud Creek; he has been in conversations with neighboring property owners across Washington Boulevard who have indicated they are amenable to allowing the line to traverse their property if the City approves this project. Pineview Water is requiring the installation of a six-inch line across Washington Boulevard to drain Pineview Water from the project. He noted he has been in touch with the Utah Transit Authority (UTA) and they wish to build a shelter on the northwest corner of the project. He looks forward to working with the City to install a "welcome to North Ogden" sign at the City's entrance on his property. He worked with former Mayor Taylor on that matter and he wishes to honor his commitment to aid with that project. He noted UDOT is requiring the installation of a deceleration lane for Washington Boulevard north bound traffic to enter his project.

Council Member Barker stated that the City's MPC zone is intended to provide for designs that are creative and unique or containing a mix of uses. He stated it is his opinion that this proposed project is not creative or unique; rather, it is a large apartment complex; it also does not contain a mix of uses. Mr. Scadden stated that the property was purchased from a bank that had foreclosed on it after the former owner was unsuccessful in developing a restaurant on the property. He has tried to attract commercial uses to the project and it has not been possible. Commercial businesses wish to locate further north in the City's downtown area. He stated he is a North Ogden resident and would love to see a commercial development on the project, but apparently North Ogden residents do

not support business enough to keep them in operation in the City. He stated that he feels the architecture of the project is unique; it will be a high-quality design, but also be affordable.

Council Member Stoker asked Mr. Scadden to provide the definition of affordable. Mr. Scadden stated rent prices range from \$1.00 to \$1.25 per foot; he expects these units will rent for \$1.12 to \$1.15 per foot, which is lower than the average rate for the area. He stated that this has been determined by an individual that performs feasibility studies for lenders. He stated that the connectivity that will be provided by the project is something that residents in the area desire and he feels this product will benefit the community. He feels the subject property is the right location for his proposed project.

Mayor Berube stated that he also inquired about the affordability of a unit in the project; Mr. Scadden has indicated that the average unit size is 1,200 square feet, meaning rent will be approximately \$1,450 per month. Mr. Scadden stated that a one-bedroom unit will be approximately \$1,000 per month and a three-bedroom unit will be approximately \$1,450.

Council Member Stoker asked if the monthly rent amount will cover the cost of utilities or other amenity fees. Mr. Scadden stated the rent will cover internet and cable television service as well as access to the pool, club house, and tot lot. Other utility costs will be paid by tenants. Council Member Stoker stated that in past projects in the City, a developer has started the project, but ultimately sold to another developer. She asked Mr. Scadden if he plans to see the project through or if he plans to sell it to another developer once he has secured City approval. Mr. Scadden stated the minimum amount of time he plans to own the project is seven to 10 years.

a. Public Comments

Mayor Berube invited public input.

Julie Anderson, 940 E. 2600 N., stated she has great concern about this project, one of which being the introduction of four-story buildings. She has reviewed the City's MPC zone text and stated that the minimum acreage for an MPC project is five acres. The portion of property that is already located in North Ogden is five acres, but once a road is constructed, the buildable area will be reduced to 3.7 acres. She reviewed additional requirements for the zone; the primary use shall be residential, but at least five percent of the total square footage of all buildings in the entire proposal shall be devoted to a secondary use, such as residential mixed with commercial uses or office uses. Greater mixes are encouraged. She stated the project does not meet that requirement. Additionally, proposers of this type of project shall be willing to enter into a development agreement that runs with the land and she asked how the City can consider a development agreement when part of the land that the applicant is proposing to develop is located in Ogden City. She contacted Ogden City about this issue and they indicated they were aware of this proposal, but that discussions regarding a boundary adjustment have taken

place. She stated this is worrisome; there are regular discussions about MPC zoning as if it is the best zoning option for projects in the City. She understands the problem of attracting commercial uses to the property, but providing a secondary use is part of the MPC zone. She wondered why the City would not make this development comply with that requirement. She then stated that she started looking into records regarding the subject property and found that the owner is delinquent in taxes by \$29,000 and that also means the City has not received its portion of the taxes, yet the City is ‘jumping through hoops’ to help him. She would like the applicant to address that issue. She does not believe the City should be considering this project until all issues have been addressed, specifically the boundary adjustment and compliance with the MPC zone requirements. She asked the Council to consider the issues raised by the public earlier in the meeting; there will be a burden placed on the City if this project is approved. The Fire District will need to buy a ladder truck to provide support for four-story buildings and that cost will be passed on to residents. She feels development in the City needs to slow because it is putting pressure on schools; she taught a math class the other day and there were 42 students in it. This is hard for teachers and students are not getting the support they deserve. She understands that the applicant has property rights, but so do all other residents in the City; as the Council moves forward, they need to consider how to best take care of every part of the City, not just the developer.

Bob Napoli, 816 E. 2750 N., asked for someone to identify the location of the road that will be constructed in the project, which staff did. He then referenced Mr. Scadden’s comments about the previous owner’s inability to attract a restaurant to the site; that was because the restaurant he was planning to build was massive and not the type of project that would be supported by the community. Additionally, it was too large for the property and the geotechnical study indicated that the property could not hold the weight. He stated he expects that Mr. Scadden’s proposed project will be heavier than a restaurant would have been and he asked how it has been determined that the property can support that weight.

John Hansen, 345 W. 1700 N., stated he understands and appreciates the delicate manner in which the Council must balance property rights and freedoms that go into community planning, but he is adamantly opposed to any more high-density housing in the area. There is already too much and the infrastructure cannot handle it. Additionally, development is proceeding too quickly. He asked that the Council take the current citizens into consideration rather than focusing solely on the potential to increase tax revenue as a result of this type of project.

Dave Hulme, 513 E. 1700 N., stated he lives very close to the subject property and he works even closer to it and he is in favor of it. He considers the neighborhood surrounding the subject property to be somewhat at-risk; it is surrounded by mobile homes and uninspiring townhomes built in the past. There are a couple of commercial lots nearby, one of which is overrun with weeds and unkempt. There are two abandoned homes to the south where apartment buildings have been proposed in Ogden City. There is a used car lot and junk yard across Washington Boulevard and further to the north there

are older apartments and duplexes. This is where he lives and goes to church and someone was shot and killed recently in an area that he walks by three times each day. When a developer is interested in spending millions of dollars to improve the area he lives in, he likes that idea. This means an infusion of cash in his neighborhood, which is a good thing. He stated he has seen the apartment complexes that have been built on vacant lots in downtown Ogden and they have dramatically improved the area; he has never heard anyone say that they should not have been built there. There has been mention of the connectivity that will be provided by this project; roads in the existing townhome development were not built to handle through-traffic, yet it is being used by construction vehicles for the Woodfield Farms project further to the east. There have been expectations for roads to be built in that area, but that has not occurred and the area is suffering as a result. There has been a lot of talk about how this type of project is not needed in the community, but he referenced a KSL news article from January 24 of this year that indicates there are fewer than three workers for every four jobs in the State, which means that more people will be coming here because there are jobs for them. There is another report from the Salt Lake Tribune from the spring of 2019 that indicates more housing is needed to address the shortage and to help lower current high prices. Economists are claiming that the reason for high housing prices is the low supply; if the supply is increased, costs will decrease. The City can be part of the solution of addressing the housing crisis. Fox 13 reported last September on the struggle to build homes; space is needed to build homes at a faster rate and people need to be open to the aspect of increased density to keep younger generations in this area. He stated he hopes the irony is not lost on the Council that people who have only lived in the City for a few years are now complaining about traffic and overcrowded schools. He is sure that people that lived near the area that they recently built their home had the same concerns when development was occurring near them. When he built his home, there was horse property behind it. When the Cold Springs Village was proposed he was opposed to it and talked about what a mistake the project would be. He hopes that his neighbors who he loves so much never read what he said; they are some of the best people he has ever known and he would not trade them for the horse property that was behind him. He reiterated the subject property has been vacant and for sale for 17 years; he worries that this lost opportunity will lead to it remaining vacant rather than contributing to the neighborhood. He stated he feels much of the traffic associated with the project will move to the south. He knows there are problems with school overcrowding, but this is largely due to decisions made by the Weber School District to build schools where they were not needed as much as in North Ogden. He stated the Village at Prominence Point project as currently approved includes a four-story building so he hopes that the Fire District is making plans to purchase the fire apparatus that will be needed regardless of whether the Coopers Town project will be built. He stated he served on the City's Planning Commission and Economic Development Committee; he worked with the City Council and everyone shared the desire to develop a thriving business district at North Ogden's entrance. That has not come to fruition and he now believes it is a 'pipe dream'. That is unfortunate, but he just does not think it is possible. The frustrating thing for him to hear is the people who talk about their hopes and dreams for the City without understanding the economic realities of those dreams. He knows that business decisions are based upon

demand. Mr. Scadden has a project that is supported by a business model rather than others' dreams. He agrees that the restrictions placed on the project by the Planning Commission are appropriate and he hopes the Council holds Mr. Scadden to those restrictions, but he hopes that the Council will consider that not everyone is opposed to this project.

Dale Anderson, 940 E. 2600 N., stated that he and his wife have dealt with this type of issue in the past when a project was proposed for a property next to them. They worked with the City and the developer to reduce the density of the project to something that is much more appealing. He stated that the matter before the Council tonight is simply a zone change and once the applicant secures zoning, they can change their conceptual plans. He would like the Council to require Mr. Scadden to address the boundary adjustment and ensure that there is a full five-acre parcel to comply with the MPC zone. He was in attendance at a meeting last year where Mr. Scadden presented a plan that was much different than what is being presented tonight; it included commercial uses and the plan now looks much different. The City should create a development agreement that would be tied to the property, not the current applicant. It feels like the owner has taken a property that was intended for commercial use and turned into residential because he cannot turn a profit; however, that is a risk that developers take and it is not a matter for the City to be concerned about. He advised the Council to proceed cautiously, especially if there are concerns about the stability of the ground.

Rod Southwick, 595 E. 2250 N., asked if studies are done to determine if it is safe to provide an access from the property onto Washington Boulevard. He stated that from where he lives, he used to access Washington Boulevard from 2300 North and there were two deaths at that intersection in the last seven years. He worries about creating another scenario where there could be accidents and deaths. He then stated he is also concerned about the stability of the subject property; it had a great deal of water on it and appropriate testing should be done to determine if can support a project of this size. He is also concerned about the elevation of the properties that will front Washington Boulevard; there is not a sufficient amount of variation in the elevations. He also asked about any plans to purchase a fire truck that can support a four-story building.

Council Member Barker stated the Fire District would need a ladder truck if four-story buildings are built; the District has mutual aid agreements with agencies that have ladder trucks. They will be used in cases where rescue is needed to save someone's life, but the trucks are coming from Roy or West Haven, so there is a risk. If more four-story buildings are built, it is likely the District will need to buy a ladder truck to serve this area.

Brenda Ashdown, 193 E. Pleasant View Drive, stated that Mr. Scadden is a neighbor of hers and she hopes her comments are not taken personally; however, she disagrees with Mr. Hulme and would much rather have an open field across the street from her home than the City's Public Works Facility that was recently constructed there.

Randy Winn, 2412 Barker Parkway, stated he attended the Planning Commission meeting regarding this project and spoke in opposition to it. However, the City gave some approval for this type of project on the subject property two years ago and the applicant has worked towards that project. He is concerned about allowing four-story residential buildings in the City; Ogden is the central city in this region and that is where those types of buildings belong. He has conflicting feelings and is worried about mistreating a person that is willing to make an investment in the community based on input and direction they have received from the City. For the sake of the future of the City, he thinks the Council needs to revisit the MPC zone and determine what adjustments can be made to protect the City. He believes Mr. Scadden is correct that it will be difficult to secure a commercial use for the subject property given its distance from the City's center.

Janis Christensen, 1233 E. 2250 N., stated that she appreciates hearing the comments made on both sides of this issue; if the Council were to translate those that have spoken into a percentage of the population, it may be that each person represents 200 other residents in the City. Consequently, the person who spoke in strong favor of the project would be the anomaly and most of the City would not be supportive. She was raised in a very dense City and no matter how many weeds a field has, it is far more beautiful than a development that is too dense with housing. She knows that this project has been in discussion over the last two years and there have been many references to the former Mayor, Brent Taylor. She spoke to his widow, Jennie Taylor in the last few weeks and she understands that situations change and if the former Mayor were here, he would be adapting to the changing situations. Things in the City are fluid and it is necessary to adapt to those changes. She thinks Mr. Scadden has undertaken a great creative effort and she does not doubt that he will be able to find a place to build it where it may be better received. She does not believe the City is indebted to a decision made by a former City Council and Mayor; rather, the current Governing Body needs to move forward and acknowledge that it is their role to serve the citizens who live here and who want the atmosphere to reflect the ideas they have about this community.

Spencer Alexander, 1740 N. 150 E., stated that if the proposed development is going to generate money for the City, he would like his share in cash. He cautioned the City against believing this is a project that is a perfect remedy for everyone; he is concerned about mass developments like this because the City does not seem to be staying on top of requiring compliance with development standards. This could be because they are so large and unmanageable, but he is worried about the snowball effect of this type of behavior. He stated that he may not be an economist, but he does have an opinion and everyone's opinion is important. He and his spouse have talked about public involvement in local government processes and while he is hopeful that the Council values the public input they receive, many do not believe that is the case. This is his only way to reach out and get his opinion out; he understands that it may not be heeded, but he hopes it is listened to. He is concerned about a repeat of the Village at Prominence Point project; the City has focused so much on securing commercial uses and this has been at the cost of the current residents.

