NORTH OGDEN CITY

SETTLED 1851

CITY COUNCIL MEETING **AMENDED**
JANUARY 12, 2021 AT 6:00 PM
NORTH OGDEN, UT 84414

PUBLIC CAN ATTEND BY:

Click the link below to join the webinar: https://us02web.zoom.us/j/84333740932 Webinar ID: 843 3374 0932
Or Telephone Dial: US: +1 669 900 9128 or +1 253 215 8782 or +1 346 248 7799 or +1 646 558 8656
YouTube: https://www.youtube.com/channel/UCriqbePBxTucXEzRr6fclhQ/videos

Welcome: Mayor Berube

Invocation & Pledge of Allegiance: Council Member Cevering

CONSENT AGENDA

1. Reading of Determination regarding conducting City Council public meeting without anchor location
2. Call for conflict of interest disclosure
3. Discussion and/or action to consider November 24, 2020 City Council meeting minutes
4. Discussion and/or action to consider December 8, 2020 City Council meeting minutes
5. Discussion and/or action to consider approving the Economic Development Committee (EDC) Charter
   Presenter: Jon Call, City Manager/Attorney

ACTIVE AGENDA

6. Public Comments
7. Discussion and/or action regarding a resolution to use condemnations to purchase properties along the 400/450 east project.
   Presenter Jon Call, City Manager/Attorney
8. Discussion and/or action approving a request by the Arts guild for a RAMP Grant application for a two week performing arts camp.
   Presenter: Charlotte Ekstrom
9. Discussion and/or action to consider an Ordinance to rezone property located at approximately 1550 North Washington Boulevard from Commercial (CP-2) to Master Planning Community (MPC-CT)
   Presenter: Rob Scott, Planning Director
10. Discussion to consider options for the MPC zone, with direction regarding the Land Use Code
    Presenter: Rob Scott, Planning Director
11. Discussion and/or action to consider an Ordinance to rezone property located at approximately 2175 North 850 East from Suburban Residential (RE-20) to Single-Family Residential (R-1-12.5)
    Presenter: Brandon Bell, Associate Planner
12. Review and discussion of the 2020 Land Use Survey
    Presenter: Rob Scott, Planning Director

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 11th day of January, 2021 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 2021 meeting schedule was also provided to the Standard Examiner on December 12, 2020 Susan Nance, Interim City Recorder

13. Discussion and/or action to consider an Ordinance amending North Ogden City Code for regulating animal control
    Presenter: Jon Call, City Manager/Attorney
14. Discussion and/or action to consider an Ordinance amending North Ogden City Code for traffic violations and penalties
    Presenter: Jon Call, City Manager/Attorney
15. Discussion on conducting a resident survey on a public safety building and other items as needed.
    Presenter: Council Member Swanson
16. Public Comments
17. Council/Mayor/Staff Comments
18. Adjournment

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

SETTLED 1851

Mayor S. Neal Berube

Council Ryan Barker
Blake D. Cevering
Charlotte Ekstrom
Cheryl Stoker
Phillip D. Swanson

January 12, 2021

DETERMINATION OF NORTH OGDEN CITY REGARDING PUBLIC MEETINGS WITHOUT AN ANCHOR LOCATION

Pursuant to Utah Code Section 59-2-407, the Mayor of North Ogden City here by determines that conducting an electronic meeting with an anchor location presents a substantial risk to the health and safety of those who may be present at the anchor location. This determination is based on the November 8, 2020 declaration by the Governor of the State of Utah regarding the increase in COVID-19 cases and the need for caution in people meeting together.

The JANUARY 12, 2021 meeting of North Ogden City will be held electronically and will not have a physical location. All attendees will connect remotely, and links for public participation are available on the North Ogden City Website

Mayor S. Neal Berube
North Ogden City

NORTH OGDEN CITY COUNCIL
MEETING MINUTES

November 24, 2020

The North Ogden City Council convened in a virtual meeting on November 24, 2020 at 6:04 p.m. at https://us02web.zoom.us/j/84491392518 or by Telephone: US: +1 346 248 7799 or +1 669 900 9128 or +1 253 215 8782 or +1 312 626 6799 or +1 646 558 8656 or +1 301 715 8592 or Youtube: https://www.youtube.com/channel/UCriqbePBxTucXEzRr6fclhQ/videos. 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 November 19, 2020. Notice of the annual meeting schedule was published in the Standard-Examiner on December 22, 2019.

PRESENT:	S. Neal Berube	Mayor
	Ryan Barker	Council Member
	Blake Cevering	Council Member
	Charlotte Ekstrom	Council Member
	Cheryl Stoker	Council Member
	Phillip Swanson	Council Member
STAFF PRESENT:	Jon Call	City Manager/Attorney
	Annette Spendlove	City Recorder
	Rob Scott	Planning Director
	Evan Nelson	Finance Director
	Dirk Quinney	Police Chief
	Lorin Gardner	City Engineer
	David Espinoza	Public Works Director
	Jeremy Hindes	Lieutenant Police

VISITORS:	Bob Buswell	Brenda Ashdown	Kaylee Barber
	Susan Clements	Jay D. Dalpias	Bruce R. Baird
	Julie Anderson		

Mayor Berube called the meeting to order. Bob Buswell offered the prayer and led the audience in the Pledge of Allegiance.

CONSENT AGENDA

1. DISCUSSION AND/OR ACTION TO CONSIDER OCTOBER 27, 2020 CITY COUNCIL MEETING MINUTES

Council Member Stoker motioned to approve October 27, 2020 City Council meeting minutes. Council Member Cevering seconded the motion.

Not Approved

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

2. PUBLIC COMMENTS

Susan Clements used the Zoom chat feature to express her gratitude for the leaf truck. Mayor Berube stated he has heard a lot of positive feedback about the leaf truck and has passed that on to City staff; he feels that operating the leaf truck is a good service for the City to provide to its residents.

Mayor Berube then noted that the individual who is going to be making a presentation to the Council under item three on the agenda has not yet joined the meeting; he moved to item four on the agenda and indicated that the Council can move back to item three when Mr. Dalpias is present.

4. DISCUSSION ON NORTH HILLS DEVELOPMENT

A staff memo from Planning Director Scott provided background information for the proposed North Hills Development Project, which was formerly referred to as the North Cove project. The purpose of tonight's discussion is to focus on policy issues associated with the project in order to determine what the City Council is willing to consider. The following policy issues are presented to the Council for consideration; once a determination is made regarding these issues, the previous design issues can be addressed:

- Process: Annexation, Zoning, Development Agreement, Subdivision / PUD approvals with an appropriate community outreach. (See attached maps from the property owner)
- Policy Questions
    - The property is within the North Ogden City annexation declaration. Is the City willing to annex the property?

Not Approved

- What zoning and density is the City willing to agree to? The following table compares the current county zoning (A-1) with the city HP-2 zone, and the North Hills proposal.

North Hills Comparison 196.28 Gross Acres 170.11 North Hills Developed Land Acres		
County Zoning (A-1) 1 Unit / 40,000 sq. ft 1.08 units / acre 2 Units / 2 acres .5 units / acre	HP-2 Zone 1 Unit / 12,500 sq. ft 3.48 units / acre	North Hills Proposal Varying densities based upon slope 3.72 units / acre
185 Dwelling Units	591 Dwelling Units	634 Dwelling Units

- Is the City willing to entertain a Master Planned Residential (MPR) zone designation with a development agreement?
- Is the City willing to consider cluster development options, a variety of residential building styles (townhouses and single family), commercial and church locations?
- Is the City willing to consider Transfer of Development Rights to transfer density from another property?
- Is the City willing to provide city services north of the Rocky Mountain Power corridor? Acres in the area north of power line: 41.82 acres consisting of 136-159 units.
- Is the proposal consistent with the North Ogden General Plan?

City Manager/Attorney Call indicated the applicant's representative is present and can participate in any discussion the Council may have regarding these policy issues.

Mayor Berube asked if it is correct that the application complies with the City's General Plan. Mr. Scott stated that the General Plan calls for the property to be annexed into the City; it also provides some direction regarding the process that should be followed to determine the appropriate design and development of any project in the area. Mayor Berube stated that the General Plan also calls for a regional park in the area, but due to the steepness of the land, the developer has indicated that is not possible in the area. Mr. Scott stated that the General Plan does call for some sort of a park near the subject property, but it does not necessarily identify a specific property upon which the park should be constructed.

Discussion among the Council and staff centered on the parameters that should be put in place to ensure appropriate development on the City's hillside area, which has been designated to be a sensitive lands area. Mayor Berube stated he would not be in favor of any development above the power poles in the area, but he would be willing to consider some sort of transfer of development rights to provide increased density in the area below

Not Approved

the poles. There was also discussion about the City's ability to provide utility services to the area, specifically above the power poles. The Council expressed concern about increased density in the area and all were opposed to development above the power poles on the hill.

Mayor Berube invited input from the applicant.

Bruce Baird, representative for the applicant, indicated that his client desires to develop the area north of the power poles, but the project is a homeowner's association (HOA) model and the area above the power poles would be a gated community. Enough revenue should be generated by the HOA or common area maintenance fees to be charged to the residents in that are to pay for utility service provision without difficulty. He stated that his client plans to build phenomenal homes in the area; he is proposing a mix of housing types and even the townhomes would be very high end and in great demand due to the beauty of the area and the views the residents would enjoy. He stated he had hoped the Council would focus on the quality and layout of the project rather than the total number of units alone. The design included clustering and appropriate buffering between differing uses and he hopes that it will be possible to negotiate with the City to settle upon a compromise that will work for both the City and his client. He noted that lot sizes and density do not necessarily dictate quality of design. He added that a commercial component has been left in the plan as there was some favor for it among staff, Planning Commission, and the Council. However, the applicant sees pros and cons to a commercial component and is willing to adjust the plan responsive to the feedback he receives from the Council. He then noted that it is correct that there was a call for a regional park in some area of the hillside; however, the topography of the area does not lend itself to a functional programmable park. It could be suitable for natural open space, trails, and parking lots for amenities. But, there is no place for a flat regional park in the project area. He then stated that there will be a fully constructed detention basin to meet best standards for development in this type of area. The details of these types of improvements will be addressed in a development agreement for the project.

Mayor Berube asked Mr. Scott to review goals for a development included in his staff report on page 26 of the meeting packet. Mr. Scott reviewed the goals as follows:

Goals Goal #1 – Improve road conditions Strategies-

- Consider alternative revenue sources such as a road maintenance district to address maintenance issues in this area where slope impacts service demands.
- Utilize innovative storm water techniques to return street surface runoff to the underground aquifer and reduce piping costs.
- Promote through ordinances and public improvements dark sky philosophies through streetlight and yard light controls.

Goal #2 – Improve trail connections Strategies

- Establish new trails through private property to access Forest Service lands

Not Approved

- Work with the Forest Service to develop trailheads and trails to access the mountains.
- Increase trails within the urban area with an emphasis on biking/hiking and walking options to include handicapped accessibility.

Goal #3 – Increase the return of natural water to the ground Strategies

- Adopt on-site water retention ordinances.
- Encourage water-wise landscaping ordinances and education.

Goal #4 – Address Hillside environmental issues Strategies

- Avoid areas with potential instability or hazards through adoption of appropriate ordinances that allow for density retention and hazard avoidance.
- Consider natural parks to preserve open space and permanently preserve hazardous areas.
- Consider the clustering techniques and environmental avoidance options found in the Hillside Protection zone.

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.

Mr. Baird stated that he feels that each of the goals can be accomplished through a development agreement for the project; the quality of the project can be increased by allowing slightly higher density while still meeting the high standards for a development in this area. He noted that he is seeking feedback and direction from the Council in order to proceed with adjusting their plan and move to the next step in the application process.

Mayor Berube stated his greatest concern is the preservation of the beauty of the North Ogden hillside areas; these areas contribute to the culture and beauty of the City and he wants that to be considered in the design of this project. Council Member Swanson agreed and added that he feels the most important decision for the Council to make right now is whether they will allow development above the power line corridor; if development above that area is to be prohibited, that will have a significant impact on the density of the rest of the project. Mayor Berube agreed. He then polled the Council to

Not Approved

determine if there were any objections to annexing the subject property into the City. No objections were voiced. Several Council Members indicating that allowing the property to be annexed into the City would give the City greater control over the project as the developer could pursue development within Weber County if the City denies the annexation. The Council discussed density and the best mixture of uses in the project. Council Members Swanson, Stoker, and Cevering stated they are opposed to commercial uses in the project. They also indicated they are concerned about dramatic increases in density. Council Member Ekstrom stated she would also like to understand the manner in which the project will impact area schools.

Discussion then centered on plans for road improvements to provide adequate access to the project area, after which Mayor Berube stated he feels that the design, annexation, and goals outlined for the project are acceptable. Council Member Swanson indicated that there are two sections, one above the power line and one below the power line. He later continued that he would like to see between 80-90 units above the power line and maybe more density below. It seems there are a few issues the Council would like for the applicant to address: removing commercial from the project plan, determining whether development will be allowed above the power pole corridor, and reducing the density of the project. Mr. Baird stated that he would like to regroup with the applicant and their team to determine what adjustments they are comfortable making at this time before coming back to the Mayor and Council for further discussion. Mayor Berube stated that during the next discussion of the application, he would like for Mr. Baird to provide detailed documentation thoroughly addressing how the goals for the project will be achieved. It would also be helpful for the documentation to include an explanation of how the project will benefit the entire community and not just the developer. Mr. Baird stated he will be happy to provide information about the balance of private property rights and public interest in this type of project.

3. PRESENTATION AND DISCUSSION ON GARBAGE RATE

Jay D. Dalpias thanked the Mayor and Council for the opportunity to participate in this meeting and present his findings regarding costs and possible control measures for garbage services. Since the beginning of the Covid-19 pandemic cities across the United States have seen increased volumes of residential trash collection. When North Ogden City renewed its latest garbage contract with Republic Services we saw an increase in the rate. Dump rates at Weber Transfer station have recently increased (paid per ton). There are disparities in the 2nd garbage can pricing model that is costing the City money.

- Second black garbage can= $19.27 per month (x12 months= $231.24 per year/52 pickups= $4.44 per pickup)
- Second blue garbage can= $5.06 per month (x12 months= $60.72 per year/26 pickups= $2.33 per pickup)

Not Approved

Potential solutions include increasing additional blue can prices to roughly equivalent of the price of black cans; and allowing the green waste pit to accept North Ogden resident's grass clippings for free, thus decreasing tip rates at the Weber transfer station. He asked if the decrease in green waste revenue may possibly outweigh the increase in tip rates. Additionally, the City could increase the amount of recycle dumpsters at the old North Ogden public works facility and he wondered whether the increase in expense that the City pays for dumpsters outweighs the increased Weber transfer stations prices. Finally, the City has the ability to charge a convenience fee to customers who pay their utility bill with a credit card; some businesses charge up to $2 per transaction. He then thanked the Mayor and Council for considering his findings.

Mayor Berube stated that the Council can discuss these issues with City Administration to determine if any changes to the City's recycling and garbage collection programs and fees would be appropriate. He asked that Finance Director Nelson also review the information provided by Mr. Dalpias to be prepared for continued discussion in the future.

Council Member Barker stated that it is his understanding that since the City stopped its recycling program it has still continued to provide residents with an option to have a second blue can at their home. He stated that he would suggest that be discontinued because the City is essentially losing money on second cans; if the second cans are going to be offered as an option going forward, he would like to consider a fee increase. He then noted he has asked Public Works Director Espinoza to monitor garbage collection to determine if there is a large amount of grass clippings being placed in garbage cans throughout the summer months; this information can be gleaned by comparing tipping rates during the summer months to tipping rates during the winter and he would like to review this information in the spring to determine if changes to the operations at the green waste pit are appropriate. Mayor Berube agreed.

Council Member Stoker noted she would like to have the opportunity to evaluate the effectiveness of changes to garbage collection procedures; residents were notified that their cans cannot be overflowing and no garbage can be located on the ground around their cans and she would like to hear whether residents have complied with those adjustments. Mayor Berube stated that is something the Council can discuss in the future and at this time he would like to simply discuss Mr. Dalpias's recommendations.

Council Member Ekstrom thanked Mr. Dalpias for his analysis and she agreed that it is appropriate to review garbage rates to ensure that they are reflective of changes in operations. Council Member Swanson agreed; garbage collection is a service just like water and sewer services and it is necessary to cover the costs of providing those services. He stated that the blue can charges were previously lower than garbage collection rates as an effort to incentivize residents to recycle rather than place everything in the garbage. However, given the City is no longer offering a curb-side recycling program coupled with the increases in costs for garbage hauling, he also agrees that it is appropriate to review rates for all cans used by residents for garbage collection. Mayor

Not Approved

Berube agreed; the City has been very conscientious in the past in terms of keeping rates low, but it is important to cover the cost of a service rather than subsidize it.

Council Member Cevering thanked Mr. Dalpias for his insight and for getting involved in this issue.

Mayor Berube asked staff to look into any regulations regarding enacting a convenience fee for credit cards for utility bills. He then reiterated the matter of garbage hauling rates will be discussed in greater detail in future meetings.

5. DISCUSSION AND/OR ACTION ON HAZARD PAY FOR PUBLIC SAFETY FROM THE CARES ACT FUNDS

Mayor Berube noted that Council Member Barker has indicated he will recuse himself from voting on this matter given the position he holds with the North View Fire District; however, Council Member Barker's input may be valuable to the Council.

Finance Director Nelson explained it has been proposed that a portion of the CARES Act funding be used to provide hazard pay to Police officers and Fire/EMS responders at North View Fire District. Hazard pay could be calculated as follows:

- Eligibility Period: 3/1/2020-11/21/2020
- Total Budget for North Ogden City Police: $38,000
- Total number of eligible employees: 18
- Average expense per employee: $2,111

The $2,111 dollar amount includes wages, taxes, and retirement and does not reflect take-home pay. It is expected that overtime rates would apply to the hazard pay rate. This additional cost has been included in the total proposed budget. According to CARES Act guidelines, hazard pay cannot be given across the board, but must be tied to work with an increased risk. The proposed approach is to calculate an hourly rate based on total actual hours worked during the eligibility period. Holiday, sick, and vacation leave, as well as training hours would be excluded from the calculation. The North View Fire District has requested that the three participating cities contribute CARES funding for hazard pay for their employees. It is proposed that the City contribute an amount that puts the Fire District employees on par with North Ogden Police Officers. Because North Ogden generates approximately 42 percent of the Fire District's calls, the City would pay 42 percent of the calculated hazard pay allocation. Here is a sample calculation, assuming the District has 31 eligible employees: 31 employees x $2,111 = $65,441; $65,441 x 42 percent = $27,485. This is the amount North Ogden City would make available, assuming there are 31 eligible employees. Because North Ogden City is the CARES recipient, and is subject to a federal audit, the District would need to provide payroll records showing

Not Approved

actual hours worked for the eligible employees. Staff would like to ask for Council direction on this proposed approach to hazard pay.

There was a brief discussion among the Mayor and Mr. Nelson regarding the manner in which entities are supposed to determine if an employee is working under an increased risk and should qualify for hazard pay. Mayor Berube stated it is appropriate for Administration to have a clear understanding of that matter so that they understand that hazard pay will not be applied across the Board. Mayor Berube asked City Manager/Attorney Call to report on the discussion that took place during a recent meeting with City Administration and North View Fire District Administration. Mr. Call noted that it is their goal to pay their employees an additional $2 per hour for hazard pay for all hours worked from March 1 to December 30, 2020. He stated that regular employees of North Ogden City work 2,080 hours per year, Police Officers work nearly 2,300 hours, and Fire Fighters at the District work almost 3,000 hours. He stated that the District has provided documentation to illustrate the elevated risk that their employees are working under and they stand behind the request for hazard pay for all of their employees. He reiterated that North Ogden's contribution to cover the cost of hazard pay would be approximately $65,000. He then noted that after evaluation of hazard pay offered to other agencies throughout the State, he has found that most agencies are getting more than the $1,500 that North Ogden provided to its Police Officers and in most agencies, Police Officers and Fire Fighters have been treated the same for the purposes of determining hazard pay rates. Council Member Barker added that the District has also determined to provide hazard pay to its Administration and office staff as they have never closed their offices and are open to the public. The Fire Chief, Deputy Chief, and Fire Marshall regularly interact with the public on calls for support.

Council Member Swanson asked Mr. Nelson to read the regulations in the CARES Act relative to providing hazard pay. Mr. Nelson indicated hazard pay may be covered using payments from the Fund if it is provided for performing hazardous duty or work involving physical hardship that in each case is related to COVID-19. Hazard pay specifically may only be covered to the extent it is related to COVID-19. For example, a recipient may use payments from the Fund to cover hazard pay for a police officer coming in close contact with members of the public to enforce public health or public safety orders.

Council Member Swanson stated that last statement seems to provide direction regarding the type of work that must be performed in order for employees to receive hazard pay; performing traffic stops to typical violations is not part of a public health order or safety order. The same is true for responding to a home fire. He stated that he wants to pay employees as much as possible, especially is their risk level is being increased, but he does not want to do something that puts the City in an indefensible position should it face an audit of the use of CARES Act funds. Mayor Berube stated that is a good point and noted that the City has made the determination not to actively enforce health orders and will only respond to a situation when called upon. He added that the City will be subject to a single-audit due to the acceptance and use of CARES Act funds; if the City's auditor

Not Approved

does not sign off on the use of CARES Act funds and gives indication that monies were used inappropriately, the City will be liable to repay those funds due to improper use. He stated he would like to understand how other agencies have justified the use of CARES Act funds for across the board hazard pay. This led to discussion among the Council and City Administration regarding the difficulty in differentiating between a call where an Officer's risk is elevated due to COVID-19 and those that are more routine and do not present a greater risk; given this difficulty, many agencies have determined that hazard pay is appropriate for those members of a public safety department that interact with the public on a constant basis. He would not be opposed to providing hazard pay to employees that act in that capacity, but he would be concerned about giving hazard pay to office staff or administrators who would only become exposed to the public on a secondhand basis. Council Member Swanson stated that he would be comfortable granting hazard pay to employees who are dealing with the public day in and day out if Mr. Call feels that is legally defensible.

Mayor Berube asked if Administration has had a discussion with its auditor to determine their position on this issue. Mr. Nelson stated that the auditor provided the guidance that he has been referencing throughout the discussion of this issue. Mayor Berube stated he wants to find a way to make this work, but he does not want to put the City at risk. He asked Mr. Call if he can get a detailed response from the City's auditor regarding what their position would be on this matter when they conduct the single audit for the City. He asked if the Council could take action on the request subject to receiving a favorable response from the auditor. Mr. Call answered yes; he asked the Council to identify a dollar amount and specify the position classifications that should be eligible for hazard pay. He indicated Administration also needs direction regarding the contribution they are comfortable with for the Fire District. Mayor Berube stated that he believes the risk for paying office personnel and Department administration is much higher. He facilitated discussion among the Council regarding their direction relative to the types of positions that should be given hazard pay. Council Member Barker stated that the North View Fire District is of the understanding that in order to receive hazard pay, an eligible position must be substantially differentiated from those that are not at an elevated risk. He noted the trouble is that the term 'substantially differentiated' is not defined in the CARES Act and each individual agency has been left to define that. Mr. Call agreed; this is a symptom of the speed with which the CARES Act was developed and activated. There are many issues that have been left unaddressed in the federal legislation.

High level discussion among the Mayor, Council, and staff centered on the manner in which hazard pay is being distributed to employees in other agencies and even by private enterprises, after which Council Member Barker indicated that the North View Fire District Chief is willing to include an indemnification clause in the interlocal agreement indicating the District will repay any funds deemed inappropriately allocated for hazard pay in the event the City's auditor determines the City violated the CARES Act.

Mayor Berube then facilitated discussion among the Council regarding which employees should be eligible to receive hazard pay. The Council concluded to provide the same

Not Approved

amount of hazard pay to employees in the Police Department and at the Fire District. They were in favor of excluding office staff from the hazard pay program.

Council Member Cevering motioned to approve hazard pay for public safety from the CARES Act funds with parameters that were discussed tonight and based upon receipt of affirmation from the City's auditor that the City can provide up to $2,111.00 per employee in eligible positions. Council Member Swanson seconded the motion.

Mr. Call emphasized that the $2,111 amount includes hourly rate and employee benefits.

Voting on the motion:

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

The motion passed unanimously.

6. DISCUSSION AND/OR ACTION TO CONSIDER A RESOLUTION TO DESTROY, DONATE, OR APPROPRIATE UNCLAIMED PERSONAL PROPERTY FOR PUBLIC INTEREST USE.

City Manager/Attorney Call explained the Police Department ends up with many items of personal property which the City cannot legally dispose of unless it first follows defined statutory requirements. Every so often, the Department needs to clean out their evidence/property closets and Department Administration will be bringing a proposed resolution to the Council for approval. Specifically, the statute requires that any property which is used for a "public interest use" be approved by the local legislative body. A "public interest use" includes: keeping the property, such as small hand tools, or other items that any of our departments could use; donating items to a charitable organization, such as Deseret Industries, or the Boys and Girls Club; and selling the property at auction and using the proceeds in the Department for maintaining future Police Custody Property.

Several of the items on the list will be destroyed because they have no real value. Though the Council does not have to approve the destruction of these items, it provides an additional opportunity for individuals who have lost items to find their items because of the additional notice requirements for our City Council meetings. Staff is asking that the Council look at the draft resolution and attached property list and approve the Department's recommendations as to which property should be donated to a public interest use. There are a few items on the list which still need to be determined. Typically, these items are in sealed containers or original packaging and the Department

Not Approved

does not want to open them until they have exhausted their search for the real owner. Once the Council approves these items for a public interest use, the Department will open the items, determine if there is any useful life in the item, and then allocate the property according to its value. Once the Council approves this action, staff will begin the noticing and after the statutory time period, destroy or donate the property as shown on the exhibits.

Council Member Ekstrom motioned to approve Resolution 15-2020 to destroy, donate, or appropriate unclaimed personal property for public interest use. 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.

7. REPORT ON MODERATE INCOME HOUSING.

City Manager/Attorney Call explained that with the new Moderate-Income Housing requirements established by the State, the City is required to update the MIH element of the General Plan every two years and update the State on the progress of the report every year. This year is the first year North Ogden is providing the "progress" report to the state. This report needs to be adopted by the Council prior to December 1 of each year. The report focuses on two things: first, the progress made on the number of MIH units in the City, and second, reporting on the goals the City made in the MIH Plan. Because the City is required to rely on numbers created by the federal statistics the information is a few years old, but the estimates are based on the movement during the timeframe evaluated. The summary report has been attached and shows the following conclusions about the current and future needs related to moderate income housing in North Ogden City:

- Median Household Income increases from $78,926 to $81,519;
- Increase in the number of housing units = 675 units;
- Increased housing burden costs for households making 30% or less than the average median household income in 2025 from 52% to 55.4%;
- Increased housing burden costs for households making 50% or less than the average median household income in 2025 from 31.2% to 33.2%;
- Increased housing burden costs for households making 80% or less than the average median household income in 2025 from 19.5% to 20.8%;

Not Approved

- Increased housing burden costs for households making 100% of the average median household income in 2025 from 15.6% to 16.6%.

Mayor Berube referenced the City's population projection for the year 2025; he believes the City has already exceeded that projection. Mr. Call stated that is correct; the summary chart is based upon growth pattern charts from 2009 to 2017. In 2017 alone, the City build 56 new single-family homes and so far, this year, the City has issued more permits than were issued in 2017. The City's growth curve is much higher than was initially projected and that will influence future reports on MIH in the City. Mayor Berube stated he understands but is concerned about providing a report based on incorrect data. Mr. Call agreed and indicated that next year's report will accurately reflect City population.

There was brief high-level discussion about the legislation that the State Legislature enacted that requires this report and any penalties for non-compliance, after which Mayor Berube indicated the record should reflect that the Council has reviewed the report and it can be submitted by the mandated deadline.

8. COUNCIL REPORTS:

a. Council Member Stoker – Police.

Council Member Stoker stated she recently had an opportunity to participate in a ride-along with a sergeant in the Police Department. She was able to go with him to 'clear a house', though she was not familiar with what that meant. They visited a duplex in the City and entered through an open rear door and found that the unit was completely in disarray, was unsafe, and uninhabitable. There was a great deal of drug paraphernalia in the unit as well. After participating in the event, she reflected on the hazards that the City's Officers are dealing with. She visited the Police Station with the sergeant after the ride-along and she learned firsthand the conditions they are working in day in and day out. She is very grateful for the difficult work that the Police Department performs in the community and for providing a sense of safety for citizens. She stated the events she experienced reinforced her belief that the City needs a new Police Station, increased staffing levels, and adequate pay and funding for equipment. Mayor Berube stated he agrees it is evident that this is an issue the City needs to try to solve.

b. Council Member Cevering – Public Works.

Council Member Cevering reported the Public Works Department has been working on 22 projects recently and 11 of them have been completed. The Department expressed gratitude for patience on the part of City residents while crews have been operating the leaf truck throughout the City. Also, the Department is updating its snowplow map and operations plan and they believe they can finish plowing the areas between 2600 and 2300 North quicker. Mayor Berube thanked the Public Works Department for responding to requests from residents to address snow removal in some areas of the City quicker than in the past. He added that he appreciates Public Works Director Espinoza's response to the information provided earlier in the meeting by Mr. Dalpias in regard to garbage

Not Approved

collection, tipping fees, and opportunities to increase acceptance of grass clippings at the green waste facility.

c. Council Member Ekstrom – Parks & Recreation.
Council Member Ekstrom reported on adjustments to recreation programs and special events responsive to adjusted COVID-19 regulations. She reported that a mailbox has been located at Bicentennial Park where children can deposit their letters to Santa.

9. PUBLIC COMMENTS

There were no public comments.

10. COUNCIL/MAYOR/STAFF COMMENTS

Mayor Berube read a letter he received from City Recorder Annette Spendlove:

"Dear Mayor, Council, and Jon:

It is with a heavy heart that I submit my resignation. My years with North Ogden City have been wonderful as I have served for six Mayor's, 22 City Council Members, and six City Administrators/Managers. I have met so many wonderful people in our community and outside out community. Many employees have passed through my door, either coming or leaving, and I am grateful for their friendship. It is time for me to retire. I am looking forward to traveling, completing many projects, and most importantly spending time with my family, including my 22 grandchildren. My last day in the office will be December 30, 2020. I would be happy to meet with you at your convenience to discuss my resignation, transition my duties, and help with the transition of a new successor. I wish North Ogden and all of its employees, elected officials, and citizens much success in the coming years as they all work together to keep North Ogden City a viable, friendly, and welcoming community.

Sincerely, Annette Spendlove, City Recorder."

Mayor Berube offered Ms. Spendlove the opportunity to provide additional comments; her 19 years of service should not be minimized and Ms. Spendlove has been an icon in the community for such a long time.

Ms. Spendlove stated she did not believe retiring would be this hard as she has been excited to spend more time at home. She wanted to thank those she has worked with over the years, including the current Governing Body of the City. Her job has been a big part of her life and she thanked the City for everything.

Not Approved

Council Member Swanson thanked Ms. Spendlove for her many years of service and all that she has taught him during his tenure on the City Council. Council Members Stoker, Ekstrom, Cevering, and Barker echoed Council Member Swanson's comments of gratitude and thanked her for her great deal of patience as she has worked with them and with residents as well. Mayor Berube thanked Ms. Spendlove for her commitment to the City and wished her well in her future endeavors.

City Manager/Attorney Call then reported that the City's annual Christmas party has been cancelled, but individual departments have been given the opportunity to hold lunches where participants can adequately socially distance. He will provide the Council with information about department lunches if they are interested in attending.

11. DISCUSSION AND/OR ACTION TO CONSIDER ENTERING INTO A CLOSED MEETING DISCUSSION REGARDING THE CHARACTER, PROFESSIONAL COMPETENCE, OR PHYSICAL OR MENTAL HEALTH OF AN INDIVIDUAL §52-4-205(1)(a).

Council Member Cevering motioned to enter into a closed meeting to discuss the character, professional competence, or physical or mental health of an individual §52-4-205(1)(a) Council Member Swanson seconded the motion.

Voting on the motion:

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

The motion passed unanimously.

The meeting recessed at 9:09 p.m.

Council Member Swanson motioned to adjourn the closed meeting and reconvene in the City Council meeting. Council Member Ekstrom seconded the motion.

Voting on the motion:

Council Member Barker	**aye**
Council Member Cevering	**aye**

Not Approved

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

The motion passed unanimously.

City Council meeting reconvened at 9:52 p.m.

12. 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 9:52 p.m.

_____
S. Neal Berube, Mayor

_____
S. Annette Spendlove, MMC
City Recorder

_____
Date Approved

Not Approved

NORTH OGDEN CITY COUNCIL
MEETING MINUTES

December 8, 2020

The North Ogden City Council convened in a virtual meeting on December 8, 2020 at 6:05 p.m. at https://us02web.zoom.us/j/81613172479 or by Telephone: US: +1 346 248 7799 or +1 669 900 9128 or +1 253 215 8782 or +1 312 626 6799 or +1 646 558 8656 or +1 301 715 8592 or Youtube: https://www.youtube.com/channel/UCriqbePBxTucXEzRr6fclhQ/videos. 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 December 3, 2020. Notice of the annual meeting schedule was published in the Standard-Examiner on December 22, 2019.

PRESENT:	S. Neal Berube	Mayor	
	Ryan Barker	Council Member	
	Blake Cevering	Council Member	(excused)
	Charlotte Ekstrom	Council Member	
	Cheryl Stoker	Council Member	arrived at 6:11 pm
	Phillip Swanson	Council Member	
STAFF PRESENT:	Jon Call	City Manager/Attorney	
	Annette Spendlove	City Recorder	
	Rob Scott	Planning Director	
	Evan Nelson	Finance Director	
	Lorin Gardner	City Engineer	
VISITORS:	Brenda Ashdown	Stephanie Casey	Terri McCulloch
	Susan Clements		

Mayor Berube called the meeting to order. Council Member Ekstrom offered the invocation and led the audience in the Pledge of Allegiance.

CONSENT AGENDA

1. DISCUSSION AND/OR ACTION TO CONSIDER NOVEMBER 10, 2020 CITY COUNCIL MEETING MINUTES

Council Member Swanson motioned to approve November 10, 2020 City Council meeting minutes. Council Member Ekstrom seconded the motion.

Not Approved

Voting on the motion:

Council Member Barker	**aye**
Council Member Ekstrom	**aye**
Council Member Stoker	**aye**
Council Member Swanson	**aye**

The motion passed unanimously.

ACTIVE AGENDA

2. PUBLIC COMMENTS

There were no public comments.

3. PRESENTATION OF THE QUARTERLY FINANCIAL REPORT

Finance Director Nelson discussed the Quarterly Financial Report for the quarter ending September 30, 2020. 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: This report includes sales tax revenue generated from transactions in July through September 2020. Revenues are coming in much stronger than projections in spite of the Coronavirus pandemic. Year-to-date collections are $920,844 which is $345,707 or 60% more than the projection. The total represents a 20.8% increase over the previous fiscal year. The City was very cautious in setting revenue expectations at the beginning of the pandemic. The past several months have shown sales tax revenues to increase rather than decrease as a result of the pandemic.

Summary Graphs: The summary graph shows revenues and expenditures compared to budget. A few explanations are included below. Please note that several amendments to the budget were approved in November and are not reflected in the September report.

General Fund – Expenditures are slightly greater than revenues due to some annual costs that occur near the beginning of the fiscal year. Expenditures appear to be very high in the Non-departmental category due to CARES Act expenditures that were not included in the original budget. The amendments in November corrected this deviation.

Transportation Impact Fee Fund – The budgeted transfer from this fund to the Capital Improvement Fund has been entered to help cover expenditures on the 2600 North

Not Approved

Intersection project. This transfer brings Transportation Impact Fee Fund expenditures to 100% expended.

Capital Improvement Fund – Expenditures exceed revenues. Some grant expenses had not been reimbursed by the end of September. Also, the purchase of the Wells Fargo building was expected to occur in the prior fiscal year, but did not happen until July 2020. A budget amendment will be proposed to roll the budget into fiscal year 2021. The amount of this expenditure was $940,652.70.