Dan Lee, 1819 N. 100 E., stated that many people in the City are not willing to stand up and say how they feel and he hopes that some of the responses from the audience earlier in the meeting were perceived as support for a common opinion among many of those who were present tonight. He stated that he feels that the City could require adjustments to the plan to address the concerns that have been expressed; an example of this could be to eliminate four-story buildings in the project. If the applicant chose to move forward with the understanding that their profits may be reduced because of these adjustments, that would show a commitment to the City on their part. That is a developer he would be willing to work with in the future. He then noted he is very concerned about the traffic implications of the proposed project; it is necessary to consider how traffic will flow into and out of the project and consider whether a traffic signal may be warranted just a block from 1700 North. He stated he understands the Council has heard the same concern from several people, but this is the only opportunity the public has to communicate their opinions to the City Council. He suggested increased transparency regarding the future goals for the City; he is not opposed to higher density residential, but he wants to make sure that all appropriate agreements are in place and enforceable. If the City is implanting rules for development, they need to be enforceable.

Scott Schuman, 3423 N. 900 E., stated it is his understanding this is a request to change the zoning, but the details that are being discussed tonight should be discussed later down the road when the City is actually considered a development plan. He feels that changing the zoning to MPC is fine, and the other issues that have been raised tonight can be considered at a future date.

Calvin Cooper, 558 E. 2250 N., stated that the issue that was raised earlier in the meeting about the possibility that the land may not be able to support the proposed project is very concerning to him. If one of the buildings were to settle and make a space unusable, the entire area will turn into low income and empty housing, which will lead to high crime and drug use. He also implored the Council to consider whether the City can support the population that will live there. There has been a push for years to bring commercial development to the City and he wondered if there is enough business here to support this increase in population and to provide jobs for people that will live in the development. If those jobs are not available, the project will turn into low income housing and the developer will immediately sell to someone else, which will lead to a cycle of selling to owner after owner. Again, this will lead to high crime, increased drug use, and all the other issues that come with unemployment. This will create a safety issue for all residents rather than a financial improvement for the community. He suggested the City allow growth to occur naturally rather than trying to force this type of project.

Rick Scadden stated he appreciates and understands the comments and concerns that have been raised tonight. He addressed the stability of the property; there is a storm drain that enters the property at its northwest corner. It floods the property and there is standing water on the property because of the drain. He has a report written by a very conservative engineer who has indicated that the stability of the ground will not be a problem. It will be helpful to route that drain in the right direction and get the water further downstream

to the west. He acknowledged the concerns about increased traffic and he would love to have a traffic signal onto Washington Boulevard. However, UDOT will not allow that because it is too close to 1700 North. He feels the turning lanes and deceleration lane for northbound Washington Boulevard traffic will help to address the traffic issues. He added that the current traffic levels and high speed limit on the road is what has made it very difficult to attract a commercial use to the property. It is considered a pass-through zone and commercial uses would not be sustainable at the site. He stated this project is a very substantial investment for him and it is also a risk, but the product will be high quality. He used exhibits in Mr. Scott's staff report to review the elevations for the buildings he plans to develop. They are very attractive and something that people will be proud to live in. The amenities will contribute to attracting good residents to the project.

b. Discussion and/or action to direct staff to prepare an Ordinance and Development Agreement for consideration of rezoning property located at approximately 1550 North Washington Boulevard from Commercial (CP-2) to Master Planning Community (MPC-CT) Coopers Towne

Mayor Berube stated that he has been asked to provide his opinion on this project. He does not believe it complies with regulations of the MPC zone; it is not mixed-use, is not unique and/or creative, and is not a neighborhood or a village. It is a high-density apartment complex. The only reason for granting MPC in his mind is to allow a high density of 23 units per acre, which would be the densest project in the City to date. The City has stated it needs more commercial property and while today it may be difficult to attract a commercial use to the property, it is the job of the Governing Body to look to the future. Mr. Scadden has indicated that commercial is not viable because of the 50 mile per hour speed limit on the road, but people have figured out to slow down to get into the theater and the animal hospital. He is concerned about putting residents in the City in danger. He was not in favor of allowing a four-story building in the Village at Prominence Point project and he does not think it would be appropriate to compound the problem by allowing more. The residents living behind the subject property would be looking at four-story buildings and he does not believe they will appreciate that. A number of exceptions have been requested in order to make this project viable; this includes building heights. He stated it is his opinion that the City has not done a good job with the MPC zone in its current condition; the City must figure out how to deal with existing MPC projects, but he hesitates to compound those problems further by allowing more MPC projects. The City has not had enough time to evaluate the supply/demand issue in relation to apartment units. The Village at Prominence Point project has not been completed and there is another MPC project approved for 2550 North for which construction has not commenced; the units in that project will be rental properties as well with very little commercial included. He attended a meeting regarding affordable housing earlier today and it is necessary to consider what affordable housing actually is. The City demands high quality building products with pleasing aesthetics, but those high standards increase the cost of living for those that want to move to North Ogden. He then noted the subject property is the gateway to the City and development here will set the tone for people entering the City; he is asking himself if the City is 'getting out of bounds' in

regard to housing types. He is not opposed to rental units, but he wants to consider what is the most appropriate mix of housing types for the community. He believes many of the comments that have been made tonight are based upon truth; it is difficult to make projections, but the City needs to do its best to make the best decision for the benefit of the entire City.

Council Member Swanson stated that as he has studied this project, he finds that he agrees with nearly every sentiment expressed by the Mayor. He believes that the City is at a point where it is appropriate to ‘hit pause’ in respect to high density housing. Once the currently approved projects are built out, it would be appropriate for the City to evaluate housing needs. The City has evaluated development proposals for this project in the past, but all of those included a central commercial component that would encourage walkability; with that component removed, the walkability is also eliminated and that was intended to be central to the MPC zoning designation. He is also concerned about overcrowding in schools in the area; the State Board of Education needs to apply pressure on school districts to keep up with growth and build schools where they are needed. The State Legislature also needs to properly fund education to ensure adequate school facilities. However, the City should try not to compound school overcrowding issues. At present, he is not in favor of the project as it has been presented and would not vote to allow it to move forward.

Council Member Barker agreed with Council Member Swanson’s comments and added that he is also concerned about public safety; for four-story buildings, the local Fire District will be relying upon other agencies to provide emergency response and their response times will be much slower. If the District is forced to buy a ladder truck, they will spend \$1 million plus \$400,000 to equip it. This cost will be passed on to the taxpayers. He agreed that the project does not meet the requirements of the MPC zone because it does not include any use besides high density residential. It must include a commercial component and that has not been included in the project design.

Council Member Cevering disclosed that he is related to the applicant’s wife and he will be recusing himself from the vote on this application.

Council Member Swanson motioned to deny a request to prepare an Ordinance and Development Agreement for consideration of zoning property located at approximately 1550 North Washington Boulevard from Commercial (CP-2) to Master Planning Community (MPC-CT) Coopers Towne. Council Member Stoker seconded the motion.

Voting on the motion:

Council Member Barker	aye
Council Member Cevering	(recused from vote)

Council Member Ekstrom	aye
Council Member Stoker	aye
Council Member Swanson	aye

The motion passed 4-0.

8. DISCUSSION AND/OR ACTION TO CONSIDER A DEVELOPMENT AGREEMENT FOR NORTHWOOD HILLS SUBDIVISION.

A staff memo from City Manager/Attorney Call explained the City has been approached about entering into a development agreement for the Northwood Hills subdivision at approximately 1125 E. 2600 N. This agreement would outline how the City and Developer would share the costs of some improvements to handle some storm water and sewer issues associated with this development. The agreement provides for a cost sharing/upsizing estimate to handle some off site (not developer created) storm water and sewer issues. It also addresses the use of City property for a sewer outfall line as well as includes the installation of a trail component to complete most of the connection between Barker Park and Oaklawn Park.

Staff is of the opinion that there are a few details to work on for this agreement, but need some guidance from the Council on how to fill in the gaps. Here are the questions:

- Who should pay for the sewer line connection? The City or the residents (staff is not recommending the developer unless there is an existing contractual obligation)
- How does the Council want to handle the value of land for the utility lines or storm water capacity? Staff has recommended \$25,000.

The memo concluded Administration recommends the Council review the attachments and discuss the agreement with the developer in order to finalize any additional details.

Mr. Call reviewed his staff memo.

Council Member Stoker asked Public Works Director Espinoza if he is comfortable with the developer's proposal regarding the utility manholes. Mr. Espinoza answered yes; he will have access to the utilities when necessary.

Council Member Cevering asked for clarification of any additional costs the City could incur for the project. Mr. Call stated the applicant can provide information regarding the bid for all underground improvements associated with the project. The total cost to the City is \$92,822, which does not include the cost for sewer upgrades that have been discussed in the past. Mayor Berube stated that it is his understanding the developer is paying half of the cost of the storm water upgrades, though they will only use about one-

third of the capacity. Mr. Call stated that the agreement that has been negotiated provides for a 50-50 split of the costs for the storm water upgrades.

Mayor Berube stated there are four residents on 2550 North that will be required to connect to the sewer since it will be located within 300 feet of their property upon completion of this project. He inquired as to the cost for those connections. Mr. Call stated that cost has not been determined and that will be a second phase of the project. Mayor Berube stated he is concerned about requiring residents who may be on a fixed income to pay roughly \$10,000 to make those connections. Mr. Call stated that the developer is required to run the sewer lines to the property lines for those four properties and it will be up to the City to negotiate with those property owners regarding the manner in which they will connect to those lines.

Mayor Berube stated that he is hopeful Visionary Homes understands the value of the easement that the City is granting for this project; this is not something the City typically does. Mr. Call agreed and noted that Visionary is agreeing to construct a trail upon the easement to provide connectivity of existing trails and park spaces in the area.

Council Member Cevering asked if it is common for the City to spend this kind of money to aid a developer. Mr. Call stated it is not uncommon for the City to upsize utility lines; oftentimes a new development will cross an area of the City in which upsized lines are needed. The City engages with cost-sharing relationships with developers in these cases. It is also not uncommon for the City to perform storm basin improvements. Additionally, in the past the City made a decision that led to storm water being dumped on private property and this project will give the City an opportunity to resolve that issue. Mayor Berube added that one reason the upsizing of the pipe is appropriate is that there is a junction box at 1125 East that diverts some of the water from the subdivision approved at 2600 North and Mountain Road. This project will allow the water from that project to be pushed through the upsized line. Mr. Call agreed and added that the project is intended to provide capacity for existing and future projects in this quadrant of the City.

Council Member Ekstrom asked if the City's funding source for the project is storm water impact fees. Mr. Call stated the components of the project that qualify for use of those funds will be funded as such. Other components do not qualify. Council Member Ekstrom asked why residents who live within 300 feet of the sewer line will be required to connect. Mr. Call stated that is mandated by the State Department of Health and Weber County; the County has an ordinance that requires connection when a home is within 300 feet of a sewer line. Mr. Espinoza noted there are grant programs that will aid in funding those connections and he will reach out to Weber County to determine if grant funds can be used in this case. Council Member Cevering stated he is concerned about requiring the four residents to pay for the connections in the event that grant funds are not an option; he would like for the City to consider subsidizing those connections. Mayor Berube stated that would set a problematic precedent because this type of situation will likely arise again in the City and the City's taxpayers should not be paying for those connections.

Mayor Berube invited input from the developer. Ben Steele of Visionary Homes noted that his company will comply with all City ordinances and development standards, but cannot assist in connecting private properties to the sewer line that will be installed. He then stated that he appreciates the City's willingness to work with Visionary and the City staff has been great to work with. He then addressed Council Member Cevering's concerns about the City's costs for the storm drain improvements; he noted that Visionary is only complying with the requirements of the City and the City is only paying for upsized components. He reiterated the Mayor's comments that Visionary will only be using one-third of the basin capacity, but has agreed to pay 50 percent of that cost. That was negotiated in good will as Visionary is grateful for the City's willingness to grant an easement for the project. He is eager to get working on the project and will do everything possible to make sure it is worthy of the beauty of the area.

Mayor Berube inquired as to the phasing of the project and the point at which the City's funds will be allocated. Mr. Call stated that phase one includes the storm line installation and basin upgrades and phase two will be underground work; the City's cost for phase two is \$24,000. Mayor Berube stated he is aware that his opinion may be unpopular, but he feels that the price negotiated for the easement was a great deal for the developer; easements should not be given away on City property. Mr. Steele stated that this project was first presented to the City Council last September and the City Council voted to proceed without an understanding of the actual costs based upon engineering work being completed. Visionary Homes proceeded with the understanding that the City supported the project; there was not a discussion at that time about Visionary paying for the easement. Rather, there was only a focus on cost sharing for the infrastructure work to be done. Visionary Homes is not here to argue the value of the easement against the development. He appreciates the City being proactive relative to needed capacity. Mayor Berube stated that there has been a change in the Governing Body since the project was initially presented.

Council Member Cevering stated that he understands the reasons for the manner in which the cost sharing arrangement was negotiated, but he is still concerned that this project will result in a potential \$50,000 expense for the connection of four homes to the new sewer line. Mr. Steele stated his property is separate from the development that encompasses those four properties; he sympathizes with their situation, but it would not be appropriate to delay this project based on sewer needs for another property.