Sewer Fund – Expenditures exceed revenues due to the sewer relining capital project occurring at the beginning of the fiscal year.

Storm Water Fund - Expenditures only slightly exceed revenues in this fund. ($3,771) The graph is a bit misleading due to a large difference between budgeted revenues and budgeted expenditures. The difference is due to a large amount of grant revenue budgeted for the Community Pond capital project.

Solid Waste – Expenditures exceed revenues due to the garbage truck lease expense at the beginning of the year. Please note this fund budget was amended in November to reflect the revised operation plan for Solid Waste. The amended budget is not reflected in the September report.

Motor Pool Funds – Expenditures in excess of revenue in these funds is approximately the amount of depreciation expense. These funds are not currently set up to accrue large balances for asset replacement. Under current practice, the General Fund is expected to supply the needed revenue for asset replacement as approved in the budget from year to year.

Mr. Nelson concluded the economy in Utah is fairing much better than anticipated so far, this fiscal year. The Council has approved some amendments to the budget, partially restoring some items that were initially cut from the budget. There seems to be cautious optimism as the revenues are trending in a positive direction. However, uncertainties remain related to the COVID 19 Pandemic and its ongoing effects upon State and local revenues.

Mayor Berube stated that the common citizen may review this quarterly report and wonder why expenditures are tracking ahead of revenues and he asked Mr. Nelson to provide a brief explanation for that matter. Mr. Nelson stated that many expenditures occur early in a fiscal year and ahead of the majority of the City's tax revenue collection; however, as the end of the fiscal year draws nearer, he and Department Heads are closely monitoring expenditures to ensure that various budgets are not close to exceeding their budget. Department Heads do a good job of tracking and managing their individual budgets to ensure that they do not exceed allowances.

Not Approved

Council Member Barker stated that he believes the City's sales tax revenue will be higher than we budgeted for the entire year; if that is the case, he would like to begin discussions regarding reinstating funds for various needs and projects throughout the City. Mayor Berube stated that the Council has considered a prioritized schedule for reinstatement of expenses and projects and he plans to discuss that issue further with the Council in January.

4. DISCUSSION AND/OR ACTION TO CONSIDER AN ORDINANCE ANNEXING 0.674 ACRES LOCATED AT 2463 N. FRUITLAND DRIVE

Council Member Barker indicated he is the applicant for this annexation and he recused himself from voting on or discussing the matter.

City Recorder Spendlove reported Ryan Barker submitted an application petitioning for annexation of approximately 0.674 Acres located at 2463 N. Fruitland Drive in Weber County, Utah. The annexation process requires the City Council to accept the petition for annexation so that the annexation process can begin, which was done on October 27, 2020. As required by Utah State Code the Weber County Surveyor has reviewed the annexation plat map and asked for some changes to be made which was done by Great Basin Engineering and finds it to be a correct plat which was done on October 15, 2020 (Exhibit B). The property being proposed for annexation is within the North Ogden City's Annexation Declaration Policy Map. The Petitioner is requesting a RE-20 Zone which the Planning Commission has recommended on November 4, 2020. The Utah State Code requires that the City give notice of an annexation for (3) consecutive weeks in a newspaper of local circulation no later than 10 days after the City Council receives notice of certification which was certified by the City Recorder on November 3, 2020. A Public Hearing is required and was noticed on November 28 and December 5, 2020. Written protests to this annexation are to be filed no later than December 7, 2020. No written protests have been submitted as of the date of this staff report. This annexation meets all the requirements to be annexed and before the City Council is an Ordinance for your consideration annexing this property into North Ogden City.

a. Public Hearing to receive public comments on a Petition to consider annexing property

Mayor Berube opened the public hearing at: 6:30 p.m. There were no persons appearing to be heard.

Council Member Swanson motioned to close the public hearing. Council Member Stoker seconded the motion.

Voting on the motion:

Council Member Barker aye

Not Approved

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

The motion passed unanimously.

The public hearing was closed at 6:31 p.m.

b. Discussion and/or action to consider an Ordinance annexing 0.674 acres located at 2463 N. Fruitland Drive

Council Member Ekstrom motioned to approve Ordinance 2020-25 annexing 0.674 acres located at 2463 N. Fruitland Drive. Council Member Stoker seconded the motion.

Voting on the motion:

Council Member Barker **(abstained)**
Council Member Ekstrom **aye**
Council Member Stoker **aye**
Council Member Swanson **aye**

The motion passed unanimously.

5. <u>DISCUSSION AND/OR ACTION TO CONSIDER AN AGREEMENT WITH GRANITE CONSTRUCTION FOR THE 400/450 EAST WIDENING PHASE I PROJECT</u>

City Manager/Attorney Call stated that on November 5, 2020 at 4:00 p.m., bids were opened for the 400 East/450 East Widening Phase 1 Project. Three (3) bids were received. He reviewed a spreadsheet that includes a tabulation of the bids that were received. The contractors that submitted bids were prequalified and Administration feels that the prices are competitive. Bids were reviewed by the selection committee using the Choosing by Advantages System of Decision Making. The committee selected Granite Construction for their low bid of $3,225,800.74, which is approximately $900,000 lower than the engineer's estimate. The project limits begin at 2650 North and end at 2975 North. Granite Construction will also be doing the UDOT 2600 North/Washington Boulevard intersection construction project during this same time frame. Moreover, the City will be contracting with the same Public Involvement consultant that UDOT is using. It is our hope that this will facilitate the construction of both projects and help improve project coordination. Mr. Call concluded staff recommends the Council vote to approve the agreement and authorize the Mayor to execute the document.

Not Approved

Council Member Ekstrom motioned to approve Agreement A44-2020 with Granite Construction for the 400/450 East Widening Phase I Project. Council Member Swanson seconded the motion.

Voting on the motion:

Council Member Barker	**aye**
Council Member Ekstrom	**aye**
Council Member Stoker	**aye**
Council Member Swanson	**aye**

The motion passed unanimously.

6. DISCUSSION AND/OR ACTION TO CONSIDER AN ORDINANCE REZONING PROPERTY AT APPROXIMATELY 875 E. 3300 N. FROM RESIDENTIAL (R-1-10) TO CIVIC (C) ZONE

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

The applicant, North Ogden City, is requesting a zone change for the property located at approximately 875 East 3300 North from Residential R-1-10 to the Civic Zone. This is the first zone change to apply the Civic Zone.

The Planning Commission considered a site plan for the Mountain View park concurrently. The Planning Commission approved the site plan subject to the rezone being approved.

There were a number of comments received at the public hearing that mainly consisted of the reasoning behind the creation of the Civic Zone and whether there were any planned improvements to Mountain View Park.

The property has frontage on both 3200 North on the south and 3300 North on the north side of the property. The property is bordered by residential properties to the East and West. The current zoning ordinance lists the property as Residential R-1-10. Exhibit A is the site plan for Mountain View Park. The ordinance is in Exhibit B with Attachment A, the map showing the rezone boundary.

Not Approved

In accordance with zoning ordinance amendment ZTA 2020-15 adopted July 14, 2020, the City is actively seeking to redefine civic land use. The property is being rezoned to comply with the standards defined in ordinance title 11-7L.

He briefly reviewed zoning and land use policy guidelines applying to this type of action and noted that the zone change conforms to the City's General Plan. He concluded the Planning Commission voted unanimously, seven to zero, to recommend approval of the proposed rezone from R-1-10 to Civic Zone (C). The Planning Commission found that the application is consistent with the General Plan.

Mayor Berube stated it is his understanding there are no plans to make any physical changes to the property as a result of this action. Mr. Scott stated that is correct.

Council Member Ekstrom asked if each City property for which the Civic Zone is applicable will be considered individually or as part of a larger group. Mr. Scott stated the Planning Commission also discussed that issue and staff plans to group several properties together for action at the same meeting; he expects the Council will begin seeing additional zone changes such as this one in the coming months.

Council Member Swanson motioned to approve Ordinance 2020-26 rezoning property at approximately 875 East 3300 North from Residential (R-1-10) to Civic (C) Zone. Council Member Stoker seconded the motion.

Voting on the motion:

Council Member Barker	**aye**
Council Member Ekstrom	**aye**
Council Member Stoker	**aye**
Council Member Swanson	**aye**

The motion passed unanimously.

7. DISCUSSION AND/OR ACTION TO CONSIDER AN ORDINANCE FOR THE 2021 MEETING SCHEDULE

City Recorder Spendlove presented the schedule of the dates and times of regularly scheduled City Council meetings for the entire 2021 calendar year; this schedule must be adopted by ordinance. The Council will have the ability, throughout the year, to schedule special meetings or meetings of the other bodies that they serve as, including the Redevelopment Agency (RDA) and Community Development Agency (CDA).

Council Member Stoker motioned to approve Ordinance 2020-27 for the 2021 meeting schedule. Council Member Ekstrom seconded the motion.

Not Approved

Voting on the motion:

Council Member Barker	**aye**
Council Member Ekstrom	**aye**
Council Member Stoker	**aye**
Council Member Swanson	**aye**

The motion passed unanimously.

8. COUNCIL DEPARTMENT REPORTS:

a. Council Member Barker – Building & Planning

Council Member Barker reported the City's Building and Planning Departments are very busy; in October, the Building Department issued 34 building permits for new construction with approximately 35 additional permits issued for accessory projects. He then reported he is working with Planning Director Scott on potential updates to the City's sensitive lands zoning regulations to ensure proper fire protection for any flag lots that could be developed on the City's hillside.

b. Council Member Swanson – Finance

Council Member Swanson stated that Finance Director Nelson provided a great report earlier in the meeting and he noted he is pleased with the City's financial position at this time. The first Audit Committee was held yesterday; the Committee is made up of himself, Council Member Ekstrom, Mayor Berube, City Manager/Attorney Call, Randy Winn, and Thayne Shafer. The Committee will be evaluating the City's current motor pool accounting as well as the priority list referenced earlier in the meeting by Mayor Berube relative to reinstating projects or expenses that were removed from the budget out of concerns related to reduced revenues because of COVID-19. He noted that the City is doing much better than surrounding cities in terms of sales tax revenue, though he is unsure why that is the case.

9. PUBLIC COMMENTS

There were no public comments.

10. COUNCIL/MAYOR/STAFF COMMENTS

Council Member Stoker referenced recent windstorms that have caused trees to fall and she noted she was approached by a resident who inquired as to the responsible party for a tree that falls across a property line causing property damage. City Manager/Attorney

Not Approved

Call stated that the owner of the property upon which the tree stood before it fell would likely be responsible, but that is a civil matter that would be addressed between private property owners. The Government Immunity Act provides the City some protections, except in instances where the City was the owner of a tree and they knew that it was diseased or otherwise unstable and could fall easily during a storm. Council Member Stoker then concluded by thanking the Police Department for locating an officer on Mountain Road to try to address speeding motorists in that area.

Mayor Berube referenced a traffic accident at the intersection of 1050 East and 2600 North this evening; he has received a report of the number of accidents at that intersection and suggestions for improving conditions in that area.

Council Member Ekstrom stated that it seems that there is general support in the community for considering pursing a relationship with UTOPIA for telecommunications options in the City. She then stated that the intersection of 1050 East and 2600 North is very treacherous; she feels the same about the intersection of Fruitland Drive and 2100 North. She would be willing to discuss options for improving those intersections in the future.

Mayor Berube reported the Public Works Department has worked hard to include the $36 utility credit on bills for the month of December and he thanked those employees for their efforts.

City Manager/Attorney Call reported that City employee holiday lunches will be held over the course of the next week; employees will gather in smaller groups in order to observe COVID-19 protocol and individual Council Members are invited to attend those lunches. He then noted he visited a duplex property on Washington Boulevard, which was the property that Council Member Stoker visited on a recent Police ride-along. He spoke with the owner, who has expressed interest in rebuilding and improving the structure and he will work with the Building Department to evaluate that option. He then concluded that he has been evaluating options for partnering with UTOPIA for fiber services and possible bonding for the project; this has included evaluation of whether that type of bond would conflict with a general obligation (GO) bond for a public safety building. He noted a GO bond would be repaid with property tax revenue while UTOPIA funding is typically paid with sales or franchise tax revenue. Because the repayment source would be different for the two bonds, issuance of both bonds would not impact the City's bond rating for each type of bond. He stated he is not making a recommendation on funding for either project; rather, he is simply providing information.

Mayor Berube then reported he visited the North View Fire Station today to thank first responders for their services in the community. He will be returning again on December 11 to meet with those who were not present at his first visit and he invited any interested Council Members to join him. It was great to see the commitment and passion of the first responders who care so much about the City. He encouraged residents to express their appreciation as well.

Not Approved

11. ADJOURNMENT

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

Voting on the motion:

Council Member Barker	**aye**
Council Member Ekstrom	**aye**
Council Member Stoker	**aye**
Council Member Swanson	**aye**

The motion passed unanimously.

The meeting adjourned at 7:08 p.m.

_____
S. Neal Berube, Mayor

_____
S. Annette Spendlove, MMC
City Recorder

_____
Date Approved

Not Approved

NORTH OGDEN CITY

SETTLED 1851

NORTH OGDEN CITY
STAFF REPORT

TO: MAYOR AND CITY COUNCIL

FROM: ECONOMIC DEVELOPMENT COMMITTEE

SUBJECT: COMMITTEE CHARTER

DATE: JANUARY 12, 2021

The Economic Development Committee met on November 17, 2020, and unanimously approved a charter to be a guiding document for the Committee. The Committee is now asking for official approval for this charter from the Mayor and City Council.

North Ogden Economic Development Committee Charter

Mission: Promoting business activity in North Ogden City that increases sustainable economic growth and local tax base leading to maintaining and improving the livability and quality of life in the city.

Purpose of Committee:

- To increase public awareness of existing businesses and services within city boundaries through marketing and cross promotion
- To propose and implement a marketing plan to city council that actively educates the public on the effects of shopping locally
- To help actively promote the city as a desirable business choice to prospective businesses
- To promote usage of city resources to help businesses grow and stay in North Ogden
- To create a positive business atmosphere in North Ogden through recommending to council effective use of RDA and CDA funds

Members of Committee: 7-8 Members rotating on a 2-year term, renewable once for a total of up to 4 years

Monthly Meeting Agenda:

1. Welcome (led by Chair or pre-assigned committee person)
2. Review and Approve Minutes
3. Public Comments
4. Review Action Items
5. New Action Items to align with mission.

Measurements of Improvement

Goals	Measurements	Current Data		Goal
		Current	2020 YTD	
	# businesses			
	sales tax collected			
	other			

NORTH OGDEN CITY
SETTLED 1851

NORTH OGDEN CITY
STAFF REPORT

TO: MAYOR AND CITY COUNCIL
FROM: JON CALL, CITY MANAGER/ATTORNEY
SUBJECT: 400/450 EAST CONDEMNATION
DATE: 1/11/2021

The 400/450 East widening project is getting ready to start. We have been working with the 26 property owners affected by the project and have been able to reach a solution which works for both parties for 25 of the 26. We do have one where we are at the point where we need to instigate condemnation in order to make sure we are able to properly construct the project, in the time frame we have allowed. The home is at the corner of 2850 North and 400 East.

In order to proceed with the condemnation proceedings the Council needs to adopt a resolution authorizing the use of condemnation for the 400/450 east project. The staff recommends the Council adopt the condemnation resolution as presented.

RESOLUTION NO. -2021

A RESOLUTION OF THE CITY COUNCIL OF NORTH OGDEN CITY APPROVING THE USE OF CONDEMNATION FOR THE PROPOSED 400/450 EAST WIDENING PROJECT.

WHEREAS; The City has determined that 400/450 East between 2600 North and 3100 North needs to be widened; and

WHEREAS: The City has determined that the project is imminent and that negotiations with some property owners to voluntary sell their property has been unsuccessful; and

WHEREAS: The City has obtained appraisals and other necessary paperwork to complete the acquisition process; and

WHEREAS: The City is required by Utah Law to formally authorize condemnations prior to initiating any condemnation actions.

NOW THEREFORE, BE IT RESOLVED by the City Council of North Ogden City that the City authorizes the use of condemnation in accordance with Utah State Statute for properties which are needed for the 400/450 project in the discretion of the Mayor and City Attorney.

PASSED and APPROVED this _____ day of January 2021.

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	___	___

ATTEST:

_____
Susan Nance
Interim City Recorder

North Ogden Arts Guild--RAMP Grant Budget Proposal

Summer Performing Arts Camp--2020

Total Proposed Budget	$10,000
EXPENSES	
SHIRTS	$750
TREATS / SNACKS	$200
WATER BOTTLES	$400
PRINTING	$100
ADVERTISING / MARKETING	$100
NAME TAGS/ MARKERS	$150
LANYARDS	$150
PERFORMANCE PROPS	$100
SHEET MUSIC	$200
MUSIC TRACKS	$200
MICROPHONE RENTAL	$300
SPEAKER AND SOUND CONSOLE RENTAL	$600
GROUP PICTURES	$100
RECORDING STUDIO TIME	$600
SALARIES	
CAMP DIRECTOR	$1,500
CAMP MUSIC DIRECTOR	$1,500
CAMP CHOREOGRAPHY	$1,000
ASST. CAMP DIRECTOR	$750
ASST. CAMP DIRECTOR	$750
STAGE MANAGER	$250
ASST. STAGE MANAGER	$100
STUDENT ACTING ASSISTANT	$100
STUDENT CHOREOGRAPHY ASSISTANT	$100
TOTAL EXPENSES	$10,000

RAMP GRANT REQUEST	$5,000
CITY'S MATCHING FUND	$5,000

NORTH OGDEN CITY
SETTLED 1851

Staff Report to the North Ogden City Council

SYNOPSIS / APPLICATION INFORMATION

Application Request:	Consideration and action on a legislative application to rezone property for land located at approximately 1550 North Washington Boulevard from Commercial (CP-2) to Master Planning Community (MPC-CT)
Agenda Date:	January 12, 2021
Applicant:	Rick Scadden, Danny Wall
File Number:	ZMA 2018-10

PUBLIC NOTICE:

Mailed Notice:	N/A
Newspaper:	N/A
City Website:	January 8, 2021

PROPERTY INFORMATION

Address:	Approximately 1550 North Washington Boulevard
Project Area:	Approximately 7.195 Acres
Existing Land Use:	Vacant / Residential
Proposed Land Use:	Residential
Parcel ID:	110140010, 110140034 and 110140035

ADJACENT LAND USE

North: Commercial
South: Residential
East: Residential
West: Commercial/Residential

STAFF INFORMATION

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

APPLICABLE ORDINANCES

North Ogden Zoning Ordinance Title 11-1-4 (Changes and Amendments)
North Ogden Zoning Ordinance Title 11-6-2B (Boundaries of Zones)
North Ogden Zoning Ordinance Title 11-7J (Master Planned Community Zone (MPC)

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, 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 this application on January 22, 2020.

The City Council considered the application on February 11, 2020. The City Council was concerned with the project not being mixed use, excessive building heights, and denied the request.

A revised plan was submitted to the City Council on October 27, 2020. The City Council granted approval of the site plan and directed that an ordinance and development agreement be brought back for approval. (See Exhibit C)

The applicant has worked with city staff to refine the development agreement and prepare an ordinance for consideration. (See Exhibits A and B)

The following summary itemizing the City Council's agreement for provisions to be included in the development agreement is below:

Mixed Use

The revised project includes a commercial component, a 4,500 square foot commercial building and apartment complex.

Building Orientation

The buildings along Washington Boulevard now front the street instead of having a side elevation.

Buildings and Density

The number of units and density are spelled out in the agreement. There are 152 dwelling units a commercial building, clubhouse, and amenities. The density is 21.13 units per acre.

Building Height.

The building height is 46 feet with a 6 / 12 roof pitch.

Building Elevations and Materials

The apartment building materials primarily consist of brick veneer and cement board siding. The commercial building design will be reviewed by the Planning Commission as part of a site plan review application.

Building Placement and Setbacks

The varied setback standard for Washington Boulevard was approved from 10 to 24 feet. The building setbacks on 1525 North were approved from 15 feet to 26 feet.

Landscape Plan

A landscape plan has been submitted. A final landscape plan that includes the streetscapes for Washington Boulevard and 1525 North will be approved by the Planning Commission.

Outdoor Lighting
Lighting details for buildings will be approved at the time of building permit review. The street lighting along Washington Boulevard will be reviewed in conjunction with the streetscape review. The applicant is responsible for the cost of lighting improvements.

Parking
The parking requirements are spelled out in the agreement in provision 16.

Boundary Line Adjustment with Ogden City
The two southern parcels located are within Ogden City; the development agreement identifies North Ogden's support for a boundary line adjustment.

1525 North
1525 North will be constructed as a public street and will be extended to Washington Boulevard with a 60 foot right of way. A provision to include the Walker Theater property in the proposed subdivision is included.

Land Use Impact and Buffering
The site plan shows a landscape buffer around the perimeter of the project. A provision to contact the Walker Theater owner regarding a gate access is included.

Signage
Signage will be approved through the building permit process. A welcome to North Ogden sign provision is included.

Subdivision
A subdivision application has been received and must be approved and recorded prior to any building construction.

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.

SUMMARY OFLAND USE AUTHORITY 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 October 27, 2020 City Council direction?

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

The City Council can consider the rezone and development agreement for approval.

EXHIBITS

A. Ordinance
B. Development Agreement
   Attachment A Application
   Attachment B Legal Description
   Attachment C Site Plan
   Attachment D Landscape Plan
   Attachment E Building Elevations
   Attachment F Project Narrative
   Attachment G Color Board
C. October 27, 2020 City Council Meeting Minutes

MAP

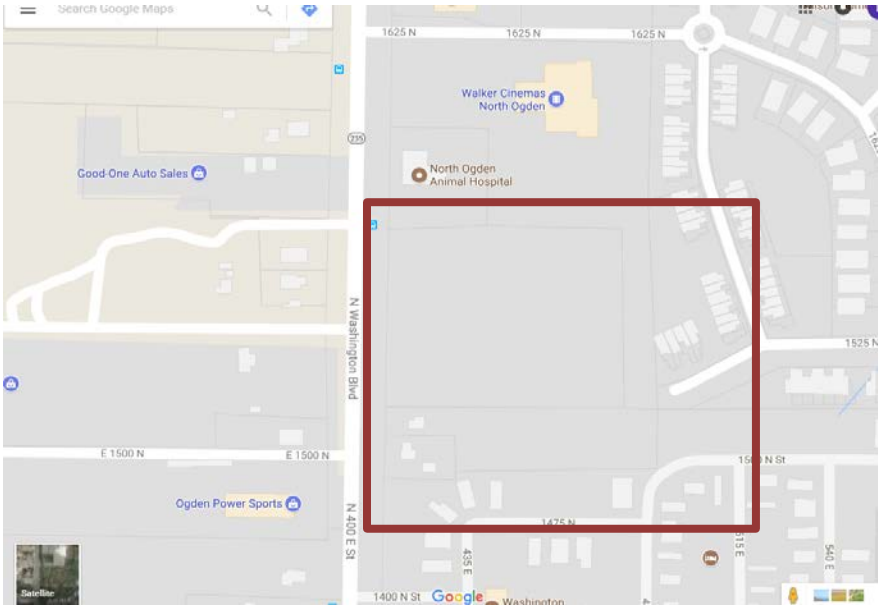


Exhibit B

Cooperstown Partners, LLC

Phase 1, Parcel 110140010

PART OF THE NORTHEAST QUARTER OF SECTION 5, TOWNSHIP 6 NORTH, RANGE 1 WEST SALT LAKE MERIDIAN. BEGINNING AT POINT 9.30 CHAINS WEST AND 1.72 CHAINS NORTH FROM THE SOUTHEAST CORNER OF SAID QUARTER SECTION IN THE CENTER OF WASHINGTON AVENUE; RUNNING THENCE NORTH 0D48' EAST 5.84 CHAINS ALONG CENTER OF SAID AVENUE; THENCE NORTH 89D EAST 8.56 CHAINS; THENCE SOUTH 0D48' WEST 5.84 CHAINS; THENCE SOUTH 89DWEST 8.56 CHAINS TO THE PLACE OF BENNING CONTAINING 5 ACRES M/L APPROX 1550 N WASHINGTON BLVD.

Phase 2, Parcel 110140035

PART OF THE NORTHEAST QUARTER OF SECTION 5, TOWNSHIP 6 NORTH, RANGE 1 WEST, SALT LAKE MERIDIAN. BEINNING AT THE SOUTHEAST CORNER OF SAID QUARTER SECTION; THENCE WEST 394.5 FEET/ THENCE NORTH 72 FEET; THENCE WEST 150 FEET; THENCESOUTH 72 FEET; THENCE WEST 66 FEET; THENCE NORHT 113.52; THENCE NORTH 89D EAST 9.3 CHAINS; THENCE SOUTH 1.9 CHAINS TOBEGINNING CONTAINING 1.43 ACREAS M/L APPROX 1514 WASHINGTON BLVD.

Phase 2, Parcel 110140034

PART OF THE EAST ½ OF SECTION 5, TOWNSHIP 6 NORTH, RANGE 1 WEST, SALT LAKE MERIDICAN. BEGINNING AT APOINT 394.5 FEET WEST 2622 FEE NORTH OF THE SOUTHEAST CORNER OF SAID SECTION 5; RUNNING THENCE WEST 150 FEET TO THE EAST LINE OF WASHINGTON BLVD; THENCE NORTH 90 FEET THENCE EAST 150 FEET TO A POINT NORHT OF THE PLACE OF THE BEINNING; THENCE SOUTH 90 FEET TO THE PLACE OF THE BEGINNING CONTAINING .31 ACREAS APPROX 1512 N WASHINGTON BLVD.

WHEN RECORDED, RETURN TO:

North Ogden City
Attn: City Recorder
505 East 2600 North
North Ogden, UT 84414

DEVELOPMENT AGREEMENT
FOR THE
COOPERSTOWNE APARTMENTS

THIS AGREEMENT is made and entered into as of the_____day of January 2021 by and between NORTH OGDEN CITY, a Utah municipal corporation, hereinafter referred to as the "City" and COOPERSTOWN PARTNERS, LLC, a Utah limited liability corporation, hereinafter referred to as "Developer."

RECITALS:

A. Developer is the owner of the property more particularly described on Attachment A, attached hereto and incorporated herein by the reference (the "Property"). Developer desires to develop the Property as a planned mixed use development consisting of 152 residential units and one commercial building on approximately 7.195 acres with integrated open space and related amenities in accordance with the applicable City Ordinances and as more particularly set forth on Attachment D, the approved site plan for the Project, attached hereto and incorporated herein by refence.

Pursuant to City Ordinances, the Developer has submitted to the City the required applications to rezone the Property to the MPC Master Plan Community Zone. Presently the Property is zoned CP2 and is designated as Mixed-Use/Multi-Family/Commercial in the General Plan Future Land Use Map.

B. All approvals for development of the property and for the planned Development are subject to specific conditions imposed by the Planning Commission and City Council. This Agreement includes various conditions and requirements which must be satisfied by Developer in the development of the Property. Except as otherwise specifically provided herein, both the Property and the planned development are subject to, and shall conform, with this Agreement, as well as all ordinances, rules and regulations adopted by the City, including but not limited to the provisions of the City's General Plan, Zoning Ordinance, Subdivision Ordinance, and all other applicable ordinances, standards, specifications, fees, regulations and codes, collectively referred to herein as the "City Ordinances."

C. The purpose of this Agreement is to reduce to writing the respective agreement and understanding of the parties regarding the development of the Property in conformance with the City Ordinances and the specific approvals granted by the City for the Property and the planned development. The City and Developer, as well as any successors and assigns as more particularly defined herein, agree to be bound under the terms and conditions of this Agreement as more particularly set forth herein. Any person or entity hereinafter developing the Property, or any portion hereof shall comply with the terms of this Agreement. And to comply with the MPC zone requirement which requires a DA for all MPC properties.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereby agree as follows:

1. *INCORPORATION OF RECITALS.* The foregoing Recitals are hereby incorporated into this Agreement.

2. *REZONE*. The City agrees to rezone the Property to Master Planned Community – Cooper's Towne (MPC-CT) zone.

3. *INTENDED USE.* Developer shall develop the property as a mixed - use development, consisting of 6 garden style apartment buildings (152 units) and one commercial building. The project shall have amenities including, but not limited to a Clubhouse and pool. The density for the residential portion of the project is 21.13 units per acre which is within the 18 – 40 units per acre allowed in within the MPC Zone.

4. *MASTER PLAN APPROVAL.* The North Ogden City Council has approved the Developer's proposed Master Plan and has entered into this agreement to facilitate the Developer to develop the Property as proposed as identified in Attachment C. The project shall consist of:

   Apartments

20-plex	3 buildings (A, B, D)
30-plex	2 buildings (F, G)
32-plex / clubhouse	1 Building (E)
152 Units	6 Buildings

   Commercial

1 Building	Building C

5. *PROPERTY DEVELOPMENT*. The Property and the planned development shall be developed in strict accordance with the terms and conditions of this Agreement and the City Ordinances. All development and use of the Property shall be subject to and shall comply with the terms and conditions of the preliminary plan, the preliminary plat, and specifically any unmodified MPC Master Plan Community zone requirements. The Property shall be developed as one integrated land use rather than as an aggregation of individual and unrelated buildings and uses. In addition, in accordance with the regulations of the City, the development shall implement those regulations of the City General Plan, have an overall architectural design theme, and allow the open spaces to be integrated with the residential uses in a mutually compatible manner. No additional property may be added to the Property or the development described herein for the purposes of this Agreement, except by written amendment to this Agreement, approved and executed by the parties.

6. *LANDSCAPING, COMMON AREAS AND AMENTITIES.* All landscaping, common areas and amenities shall be provided by the Developer in accordance with the approved plans for the project. In order to assure the provision of the community clubhouse to the initial residents of the project, Developer herby agrees to construct

Building E as the first project building along with the clubhouse. Developer hereby agrees to construct a clubhouse as depicted on the site plan in Attachment D of sufficient size to serve the development and to include, at a minimum, the following amenities:

a. *Tot Lot Playground*
b. *A large Heated Pool*
c. *Hot Tub*
d. *Patio Area, Lounge Chairs, Pavilion*
e. *Meeting/Gathering Area*
f. *Kitchen Area*
g. *Business Office*

The clubhouse, including all the amenities listed above, shall be completed prior to the City granting an occupancy permit on the Sixth building in the project. However, construction of swimming pool amenities and the landscaping may be delayed to allow for installation in appropriate weather conditions provided the bond shall be in place to assure the installation of the pool and landscaping prior to the City's grant of occupancy.

7. PHASING. The project has two phases. Phase 1 of the project is identified as property to include 1525 North (beginning at the back of curb on the south side of the roadway) and north of 1525 North. Phase 2 is identified as property south of 1525 North.

   Phase 2 is south of 1525 North and is currently in Ogden City. North Ogden City supports a boundary line adjustment to allow the entire project to be within North Ogden City. See provision 17.

8. *COMMERCIAL BUILDING.* Developer shall commence construction of the commercial building as part of Phase 1 of the project. Phase 2 of the project shall not commence until the exterior shell of the commercial building is complete. Buildout of the interior of the building shall take place at such a time as a tenant is found and layout can be determined. A site plan will be submitted for the commercial building and approved by the Planning Commission.

9. *BUILDING HEIGHTS.* While the city ordinance normally allows a maximum height for buildings of 36 feet, buildings in this project shall be allowed to be built to a maximum height of 46 feet measured at the roof peak. Notwithstanding the increased building height, buildings shall be three levels or less and the increase in building height shall be used to improve the aesthetics of the buildings with an increase in roof pitch to a 6/12 pitch as shown in Attachment G.

10. *BUILDING SETBACKS.* Setbacks along Washington Boulevard shall be adjusted from the 0-10 foot standard to an allowed 10-19 feet for this project. Along 1525 North, the setback shall be adjusted from the 15 foot standard to an allowed 15-26 feet for this project.

11. *BUILDING ELEVATIONS AND MATERIALS.* The apartment building materials shall consist of brick veneer (approximately 40%) and cement board siding (approximately

60%). (See Attachment E). The commercial building design will be consistent with the apartment buildings and approved by Planning Commission. A color board showing the building materials and reference to the elevations are shown in Attachment G

12. *ENTRY MONUMENT.* Developer shall provide and install an entry monument for the planned mixed - use development in accordance with and as more particularly described on the site plan and incorporated herein by reference. In addition, signage on the entry monument shall be approved by following the sign permit process and rules of North Ogden City. The entry monument shall be approved by the Planning Commission.

13. *LANDSCAPING.* The Planning Commission shall approve the landscape plan as an updated version of Attachment D and the landscape shall be installed as shown on the approved landscape plan. The City shall require a cash bond in an amount determined by the City prior to granting occupancy to ensure completion of required landscaping. A minimum of 20% Landscaping shall be required. Developer acknowledges that this concession is to prevent delays in occupancy permits which would otherwise be held up by finishing all required private improvements before occupancy is granted. The landscape plan shows a 6 foot vinyl fence around the perimeter. The Walker Theater owner will be contacted to see if a gate is desired to allow residents to walk to the Theater.

14. STREETSCAPE. The streetscape for 1525 and Washington Boulevard will be approved as part of the landscape plan review to include street lights, landscaping, curb, gutter, and sidewalk. See provision 15.

15. *OUTDOOR LIGHTING.* Street lighting will be required along Washington Boulevard and 1525 North and shall be paid for by the developer. North Ogden City streetscape standards for lighting will be installed on Washington Boulevard and 1525 North. North Ogden City approved lights will be installed along Washington Blvd. All lighting along 1525 North and internally on the project shall be full cut off lighting, such that no filament shall be viewable from the property line. General flood lighting shall not be installed.

16. *PARKING.* A minimum of 304 stalls shall be provided for the residential component of this development. The parking standard for the apartments is two stalls per unit. Additional stalls for the commercial building shall be provided according to the requirements of city code specific to use. Stalls shall generally be shared between the uses, with some use-specific stalls allowed in certain areas. Parking stall sizes shall meet the minimum length and width (9 x 19 feet) as identified in the North Ogden City code. The commercial building parking requirement will be finalized as part of the site plan review approval by the Planning Commission.

17. *BOUNDARY LINE ADJUSTMENT.* Parcels **110140034** and **110140035** currently located in Ogden City will be transferred into North Ogden City via an interlocal agreement and boundary adjustment procedure outlined in state code. This phase of the project may not be constructed until such a time as this boundary transfer is complete. North Ogden City is not responsible for the processing of the boundary line adjustment but agrees to allow it to take place. The Parties shall complete all documents and requests in a timely manner; once Ogden City has agreed and

processed the boundary line adjustment, to assist in completing the municipal boundary adjustment.

18. *1525 NORTH.* 1525 North will be constructed as a public street as part of this project. It shall be constructed to Washington Boulevard as a 60 foot right of way. The cross section shall meet city public work standards for local streets. The City will help facilitate the permission to install the roadway on the 51.58 foot strip of land needed to complete the street and currently owned by the owners of the Walker Theater. Improvements on this strip of land shall be installed by the developer as part of the subdivision improvements.

19. *SIGNAGE.* A welcome to North Ogden Sign shall be part of the project. Signage for the development shall meet city ordinances and shall be approved by the City Council after consultation with the City Economic Development Committee. All other signage will be approved as part of the building / sign permit process. All signage shall be paid for and installed by the developer with the exception of the Welcome to North Ogden sign, which will be paid for by the city.

20. *UTILITIES AND INFRASTRUCTURE.* Developer shall install or cause to be installed natural gas, electrical service, telephone, storm water, sanitary sewer and water systems, both culinary and secondary, and all required utility and street improvements (the "Utilities and Infrastructure") for the Development. Utilities and Infrastructure construction and installation to be built in the city right of way shall be done in accordance with City Ordinances and applicable design and construction standards of the utility providers and the City. All plans and construction for water, sewer, street and storm drainage improvements shall be reviewed and approved by the City Engineer. All Utilities and Infrastructure shall comply with applicable City Ordinances, including, but not limited to the City Subdivision Ordinance and applicable Subdivision Standards and Specifications and the Technical Review Committee report dated April 9, 2019.

21. *Subdivision.* A subdivision application must be completed and approved by the Planning Commission.

22. *PROPERTY MANAGEMENT.* The developer is responsible for the overall management of the project.