Council Member Swanson inquired as to the total for the expansion of the existing basin. Mr. Call stated it is \$36,757. Council Member Swanson asked if that component of the project qualifies for funding by impact fees, to which Mr. Call answered yes. Council Member Swanson asked if the City could pay for more of that portion of the project and use the developer's money to aid in connecting the four properties to the new sewer line. Council Member Cevering stated he would be supportive of that. Mr. Call stated that if that is determined to be legal, he would recommend the City pay for two-thirds of the cost as one-third should be charged to the developer based upon their project plans.

Council Member Ekstrom stated she is hopeful the City will be able to secure grant funds for the connections, but if that is not an option she would be supportive of Council Member Swanson's recommendation. She then asked for information about the actual subdivision project. Mr. Steele stated it is 26 acres and there will be 58 lots ranging in size from a quarter to three-quarters of an acre. He reviewed the concept plan and identified the location of the trail.

Mayor Berube asked if the \$25,000 the City will receive for the easement could be dedicated to helping the four residents connecting to the sewer. Mr. Call stated that it would be legal; the revenue will be receipted in the General Fund and could be transferred to enterprise funds to aid in the connections.

The Council then debated the suggestion raised by Council Member Swanson and also the option of using the \$25,000 for the sewer connections; they concluded to support the recommendation made by Council Member Swanson.

Council Member Swanson motioned to approve Resolution 08-2020 approving Development Agreement A2-2020 for Northwood Hills Subdivision, reducing Visionary Home's contribution to the detention basin upgrades from 50% to 33% for the purposes discussed above. 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.

9. DISCUSSION AND/OR ACTION TO CONSIDER APPOINTMENTS TO THE ECONOMIC DEVELOPMENT COMMITTEE.

Mayor Berube asked for Council support of appointing Terry Bexell to the City's Economic Development Committee.

Council Member Ekstrom motioned to appoint Terry Bexell to the Economic Development Committee. 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.

10. DISCUSSION AND/OR ACTION TO CONSIDER APPOINTMENTS TO THE GENERAL PLAN COMMITTEE

Mayor Berube asked for Council support to appoint Christina Watson, Tom Billings, and John Arrington to the General Plan Committee, and to remove from the Committee Susannah Burt given she has submitted a letter of resignation.

Council Member Swanson motioned to appoint Christina Watson, Tom Billing and John Arrington to the General Plan Committee. 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.

11. DISCUSSION AND/OR ACTION TO CONSIDER A UTAH DEPARTMENT OF TRANSPORTATION AGREEMENT FOR 2600 NORTH WIDENING PROJECT

A staff memo from City Manager/Attorney Call explained the official start date of the 2600 North widening and intersection improvement project is nearing. Since the beginning of the discussion on these projects there have always been three different components.

1. Intersection Project
2. East Leg of the intersection (2600 North)
3. North Leg of the Intersection (400/450 East).

In the past year the first two projects were combined into one project because of the significant overlap of construction work, with UDOT taking the lead. The City has been working with UDOT on the design of this project, but will need to be compensated for that portion of the project which is on the North Ogden City road system. To that end we have received a request from UDOT for \$850,000. The original estimate from Jones and

Associates was that this leg of the project would cost \$1,070,000. UDOT has been very cost conscious on this project and made changes to help keep the construction cost low as well as provided the environment, design work, and other components of the project as part of the deal.

UDOT communicated the reasoning behind the request in an email. Staff is suggesting the Council agree to the contribution along with a stipulation that this is the maximum contribution from the City for this project so that UDOT is responsible for any unknowns with their contractor or other providers.

Mr. Call reviewed his staff memo.

Council Member Cevering motioned to approve Agreement A3-2020 with Utah Department of Transportation for the 2600 North widening project. 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.

12. PUBLIC COMMENTS

Dave Hulme, 513 E. 1700 N., stated that in general, he is watching this country drift closer and closer to a democracy as opposed to a republic. One of his favorite sayings is “democracy is two wolves and a sheep deciding what to have for dinner”. The country’s founders were solidly against democracy with Thomas Payne saying it was the worst form of government. When any form of republic government governs based upon public clamor, that can be problematic and his recommendation to the City’s Governing Body is to weigh the comments made by the public in light of the validity of their statements as opposed to the actual number of people that spoke. Under a republic form of government, the City is beholden to abide by the Constitution, which is intended to protect all citizens’ rights. In a City like North Ogden with 10,000 registered voters, 100 people can show up to a meeting and that can be overwhelming. During his time as a Council Member he made a few mistakes when placed in that type of situation and he feels he has learned from that. Hearing from 100 people during one meeting is not the same as conducting a public poll to determine how the City’s entire residency feels. He asked the Council to consider unintended consequences associated with governmental intervention. The discussion about forcing people to connect to a sewer line rather than continuing to use

their septic tanks is the result of government overstepping its bounds. This resulted in a 15-minute conversation without any focus on how the required connection can improve a property's value. He stated that in California, subdivision development can take up to five years and roughly 50 percent of the cost of a home in that state is intended to cover the cost of government regulation. He asked the Council to think carefully about that; many people are coming from other states to Utah in order to get away from those philosophies. It is necessary to consider housing needs for the future of this community and he hopes the Council will work to avoid implementing so many regulations that can render a home unaffordable. He concluded that he appreciates the Council's time and their dedication to serving the community.

13. COUNCIL/MAYOR/STAFF COMMENTS

Council Member Stoker thanked the City's Public Works Department and Police Department who came to her rescue last week when a car became stuck in her yard as a result of the snowstorm.

Mayor Berube stated that the shooting incident that occurred in the City over the past weekend made him think about the sacrifice of Police Officers and the danger they put themselves in every day. He thanked the Police Chief and his Officers and stated that he keeps them in his thoughts and prayers daily.

Council Member Ekstrom asked if the City has paid the resident who is replacing his mailbox that was damaged by a snowplow. Mr. Call answered no and indicated he has told the resident that the City will reimburse him once he has an invoice for the work. Council Member Ekstrom then responded to Mr. Hulme's comments; she came to the meeting tonight fully intending to approve the rezone application for Coopers Towne. She understands the concerns about housing and she believes that competition is good in the housing market, but she agreed that the concept plan did not really fit the MPC zoning standards. Additionally, she was influenced by Council Member Swanson's comments about the two other MPC projects in the City not being completed yet and that it may be a good idea to wait and see how those projects are accepted by the community before approving another. She thanked everyone who participated in the meeting for sharing their ideas and perspectives.

Council Member Cevering referenced an email the City Council received earlier today about a request for stop signs to be installed at a location in the City. He indicated he forwarded that email to the Police Chief. Chief Quinney stated that it is an intersection that has been considered in the past, but increased traffic may warrant a stop sign in the near future. He will evaluate the situation and respond appropriately. Council Member Cevering then stated that he has heard from individuals interested in the oversight and management of the Senior Center. Mr. Call stated that he is working on that issue as well and will add an agenda item to a future meeting to allow for meaningful discussion on that topic.

Council Member Swanson also referenced the homicide incident that occurred in the City over the weekend; a news station released the mug shot and rap sheet for the suspect in the crime and this made him think of the risk that Officers face on a daily basis and the fact that they do not have a facility that provides adequate support for addressing that risk. The Public Safety Committee has toured various public safety facilities in other communities and it has made it very clear to him that the City needs to make a substantial change to ensure safety of Police Officers in this community. Mayor Berube agreed.

Mr. Call also recognized the City's Police Department; City Officers were the lead investigators and helped to apprehend the suspect.

14. ADJOURNMENT

Council Member Swanson 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 10:35 p.m.

S. Neal Berube, Mayor

S. Annette Spendlove, MMC
City Recorder

Date Approved

2019 Planning Department Annual Report

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 intertwines 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.

Regards,



Robert O. Scott, AICP
Planning Director

2019 Planning Department Annual Report

General Plan Overview and Action

The North Ogden City General Plan was adopted September 22, 2015. A clean-up amendment was adopted on August 23, 2016.

The General Plan is the guiding document for the future of North Ogden. In 2019, the following projects and activities were specific to the General Plan's implementation.

Moderate Income Housing Plan

The City established a General Plan Steering Committee in 2015 as part of the initial Plan effort. The Steering Committee has been reestablished in order to address specific topics. Among those was the updating of the Moderate Income Housing section. Utah Code requires that each city update this section of their General Plan every two years. The Committee was given this task and after a review of new data and analysis presented its recommendation to the Planning Commission and City Council on October 23, 2019. The Planning Commission conducted a public hearing and recommended adoption. The City Council adopted the amendment on November 11, 2019.

Form Based Code

The Planning Commission worked diligently to consider a form based code for the Downtown and Southtown Districts. The basis for the form based code was to address development standards in a holistic way with an emphasis on design. The Planning Commission presented two options for this proposal. Ultimately, the City Council on May 28, 2019, determined to pursue a different alternative for zoning in these districts.

Washington Boulevard Streetscape Standards

Creating a vibrant image for Washington Boulevard has been an ongoing project. The City has installed new pedestrian lighting and street furniture as a kick-off to this effort. The next step was to create standards for the cross section design for Washington Boulevard. An initial presentation was made to the Economic Development Committee. Design alternatives were considered which included the new improvements and wider sidewalks, landscaping design, and possible planted islands. These standards were adopted on June 25, 2019.

The next step will be to create streetscape standards for all roadways in the city.

Complete Streets Policy

A companion project to the Streetscape project was to consider adoption of a complete streets policy. The premise for this policy is that all modes of transportation should be considered in designing the city's roadways. The Planning Commission conducted a public hearing and recommended adoption. The City Council adopted the policy on June 25, 2019. The Policy is now part of the City Public Works Standards. As each development project is reviewed the Complete Streets Policy is consulted.

Mayor and City Council

North Ogden City welcomed newly elected S. Neal Berube, Mayor and Charlotte Ekstrom to the City Council.

There are five elected City Council members. The Council's role in planning matters is to set land use policy, i.e., legislative matters. This includes adoption of the City General Plan, implementing the General Plan by adopting standards in the zoning and subdivision ordinances, assigning zone designations to properties, and considering special exceptions. The Planning Commission must make recommendations on legislative items prior to the City Council making a final decision. For example, the City Council worked with the Planning Commission in approving a zone designation and development agreement for the Patriot Pointe project. Once the Planning Commission makes a recommendation to the Council, the Council has the authority to vote in favor of their recommendation, modify the recommendation, or deny it.

Planning Commission

The Planning Commission membership is comprised of seven residents. Planning commissioners serve for five year terms. When planning commissioner terms expire, residents are invited to apply to serve on the Commission. The mayor reviews the applications and makes a recommendation to the City Council, who approves the appointments.



Pictured L to R: Don Waite, Alan Lunt, Chairman Eric Thomas, Vice Chairman Brandon Mason, Nicole Nancarrow, Lisa Arner, Scott Barker.

The Planning Commission has the responsibility to oversee the development of land use policies, legislative decisions, including the North Ogden City General Plan and land use ordinance language, e.g., zoning and subdivision ordinances. Once the Planning Commission is satisfied with a land use policy the Planning Commission makes a recommendation to the North Ogden City Council for adoption. These are all referred to as legislative decisions. Policy decisions are more general in nature and are based upon compliance with the General Plan, data and other analysis.

The Planning Commission also makes decisions regarding land use applications, e.g., subdivisions, conditional uses, and site plan reviews, etc. These administrative decisions have specific criteria that must be met in order to gain approval.

2019 Planning Department Annual Report

During 2019, the Planning Commission held 21 regular meetings. They also held two joint work sessions with the City Council as follows:

- March 20: Discussed the Form Based Code amendment.
- September 3:
 - Village at Prominence Point Corner Building 1700 North
 - 1700 North Property to the South
 - Land Development Code project
 - Housing Types Presentation

Commissioners and/or Planning Staff participated in the following professional development trainings:

- American Planning Association (APA) Conference in San Francisco was attended by Commissioners Lisa Arner and Alan Lunt
- UT Chapter APA Fall Conference
- Utah Land Use Institute
- Land Use 101 Training

Planning Staff



Pictured L to R: Brandon Bell, Assoc. Planner; Kai Johnsen, Planning Tech; Lynne Bexell, Administrative Asst.; Rob Scott, Planning Director. Not pictured: Evan Nelson, Dept. Head.

North Ogden City has hired a professional planning staff to assist the Planning Commission and City Council in land use issues. Staff's role is to assist decision makers to make informed decisions.

PROJECT HIGHLIGHTS FROM 2019

North Ogden City has a development review process to insure the safety of residents and businesses and to create compliance with City Zoning, Subdivision, and Design Standards. The Planning Department coordinates these reviews. Below are some examples of these projects that reflect the diversity of activity within the City.

White Rock Debris Basin

The debris basin was constructed at the mouth of Flood Canyon as part of the North Ogden City storm drain plan to address debris flow concerns for this area including the White Rock and Camarren Cove Estates subdivisions.

North Ogden City partnered with the applicant of the White Rock subdivision and FEMA to build the debris basin. It is designed to accept the runoff and debris from flood events originating in Flood Canyon.

The following pictures show how the flood and debris flows will come from Flood Canyon, go through a series of silt fences, enter a two tiered set of basins before going into the city storm drain system.



Patriot Pointe Project

On December 17, 2019 the City Council approved a rezone for the property , known as the Double OTT Ranch, at approximately 200 East 2550 North from Suburban Residential (RE-20) to Master Planned Community Zone (MPC/PP). A development agreement outlines specific conditions of the rezone and site plan.