23. *SECURITY FOR PUBLIC IMPROVEMENTS*. In accordance with City Ordinances, including, but not limited to Sections 8-2-3 of North Ogden Municipal Code, the Developer shall enter into a Bond Agreement in the standard form acceptable to the City and provide security to guarantee the installation and completion of all public Utilities and Infrastructure, and all public improvements to be constructed, installed, reviewed or provided by Developer pursuant to the Agreement or in connection with the Planned Development or located within the Property, or any portion thereof, and any other public improvements shall be constructed and installed at the Developer's sole expense in accordance with the City's construction and engineering standards and the City Ordinances. All public improvements shall be warranted for one (1) year in accordance with the applicable State Statues and City Ordinances after conditional acceptance has been received from the City.

24. *EASEMENTS.* Appropriate easements including satisfactory perpetual public utility easements required by the City shall be conveyed by Developer to the City in conjunction with final subdivision plat approval and recording. The utility easements shall consist of property adjacent to and along the public rights-of-way within and adjacent to the Property and around subdivision lot lines as are needed for public and/or private utilities. Additional easements may be required of Developer or property owner with the development of any particular lot, building, phase, or plat within the Planned Development and public improvements required in connection with the same. All required easements shall be noted on the final subdivision plat.

25. *DEDICATOIN OR DONATION.* Developer shall dedicate and convey to the City, at no cost to the City, all required public utility easements for the purpose of constructing, installing, operating, and maintaining public utilities and improvements of every nature and kind as determined and required by the City. Fee title to all public improvements required by the City in connection with the Property along with the appurtenant easements and rights-of-way, and the City's portions of water systems and storm drainage system and their related easements and rights-of-way. All public improvements and rights-of-way intended for public dedication shall be dedicated in fee in conjunction with the final plat. Prior to the time of dedication, Developer shall take such action as necessary to obtain a release of any encumbrance on any property owned by Developer which is to be dedicated to the City. The City shall have the right to inspect all such improvements prior to acceptance of the conveyance thereof. Developer is making the dedications and donations provided in this Agreement voluntarily and as a contribution to the City and hereby waives and releases any claims for compensation therefor.

26. *VESTED RIGHTS*. Subject to the terms and provisions of this Agreement, by reason of the Developer's completed application for the City's approval of the Preliminary Plat and Master Site Plan, the parties hereby acknowledge certain vested rights of Developer to develop the Property in accordance with such approved plans, plat, and permits. Nothing herein shall be construed to provide Developer with any further or additional vested rights than those recognized by Utah law. Such vested rights shall be subject to all recognized exceptions, including, but not limited to the pending ordinance, procedural modes and form, clarifying ambiguity, and completing public interest doctrines. Except as otherwise provided herein, development of the Property shall be permitted in accordance with the approved plans, plats, and permits for the Property, the terms and conditions of this Agreement, and all applicable City Ordinances which are in effect on the date of this Agreement. Notwithstanding the foregoing, development of the property shall be subject to subsequent amendments to City Ordinances regarding fees, procedures, and police power provisions as may be allowed under applicable vested rights law in the State of Utah. For instance, any amendments to the site plan approval procedures shall require subsequent site plan applications to comply with the procedural requirements of the City Ordinances in place at the time of the application for site plan approval or amendment is submitted. Fees required in connection with any development within the Planned Development shall be paid in accordance with the fee schedule in place at the time the fees are due and paid. Development of the Property shall also be subject to subsequent City Ordinances enacted under the City's police power to protect the public health, safety,

and welfare as may be allowed under applicable vested rights law in the State of Utah.

27. *RESERVED LEGISTLATIVE POWERS*. Developer acknowledges that the City is restricted in its authority to limit its police power by contract and that the limitations, reservations, and exceptions set forth herein are intended to reserve to the City all of its police power preserved by law.

28. *PAYMENT OF FEES*. Developer shall pay to the City all required fees in a timely manner which are due, or which may become due pursuant to the City Ordinances in connection with development of the Planned Development or any portion thereof and in such amounts as are required by City Ordinances at the time such fees are actually paid to the City. Developer shall pay all required impact fees for the Planned Development.

29. *PROVISION OF MUNICIPAL SERVICES.* Subject to Developer complying with all of the City's Ordinances and the provisions of this Agreement, the City agrees to provide standard municipal services to the Property equal to those generally provided to other areas by the City, subject to payment of all reasonable fees and charges charged or levied therefor by the City.

30. *DEFAULT.* The City may pursue any enforcement action deemed necessary and appropriate for any violation of City Ordinances in accordance with applicable enforcement provisions as set forth in City Ordinances or otherwise permitted by law. Notwithstanding and in addition to the City's right to pursue any enforcement action for violation of City Ordinances, in the event any party fails to perform its obligations hereunder or to comply with the terms of this Agreement, the non-defaulting party may have the following enforcement remedies. Prior to the invoking the remedies provided herein, the non-defaulting party shall provide the defaulting party written notice of default and a twenty (20) day cure period. All notices of default shall be provided in accordance with the Notice provisions set forth in Section 41. In the even the non-defaulting party does not cure the default within the required twenty (20) day cure period or enter into a written agreement for curing the default within the reasonable time, acceptable to the non-defaulting party in its reasonable discretion, the non-defaulting parting may, at is election, have the following remedy or remedies:

    i. *All rights and remedies available at law and in equity, including, but not limited to, injunctive relief, specific performance and/or damages.*
    ii. *The right to withhold all further approvals, licenses, permits, or other rights associated with the Property until such default has been cured.*
    iii. *The right to draw on any applicable security posted or provided in connection with the Planned Development.*
    iv. *The right to terminate this Agreement*
    v. *The rights and remedies set forth herein above shall be cumulative*.

Developer shall also be in default under the terms of this Agreement under the following circumstances if not cured within thirty (30) days after notice of default is given:

Insolvency - Developer shall be adjudicated bankrupt or makes any voluntary or involuntary assignment for the benefit of creditors, or bankruptcy,

insolvency, reorganization, arrangement, debt adjustment, receivership, liquidation or dissolutions proceedings shall be instituted by or against Developer; and if instituted adversely, the one against whom such proceedings are instituted consents to the same or admits in writing the material allegations thereof, or said proceedings shall remain undismissed for 150 days.

Misrepresentation - Developer has made a materially false representation or warranty in any agreement with, or application to the City.

31. *ASSIGNMENT.* Developer shall not assign its obligations under this Agreement or any rights or interest herein without giving prior written notice to the City. Any future assignee shall consent in writing to be bound by the terms of this Agreement as a condition precedent to the assignment. No party shall transfer, assign, sell, lease, encumber, or otherwise convey its rights and obligations under this Agreement separate from the party's interest in the Property except for the sale of lots or lease of buildings within the Planned Development. In the event of a sale or transfer of the Property, or any portion thereof, the buyer or transferee ("Subsequent Developer") shall be liable for the performance of each of the obligations contained in this Agreement as it relates to that portion of the Property it is buying, and acceptance of a deed to any portion of the Property shall constitute an agreement to assume and to be bound by the provisions of this Agreement as it relates to the Property covered by the deed. Each buyer or transferee shall sign an assignment and assumption agreement in a form reasonably acceptable to the City agreeing to be bound by the terms and conditions of this Agreement as provided herein. Any reference to Developer herein shall be construed to refer to any Subsequent Developer with respect to the portion of the Property owned by such Subsequent Developer.

32. *OWNERSHIP.* Developer hereby warrants and represents that it is the legal owner of record of the Property, it has the right to develop the Property, and it has full authority to enter into the terms of this Agreement encumbering the Property.

33. *NOTICE.* All notices required or desired to be given hereunder shall be in writing and shall be deemed to have been provided on the date of personal service upon the party for whom intended or upon receipt if mailed, by certified mail, return receipt requested, postage prepaid, and addressed to the parties at the following addresses:

To the City:	*To the Developer*
North Ogden City Attn: City Recorder 505 East 2600 North North Ogden, UT 84414	Cooperstown Partners, LLC PO Box 2000 Layton, UT 84041

Any party may change its address for notice under this Agreement by giving written notice to the other party in accordance with the provisions of this paragraph.

34. *ENTIRE AGREEMENT.* This Agreement, together with the Attachments attached hereto, documents reference herein, and all regulatory approvals given by the City for the Property and Planned Development, contains the entire agreement of the parties with respect to the subject matter hereof and supersede any prior promises,

representations, warranties, inducements or understandings between the parties which are not contained in such agreement, referenced documents, regulatory approvals and related conditions. It is expressly agreed by the parties that this Agreement is intended to and shall govern the development of the Property pursuant to the City Ordinances, including, but not limited to, all planning, zoning, and subdivision issues.

35. *BINDING EFFECT.* This Agreement shall be binding upon the parties hereto and their respective officers, agents, employees, successors and assigns, as permitted herein. The covenants contained herein shall be deemed to run with the Property and a copy of this Agreement shall be recorded in the office of the Weber County Recorder, State of Utah.

36. *NON-LIABLITY OF CITY OFFICIALS, EMPLOYEES, AND OTHERS.* No officer, representative, agent, or employee of the City shall be personally liable to the Developer or any successor in interest or assignee of the Developer in the event of any default or breach by the City, or for any amount which may become due to Developer, or its successors or assigns, or for any obligation(s) arising under the terms of this Agreement.

37. *TERMINATION.* In addition to any other enforcement right or remedy provided herein, and notwithstanding anything in this Development Agreement to the contrary, it is hereby agreed by the parties hereto that in the event the Planned Development, including all phases thereof, is not completed within either (8) years of the date of this Agreement, or in the event the Developer does not comply with the provisions of this Agreement, the City shall have the right, but not the obligation, at the sole discretion of the City, to terminate this Agreement and/or to not approve any additional phases for the Planned Development. Any termination may be in effect by the City by giving written notice of intent to terminate to the Developer at its last known address, as set forth herein. Whereupon the Developer shall have sixty (60) days during which the Developer shall be given the opportunity to correct any alleged deficiencies and to take appropriate steps to commence and/or complete the Planned Development. In the event the Developer fails to correct the alleged deficiencies or to take appropriate steps to commence or complete the Planned Development as provided herein, the City shall be released from any further obligations under this Agreement and may terminate the same by written notice to the Developer. The parties expressly recognize and acknowledge that the development of the Planned Development is a phased Planned Mixed - Use Development. It is also recognized that it is critical to the City that certain development occurs within a reasonable time for the date of this Agreement. It is expressly acknowledged by the parties that the Planned Development is intended to be developed in reasonably staged phases and that Developer shall use its best efforts to proceed with the Planned Development in a timely fashion. The release and indemnification provisions of Section 21 and Section 36 shall survive any termination of this Agreement.

38. GOVERNING LAW AND JURISDCICTION. The provisions of this Agreement shall be governed by and interpreted in accordance with the laws of the State of Utah.

The parties to this Agreement agree that any judicial action associated with the Agreement shall be taken in the Second Judicial District Court of the State of Utah.

39. *SEVERABILITY.* If any portion of this Agreement is held to be unenforceable by court of competent jurisdiction, any enforceable portion thereof and the remaining provisions shall continue in full force and effect.

40. *AMENDMENT.* This Agreement may be amended only in writing signed by the parties hereto. Any amendments to the Planned Development documents, including, but not limited to the plans, plats, and Exhibits attached hereto, must be approved by the City in accordance with applicable City Ordinances in addition to required amendments to this Agreement.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement by and through their respective, duly authorized representatives as of the day and year first above written.

"CITY"

NORTH OGDEN CITY

ATTEST:

_____ By:_____

Recorder

"DEVELOPER"
COOPERSTOWN PARTNERS, LLC

By:_____

Table of Contents for Attachments

A. **Application**
B. **Legal Description**
C. **Site Plan**
D. **Landscape Plan**
E. **Building Elevations**
F. **Project Narrative**
G. **Color Board**

ORDINANCE 2021-

AN ORDINANCE OF NORTH OGDEN CITY AMENDING THE NORTH OGDEN CITY ZONING MAP BY CHANGING PROPERTY AT APPROXIMATELY 1550 NORTH WASHINGTON BOULEVARD FROM COMMERCIAL ZONE CP-2 TO MASTER PLANNED COMMUNITY ZONE (MPC-CT).

WHEREAS: North Ogden City has adopted a General Plan; and

WHEREAS: the North Ogden City General Plan map has designated the aforementioned property as Mixed Use classification; and

WHEREAS: the North Ogden City General Plan designation allows mixed use projects including the master planned community zone; and

WHEREAS: the North Ogden City Planning Commission has found that this application is consistent with the North Ogden City General Plan; and

WHEREAS: the North Ogden City Council has also found this application is consistent with the North Ogden City General Plan.

WHEREAS: the North Ogden City Council has also found this application is consistent with the Cooper's Towne approved Development Agreement.

SECTION 1. The following described property is hereby changed from Commercial Zone (CP-2) to Master Planned Community Zone (MPC-CT). This zoning is applied to the properties that are within the North Ogden City boundaries, Parcel 110140010.

Upon the transfer of properties from Ogden City to North Ogden the Phase 2 parcels 110140035 and 110140034 the same zone will be applied.

Phase 1, Parcel 110140010
PART OF THE NORTHEAST QUARTER OF SECTION 5, TOWNSHIP 6 NORTH, RANGE 1 WEST SALT LAKE MERIDIAN. BEGINNING AT POINT 9.30 CHAINS WEST AND 1.72 CHAINS NORTH FROM THE SOUTHEAST CORNER OF SAID QUARTER SECTION IN THE CENTER OF WASHINGTON AVENUE; RUNNING THENCE NORTH 0D48' EAST 5.84 CHAINS ALONG CENTER OF SAID AVENUE; THENCE NORTH 89D EAST 8.56 CHAINS; THENCE SOUTH 0D48' WEST 5.84 CHAINS; THENCE SOUTH 89DWEST 8.56 CHAINS TO THE PLACE OF BENNING CONTAINING 5 ACRES M/L APPROX 1550 N WASHINGTON BLVD.

Phase 2, Parcel 110140035
PART OF THE NORTHEAST QUARTER OF SECTION 5, TOWNSHIP 6 NORTH, RANGE 1 WEST, SALT LAKE MERIDIAN. BEINNING AT THE SOUTHEAST CORNER OF SAID QUARTER SECTION; THENCE WEST 394.5 FEET/ THENCE NORTH 72 FEET; THENCE WEST 150 FEET; THENCESOUTH 72 FEET; THENCE WEST 66 FEET; THENCE NORHT 113.52; THENCE NORTH 89D EAST 9.3 CHAINS; THENCE SOUTH 1.9 CHAINS TOBEGINNING CONTAINGING 1.43 ACREAS M/L APPROX 1514 WASHINGTON BLVD.

Phase 2, Parcel 110140034
PART OF THE EAST ½ OF SECTION 5, TOWNSHIP 6 NORTH, RANGE 1 WEST, SALT LAKE MERIDICAN. BEGINNING AT APOINT 394.5 FEET WEST 2622 FEE NORTH OF THE SOUTHEAST CORNER OF SAID SECTION 5; RUNNING THENCE WEST 150 FEET TO THE

EAST LINE OF WASHINGTON BLVD; THENCE NORTH 90 FEET THENCE EAST 150 FEET TO A POINT NORHT OF THE PLACE OF THE BEINNING; THENCE SOUTH 90 FEET TO THE PLACE OF THE BEGINNING CONTAINING .31 ACREAS APPROX 1512 N WASHINGTON BLVD.

SECTION 2: This ordinance shall take effect upon adoption.

PASSED and ADOPTED this 12th day of January 2021.

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:

_____

Susan Nance, CMC
Interim City Recorder

Exhibit C

Unit Mix:		
1-bed unit	51	33.6%
2-bed/2bath	81	53.3%
3-bed/2bath	20	13.1%
total units	152	
6.54 acres = 23.2 units/acre		

OPEN SPACE:	
Open space	1.88 acres
Total site (less new street) =	6.54 acres
percent open:	28.8%

TABULATION:	
APARTMENTS	152 UNITS
SURFACE PARKING:	123 STALLS
CARPORT PARKING:	84 STALLS
GARAGES:	69 STALLS
TANDEM PARKING:	69 STALLS
TOTAL STALLS:	345 STALLS
OVERALL RATIO:	2.27 STALLS / UNIT

ACCESSIBLE PARKING:	
VISITOR PARKING:	2 STALLS
GARAGES:	4 STALLS
AMENITY PARKING:	1 STALLS
COMMERCIAL:	1 STALL
TOTAL STALLS:	8 STALLS
2% OF STALLS = 7 STALLS MIN.	

SITE PLAN - 152 units

SCALE: 1" = 30'-0"

REVISED: 30 SEP 2020

PROJECT NUMBER
18-037

SHEET TITLE
SITE PLAN
SCHEME 7 - 152 UNITS
SCALE : 1" = 50'-0"

PROJECT/OWNER
NORTH OGDEN APARTMENTS
1525 N. WASHINGTON BLVD.
NORTH OGDEN, UTAH
NEIL WALL

ARCHITECT
architecture
2033 dan drive
layton, utah 84040
(801) 593-9338
(801) 593-9328 FAX

REVISION
30 DEC 2020

DATE
29 MAR 2019

SHEET NUMBER
A1.1

Exhibit A

NORTH OGDEN CITY
SETTLED 1851

LAND USE DEVELOPMENT APPLICATION

North Ogden City Planning Department
505 East 2600 North
North Ogden, UT 84414 (801)782-7211

APPLICANT INFORMATION			
Name:	Danny Wall	Company:	Wall Brothers Construction
Address:	1565 W. Hillfield Road #104 Layton, UT 84041		
Email:	danny@wallcompanies.net	Phone:	801-726-0780
OWNER INFORMATION			
Name:	Cooperstowne LLC		
Address:	1565 W. Hillfield Road #104 Layton, UT 84041		
Email:		Phone:	
PROJECT INFORMATION			
Project Name:	Cooperstowne		
Project Address:	1525 N. Washington Blvd.		
Parcel #:	11-014-0010	Subdivision:	Lot #:
Acreage:	5.00	Current Zoning:	C-2

APPLICATION TYPE AND FEE *(CHECK ALL THAT APPLY):

☒ **Subdivision:** ☒ Preliminary Approval - $500 plus $50 per lot ☐ Final Approval - $500 plus $30 per lot	☐ **Zoning Amendment:** ☐ Text - $725 ☐ Map - $800 ☐ Annexation City - $800 plus actual cost of postage and publication
☐ **Minor Subdivision - $750**	
☐ **Amendment or Vacation of Subdivision - $300**	☐ **Hearing Officer** ☐ Variance - $400 ☐ Appeal - $400
☐ **Boundary Line Adjustment - $350**	
☐ **Site Plan Review:** ☐ With Technical Review - $1,100 ☐ No Technical Review - $350	☐ **Conditional Use Permit:** ☐ City Fee (with technical review) - $1,100 ☐ City Fee (no technical review) - $350
	☐ **Planned Residential Unit Development (PRUD) - $1,375**

Applicant's Signature — Date: 11-27-19

Owner's Signature — Date

To be filled out by North Ogden City

Date Received _____ Received by _____ ☐ Fees paid: _____

NORTH OGDEN CITY
SETTLED 1851

LAND USE DEVELOPMENT APPLICATION

North Ogden City Planning Department
505 East 2600 North
North Ogden, UT 84414 (801)782-7211

ZMA 2018-10

APPLICANT INFORMATION	
Name: COOPERS TOWNE LLC	Company:
Address: PO BOX 294 LAYTON UTAH 84041-0294	
Email: rickscadden@gmail.com	Phone: 801-725-0789

OWNER INFORMATION	
Name: Same	
Address:	
Email:	Phone:

PROJECT INFORMATION		
Project Name: COOPERS TOWNE LLC		
Project Address: APPROX 1550 N WASHINGTON BLVD		
Parcel #: 11-014-0010	Subdivision: N/A	Lot #: N/A
Acreage: APPROX 6.5 ACRES	Current Zoning:	

APPLICATION TYPE AND FEE *(CHECK ALL THAT APPLY):

☐ **Subdivision:** ☐ Preliminary Approval - $500 plus $50 per lot ☐ Final Approval - $500 plus $30 per lot	☐ **Conditional Use Permit:** ☐ City Fee (with technical review) - $1,100 ☐ City Fee (no technical review) - $350
☐ **Minor Subdivision - $750**	☐ **Planned Residential Unit Development (PRUD) - $1,375**
☐ **Vacation or Amendment of Subdivision - $300**	☐ **Variance - $400**
☐ **Boundary Line Adjustment - $350**	☒ **Zoning Amendment:** ☐ Text - $725 ☒ Map - $800 ☐ Annexation City - $800 plus actual cost of postage and publication
☐ **Site Plan Review:** ☐ With Technical Review - $1,100 ☐ No Technical Review - $350	

Applicant's Signature — Date: 5-30-18

Owner's Signature — Date

Office Staff Received By — Date: 5/30/18

☑ Fees Paid: $800 ☐ Verification of Completion Date:

NORTH OGDEN CITY
SETTLED 1851

ZONING ORDINANCE AMENDMENT APPLICATION

North Ogden City Planning Department
505 East 2600 North
North Ogden, UT 84414 (801)782-7211

☐ MAP AMENDMENT ☐ TEXT AMENDMENT*

STATE THE PHYSICAL DESCRIPTION OF THE AREA PROPOSED TO BE REZONED:
PROPERTY LOCATED AT APPROX 1550 N WASHINGTON BLVD (SOUTH OF THEATER) 5 ACRES. ALSO PROPERTY CURRENTLY IN OGDEN CITY BEING DISCUSSED AS A BOUNDARY LINE ADJUSTMENT INTO NORTH OGDEN.

STATE THE LEGAL DESCRIPTION OF AREA PROPOSED TO BE REZONED:
ATTACHED 3 PARCELS

CURRENT ZONING CLASSIFICATION(S): CP-2

PROPOSED ZONING CLASSIFICATION: MPC

***PROPOSED TEXT (attach additional sheets, if needed):**
MPC IS BEING APPLIED FOR, SEE ATTACHED.

***If the Master Planned Community Zone is being applied for, then the information listed in 11-7K-3 Process and Application requirements shall also be submitted.**

PLEASE ATTACH TWO (2) PAPER COPIES AND ONE ELECTRONIC COPY OF A MAP PREPARED BY A UTAH REGISTERED LAND SURVEYOR SHOWING THE FOLLOWING:

1. A 24" X 36" map showing the particular property or properties for which the change of zoning is requested and substantially the adjoining properties and the public streets and ways within a radius of three hundred (300) feet of the exterior boundaries thereof.

2. A tentative development plan that shall show the following:

    a. Topographical description showing existing and proposed grades and drainage systems, and natural and manmade features with an indication as to which are to be retained and which are to be removed or altered.
    b. Proposed street system.
    c. Proposed block layouts.
    d. Proposed reservation for parks, parkways, playgrounds, recreation areas, and other open space.
    e. Off-street parking spaces.
    f. Types of uses of structures.
    g. Location of structures, garages, and/or parking spaces.
    h. A tabulation of the total number of acres in the proposed project and a percentage thereof designated for the proposed structures.
    i. Preliminary plans and elevations of the structure types. Single-family residential subdivisions are exempt from the requirement.

3. Reasons justifying the petition for rezoning.

4. A true statement revealing any conditions or restrictions of record (if any) which would affect the permitted uses of the property if rezoned as requested and the date, or dates (if any), of expiration thereof.

5. Such photographs, drawings, and other supporting documents (if any) as the applicant desires to present.

6. Please provide a list of names and addresses of surrounding property owners within 300 feet.

Under certain circumstances where the Planning Director finds that the nature of the rezoning request is such that it would be unnecessary or unfeasible for the applicant to prepare a plan in accordance with the above stated requirements, the Planning Director may waive certain items of the above requirements, but in all cases the applicant will be required to prepare and submit some type of site plan drawn to scale.

PROPERTY OWNER'S PERMISSION FOR REZONING REQUEST:

I (we) authorize_____to request a change in the Zoning classification of my (our) property from_____to_____.

_____ _____

Property Owner Property Owner

Applicant's Signature: _____ Date: _____

NORTH OGDEN CITY
505 E 2600 N
NORTH OGDEN UT 84414 801-782-7211

Receipt No: 5.003389 May 30, 2014

Rick Scadden

Previous Balance:	.00
CHARGES FOR SERVICES	
ZONING & SUB FEES	800.00
10-34-139	
ZONING & SUBDIVISION FEES	
Total:	800.00
CHECK	
Check No: 5252010	800.00
Total Applied:	800.00
Change Tendered:	.00

05/30/2014 01:54PM

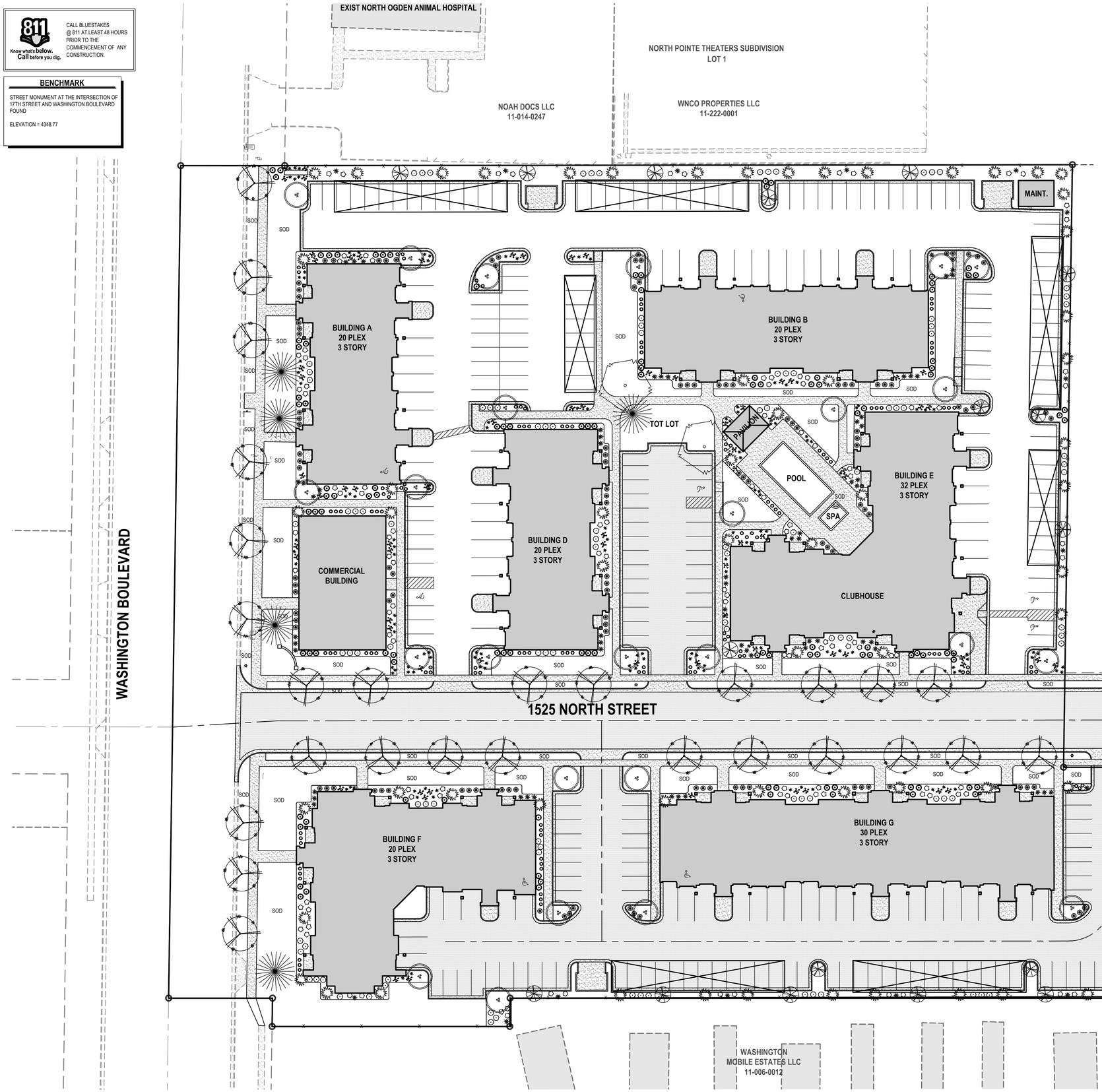
CALL BLUESTAKES @ 811 AT LEAST 48 HOURS PRIOR TO THE COMMENCEMENT OF ANY CONSTRUCTION.

811 Know what's below. Call before you dig.

BENCHMARK

STREET MONUMENT AT THE INTERSECTION OF 17TH STREET AND WASHINGTON BOULEVARD FOUND

ELEVATION = 4348.77



Landscape

Exhibit D

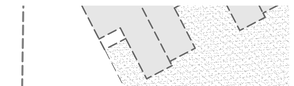
Trees

Qty	Symbol	Common Name	Botanical Name	Plant Size
60		Pine, Bosnian	Pinus leucodermis	4' Min.
19		Maple, 'Columnar'	Acer platanoides 'Columnare'	2" Cal.
5		Spruce, Colorado Blue	Picea pungens 'Glauca'	4' Min.
26		Hedge Maple	Acer campestre	2" Cal.
27		Flowering Crabapple or Canada Chokecherry	Malus sylvestris or Prunus virginiana	2" Cal.
2		Linden, Littleleaf 'Greenspire'	Tilia cordata 'Greenspire'	2" Cal.

Shrubs

Qty	Symbol	Common Name	Botanical Name	Plant Size
107		Cinquefoil	Potentilla fruticosa 'Abbotswood'	5 Gallon
108		Barberry, 'Crimson Pygmy'	Berberis thunbergii atropurpurea nana	5 Gallon
70		Pine, Mugo	Pinus mugo 'Compacta'	5 Gallon
132		Blue Oat Grass	Helictotrichon sempervirens	1 Gallon
115		Feather Reed Grass 'Karl Foerster'	Calamagrostis acutiflora 'Karl Foerster'	1 Gallon
109		Littleleaf Boxwood	Buxus microphylla	1 Gallon
66		Black-Eyed Susan	Rudbeckia hirta	1 Gallon
131		Daylily	Hemerocallis	1 Gallon

Landscape Notes: Install 4" metal edging between all planter bed and sod areas. In all planter bed areas, install 4" deep 2"-3" dia. Nephi Rock & Gravel color 'Southtown' or equiv. decorative rock over weed barrier, typ.



HORIZONTAL GRAPHIC SCALE

30 0 15 30 60

(IN FEET)

HORZ: 1 inch = 30 ft.

ENSIGN
THE STANDARD IN ENGINEERING

LAYTON
1485 W. Hill Field Rd., Ste. 204
Layton, UT 84041
Phone: 801.547.1100

SALT LAKE CITY
Phone: 801.255.0529

TOOELE
Phone: 435.843.3590

CEDAR CITY
Phone: 435.865.1453

RICHFIELD
Phone: 435.896.2983

WWW.ENSIGNENG.COM

FOR:
WALL BROTHERS CONSTRUCTION
1565 W. HILL FIELD ROAD, SUITE 104
LAYTON, UTAH 84041
CONTACT:
T.J. Wall
PHONE: 801-444-0001

COOPERSTOWNE APARTMENTS

1525 NORTH WASHINGTON BOULEVARD
NORTH OGDEN, UTAH

NO.	DATE	REVISION	BY
1		FOR REVIEW	
2			
3			
4			
5			
6			
7			
8			

OVERALL LANDSCAPE PLAN

PROJECT NUMBER 8729
PRINT DATE 1/4/21
DRAWN BY M.ELMER
CHECKED BY C.PRESTON
PROJECT MANAGER C.PRESTON

L-100

Exhibit F

Coopers Towne

Luxury Apartments



North Ogden, UT

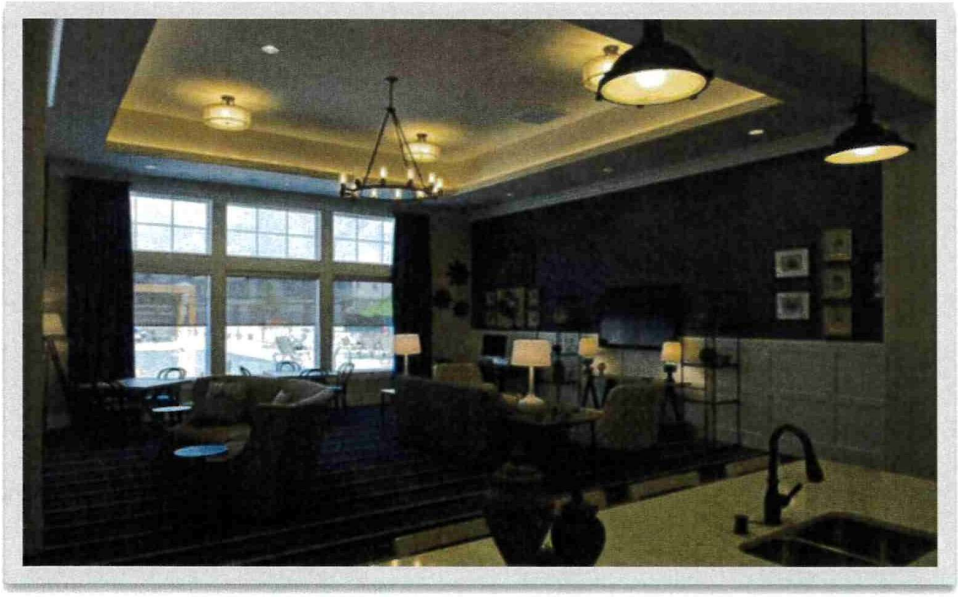
Project Overview



Cooperstowne, being developed by Cooperstown Partners, LLC and built by Wall Brothers Construction, is an exciting new mixed use community for the North Ogden area. We are proposing a rezone to allow the development of approximately 7.195 acres, located at the entrance of the city, at 1550 N Washington Blvd. The project will consist of 152 garden style, walk up apartments as well as a commercial building situated on Washington Boulevard and will be a family community with several family friendly amenities.

The success of previous residential and commercial projects developed and built by Wall Brothers Construction and affiliated companies has demonstrated the demand in our area for quality housing alternatives and compatible commercial uses. The mixed - use nature of the project will create an atmosphere of accessibility for pedestrians. We envision this project to be an inspiring gateway into the city with its impressive architecture and design.

One of the primary goals of the General plan is to anticipate the housing needs of the City into the future. Weber County is among the fastest growing counties in all of Utah according to Kem C. Gardner Policy Institute with the University of Utah. They predict this growth pattern to continue to a 23% population increase over the next 10 years. The proposed zone change will provide an area for the construction of a development of this type. With this demographic and economic projection, this project will help meet the needs of this growth.



The impact on the City infrastructure will be less in many respects than a very low - density development and can succeed along a main travel corridor such as 400 East. The community will consist of seven buildings including; one, two and three bedroom units, optional garaging, a common area with amenities as well as one commercial use building.

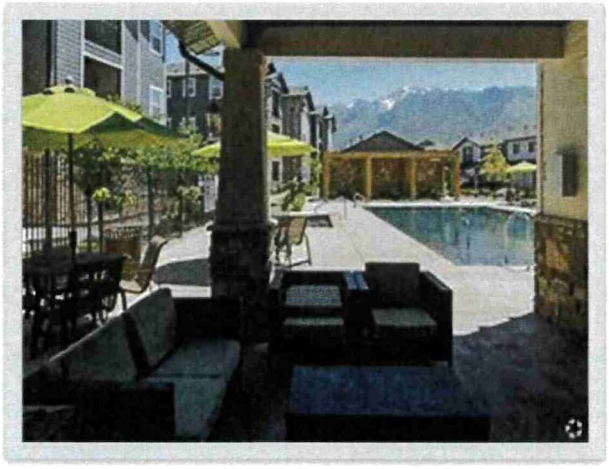
While the road entering the community will be public, the development will feature many superb private amenities:



The Cooperstowne Community will feature a substantial amenity package including a clubhouse which will include a large kitchenette for group activities, as well as business office ad library area. The architecture and design will blend with and compliment the neighborhood aesthetics.

- Clubhouse
- Meeting / Gathering Area
- Large Heated Pool, Hot tub
- Patio Lounge
- Pavilion
- Tot Lot Playground
- Business Office
- Kitchen Area





As we have demonstrated with our previous communities, we have strategically designed a landscape that emanates a sense of peace and comfort.