The Patriot Pointe/Double OTT Ranch project is a mixed use project (residential and commercial) that will be built in multiple phases. The site plan shows the Patriot Pointe project surrounding the future city park/detention pond. The residential component has three housing types, townhomes, twin homes, and apartments. The commercial development will be two buildings on a little over 2 acres. There will be 6 phases to the project. The initial 3 phases are townhomes (197 units), twin homes (24 units), apartments (144 units), and commercial (approximately 14,00 square feet).

KT&T Ventures Group Home

North Ogden approved a residential facility for residents with disabilities at 679 East 3350 North. Federal law requires that persons with disabilities are a protected class which means cities cannot discriminate regarding these facilities. North Ogden City considered comments from neighbors prior to approving this facility that transitioned an existing home to a group home. There are 5 – 7 residents with full time staffing.



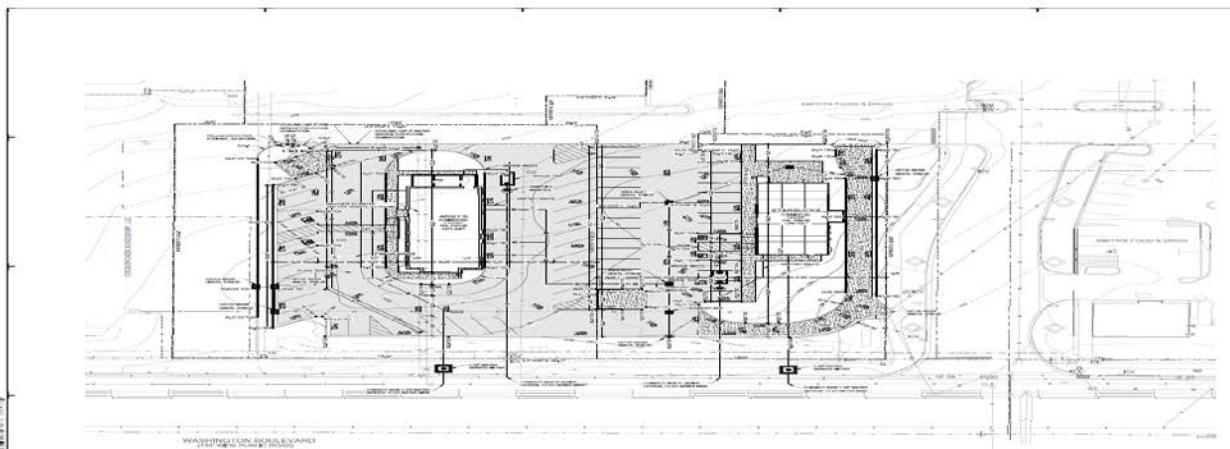
Northview Estates Subdivision

North Ogden City continues to be an attractive place for new subdivisions. An example is the latest phase of the Northview Estates project at approximately 3700 North 300 East. This phase contains 50 lots and below is an example of a recently completed home within the subdivision.



Arby's and Starbucks

The Cross Roads at North Ogden Center at 2600 North Washington Boulevard saw the construction and opening of a new Arby's and Starbucks.



APPLICATIONS PROCESSED FROM 2019

Applications processed include annexations, building permits, conditional use permits, development agreement amendments, site plan reviews, land use permits, rezone map amendments, subdivision special exceptions, recorded subdivisions, subdivisions in progress, and variance/administrative interpretations. These applications are as follows:

Annexations

There were two annexations recorded in 2019.

- Brown Annexation (1100 East 2600 North), 23.877 Acres
- North Ogden Public Works Annexation (165 E. Lomond View), 6.54 Acres

Building Permits

There were **x** building permits issued for new homes and commercial buildings.

Conditional Use Permits

There was one conditional use permit issued for the White Rock Debris basin. (See Highlight Section)

Development Agreement and Amendments

The Village at Prominence Point had four amendments. The first amendment made car washes an allowed use, the second request was for a reduced rear yard setback to allow for larger cottages to be built. The third amendment clarified that the City Council is the approving authority for commercial site plans. The fourth amendment revised the number of townhomes and apartments with no increase in the total number of units.

The Patriot Pointe project development agreement was approved.

Site Plan Reviews

The following is a list of the 2019 site plan reviews that were approved:

- Cross Roads at North Ogden, Arby's and Starbucks
- Village at Prominence Point Express Ultimate Car Wash
- KT&T Ventures Group Home/included special accommodation
- Physical Therapy & Sports Medicine
- Village at Prominence Point Townhomes
- Village at Prominence Point Cottages

Land Use Permits

There were 50 land use permits processed. Land use permits are issued for such things as fence permits and accessory buildings.

Rezone Map Amendments

The Zoning Map designates areas for residential, commercial, manufacturing, and institutional uses. The residential zones are segregated into single family zones and multi-family zones with varying requirements for lots sizes, frontages, building setbacks, and housing types (single family, townhomes,

2019 Planning Department Annual Report

patio homes, and apartments), and densities. The typical single-family zones range from two units per acre, up to 10 units per acre. Multi-family zones range from eight to 20 units per acre.

There are four commercial zones and two manufacturing zones. These zones contain development standards regarding lot area, frontage, building materials, parking, and landscaping.

Rezone map amendments for 2019 include:

- Hart Plaza Rezone 430 East 1625 North from RE-20 (Residential) to C-2 (Commercial)
- Howell Rezone 250 East 2550 North from RE-20 (Residential) to C-2 (Commercial)
- Patriot Pointe Rezone 200 East 2550 North from RE-20 (Residential) to MPC-PP (Mixed Use)

Recorded Subdivisions

- North Pointe Center, 7th Amendment (2 lots)
- Woodfield Farms Ph 3 (27 lots)
- Village at Prominence Point Phase 1 (49 lots)
- Village at Prominence Pont Phase 2 (44 lots)
- North Ogden Business Center (1 lot)
- Majestic View (30 lots)
- North Ogden Commercial 300 East 2600 North, 1 lot
- Ultimate Car Wash (1 lot)
- Roylance Farms, Ph 2 5th Amendment and Mystery Meadows, Ph 3, 1st amendment (no new lots)

Subdivision Special Exceptions

There were no subdivision special exception applications in 2019.

Variance/Administrative Interpretations

This is a quasi-judicial proceeding wherein the hearing officer rules on interpretations and or grants relief from specific ordinance standards.

There was one variance granted in 2019, a reduced setback for a lot in the Cold Water Meadows subdivision due to the constraint of Cold Water Creek intruding on the buildable area for the lot.

Ordinances Adopted in 2019

- Accessory Building Setbacks (February 26, 2019)
- Fence Heights on Retaining Walls (February 26, 2019)
- Commercial Standards, Streetscape, Convenience Stores as permitted use (February 12, 2019)
- Accessory Dwelling Units permitted in all zones; RE-20 zone consistent (February 12, 2019)
- Menu Board Signs (March 26, 2019)
- Building Orientation and Utilities (June 11, 2019)
- Streetscape (June 25, 2019)
- Complete Streets Policy (June 25, 2019)
- Site Plan Review Process (July 23, 2019)
- Rear Lot Exception Definition (July 23, 2019)
- Accessory Building Setback Clarification for corner lots (September 24, 2019)



Staff Report to the North Ogden City Council and Planning Commission

SYNOPSIS/APPLICATION INFORMATION

Application Request: Discussion on a legislative amendment to identify policy direction for the Land Development Code

Agenda Date: April 7, 2020

Applicant: North Ogden City

File Number: ZTA 2019-06

PUBLIC NOTICE:

Mailed Notice: None

Newspaper: None

City Website: April 3, 2020

STAFF INFORMATION

Robert O. Scott, AICP
rscott@nogden.org
(801) 737-9841

APPLICABLE ORDINANCES

North Ogden Zoning Ordinance Title 11
North Ogden Subdivision Ordinance Title 12

LEGISLATIVE DECISION

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.

BACKGROUND

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. (See Exhibit B)

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.

SUMMARY OF 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?

RECOMMENDATION

Review 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.

EXHIBITS

- A. Issues Outline
- B. Table of Contents

**North Ogden Land Development Code
Policy Issues
April 7, 2020**

Project Overview

Consultant Introductions

General Plan Relationship to Land Development Code

State Law Changes – General Philosophy	
<p>Principles</p> <ul style="list-style-type: none"> ▪ Clear and Objective, more exact language ▪ More procedural flexibility ▪ Designate who does what (land use authority) ▪ Less discretion (conditional uses) ▪ All standards imposed need to be written in Code ▪ Variances will be rare 	<p>Administrative (very little discretion) versus Legislative Decision (discretion)</p> <ul style="list-style-type: none"> ▪ Administrative – permitted uses, site plans, conditional uses, subdivisions ▪ Legislative – zone and general plan changes, ordinance amendments and new ordinances

Format/Ordinance Reorganization

Format of Amendment (spelling, terminology, titles, capitalization, combine fee references, use tables, coordinated referencing to other related codes, purpose statements, etc.)

Combine the definitions from the zoning and subdivision ordinances into one chapter and eliminate standards from definitions

Organize code to put similar provisions together, e.g., processes, zones, and special regulations

Land Development Code Policy/Amendment Topics

- **Land Use Authority Identification**
 - Identify City Council, Planning Commission, and Staff decision making authority
 - Subdivisions
 - Minor – update small subdivision process
 - Regular – Bring up to date with current practice
 - Subdivision Standard Update Examples: Connectivity
 - Subdivision Process/Land Use Authority Options:
 - Update to current process
 - Preliminary PC approval/Final Staff approval
 - Expand Site Plan Review Process with specific design standards
 - Should CUPs be eliminated?

- **Update Residential Zones (Possible Addon)**
 - **Cluster subdivision regulations**
 - **Update PRUD, Group Dwelling**
 - **Mesh with multi-family zones**
- **Update Commercial Zones (Possible Addon)**
 - Consider having two or three zones
 - Convenience/Neighborhood Commercial
 - Revamp Washington Boulevard Zoning from commercial, manufacturing, and residential into one mixed use zone
 - Differentiate between Downtown and Southtown
- **Update Environmental Standards/Sensitive Lands Overlay Zone**

Process – Next Steps - Add on list

Add On List

Cluster Subdivision

Sign Chapter

TDR

PRUD

Sensitive Lands

Parking

Staff Projects:

Civic / Institutional Zone

Infill Ordinance

Sensitive Lands

Land Development Code Table of Contents

General Provisions

- Administration and Enforcement
- General Plan
- Land Use Authority Table
- City Organization and Duties – City Council, Planning Commission, Staff
- Vested Rights
- Public Works Standards

Definitions

Processes

- Notice Table
- Administrative Reviews
- Building Permits
- Land Use Permits
- Site Plan Review, PRUD, Group Dwelling, MPC
 - Landscaping
- Zoning Map Amendments
- Zoning Text Amendment
- General Plan Amendment
- Subdivisions
- Appeals

Zone and Districts

- Residential
 - Regulations Applicable to all residential zones
- Commercial
 - Regulations Applicable to all commercial zones
- Manufacturing
- Institutional
- Hillside Protection Districts

Subdivision Regulations (maybe just do it under processes)

Parking

- Commercial
- Residential

Non-Conforming Buildings and Non Complying Uses

~~Regulations Applicable to More than One Zone~~

Special Regulations

- Accessory Buildings
- Accessory Dwelling Units
- Antennas, Television and Satellite Regulations
- Animals and Fowl
- Athletic Court
- Day Care
- Family Swimming Pool
- Home Occupations
- Manufactured Housing
- Model Homes, Master Planned Village Sales and Information Centers, and Temporary Sales Trailers
- Mobile Homes, Motor Homes, Boats, Aircraft, Truck Campers, Camping Trailers, Travel Trailers

- and Other Trailers
- Portable Storage Containers
- Public Utility Substation / Public Service Facilities
- Preschool
- Private Park, Playground Or Recreation Area
- Residential Facility for Disabled Persons
- Sexually Oriented Businesses
- Short Term Businesses
- Temporary Carnivals, Circuses, Revivals, Rodeos, Swap Mets, and Similar Activities
- Wireless Telecommunication Towners and Antennas
- Special Exceptions
- Sign Regulations
- Environmental Regulations
 - Grading and Drainage
 - Sensitive Lands

Staff Report to the North Ogden City Council and Planning Commission

SYNOPSIS/APPLICATION INFORMATION

Application Request: Consideration on a legislative amendment to amend accessory building standards
Agenda Date: April 7, 2020
Applicant: North Ogden City
File Number: ZTA 2019-11

PUBLIC NOTICE:

Mailed Notice: None
Newspaper: January 9, 2020
City Website: April 3, 2020

STAFF INFORMATION

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APPLICABLE ORDINANCES

North Ogden Zoning Ordinance Title 11-1-4 (Changes and Amendments)
North Ogden Zoning Ordinance Title 11-7 Residential Zone Regulations
North Ogden Zoning Ordinance Title 11-10-31 Standards for Accessory Buildings in Residential Zones

LEGISLATIVE DECISION

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

The City Council considered the Planning Commission recommendation regarding this amendment on March 10, 2020. The City Council had questions regarding two parts of the amendment; namely the size of accessory buildings on a large parcel over 5 acres that is zoned R-1-8(AG) and the design standards for R-1 accessory buildings. The City Council requested that these issues be addressed in a joint work session with the Planning Commission. The purpose of this discussion is to answer questions regarding the amendment in order to bring the amendment back before the City Council for final consideration.

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 a 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. (See Exhibit C)

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. (See Exhibit A)

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 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 200 square feet are allowed	Buildings over 200 square feet may be constructed of horizontal siding, stucco, wood, or similar material as the main building
<p>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. 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>

AMENDMENT SUMMARY

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

- **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 no 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.

SUMMARY OF 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?

PLANNING COMMISSION RECOMMENDATION

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.

EXHIBITS

A. Amendment

B. Pictures

C. Planning Commission minutes November 20, 2019, December 4, 2019, December 18, 2019, January 8, 2019, and February 19, 2020

ORDINANCE 2020-

AN ORDINANCE OF NORTH OGDEN CITY AMENDING THE ZONING ORDINANCE OF NORTH OGDEN CITY TO ADJUST THE SETBACK STANDARDS FOR ACCESSORY BUILDINGS IN RESIDENTIAL ZONES

- WHEREAS;** There are accessory building setback standards in residential zones; and
- WHEREAS;** The accessory building setback standards vary between the RE-20 zone and the R-1 and RCC zones; and
- WHEREAS;** The current accessory building setback standards have two thresholds based upon whether an accessory building is a large accessory building; and
- WHEREAS;** The standards are in place in order to provide a reasonable setback from adjoining properties and maintain the reasonable use of property; and
- WHEREAS;** Accessory dwelling unit standards are unique from accessory building standards and have been modified to reflect those differences; and
- WHEREAS;** The General Plan goals support the reasonable use of property while maintaining high quality design standards; and
- WHEREAS;** The North Ogden City Planning Commission has reviewed these standards and conducted a public hearing on the amendment and recommends adoption of this amendment.

NOW THEREFORE, BE IT ORDAINED by the North Ogden City Council that the North Ogden City zoning ordinance 11-2 Definitions, 11-7A-4 section F and 11-7B-4 section F, 11-7J-4 section E, 11-9-8 section E. Accessory Building Standards, 11-10-31 Standards For Accessory Buildings In Residential Zones, 11-10-34-section O subsection 5: Accessory Dwelling Units, Development Standards for ADU's are amended.

SECTION 1: Text to be amended:

11-2 DEFINITIONS

ARCHITECTURAL METAL: A paneled metal sheet building exterior that is not part of a prefabricated building; does not have a specific coating; consists of all new materials.

11-7A-4: SITE DEVELOPMENT STANDARDS RE-20 Zone

F. Accessory building regulations (in feet) (see also CCNO 11-10-31)	
1. Accessory building height	15
a. Exception: The maximum height if the accessory building is set back at least 20 feet; rear and side setback, and 60 feet from any neighboring dwelling.	25
b. a. Accessory building setback	
(1) Accessory building	
(A) Interior lot	3
(B) Corner lot (non-street side)	3
(C) Corner lot (street side)	20
(2) Large accessory building	

(A) Interior lot	20
Height Maximum in Feet	Setback Minimum in Feet.
15	3
16	6
17	9
18	12
19 - 25	15
(B) Corner lot (non-street side)	20
(C) Corner lot (street side)	20
2. There shall be provided a minimum spacing between main and accessory; and between accessory buildings of at least	6
3. Rear yard coverage by accessory buildings shall not exceed the following	25%
a. On lots less than an acre the minimum rear yard area calculation is based upon the minimum lot width x the rear yard setback and not the actual rear yard dimensions	
4. Building size	
a. Maximum size on lots or parcels less than one acre or adjacent to any R-1 zone	One half the square footage of the main building main floor or 2,000 square feet whichever is less
b. On lots adjacent to any R-1 zone, the accessory building width or length cannot exceed 40% of the total length of the side lot lines or 40% of the rear lot line when those lot lines are within 50 feet of the accessory building.	
5. Building Separation: Large Accessory Building to be 60 feet from any neighboring dwelling on any adjoining parcel	
6. Building Design and Materials See 11-10-31	

11-7B-4: SITE DEVELOPMENT STANDARDS, R-1-12.5, R-1-10, R-1-8, R-1-8(A), R-1-8(AG)
Sections A – E to remain the same. The table under subsection 1 and 3 are combined into one cell.

F. Accessory building regulations (in feet) (see also CCNO 11-10-31)	
1. Accessory building height	
a. Accessory building setback	
(1) Accessory/Large building	
(A) Interior lot & Corner lot (non-street side)	

Height Maximum in Feet	Setback Minimum in Feet
10	3
11-15	8
15-20	15
<p>The ridge or highest point of the roof of an accessory building may be erected to a height no greater than the lesser of:</p> <ol style="list-style-type: none"> 1. Twenty feet (20'); 2. Eighty percent (80%) of the highest point of the roof of the main residential building, except where the ridge or highest point of the roof of the main residential building is sixteen feet (16') or less the ridge or highest point of the roof of the accessory building may not exceed twelve and one-half feet (12'6"); or 3. For a metal accessory building, twelve and one-half feet (12'6"). 	
11	6
12	9
13-18	12
19-25	15
(B) Corner lot (street side)	20
2. There shall be provided a minimum spacing between main and accessory buildings of at least	6
3. Rear yard coverage by accessory buildings shall not exceed the following	25%
4. Building Size	
a. Maximum Size	One half the square footage of the main building main floor to a maximum of 1,000 square feet. The main floor size shall be the main floor living space plus 400 square feet.
5. Building Separation: Large accessory building to be 60 feet from any neighboring dwelling on any adjoining parcel	
6. Maximum Number of Large Accessory Buildings Per Lot	1
7. Building Design and Materials See 11-10-31	

11-7J-4: SITE DEVELOPMENT STANDARDS, RESIDENTIAL CITY CENTER ZONE RCC
 Sections A – D to remain the same. The table under subsection 1 and 3 are combined into one cell.

E. Accessory building regulations (in feet) (see also CCNO 11-10-31)	
1. Accessory building height	15
a. Exception: The maximum height if the accessory building is set back at least 20 feet; rear and side setback	25
Accessory building setback	
(1) Accessory/Large building	
(A) Interior lot & Corner lot (non-street side)	
Height Maximum in Feet	Setback Minimum in Feet
10	3
11-15	8
The ridge or highest point of the roof of an accessory building may be erected to a height no greater than the lesser of: 1. Fifteen feet (15'); 2. For a metal accessory building, twelve and one-half feet (12'6").	
(B) Corner lot (street side)	20
2. Rear and side setback	
a. Accessory building:	
1 Interior lot (side only) (non-street side)	3
2 Corner lot (side only) (non-street side)	3
3 Corner lot (side only) (street side)	20
b. Large accessory building	
Interior lot	15
2 Corner lot (non-street side)	20
3 Corner lot (street side)	20
3. There shall be provided a minimum spacing between main and accessory buildings of at least	6
4. No accessory building or group of accessory buildings shall cover more of the rear yard than	25%
Rear yard coverage by accessory buildings shall not exceed the following	

4. Building Size	
a. Maximum Size	One half the square footage of the main building main floor to a maximum of 1,000 square feet. The main floor size shall be the main floor living space plus 400 square feet.
5. Building Separation: Large accessory building to be 60 feet from any neighboring dwelling on any adjoining parcel	
6. Maximum Number of Large Accessory Buildings Per Lot	1
7. Building Design and Materials See 11-10-31	

11-9-8: SITE DEVELOPMENT STANDARDS, HP-1, HP-2, HP-3 Sections A-D to remain the same. The following table is deleted with a new insert.

E. Accessory building regulations (in feet) (see also CCNO 11-10-31)				
	1. Accessory Building Smaller than 600 square feet rear and interior sideyard setback	3	3	3
	2. Large accessory building greater than 600 square feet:			
	a. interior lot rear and side yard setback:	15	15	15
	b. Corner lot (non-street side)	15	15	15
	c. Corner lot (street side)	20	20	20
F. There shall be provided a minimum of 6 feet of spacing between main and accessory buildings.				
G. In the HP-1 and HP-2 zoning districts, no accessory building shall be greater than 1 story (15 feet) nor more than 25 percent of the footprint square footage of the main building. In the HP-3 zoning district, no accessory building shall be greater than 1 story (15 feet) nor have a footprint larger than the house. No accessory buildings are permitted without a single-family residence or main building.				
E. Accessory building regulations (in feet) (see also CCNO 11-10-31)				
1. Building Separation: Large accessory building to be 60 feet from any neighboring dwelling on any adjoining parcel				

2. Maximum Number of Large Accessory Buildings Per Lot	1
3. Building Design and Materials See 11-10-31	

11-10-31: STANDARDS FOR ACCESSORY BUILDINGS IN RESIDENTIAL ZONES

A. Design and Materials: The original design of the building must have been to function as a typical accessory residential structure, such as a storage shed or carport, and not for some other use. Reuse of a metal structure originally designed or used for other purposes, such as shipping or cargo containers, is not allowed unless the exterior of the metal structure is made to be integrated into the design of the main residential building, with a similar residential exterior wall treatment and roofing material as the main building.

1. Metal accessory buildings two hundred (200) square feet or less are allowed in all residential zones.
In the R-1 and RCC zones, accessory buildings over 200 square feet finished with metal siding are not allowed.
In the RE-20 zone architectural metal and prefab metal buildings are allowed as accessory buildings.
2. In the R-1 and RCC zones accessory buildings ~~must be constructed of similar building materials as the main building~~ may be constructed of horizontal siding, brick, stucco, wood, or similar material as the main building, etc.
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.
 - a. Roofing materials including metal roofs shall have a similar color as the main building.
 - b. An eave proportionate to the main building is required with a minimum of 12 inches. Aluminum fascia and soffits are allowed.
 - 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.
4. All accessory buildings shall have a buffer of either a fence or landscaping or a combination of the two.
5. Roof pitches shall be a minimum of a 4/12.

B. Location and Size:

1. No detached accessory building, other than trellises, shall be allowed between the front of the main residential building and the street.
2. A garage or carport attached to the main residential building is allowed between the front of the main residential building and the street if the front yard setback requirement for the zone is maintained and the garage or carport is integrated into the design of the residential building, with a similar residential exterior wall treatment, roof slope, and roofing material as the main building to which it is attached.

A detached garage or carport may be located in the side yard so long as it meets the side and front yard setbacks, is a minimum of 6 feet from the main building, and is integrated into the design of the residential building, with a similar residential exterior wall treatment and roofing material as the main building.

3. Metal accessory buildings must be located in the rear yard and shall not exceed two hundred (200) square feet.
 4. Nonmetal accessory buildings and accessory buildings finished with architectural metal regardless of size may be located in an interior side yard or rear yard provided they meet the required setbacks of the zone. Nonmetal accessory buildings larger than 200 square feet must be integrated into the design of the residential building, with a similar residential exterior wall treatment, and roofing material as the main building.
 5. On a corner lot, an attached or detached accessory building (with or without a roof) that is open on at least three (3) sides may extend into the side yard setback facing a street up to the minimum side yard setback for an interior lot in its respective zone. Such structures are limited to covered or uncovered decks, patios, gazebos, pergolas, and trellises. The finished floor elevation of these structures may not be higher than eighteen inches (18") above finish grade.
- C. Height: The building shall not exceed the maximum height allowed by other sections of the Zoning Ordinance.
- D. Prohibited Use: Accessory buildings shall not be used as living quarters. **Accessory Dwelling Units are not considered accessory buildings.**

11-10-34 O. 5: Accessory Dwelling Units, Development Standards for ADU's

O. Development Standards: for ADU's

1. The total area of the ADU shall be less than fifty percent (50%) of the total square footage of the primary residence for an attached accessory dwelling unit. The total area of the ADU shall be less than forty percent (40%) of the total square footage of the primary residence for a detached accessory dwelling.
2. ADUs shall not be located in a front or corner lot side yard and shall meet the same setbacks as required for the primary residence in the zone.
3. Appearance. The architectural design, color pallet, and materials for an ADU shall be similar to the primary dwelling unit.
4. ADUs and the primary dwelling must be on the same parcel and may not be subdivided.
5. The height of an ADU shall conform to the height limit specified for the zoning district in which it is located. **attached ADU may be equal to the main building maximum height. A detached ADU may have a maximum height of 25 feet.**
6. Location: Accessory dwelling units may be allowed as long as the zoning requirements for properties in a single-family neighborhood are met. The ADU shall not be within the building front, rear, or side yard setbacks for the zoning district in which the dwelling lot is located. In addition the following standards apply:
 - a. All accessory dwelling units are allowed over the garage, provided the parking within the garage is not converted, or
 - b. Attached accessory dwelling units are allowed:
 - i. Inside the primary residential dwelling through an internal conversion of the housing unit as an addition or in the basement.

- ii. By an addition to the house, containing an internal connection between dwelling units provided that the addition will not alter the single-family character of the building
- c. Detached accessory dwelling units are allowed:
 - i. Over a detached garage.
 - ii. Only in the rear yard.
 - iii. On lots having a minimum area of 20,000 square feet.
 - iv. Shall have a minimum separation from the primary dwelling of 15 feet.
 - v. Subject to 11-7A-4, 11-7B-4, and 11-7J-4 Site Development Standards.

SECTION 2: This ordinance shall take effect upon adoption.

PASSED and ADOPTED this 7th day of April 2020.

North Ogden City:

S. Neal Berube
North Ogden City Mayor

CITY COUNCIL VOTE AS RECORDED:

	Aye	Nay
Council Member Barker:	___	___
Council Member Cevering:	___	___
Council Member Ekstrom:	___	___
Council Member Stoker:	___	___
Council Member Swanson:	___	___
(In event of a tie vote of the Council):		
Mayor Berube	___	___

ATTEST:

S. Annette Spendlove, MMC
City Recorder

RESOLUTION - 2020

A RESOLUTION OF THE CITY COUNCIL OF NORTH OGDEN CITY MAKING AMMENDMENT TO THE NORTH OGDEN CITY, CITY COUNCIL RULES OF PROCEDURE AND REPEALING RESOLUTION 08-2018.