Architectural Theme

The Cooperstowne Community will be a high quality, low maintenance, attractive neighborhood which will enhance the city's overall appeal.

All units include garden style entries, private garages, and both covered, as well as open parking. The buildings will include a mix of brick and cement board siding and are designed with both Fair Housing Accessibility regulations and Americans with Disabilities Act guidelines.



With this new community we will be delivering several designs, providing for a broad range of available options.

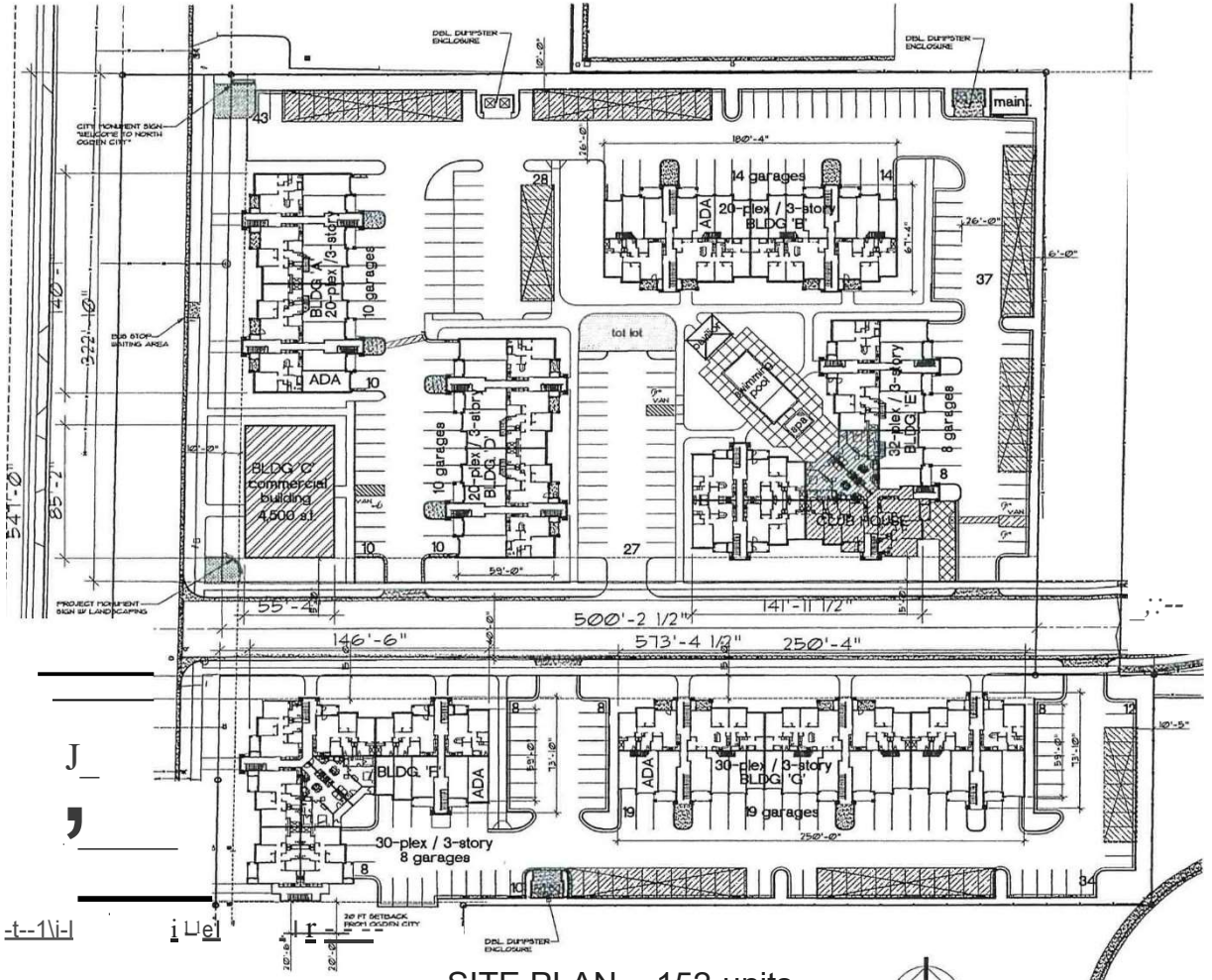


REAR ELEVATION

As a developer, we have been involved in the process of building nearly 1500 units in active communities along the Wasatch Front. We gave a proven track record of delivering unique, high quality, reasonably priced, current lifestyle living.

We have a proven track record of providing various housing options and styles which attract people from all demographics.

Site Plan



SITE PLAN - 152 units

SCALE: I' - 30'- 0"

REVISED 30 SEP 202a.

1-bed unit	51	33.6 ¼
2 - b e d/2balh	81	53.37.
3-bed /2balh	20	13.1¼
total units	@[I	

6.54 acres • 232 unit / ac r e

Q PEN SPAC E

Open space 1.88 acres

Total site (new street)-ı 6.54 acres

percent open 28.8¼

TA8IJLATION:

APARTMENTS 1s2 ums

SURFACE PARKING: 123 STALLS

CARPORT PARKING: 84 STAU..S

GARAGES: 69 STAU. S

TA NDEM PARKING: 69 STALLS

TOTAL STALLS 1345 STALLS

OVERALL RATIO U7 STALLS / UI

ACCFSSJBI f PARKING

VSTOA PAAKJNQ 2 STALLS

GARAGES 4 STALLS

AMENITY PARKING: 1 STALLS

COMMERCIAL: I STALL

TOTAL STAUS B STALLS

21. OF STALLS ... 7 STALLS MIN.

The Cooperstowne project provides an area where North Ogden City can design and install a "Welcome to North Ogden" sign.





ROOF: Architectural grade asphalt shingles
FASCIA: Aluminum fascia and flashing
CEMENT BOARD SIDING: Board and Batten gable ends
CEMENT BOARD SIDING: Flat panel with grid battens
CEMENT BOARD SIDING: Horizontal Lap siding
MASONRY: Brick veneer
WINDOW: Vinyl window
RAILING: Wrought Iron

KCB

COOPERSTOWNE APTS – NORTH OGDEN, UT



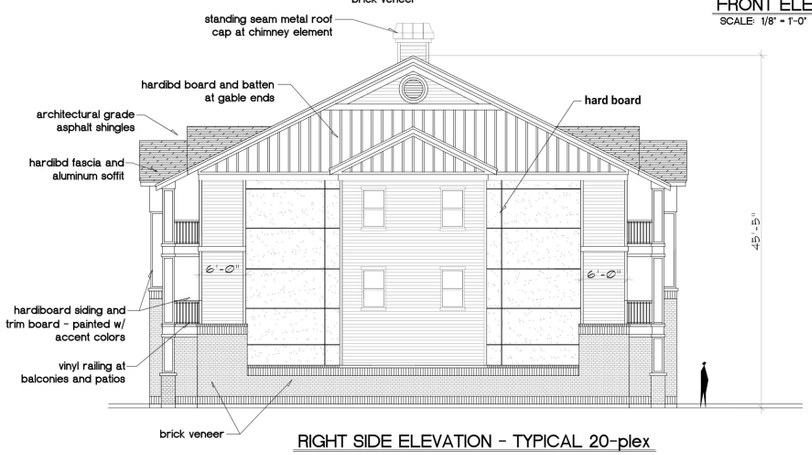
REAR ELEVATION w/ tuck-under garages

SCALE: 1/8" = 1'-0" BUILDING 'A'



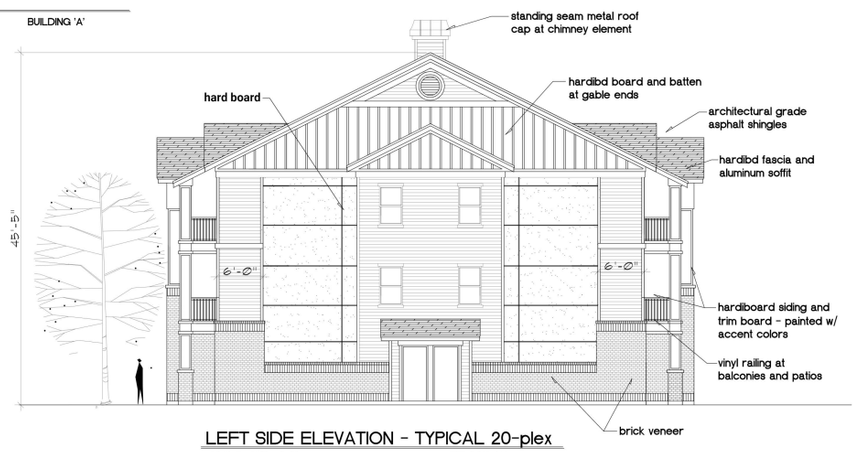
FRONT ELEVATION

SCALE: 1/8" = 1'-0" BUILDING 'A'



RIGHT SIDE ELEVATION - TYPICAL 20-plex

SCALE: 3/8" = 1'-0" BUILDING 'A'



LEFT SIDE ELEVATION - TYPICAL 20-plex

SCALE: 3/8" = 1'-0" BUILDING 'A'

Exhibit E

18-037

SHEET TITLE

ELEVATIONS
BLDG. A
SCALE : 1/8" = 1'-0"

PROJECT/OWNER

COOPERS TOWNE APARTMENTS
1525 N. WASHINGTON BLVD.
NORTH OGDEN, UTAH
NEIL WALL

ARCHITECT

architecture
2033 don drive
layton, utah 84040
(801) 593-9338
(801) 593-9328 FAX

REVISION

29 MAR 2018

DATE

31 JULY 2018

SHEET NUMBER

A2.3

Exhibit G



ROOF: Architectural grade asphalt shingles
FASCIA: Aluminum fascia and flashing
CEMENT BOARD SIDING: Board and Batten gable ends
CEMENT BOARD SIDING: Flat panel with grid battens
CEMENT BOARD SIDING: Horizontal Lap siding
MASONRY: Brick veneer
WINDOW: Vinyl window
RAILING: Wrought Iron

KGB

COOPERSTOWNE APTS – NORTH OGDEN, UT



4. **DISCUSSION AND/OR ACTION TO CONSIDER THE SITE PLAN FOR PROPERTY LOCATED AT APPROXIMATELY 1550 NORTH WASHINGTON BOULEVARD FROM COMMERCIAL (CP-2) TO MASTER PLANNED COMMUNITY (MPC-CT).**

Planning Director Scott provided an overview of the history of this project, including the actions taken by the Planning Commission and City Council, which concluded with denial on February 11, 2020. Since that time, the applicant met with Mayor Berube and City staff to discuss improvements to the project as part of a reconsideration buffering, and signage. Relative to the boundary line adjustment with Ogden City, the applicant owns three parcels at approximately 1550 North Washington Boulevard 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 has been requested to transfer this parcel within the North Ogden City limits. The project may be constructed in phases while the boundary transfer takes place. He noted 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. Based upon the City Council's determinations, a development agreement along with an ordinance will be presented in a future City Council meeting for final approval. The conditions of the development agreement can be summarized as follows:. The applicant has submitted a revised site plan and landscape plan and the purpose of this agenda item is to review the revisions to see if they are sufficient changes to grant approval. The applicant then reviewed a conceptual plan for the project to illustrate the changes relating to providing a mix of residential and commercial uses; the manner in which the building orientation has been shifted; density of the project; building heights; landscaping, lighting, and parking improvements;

- Setbacks
    - Allow the Setbacks on Washington Boulevard to be adjusted form the required: 0 to 10 feet; to between 10 to 18 feet. Allow the setbacks on 1525 North to be adjusted from 15 feet to between 15 to 26 feet.
- Building Heights
    - Consider the request for a 6 / 12 pitch on the apartment buildings and allow an additional height to 45 feet.
- Process
    - Once the City Council has approved the rezone a subdivision application will be processed for approval by the Planning Commission.
    - The parking plan, landscaping plan (including streetscape design) will then need to be approved by the Planning Commission.
    - The Planning Commission is the land use authority for the commercial building site plan.

Council Member Ekstrom referenced the commercial building in the project and asked if it will be 'build to suit' at a future date. She indicated she feels that the parking included in the current version of the plan may limit the types of businesses that could locate there in the future. Mr. Scott deferred to the applicant regarding that matter; the type of commercial use to be located in the building will dictate the parking requirements. However, shared parking is allowed for complimentary uses. She asked what the parking spaces with an 'X' through them are. Mr. Scott stated that those are covered parking spaces. Council Member Ekstrom stated she feels the updated design is nice and she is pleased with the changes that have been made.

Mayor Berube stated that he would like the development agreement to indicate the timing of the commercial development in the project.

Council Member Swanson asked if the steeper pitch of roofs will allow for increased snow load. Mr. Scott stated that the pitch is more of an aesthetic design feature, but can also be beneficial in terms of how the snow is handled on the rooftops. Council Member Swanson stated he likes the look of the steeper pitch. He then stated he agrees with Mayor Berube regarding the need to specify the timing of the commercial development in the development agreement for the project; he is hesitant to grant the MPC zone without a clear understanding of when the commercial component will be completed. He would hate for all the residential development to occur ahead of the commercial development and indicated that he supports a ratio for the amount of residential building that can be completed before the commercial development must be completed.

Mayor Berube invited input from the applicant.

Rick Scadden, 180 E. Lomond View Drive, stated he plans to build the shell of the commercial building and leave the interior open until tenants are secured and they can

give some indication of how they want the space built out. He then discussed the changes in the building elevations, building heights and roof pitches, and parking accommodations.

Council Member Ekstrom stated she also likes the steeper roof pitch in the project. Mayor Berube agreed and indicated that he feels that it adds to the beauty of the project.

Mayor Berube facilitated discussion among the Council regarding appropriate terms to include in a development agreement regarding the relationship between the timing of the residential and commercial components of the project. There was also a brief focus on the housing demands in the community and surrounding area; the Council indicated they understand the need to allow for these types of projects to respond to demand.

Mayor Berube indicated that the City Council needs to hold a public hearing before approving the zone change; however, they can act on the site plan tonight and direct staff to bring this item back to a future City Council meeting to consider the development agreement and zone change for the property.

Council Member Swanson moved to approve the site plan for the property at 1550 N. Washington Boulevard and direct that the site plan be included in an ordinance and development agreement to be considered at a future meeting; rezoning of the property from Commercial (CP-2) to Master Planned Community (MPC-CT) to be considered at that time as well. 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.

[redacted]

NORTH OGDEN CITY
SETTLED 1851

Staff Report to the North Ogden City Council

SYNOPSIS/APPLICATION INFORMATION

Application Request:	Discussion on options for the MPC zone with direction for the Land Use Code
Agenda Date:	January 12, 2021
Applicant:	North Ogden City
File Number:	ZTA 2019-06

PUBLIC NOTICE:

Mailed Notice:	None
Newspaper:	None
City Website:	January 8, 2020

STAFF INFORMATION

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

APPLICABLE ORDINANCES

North Ogden Zoning Ordinance 11-7K

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

The City Council and Planning Commission held a joint work session on April 7, 2020 to introduce the Land Use Code project and held a subsequent meeting on December 16, 2020. During that meeting the City Council requested that a further discussion be held regarding the MPC zone. (See Exhibit A)

The MPC zone was adopted in 2015. The MPC zone has been applied to four projects: the Village at Prominence Point, Patriot Pointe, Cherry Springs Villas, and Coopers Towne.

Purpose Statement

The purpose statement identifies the relationship of the MPC zone to the General Plan and its appropriateness.

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.

Features of the MPC zone

Area Requirement. The MPC zone requires a minimum size of 5 acres. There is only one remaining property along Washington Boulevard that meets this size requirement. The property is located at approximately 1825 North Washington Boulevard and is best identified as the property with a silo.

There may be other properties that could combine parcels to meet the 5 acre minimum, e.g., the properties south of 1700 North that are yet to be annexed. The City Council will control the zoning at the time of annexation.

There is a provision that would allow the City Council to approve a smaller area requirement if the project "fulfill the objectives of the City". If the City Council wants to only 5 acres projects or larger then this provision should be removed from the code.

Rezone Requirement. All zone changes are legislative decisions. The City Council has wide discretion in making rezone approvals. For example, if the City Council decided not to rezone further properties as MPC it is a legislative prerogative. The rezone criteria for the MPC zone are below:

11-7K-2: MASTER PLANNED COMMUNITY REZONE REQUIRED

Not all properties will be eligible for the Master Planned Community zone designation. Each proposed parcel shall be evaluated on its own merits and a rezone is required. All of the following criteria shall be used to assess the suitability of the parcel to be considered for the Master Planned Community zone:

1. The proposed parcel shall encompass a minimum of 5 acres; however, projects on smaller parcels may be considered if they fulfill the objectives of the City.
2. The proposed parcel shall be located within or adjacent to the North Ogden Downtown, Southtown, between those nodes along Washington Boulevard, or to the west of Downtown, where more diverse and intense uses are anticipated in the General Plan.
3. The primary use shall be residential.
4. At least 5% 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.
5. Proposals shall demonstrate an excellence in architecture, site design, and walkability.
6. Proposers shall be willing to enter into a development agreement that runs with the land.
7. Proposals shall demonstrate how the potential project will address the specific goals and values found in the North Ogden General Plan and within the Downtown chapter.
8. The entire parcel shall be reflected in a specific site plan.

Non-conforming. There are four MPC zoned properties. Removing the MPC zone from the zoning ordinance would make those four projects non-conforming. It is recommended that the zone remain in the code to avoid this circumstance.

Density. The MPC ties density to the General Plan. For medium density designations the density is 6 to 18 units per acre and for high density designations the density range is 18 to 40 units per acre.

Building Height and Unit Size. The maximum building height is 36 feet. There are no restrictions on the number of units per building.

Conflicting Provisions. The required development agreement may modify the zoning ordinance standards. The provision provides flexibility for the Planning Commission and City Council to address the unique designs of each project.

CONFORMANCE WITH THE GENERAL PLAN

The North Ogden General Plan was adopted on September 22, 2015. A key component for implementing the General Plan is establishing codes that reflect the desired future for North Ogden. The Land Use Code's foundation is the Vision, Goals, Policies, and Strategies found in the General Plan.

The following excerpt is from the General Plan Vision statement.