WHEREAS: the City Council of North Ogden City finds that it is authorized by state law to adopt rules of procedure to govern the conduct of its official meetings; and

WHEREAS: the City Council finds that it is prudent to adopt rules of procedure; and

WHEREAS: the Council has reviewed and approves the amended “North Ogden City, City Council Rules of Procedure” which is incorporated into this resolution;

NOW THEREFORE BE IT RESOLVED by the City Council of North Ogden City as follows:

1. The attached “North Ogden City, City Council Rules of Procedure” is hereby adopted.

NORTH OGDEN CITY CITY COUNCIL RULES OF PROCEDURE

PURSUANT to Utah Code Ann. § 10-3-606, the City Council of North Ogden City adopts the following rules of procedure:

Rule I: Mayor as Chair of the City Council.

1. The Mayor is the chair of the Council and presides at all Council meetings.
 - a. Except as provided in (1) (b) the Mayor is a nonvoting member of the Council;
 - b. The Mayor is a voting member of the Council:
 - i. on each matter for which there is a tie vote of the other Council Members present at a Council Meeting; or, when the Council is voting on:
 1. whether to appoint or dismiss the City Manager; or
 2. an ordinance that enlarges or restricts the Mayor's powers, duties, or functions.
2. If the Mayor is absent, unable or refuses to act, the Council may elect a member of the Council as “Mayor Pro Tempore,” to:
 - a. preside at a Council Meeting; and
 - b. perform, during the Mayor's absence, disability, or refusal to act, the duties and functions of the Mayor.
 - c. Council Member acting as the mayor pro tempore may still vote as a Council Member even though he or she is presiding at the meeting.

- d. The City Recorder shall enter in the minutes of the Council Meeting the election of a Council Member as Mayor Pro Tempore.
- 3. The Mayor shall sign:
 - a. all ordinances and resolutions passed by the Council;
 - b. all official minutes of City Council meetings after such minutes have been approved; and
 - c. all correspondence determined by the Council to be representative of the group as a whole.
- 4. The Mayor shall receive all messages and communications from the City Manager and others addressed to the Council as a body and shall be responsible to convey all such messages and communications to the other members of the Council. Utah Code Ann. § 10-3b-302.

Rule II: Open and Public Meetings.

- 1. Every meeting of the City Council shall comply with the “Open and Public Meetings Act” Utah Code Ann. § 52-4-101, et. Seq.
- 2. The Council shall give at least twenty-four (24) hours advance notice of its meetings unless an exception for shorter notice is provided under state law.
- 3. The notice shall include:
 - a. The meeting agenda;
 - b. The date of the meeting;
 - c. The time of the meeting; and
 - d. The location of the meeting.
- 4. At least once per year, the City Council shall give public notice of its annual meeting schedule.
- 5. Notices of meetings shall be published in compliance with Utah Code Ann. § 52-4-202.

Rule III: Types of City Council Meetings.

The following are the types of Council Meetings that may be called or scheduled:

- Regular Council Meetings
- Work meetings
- Special meetings
- Emergency Meetings
- Closed Meetings (Executive Session)
- Public Hearings

- 1. **“Regular Council Meetings”** will be held at City Hall, at 6 pm, two times per month, usually the second and fourth Tuesdays, unless otherwise calendared.
- 2. **“Work Meetings”** may be scheduled by the Mayor, as needed, once or more

times per month. Work Meetings will be held at City Hall at 6 pm unless otherwise noticed.

- a. Work Meetings can serve the purpose of further discussion or study of items already before the Council for action.
 - b. After discussion at a Work Meeting, items will be referred:
 - i. to a future Work Meeting if the matter needs further work by the Council; or
 - ii. to a future Regular Council Meeting to be considered as Council business or, if the matter is ready for final action, to the consent agenda.
 - c. Generally, no action will be taken on items discussed at a Work Meeting; however, the Council may make an exception and suspend its rules to vote on matters under discussion if two-thirds of the Council Members in attendance vote to suspend the rules.
 - d. During a Work Meeting the Council Members and the Mayor may sit around a conference table, rather than at the dais, to provide a more informal atmosphere and to allow a freer exchange of ideas.
3. **“Special Council Meetings”** may be ordered by the Mayor or by any two (2) members of the Council if the business of the City requires it. The order will be entered in the minutes of the City Council and shall provide at least twenty four (24) hours' notice in advance of the meeting. The notice shall be served by the City Recorder on each Council Member who did not sign the order by delivering the notice personally or by leaving it at the Council Member's usual place of abode. Utah Code Ann. § 10-3-502.
4. **“Emergency Meetings”** may be called by the Mayor or by one (1) member of the Council for matters of an emergency or urgent matter. An attempt will be made to notify all Council Members. The best practicable notice of the Emergency Meeting shall be given. A majority of the Council must vote to hold the Emergency Meeting. Utah Code Ann. § 10-3-502.
5. **“Closed Meetings”** may be held to consider certain sensitive matters as allowed by state law.
- a. Closed meetings are allowed for these purposes:
 - i. discussion of the character, professional competence, or physical or mental health of an individual;
 - ii. strategy sessions to discuss collective bargaining;
 - iii. strategy sessions to discuss pending or reasonably imminent litigation;
 - iv. strategy sessions to discuss the *purchase*, exchange, or lease of real property, including any form of a water right or water shares, if public discussion of the transaction would:
 1. disclose the appraisal or estimated value of the property under consideration; or
 2. prevent the City from completing the transaction on the best possible terms.
 - v. strategy sessions to discuss the *sale* of real property, including any form of a water right or water shares, if:

1. public discussion of the transaction would:
 - a. disclose the appraisal or estimated value of the property under consideration; or
 - b. prevent the City from completing the transaction on the best possible terms; and
2. the City Council previously gave public notice that the property would be offered for sale; and
3. the terms of the sale are publicly disclosed before the City Council approves the sale;
- vi. discussion regarding deployment of security personnel, devices, or systems; and
- vii. investigative proceedings regarding allegations of criminal misconduct.
- b. "Closed Meetings" may be held if:
 - i. a quorum is present;
 - ii. the meeting is an open meeting for which proper notice has been given; and
 - iii. two-thirds of the members of the City Council present at the open meeting vote to approve closing the meeting.
- c. Each matter discussed in the closed meeting must be permitted by state law.
- d. No ordinance, resolution, rule, regulation, contract, or appointment may be approved at a closed meeting.
- e. The following information shall be publicly announced and entered on the minutes of the open meeting at which the closed meeting was approved:
 - i. the reason or reasons for holding the closed meeting;
 - ii. the location where the closed meeting will be held; and
 - iii. the vote by name, of each member of the City Council, either for or against the motion to hold the closed meeting. Utah Code Ann. § 52-4-205.
6. **"Public Hearings"** are generally part of a scheduled and noticed Regular Council Meeting and shall consist of those items for which the Council would like to receive public input. Public Hearings will be held after providing proper notice as required by state law or City ordinance for the particular subject matter to be addressed. Such hearings shall include, but not be limited to, those matters for which a Public Hearing is required by state law or City ordinance. Matters for which state law or City ordinance requires a public hearing will be automatically scheduled by City administration. By majority vote, the Council can direct City administration to schedule a public hearing on any other topic.
 - a. When a Public Hearing is held, a member of the City staff having knowledge about the issue will first present information on the issue and answer questions.
 - b. The Mayor will then strike the gavel and declare the Public Hearing open.
 - c. At that point, all parties interested in addressing the issue are invited to speak before any discussion is held by the Council and before motions are made.

- d. Each individual who speaks will state his or her name and address before proceeding.
- e. After all individuals who desire to speak have spoken, the Mayor will again strike the gavel and declare the Public Meeting closed.
- f. In the alternative, the Council may vote to continue a Public Hearing to a future specified date, time and location if there is insufficient time to take all public comment at that particular Council Meeting.
- g. After the Public Hearing is closed, the City Council then proceeds with its discussion on the matter. When discussion by the Council is finished, a motion is made and seconded concerning the item. The Council will vote to:
 - i. postpone action on the item until the next Regular Council Meeting;
 - ii. take it to a Work Meeting for further discussion; or
 - iii. immediately take final action on the matter.

Rule IV. Quorum Requirements, Voting and Electronic Meetings.

1. A quorum of the City Council must be in attendance in order to hold any meeting of the City Council and to transact the business of the City.
2. A quorum consists of three members of the City Council, excluding the Mayor. Utah Code Ann. § 10-3-504.
3. No ordinance or resolution may be adopted by an affirmative vote of less than three members of the City Council.
4. If an insufficient number of Council Members are present to adopt a measure, the vote may be postponed to a future meeting. Utah Code Ann. § 10-3-507.
5. Voting shall take place by "roll call vote" for any ordinance, resolution or other item that will create a liability of the City or by request of any member of the City Council on any other matter. Utah Code Ann. § 10-3-506.
6. Any Council Member can change his or her vote before the results of the vote are announced.
7. At the conclusion of the vote on a matter, a Council Member may state a point of personal privilege and give an explanation of his or her vote.
8. Any Council Member can abstain from a vote. An abstention is not counted as a "yes" vote or a "no" vote.
9. When a Council Member abstains from voting, as a common courtesy, he or she should state a point of personal privilege and give an explanation of such abstention.
10. Every Council Member who is in the Council Chambers when a question is stated from the Mayor shall vote; but no Council Member shall be obliged to vote upon any question unless he or she is within the Council Chambers when his or her name is called.
11. Any Council Member entering the Chambers after the question is stated, but before it is decided, may have the question stated, cast his or her vote and be counted.

12. Council Members attending a meeting by way of Electronic communication shall be considered “within the Council Chambers” for purposes of voting.
13. The City Council may compel the attendance of its own members at its meetings and provide penalties it considers necessary for the failure to comply with an exercise of the authority to compel attendance. Utah Code Ann. § 10-3-505.
14. Council members located in a remote location are permitted to participate in a council meeting by way of electronic communication, up to a maximum of six times per calendar year per council member except during times of emergency or health crisis. The council may permit one or two Council Members located in a remote location to participate in a Council meeting by way of electronic communication except during times of emergency or health crisis, where all council members may participate electronically.
15. Other than in times of emergency or health crisis, Prior to permitting a Council Member located in a remote location to participate electronically in a Council meeting, the following conditions shall be met:
 - a. A Council Member who desires to participate in a Council meeting from a remote location shall make a request to the Mayor or Mayor pro temp prior to the Council meeting;
 - b. The City Recorder will affirm that proper notice of the intent to hold an “electronic meeting” was given as provided in paragraph 16 of this rule;
 - c. The City Recorder will verify that an electronic connection is available sufficient to allow the remotely situated Council Member to hear the discussion occurring in the anchor Council meeting location and to be heard in the anchor location;
 - d. A quorum of the Council must be in attendance at the anchor location, which shall be the Council Chambers at City Hall; and
16. Notice of the intent to permit a remotely situated Council Member to participate in a Council meeting electronically will be made in accordance with the Open and Public Meetings Act (“the Act”). The notice will describe how the remotely situated Council Member will be connected to the Council meeting. In addition to meeting all other requirements of the Act, the notice shall be posted at the anchor location and distributed to City Council at least 24 hours in advance of the meeting.
17. Due to the inherent difficulty of controlling confidentiality when a meeting is carried electronically to a remote location, participation by a Council Member electronically at a closed meeting is prohibited.
18. A city-provided email account will be utilized for official communications between Council Members and city administration. Council Members should save discussion on matters that will appear on the Council agenda for open public meetings. Use of City-provided email can assist City administration to comply with state law requirements for records retention.
19. Council Members should take care to uphold the dignity of the office when corresponding regarding City matters, keeping in mind that such communication will often be considered public record.
- ~~19-20.~~ In the event of an Emergency, Health Crisis or Threat the Mayor has the authority to make a decision on how to conduct the meeting to comply in the best

way with Utah Open Meetings Act rules and procedures including modifications to the above rules, or end the meeting.

Rule V: Minutes of Council Meetings.

1. Except as provided under Subsection (7), the City Recorder shall create written minutes and a recording shall be kept of all open meetings of the City Council.
2. Written minutes of meetings of the City Council shall include:
 - a. the date, time, and place of the meeting;
 - b. the names of members present and absent;
 - c. the substance of all matters proposed, discussed, or decided by the City Council which may include a summary of comments made by members of the City Council;
 - d. a record, by individual member, of each vote taken by the City Council;
 - e. the name of each person who:
 - i. is not a member of the City Council; and
 - ii. after being recognized by the Mayor, provided testimony or comments to the City Council;
 - f. the substance, in brief, of the testimony or comments provided by the public under Subsection (2)(e); and
 - g. any other information that is a record of the proceedings of the meeting that any member requests be entered in the minutes or recording.
3. A recording of meetings of the City Council shall:
 - a. be a complete and unedited record of all open portions of the meeting from the commencement of the meeting through adjournment of the meeting; and
 - b. be properly labeled or identified with the date, time, and place of the meeting.
4. The written minutes and recording of an open City Council meeting are public records as follows:
 - a. Written minutes that have been prepared in a form awaiting only formal approval by the City Council are a public record.
 - b. Written minutes shall be available to the public in accordance with Utah Code Ann. § 52-4-203(4)
 - c. Written minutes that are made available to the public before approval by the City Council under Subsection (4)(d) shall be clearly identified as "unapproved" or with some other appropriate notice that the written minutes are subject to change until formally approved in accordance with Utah Code Ann. § 52-4-203(4).
 - d. The procedures for the City Council's approval of the written minutes of each meeting are contained in Rule 7(2) (b).
 - e. Written minutes are the official record of action taken at the meeting.
 - f. A recording of an open meeting shall be available to the public for listening

within three business days after the end of the meeting.

5. All or any part of an open meeting may be independently recorded by any person in attendance if the recording does not interfere with the conduct of the meeting.
6. The written minutes or recording of an open meeting that are required to be retained permanently shall be maintained in or converted to a format that meets long-term records storage requirements.
7. Notwithstanding Subsection (1), a recording is not required to be kept of an open meeting that is a site visit or a traveling tour, if no vote or action is taken by the City Council during that visit or tour. Utah Code Ann. § 52-4-203.
8. If the City Council conducts a Closed Meeting, it shall
 - a. make a recording of the closed portion of the meeting; and
 - b. may keep detailed written minutes that disclose the content of the closed portion of the meeting.
9. A recording of a closed meeting shall be complete and unedited from the commencement of the closed meeting through adjournment of the closed meeting.
10. The recording and any minutes of a closed meeting shall include:
 - a. the date, time, and place of the meeting;
 - b. the names of members present and absent; and
 - c. the names of all others present except where the disclosure would infringe on the confidentiality necessary to fulfill the original purpose of closing the meeting.
11. Minutes or recordings of a closed meeting that are required to be retained permanently shall be maintained in or converted to a format that meets long-term records storage requirements.
12. Both a recording and written minutes of closed meetings are protected records under the Government Records Access and Management Act.
13. If the City Council closes a meeting exclusively for the purpose of discussing the character, professional competence, or physical or mental health of an individual or to discuss the deployment of security personnel, devices, or systems:
 - a. the Mayor shall sign a sworn statement affirming that the sole purpose for closing the meeting was to discuss the purposes described above and the requirements for keeping minutes and a recording shall not apply. Utah Code Ann. § 52-4-206.

Rule VI: Order of Business and Organization of Council Agenda.

1. The City Council will consider business in the following order:
 - a. Opening Ceremonies:
 - i. Welcome;
 - ii. Invocation and/or Moment of Reflection
 - iii. Pledge of Allegiance
 - b. Consent Agenda;
 - c. Public Comments;
 - d. Active Agenda;

- e. Public Comments;
 - f. Council Comments;
 - g. Adjournment.
2. Agendas will be set in order of priority with public hearings at the beginning of the agenda. The Mayor shall be in charge of establishing the order of the agenda. Any member of the City Council may request an item be placed on an upcoming agenda to the City Recorder. The City Recorder shall calendar items on the agenda as time allows.
 3. The Mayor, by polling the Council Members, may, by affirmative consensus, proceed out of order to any order of business or return to an order already past. If two or more Council Members oppose, the original agenda will be followed.
 4. Matters appearing on the Agenda may be discussed by the Council prior to any motion being made.

Rule VII: Conducting of Meetings and Agenda Definitions.

1. Opening Ceremonies:
 - a. Welcome. The Mayor will strike the gavel, call the meeting to order, welcome those in attendance and acknowledge visitors;
 - b. Invocation and/or Moment of Reflection. The Mayor and Council Members alternate presenting a moment of reflection, appropriate for the occasion which is intended to set the tone for the meeting; the moment of reflection may consist of a prayer, quote, thought, etc. of the elected official's choosing; Members of the public may be invited or request to present the invocation and/or moment of reflection through the City Recorder. The invocation and/or moment of reflection shall not take more than 5 minutes.
 - c. Pledge of Allegiance. An assigned City official shall lead or invite a member of the public to lead the audience in reciting the Pledge of Allegiance.
2. Consent Agenda.
 - a. As a courtesy, the Mayor should ask if there are any questions concerning the "Consent" items. The Mayor should identify and briefly explain the items on the Consent Agenda to all those present at the meeting.
 - b. The Consent Agenda, generally, shall consist of matters which require no further discussion or which are routine in nature such as approval of minutes.
 - c. Usually, all items on the Consent Agenda shall be adopted by a single motion, second and vote; however, prior to the motion to adopt the Consent Agenda, a Council Member may request to have an item removed from the Consent Agenda and moved to the Active Agenda for further discussion without a motion.
 - d. Items moved to the Active Agenda will be addressed in that section of the agenda ahead of other agenda items listed for discussion.
 - e. A motion, second and vote will be called for the adoption of items remaining on the Consent Agenda.

3. Public Comments/Questions.
 - a. Time is made available for anyone in the audience to address the Council and/or Mayor concerning matters pertaining to City business.
 - b. When a member of the audience addresses the Mayor and/or Council, he or she will come to the podium and state his or her name and address.
 - c. Citizens are expected to limit their remarks/questions to five (5) minutes each.
 - d. The Mayor shall have discretion as to who will respond to a comment/question.
 - e. In all cases the criteria for response will be that comments/questions must be pertinent to City business, that there are no argumentative questions and no personal attacks.
 - f. Some comments/questions may have to wait for a response until the next Regular Council Meeting.
 - g. The Mayor will inform a citizen when he or she has used the allotted time.
4. Active Agenda.
 - a. This is the portion of the agenda where the official business of the City will be taken up in the order that items are listed on the agenda.
 - b. The Mayor will ask for a motion on any items listed under this section of the Agenda, after discussion has concluded.
5. Public Comments/Questions.
 - a. After the conclusion of the Active Agenda, the Public will be given a second opportunity to comment or ask questions. The procedure for the second Public Comment period will be the same as discussed in paragraph 3 above.
6. Council Comments.
 - a. The Mayor will offer each member of the Council an opportunity to make concluding comments then the Mayor will make any comments he or she feels are appropriate.
 - b. The Mayor may also invite City Staff to comment at this time.
7. Adjournment.
 - a. The Mayor will ask for a motion to adjourn and after a motion and second will put the motion to a voice vote;
 - b. After affirmative consensus vote on the motion, the Mayor will strike the gavel and declare the meeting adjourned.
8. Ending Time.
 - a. The City Council meeting shall be scheduled to conclude at 9:30 pm provided all scheduled public hearings have been concluded. A meeting may be extended by a majority vote of the Council.

Rule VIII: Motions.

1. Matters appearing on the Agenda can be discussed by the Council prior to a motion being made.

2. After a matter has been discussed by the Council, the Mayor will ask for a motion on the matter, and a second to the motion.
3. The Mayor will:
 - a. announce the author of the motion;
 - b. restate the motion;
 - c. announce who seconded the motion;
 - d. ask if there is a question on the motion; and
 - e. call for a vote on the motion.
4. If further Council discussion is needed on a motion, the author of such motion is allowed to speak first and all other Council Members are allowed to address the issue after that.
5. The author of the motion is also allowed to make a summation.
6. The author of a motion may amend or withdraw that motion before it has been voted on.
7. Technically, after a motion has been stated by the Mayor that motion belongs to the Council and it requires a majority vote to withdraw it; in practice, however, the Council allows the author of a motion to withdraw it unless another Council Member objects.
8. A motion dies which fails to receive a "second".
9. A Council Member may make a motion to reconsider an item already voted on at a prior meeting.
10. A motion to reconsider must be made by a member present and voting on the prevailing side of the original motion and shall require the affirmative vote of a majority of the Council Members present and voting.
11. Any action taken by the Council shall not be reconsidered or rescinded at a Special Meeting unless the number of members of the Council present at the Special Meeting is equal to or greater than the number of members present at the meeting when the action was approved or disapproved. Utah Code Ann. § 10-3-508.
12. An item to be reconsidered shall appear on the Active Agenda and shall be identified as "Reconsideration of (the title of the matter previously voted upon)."
13. Discussion of the substance of matter to be reconsidered shall occur only after a motion to reconsider has been successfully approved by a majority of the Council present and voting.
14. Other than the main motion, the most common motion used by the Council is a motion to amend. The intent of an amendment is to modify the original motion by inserting, adding to, striking out, and striking out and inserting language in the original motion. A motion to amend a main motion should relate to the same subject as the main motion. This ensures that the Council will vote on one matter at a time.
15. A motion to amend should not have as its intent a reversal of the main motion. For example, if the main motion is to adopt an ordinance, it is not a proper motion to submit an amendment to "not" adopt the ordinance.
16. Substitute motions are a type of amendment motion. The difference is the striking out of an entire paragraph or more from the motion, (or ordinance), and

substituting different language.

17. Amendments to the main motion are discussed and voted on before the main motion. Only the amendment is discussed - not the main motion. If the amendment fails, then discussion and voting on the main motion, as originally stated, follows. If the amended motion passes, the amended motion becomes the main motion.
18. The Mayor will proceed with an amendment motion in the same manner as a main motion.
19. In conducting a Council discussion on an amendment motion, the author of such motion is allowed to speak first. All other Council Members are allowed to address the issue after that. The author of the amendment motion is also allowed to make a summation.
20. Any Council Member may move to amend any proposed ordinance or proposed resolution; provided, however, that no amendment shall change the original purpose.
21. Any amendments to a proposed ordinance or proposed resolution recommended by a committee of the Council shall be made to the appropriate document prior to its appearing on the Consent Agenda. Such amendment will be noted in the Council minutes.
22. The Council may move to table a motion. The purpose of tabling a motion is not to kill the motion, but to delay action until a future meeting of the Council. When a matter is tabled, it takes all subsidiary motions with it (e.g., amendments) to the table. A matter should be tabled no longer than necessary; preferably it will be scheduled for discussion at the next available Regular Council Meeting or Work Meeting so that action can be taken as soon as possible.
23. The following procedural motions shall require the affirmative vote of a majority of the Council Members present:
 - a. To adjourn;
 - b. To recess;
 - c. To take up a question out of its proper order;
 - d. To move the previous question;
 - e. To postpone to a day certain;
 - f. To refer to a committee;
 - g. To limit discussion;
 - h. To lay on the table (temporary only);or
 - i. To amend

Such motions shall take precedence in the order moved.

Rule IX: Discussion.

1. The Mayor shall recognize any Council Member requesting recognition to speak, discuss, give a notice, make a motion, submit a report or for any reason address the Council, unless a motion taking precedence is offered.
2. All Council Members shall be allowed to speak at least once on any subject.

3. During discussion, the Mayor shall be responsible for maintaining order.
4. If, in the opinion of the Mayor, private discourse among or between Council Members or any other disturbance disrupts the Council's business, the Mayor may call the Council to order.
5. If the Mayor calls the Council to order, all Council business shall cease until such time as the Mayor resumes the Council's business.
6. Any Council Member may make a motion that the Council be called to order.
7. The following questions will be decided without discussion:
 - a. To adjourn;
 - b. To recess; and
 - c. Questions relating to order of business.

Rule X: Conflict of Interest.

Council Members are required by law to file a public disclosure statement with the City Recorder listing business interests and investments that could create a conflict of interest with the duties of the Council Member. When a matter in which a Council Member has a business or investment interest appears on the Council agenda, the Council Member must publicly disclose that interest. Although state law does not require a Council Member to abstain from voting or avoid participating in a discussion regarding an item where there is a conflict of interest, it is advisable to do so. Utah Code Ann. § 10-3-1301 to 1312.

Rule XI: Decorum.

1. Conduct of Members of the Council.
 - a. Members of the Council shall not engage in personal attacks and shall restrict comments to issues before the body. Violations of decorum or conduct of Council Members shall be addressed by the Mayor who may declare a Council Member out of order.
 - b. Council Members should avoid engaging in private discourse or committing any other act, which may tend to distract the attention of the Council or the audience from business before the Council, or which might interfere with any person's right to be heard after recognition by the Mayor.
2. Conduct of Citizens and Attendees at Council Meeting.
 - a. Those in attendance should be admonished by the Mayor when they engage in outbursts without being recognized make personal attacks, or seek to disrupt the meeting through loud or boisterous behavior.
 - b. Individuals should be requested to address their remarks directly to the Council as a body concerning the agenda business. Persons engaged in disruptive behavior shall be removed by the Sergeant-at-Arms at the direction of the Mayor.

Rule XII: Sergeant-At-Arms.

1. Upon request of the Mayor, a Sergeant-at-Arms will be assigned to a meeting.
2. The duty of the Sergeant-at-Arms shall be to assist the Mayor in preserving order and decorum in City Council meeting.
3. In the case of any disturbance or disorderly conduct within the Chambers at a Council meeting, the Mayor may request the Sergeant-at-Arms to escort the offender(s) from the Council meeting.

Rule XIII: Personal Privilege – Protest.

1. Any Council Member shall have the right to protest any action of the Council, stating the reasons, and having the same entered in the minutes, provided such reasons do not impugn the motives or character of any person.

Rule XIV: Committees: Special, Ad Hoc, Joint Committee at Request of the Mayor, Oversight.

1. At the request of the City Council the Mayor may, from time to time, create, revise, or abolish committees, or make any changes to a committee structure, subject to a two-thirds vote of the Council, a quorum being present.
2. When such committee is created, its purpose and a relevant time frame will be established.
3. After the final report of the committee to the City Council, the committee will be dissolved.
4. The City Council, by a two-thirds vote, a quorum being present, may or may not elect to formally participate, either by its own membership or its designees, in a committee being established by the Mayor.
5. The Council as a whole may resolve to sit as an oversight committee for the purpose of investigating items relating to the conduct of City business. However, no powers are accorded the committee other than those provided by state law.
6. All meetings of Council committees shall provide notice in conformance with the Utah Open and Public Meetings Act.
7. No final action will be taken by the City Council in response to a committee report until the next Regular Council Meeting after the report is presented. Utah Code Ann. § 10-3-609.

Rule XV: Suspension of the Rules.

No rule shall be suspended except by a motion, second and vote of two-thirds of the Council Members voting, a quorum being present.

Rule XVI: Amendment, Revision or Addition to Rules.

1. Any Council Member may propose amendments, revisions, or additions to these Rules of Procedure.
2. Each amendment, revision, or addition proposed by a Council Member shall be in written form, and copies shall be provided to each Council Member.
3. Consideration of any amendments, revisions, or additions to these Rules of Procedure shall be noticed on a Council agenda.
4. A two-thirds vote of all Council Members shall be required for passage and adoption of an amendment, revision, or addition to these Rules of Procedure.
5. Each Council Member shall have a copy of the latest edition of the Rules of Procedure.
6. A copy of the Rules of Procedure will be made available to the City Manager, all department heads of the City, any member of the City staff, any citizen or other person who requests the same.

Rule XVII: Time Frame for Delivery of Information Packets to Council Members.

For each Regular Council Meeting, Work Meeting, Public Hearing or other meeting of the Council, Council Members will receive a packet containing the agenda of the meeting and complete information pertaining to items on the agenda should be delivered by Friday preceding the meeting. To allow Council Members adequate time to study the items for consideration at the upcoming meeting, all information for agendas and packets will be delivered to the City Recorder by the Thursday at 12 pm preceding the meeting or such matters will not be included on that agenda. An agenda may be amended by the Mayor but no later than 24 hours prior to the meeting. Council Members may request items to be put on the agenda by contacting the City Recorder.

Rule XVIII: Readopting of City Council Rules of Procedures.

Every (2) two years these rules shall be readopted by the City Council.

PASSED and ADOPTED this 7th day of April 2020.

NORTH OGDEN CITY:

S. Neal Berube, Mayor

CITY COUNCIL VOTE AS RECORDED:

	Aye	Nay	
Council Member Barker:	—	—	
Council Member Cevering:	—	—	(excused)
Council Member Ekstrom:	—	—	
Council Member Stoker :	—	—	
Council Member Swanson	—	—	
(In event of a tie vote of the Council):			
Mayor Berube:	—	—	

ATTEST:

S. Annette Spendlove, MMC
City Recorder



NORTH OGDEN CITY STAFF REPORT

TO: City Council
FROM: Jonathan Call, North Ogden City Manager/Attorney
DATE: 4/2/2020
RE: Electronic Meetings During a Health Crisis

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.

EXECUTIVE ORDER

Suspending the Enforcement of Provisions of Utah Code §§ 52-4-202 and 52-4-207, and Related State Agency Orders, Rules, and Regulations, Due to Infectious Disease COVID-19 Novel Coronavirus

WHEREAS, On March 6, 2020, Governor Gary R. Herbert issued an Executive Order declaring a state of emergency due to novel coronavirus disease 2019 (COVID-19);

WHEREAS, On March 11, 2020, the World Health Organization characterized the COVID-19 outbreak as a pandemic;

WHEREAS, On March 13, 2020, President Donald J. Trump declared a national state of emergency based on the continuing spread of COVID-19;

WHEREAS, Federal, state, and local authorities have recommended that individuals limit public gatherings and that individuals experiencing symptoms of COVID-19 self-isolate to prevent and control the continuing spread of COVID-19;

WHEREAS, The public monitoring and participation requirements in the Open and Public Meetings Act, Utah Code § 52-4-101 et seq. (OPMA), will gather interested persons, members of the public, and members of a public body in a single, confined location where the risks of further spreading COVID-19 are far greater;

WHEREAS, Utah Code § 52-4-207(2) prohibits a public body from holding an electronic meeting unless the public body has adopted a resolution, rule, or ordinance governing the use of electronic meetings;

WHEREAS, Utah Code §§ 52-4-207(3)(a)(ii), (c), (d), and (e) require a public body to take certain actions regarding anchor locations associated with an electronic meeting where members of the public body, interested persons, or the public are required or permitted to gather;

WHEREAS, Utah Code § 52-4-202(3)(a)(i)(A), requires a public body to give public notice of a meeting by posting written notice at the principal office of the public body or specified body, or if no principal office exists, at the building where the meeting is to be held;

WHEREAS, Utah Code §§ 52-4-202(3)(a)(i)(A), 207(2), 207(3)(a)(ii), 207(3)(c), 207(3)(d), and 207(3)(e) limit the ability of public bodies to hold electronic meetings and thereby implement the recommendations of federal, state, and local authorities to limit gatherings and encourage self-isolation in order to prevent and control the continuing spread of COVID-19;

WHEREAS, Strict compliance with the provisions of any order, rule, or regulation of any state agency implementing or conforming with Utah Code §§ 52-4-202(3)(a)(i)(A), 207(2), 207(3)(a)(ii), 207(3)(c), 207(3)(d), and 207(3)(e) would substantially prevent, hinder, or delay necessary action in coping with the continuing spread of COVID-19;

WHEREAS, Suspending the enforcement of Utah Code §§ 52-4-202(3)(a)(i)(A), 207(2), 207(3)(a)(ii), 207(3)(c), 207(3)(d), 207(3)(e), and any provision of any order, rule, or regulation of any state agency to the extent that the order, rule, or regulation implements or conforms with these subsections is directly related to and necessary to address the state of emergency declared due to COVID-19;

WHEREAS, Utah Code § 53-2a-209(4) authorizes the governor to suspend by executive order enforcement of a statute that is directly related to and necessary to address a state of emergency;

WHEREAS, Utah Code § 53-2a-209(3) authorizes the governor to suspend the provisions of any order, rule, or regulation of any state agency, if the strict compliance with the provisions of the order, rule, or regulation would substantially prevent, hinder, or delay necessary action in coping with the emergency or disaster;

WHEREAS, Utah Code § 53-2a-204(1)(b) authorizes the governor to employ measures and give direction to state and local officers and agencies that are reasonable and necessary to secure compliance with orders made pursuant to part 2 of the Emergency Management Act;

NOW, THEREFORE, I, Gary R. Herbert, Governor of the State of Utah, hereby order the suspension of enforcement of Utah Code §§ 52-4-202(3)(a)(i)(A), 207(2), 207(3)(a)(ii), 207(3)(c), 207(3)(d), and 207(3)(e), and the suspension of any provision of any order, rule, or regulation of any state agency to the extent that the order, rule, or regulation implements or conforms with these subsections.

Accordingly, a public body governed by OPMA may hold an electronic meeting even if the public body has not adopted a resolution, rule, or ordinance governing the use of electronic meetings. Furthermore, a public body that convenes or conducts an electronic meeting is not required to:

1. post written notice at the principal office of the public body or specified body, or if no principal office exists, at the building where the meeting is to be held;
2. post written notice at an anchor location;
3. establish one or more anchor locations for the public meeting, at least one of which is in the building and political subdivision where the public body would normally meet if they were not holding an electronic meeting;
4. provide space and facilities at an anchor location so that interested persons and the public may physically attend and monitor the open portions of the meeting; or
5. if comments from the public will be accepted during the electronic meeting, provide space and facilities at an anchor location so that interested persons and the public may physically attend, monitor, and participate in the open portions of the meeting.

Notwithstanding the foregoing, a public body that holds an electronic meeting shall:

1. provide a means by which interested persons and the public may remotely hear or observe, live, by audio or video transmission the open portions of the meeting;
2. if comments from the public will be accepted during the electronic meeting, provide a means by which interested persons and the public participating remotely may ask questions and make comments by electronic means in the open portions of the meeting; and
3. if the public body has not adopted a resolution, rule, or ordinance governing the use of electronic meetings, adopt as soon as practicable a resolution, rule, or ordinance, which may be adopted at an electronic meeting pursuant to this Order, governing the use of electronic meetings in accordance with Utah Code § 52-4-207.

A public hearing governed by OPMA may be conducted electronically according to the exemptions and conditions in this Order.

Except for provisions specifically suspended above, nothing in this Order shall be construed to exempt or excuse a public body from giving public notice of an electronic meeting as otherwise required by Utah Code §§ 52-4-207(3)(a)(i) and (3)(b).

This Order shall remain in effect until the termination of the state of emergency declared in Executive Order 2020-1.

IN TESTIMONY, WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah this 18th day of March 2020.

(State Seal)

Gary R. Herbert
Governor

Attest:

Spencer J. Cox
Lieutenant Governor

2020/005/EO

RESOLUTION NO. _____

A RESOLUTION OF NORTH OGDEN CITY IMPLEMENTING AUTHORITY TO CONDUCT ELECTRONIC MEETINGS AND PROVIDING PROCEDURES FOR PARTICIPATION IN ELECTRONIC MEETINGS

WHEREAS; the City Council of North Ogden City (the "Council") is empowered under the provisions of Utah Code § 52-4-207 to establish and implement procedures for the conduct of electronic meetings of all City Public Bodies; and

WHEREAS; the City Council believes it is in the public interest to conduct telephonic or electronic conference meetings from time to time to assure that all members of the Public Bodies have an opportunity to participate in Public Meetings regardless of the physical location of the individuals and the public; and

WHEREAS; the City has adequate facilities to support the conduct of telephonic or electronic meetings of Public Bodies;

NOW THEREFORE, the City Council hereby resolves as follows:

1. **Definitions.** The following terms are defined as follows for the purpose of this Resolution:

(a) "Anchor Location" means the Council Chambers at North Ogden City Hall or such other location designated in the Agenda for the meeting.

(b) "Meeting Administrator" means the City Recorder, or another employee of the City specifically assigned and designated to operate the telephonic or electronic conference equipment at the anchor location to assure that all Public Body and public are continuously able to participate in the meeting and to advise the party conducting the meeting of the initiation, recess, if appropriate, or adjournment of the meeting.

(c) "Electronic Meeting" means a public meeting of a Public Body convened and conducted by means of a telephonic conference device or other electronic means, allowing each member to call, videoconference, or otherwise participate concurrently with all other members of the Public Body in the conduct of the meeting.

(d) "Public Body" means the City Council, Planning Commission; or other Committee which holds regular public meetings as provided under Utah Open Meetings Act provisions.

2. **Notice of Electronic Meetings.** The Public Body may convene electronic meetings when necessary. Unless otherwise indicated on the meeting agenda, Public Body members may participate in all meetings electronically. It shall be the

responsibility of each Public Body member to contact the meeting administrator prior to the meeting to assure that facilities are set up for the meeting to participate electronically.

3. Quorum Verification. No electronic meeting shall be convened unless a quorum of the Public Body is able to participate either in person or electronically in the meeting.

4. Public Attendance. Each electronic meeting shall be convened by the meeting administrator by announcing the parties present at the meeting and by making available to members of the public at the anchor location an amplified speaker or video monitor enabling members of the public to hear the comments of Public Body members and the conduct of the meeting.

a. In times of a public health crisis or other emergency the Public Body may allow for electronic participation by members of the public, which at minimum allows for members of the public to watch, listen, or otherwise observe the proceedings.

b. In cases of Public Hearings during a health crisis or other emergency members of the public shall be allowed to provide comments electronically or other appropriate method of immediate communication with the Public Body.

c. In the event of an Emergency, Health Crisis or Threat the Mayor has the authority to make a decision on how to conduct the meeting to comply in the best way with Utah Open Meetings Act rules and procedures including modifications to the above rules.

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5. Conduct of the Meeting. All meeting shall be conducted by a Public Body member who is physically at the meeting unless all Public Body members are appearing electronically or telephonically. Upon determining that a sufficient number of the Public Body are present for the meeting to be convened and members of the public can adequately hear the comments of all members of the Public Body, the Mayor or Public Body member conducting the meeting shall formally convene the meeting and take a roll call of those participating. If a Public Body member is disconnected during the meeting, it shall be within the discretion of the Mayor or other Public Body member conducting the meeting to determine whether to continue the meeting without the person or wait until they can be reconnected. The Mayor or other Public Body member conducting the meeting may also move agenda items to provide time to try to reconnect.

6. Compliance with Law. In all other respects, electronic or telephonic meetings shall be conducted, recorded, and minutes shall be kept as required by law for all other open and public meetings, or for all other record keeping purposes of the City.

7. Effective Date. This Resolution shall take effect upon its adoption by the City Public Body.

PASSED and APPROVED this ____ day of April, 2020.

NORTH OGDEN CITY

S. Neal Berube, Mayor

CITY COUNCIL VOTE AS RECORDED:

	Aye	Nay
Council Member Barker:	___	___
Council Member Cevering:	___	___
Council Member Ekstrom:	___	___
Council Member Stoker:	___	___
Council Member Swanson:	___	___

(In event of a tie vote of the Council):

Mayor Berube	___	___
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ATTEST:

S. Annette Spendlove, MMC
City Recorder



NORTH OGDEN CITY STAFF REPORT

TO: City Council
FROM: Jonathan Call, North Ogden City Manager/Attorney
DATE: 4/2/2020
RE: Human Resource Responsibilities

We have 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 somebody with no direct reports. We see this change as a very positive move as the City continues to grow and change. I recommend the Council approve this recommendation.