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

- Is the City Council satisfied with the MPC zone?
- Should the existing zoned MPC properties retain the MPC zone designation?
- What direction does the City Council wish to give regarding the MPC zone?

RECOMMENDATION

Conduct a discussion regarding the future of the MPC zone.

Staff recommends that the City Council retain the MPC zone so as to not have the existing MPC projects become non-conforming.

Address any future rezone requests on a case by case basis upon receiving a rezone application.

Give direction on any modifications to the MPC zone.

EXHIBITS

A. MPC Zone
B. Zoning Map

ARTICLE K: MASTER PLANNED COMMUNITY ZONE MPC

11-7K-1: PURPOSE
11-7K-2: MASTER PLANNED COMMUNITY REZONE REQUIRED
11-7K-3: PROCESS AND APPLICATION REQUIREMENTS
11-7K-4: PRINCIPAL REVIEWS
11-7K-5: DEVELOPMENT STANDARDS
11-7K-6: LAND USES
11-7K-7: ZONE DESIGNATION ON THE OFFICIAL ZONING MAP OF NORTH OGDEN
11-7K-8: MODIFICATIONS OF THE APPROVED PLANS
11-7K-9: MASTER PLANNED COMMUNITY ZONE CONFLICTS WITH OTHER REQUIREMENTS IN THE CITY CODE

HISTORY
Adopted by Ord. 2015-16 on 7/28/2015

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.

HISTORY
Adopted by Ord. 2015-16 on 7/28/2015

11-7K-2: MASTER PLANNED COMMUNITY REZONE REQUIRED

Not all properties will be eligible for the Master Planned Community zone designation. Each proposed parcel shall be evaluated on its own merits and a rezone is required. All of the following criteria shall be used to assess the suitability of the parcel to be considered for the Master Planned Community zone:

1. The proposed parcel shall encompass a minimum of 5 acres; however, projects on smaller parcels may be considered if they fulfill the objectives of the City.
2. The proposed parcel shall be located within or adjacent to the North Ogden Downtown, Southtown, between those nodes along Washington Boulevard, or to the west of Downtown, where more diverse and intense uses are anticipated in the General Plan.
3. The primary use shall be residential.
4. At least 5% 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.
5. Proposals shall demonstrate an excellence in architecture, site design, and walkability.
6. Proposers shall be willing to enter into a development agreement that runs with the land.
7. Proposals shall demonstrate how the potential project will address the specific goals and values found in the North Ogden General Plan and within the Downtown chapter.
8. The entire parcel shall be reflected in a specific site plan.

HISTORY
Adopted by Ord. 2015-16 on 7/28/2015

11-7K-3: PROCESS AND APPLICATION REQUIREMENTS

1. A pre-application meeting with North Ogden City planning department is required prior to application submittal to review the approval process and requirements of the Zone.
2. Zoning Application – completely fill out the current North Ogden zoning application. The application shall generally include:
    1. The applicant's name, address, telephone number, and interest in the property;
    2. The property owner's name, address, and telephone number, if different than the applicant, and the property owner's signed consent to the filing of the application;
    3. The street address and legal description of the subject property;
    4. The zoning classification, zoning district boundaries, and present use of the subject property;
    5. A complete description of the proposed planned development as per the previous section;
    6. Specific Plan and Development Agreement submittal, following site plan guidance from the City code.
    7. The list of proposed uses which the applicant shall commit to with the development agreement.
    8. Other information or documentation the planning department and/or North Ogden City may deem necessary for proper review and analysis of a particular application.
3. The applicant shall submit a written statement describing the terms and conditions under which the property shall be developed and maintained subsequent to development. Such statements shall include any conditions, performance standards, and other reasonable restrictions as may be necessary to ensure the development and maintenance of the property in accordance with the approved development plan. The applicant shall submit a description of the objectives to be achieved by the development concept. The statement shall include, but is not limited to: The manner in which the proposed development meets or exceeds the intent of the North Ogden General Plan. The proposed architectural and site design concepts including style, colors, and type of materials, placement of structures to maximize views and take advantage of the site's natural characteristics. Specific concepts by which the proposed development shall make an orderly transition from existing or planned adjacent development including varied setbacks and facade treatment, open space elements, screening of parking areas, and landscaping of public or private open spaces and recreational facilities. The combination and coordination of architectural styles, building forms, building materials, and building relationships;
    1. Preservation and enhancement of desirable site characteristics such as natural topography, springs and streams, vegetation and geologic features, and the prevention of soil erosion.
    2. Preservation of buildings which are architecturally or historically significant or contribute to the character of the City.
    3. Use of design, landscape, or architectural features to create a pleasing environment;
    4. Inclusion of special development amenities that are in the interest of the general public.
    5. Elimination of blighted structures or incompatible uses through redevelopment or rehabilitation.

6. Inclusion of varied types of housing.
7. Utilization of "green", “Traditional Neighborhood” and “walkable” building techniques in development.

4. Provide a Specific Plan including: a conceptual site plan, conceptual architectural renderings, exterior building materials lists, conceptual landscape plan, conceptual streetscapes, phasing plans, interior site walkways and street connections. Consider addressing the Site Design and Architectural features list found in section 11-8: and the design standards found in this plan.
5. Complete the Development Agreement Template and include the following, as a minimum:
    1. Duration of agreement.
    2. Legal description of the subject property.
    3. Proposed uses including a table of land use percentages and the number and type of dwelling units.
    4. Maximum density or intensity of the allowed uses and construction requirements, including, but not limited to, minimum and maximum building heights and building size.
    5. The Specific Plan described in #4 above, and/or Subdivision Layout Plan identifying, but not limited to, the location and arrangement of all allowed uses, circulation patterns, and all required dedications and improvements.
    6. A Phasing Schedule for all project phases and the timing for the provision of all features, dedications, and improvements.
    7. A listing of all project features and facilities both private and proposed to be public.
    8. A property management plan.
    9. Other conditions, terms, restrictions, and requirements for subsequent actions and approvals.
6. Failure to provide accurate and full information concerning the above shall result in rejection of the application. Only complete applications shall be processed.
7. City Evaluation through the Technical Review Committee.
8. Planning Commission review – one or more public hearings following the procedure set forth by City Ordinance for the rezoning of property shall be held and a recommendation made to the City Council, subject to any continuances as needed.
9. City Council review - a public hearing shall be held, following the procedure set forth by City Ordinance for rezoning of property. The City Council may take any action permitted by law, including: approve the zone change and development agreement, modify as warranted, continue the application for additional information, or deny the application.
10. Planning Commission review of the site plans as a Conditional Use.
11. Final Development agreement approval with final plans by City Council.

HISTORY
Adopted by Ord. 2015-16 on 7/28/2015

11-7K-4: PRINCIPAL REVIEWS

Principal reviews shall be conducted by the following:

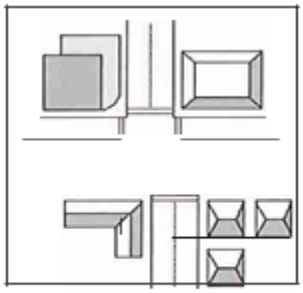
City Planner, Building Official, Public Works, City Engineer, Fire Department, Parks & Recreation

HISTORY
Adopted by Ord. 2015-16 on 7/28/2015

11-7K-5: DEVELOPMENT STANDARDS

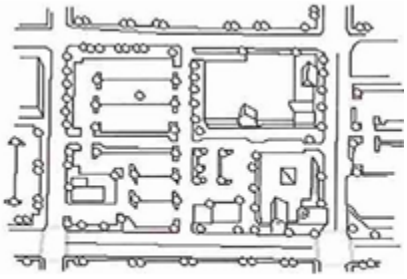
Development Standards. The following standards apply specifically to development in the Master Planned Community zone (MPC) and shall supersede any other standards found elsewhere in this Code. These standards are guidelines that should be reinforced through the required development agreement. Significant deviations from these standards are possible, but only if coupled with a development agreement.

1. Building Placement and Massing
    1. Setbacks. Building facades should comprise at least 65% of the frontage facing Washington Blvd. and 50% of all other public street edges. Building facades must be located 0-10 feet from the public right-of-way (typically inside edge of sidewalk) on major streets. Minor streets may include increased setbacks with a minimum of 15'. Awnings, balconies, and architectural features may project beyond building facades, but not over the sidewalk, as approved by the Planning Commission. Street side setback variations are encouraged when an activity related to pedestrian use is maintained, i.e. special landscaping, outside seating for a restaurant, patios, recessed plazas, courtyards, and trellises are encouraged.



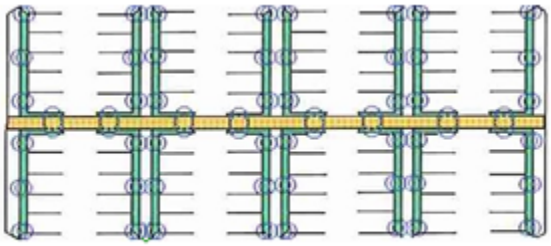
Buildings to the street

    2. Zero lot line side setbacks with attached structures, in compliance with the International Building Code are anticipated except for necessary rear lot driveway access, pedestrian access, open space, transitions to other uses and landscape areas. Rear setbacks should be of sufficient depth to allow proper parking and landscaped areas to the rear of the buildings, coupled with appropriate transitions to adjacent uses. Unless otherwise approved by the land use authority, rear yards and the rear of buildings shall not directly abut streets. If the rear of building is approved adjacent to a street, pedestrian access and street oriented building treatment must be adequately addressed.



Anchor Retail

3. Building Orientation. The entrances of all retail, civic, residential, institutional uses, and office buildings shall always front onto major streets, with the exception of center block residences (which still must front pedestrian ways) and anchor stores greater than 30,000 square feet in size. On minor streets this requirement is suggested but may be waived with an appropriately landscaped buffer yard adjacent to the minor street. Secondary entries may be required at the rear of street-facing buildings. Where possible, 'like land uses' shall face 'like land uses' or open space, i.e. retail across the street from retail, townhomes from townhomes, etc. Loading docks and service areas shall be screened from streets and adjacent properties through architectural design and landscaping. Anchor store entrances must front onto the street, and be connected to adjacent streets via landscaped, publicly accessible walkways. Access from parking areas may be via mid-block passageways or "paseos," to the street.



Walkways thru parking areas

2. Building Height. Buildings shall have a minimum and maximum height as indicated on the table by building type, with height to be measured in accordance with the City's adopted ordinances and standards.

Land Use	Commercial, Office & Vertical Mixed –Use or residential flats	Condos, Town-homes, 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 land use authority my approve a height over 3 stories if the design includes suitable "step-back" architecture and other architectural features which encourage a 'village' feel on street level. Step backs shall create usable spaces for the residents.

3. Land Use Impact and Buffering. Landscape buffers are strongly preferred over fences and walls where a separation is desirable. A visually open look should be encouraged between compatible uses. Visual screening which creates 'outdoor rooms' is often more important than a physical separation and the Planning Commission may, at its own option, require special treatment of such areas. Fences or walls, if determined to be necessary or desirable, must be reviewed for their effectiveness in protecting private space while not creating isolated uses or dead space void of natural surveillance. Approved fences or walls shall be compatible in color, texture, and design in relationship to building materials. In order to mitigate any negative impacts, the land use authority, after due consideration, may modify building setbacks and heights to create better separation, and/or require additional architectural and/or landscape elements, as needed

to mitigate anticipated detrimental impacts between uses. Transitions between buildings in the MPC and other zones shall generally reflect a setback of 20’ for buildings up to 24’ in height (measured to the peak of the roof) and then additional height shall be allowed with an additional foot of setback equal to one additional foot of height.

4. Architectural Design and Materials. The treatment of building mass, façade variation, materials and exterior appurtenances shall create an aesthetically pleasing building and site that is in character with the proportions of other surrounding buildings, and yet provides diversity in design. A mix of materials is required. Requirements applicable to all buildings are stated below:
    1. All sides of buildings shall receive substantial design consideration, with an emphasis on areas visible to pedestrians, vehicular traffic, and neighbors. Repetitive design for any project over 5 buildings is not acceptable. Within projects, sub-neighborhoods created by design shall be incorporated in the overall scheme, with a general intent of significant building façade changes every 5 to 10 buildings or as approved in the site plan. A mix of materials is required.
    2. Screening: All building equipment and service areas, including on grade and roof mechanical equipment, utility meters, and transformers that are readily visible from the public right of way, shall be screened from public view. These elements shall be sited to minimize their visibility and impact, especially from major streets, or they may be enclosed as to appear to be an integral part of the architectural design of the building. Dumpsters (shall not be located closer than 20’ from any property line), and other necessary equipment shall be located or screened so as not to be visible from streets, pedestrian areas, and adjacent. Screening elements shall be aesthetically incorporated into the design of the site whether located on the ground or on a structure.
    3. Basic building materials shall include, but are not necessarily limited to, architecturally treated pre-cast concrete, brick, stone, granite, ceramic tile, cement/fiber board, architectural metals, and/or glass. All residential uses shall have substantial brick and/or masonry exteriors. Limited amounts of stucco, vinyl siding and metal may be considered as accent materials, if the quality of the design merits such consideration. The use of exposed concrete (architectural concrete excepted), or vinyl for storefront facades is not permitted. All buildings within the development shall incorporate some common architectural theme and/or architectural elements, creating a unifying development.
    4. No more than four colors may be used per development excluding the roof. Earth tone colors are encouraged to help buildings blend into the environment, however, color may vary if approved by the land use authority as being compatible with surrounding developments. Approved tinted glass surfaces shall be considered as one of the colors allowed and shall conform to the color requirements included herein.
    5. Buildings shall be designed to relate to grade conditions with a minimum of grading and exposed foundation walls, creating easy pedestrian access from sidewalks, parking areas, etc. Commercial buildings shall be designed with ground floor architectural distinction/separation in order to enhance street activity and walkability. All buildings shall have expansive windows, balconies, bay and/or box windows, terraces, or other design features which are oriented to the street, or other people spaces. Windows shall make up at least 50% of street-facing facades on the first story of commercial developments. Window shapes and sizes shall be so designed to be compatible from building to building. Substantially tinted windows and windows with reflective film or glass are not permitted at street level; however windows with a minimum of tinting to meet low-

e and other energy efficiency standards are highly encouraged. Building facades should provide at least one operable building entrance per elevation that faces a public street.

6. Maximum Length: The maximum length of any blank wall uninterrupted by windows, doors, art or architectural detailing at the first floor level shall be fifteen feet (15').
7. Plans shall include any existing buildings that will be incorporated into the project and any modifications to such buildings.

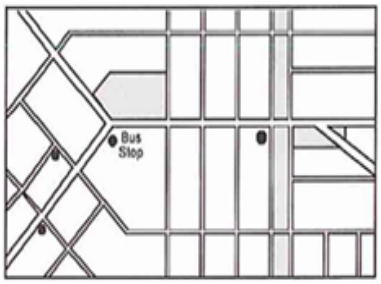
5. Signage. Proper design and placement of signs and their lighting is critical. All developments shall have a sign theme which promotes use compatibility. Permitted signs within the MPC Zone shall be, directional signs, or signs located on the building. Wall signs, projecting wall signs, and window signs, approved as part of a sign theme, are encouraged.
   Where approved, a monument sign must comply with the following limitations: the sign shall have as the prominent feature the name of the development. Font styles shall be consistent. Monument signs shall be constructed with materials similar to that of the main building. Monument signs may not obstruct the clear of view of any intersection or driveway.
   Only A-frame signs and painted murals on the inside of a storefront window are encouraged as temporary signs.
6. Open Space. Significant usable open space equal to 20% of the project shall be provided within the MPC development, depending upon the size, scale, and nature of the development as determined by the Planning Commission. Usable open space means spaces that serve a recreation function and not leftover non-usable pieces such as landscaped islands in parking lots. Such spaces should be appropriately sized for the development and should include at least one usable space with a minimum dimension of 50’ by 100’. Approved open space may include but is not limited to: commons, pocket parks, plazas, courtyards, landscape features, water fountains and features, greenbelts, and trail connections. A 'Village Green” or other commons area, may be required adjacent to mass transit connections or other significant activity. Building materials used within open space areas shall be related to the materials of adjacent buildings and shall be a non-skid finish. Design shall encourage comfortable and safe pedestrian use, including landscaping, seating areas, WIFI, and lighting as appropriate. Fruit tree, community gardens, and water themes are encouraged. Areas of environmental concern or interest may be required to be preserved or enhanced, i.e. water drainages, connections to trail systems, and water features. Unless otherwise specified through the development agreement with the City, all open space areas shall be maintained by the property owners or homeowner associations.
7. Landscaping. Landscaping guidelines are established to improve and maintain site qualities. Landscaping, in general, shall conform to the following principles:
   1. No plans for any building, structure or other improvements shall be approved by the Land Use Authority unless there shall also have been submitted landscape and streetscape plans satisfactory to the Planning Commission. All such plans shall promote water–wise landscaping designs and include xeriscape, where appropriate.
   2. Landscaping in accordance with the plans submitted shall be installed in a proportional manner within 30 days following the occupancy of buildings on the site or as otherwise approved by the City Planner as seasonal conditions may dictate.
   3. Street trees are required along major streets unless this requirement is specifically waived by the City in exchange for other types of street landscaping,

such as, flowering pots, shrubbery, rain gardens, etc. When available, the City's Street Tree Plan should be consulted.

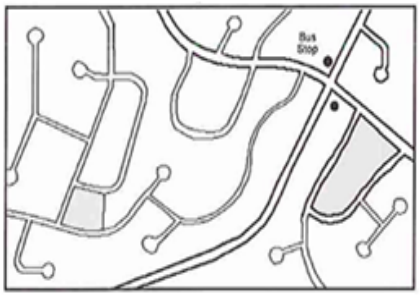
4. Future development areas or land area not occupied by buildings, structures, hard surfacing, vehicular driveways or pedestrian walkways shall be kept in a weed-free condition or landscaped, as approved by the Land use authority.
5. Plant Materials:
    1. 60% medium size trees; deciduous trees with a caliper from 2 to 3 inches and evergreen trees with a height from 5 to 8 feet. 40% small size trees and shrubs in a combination with deciduous trees with a caliper of 1 to 2 inches and evergreen trees with a minimum height of 4 feet. Where possible, a 50/50 mix of deciduous and evergreen trees and shrubs shall be used for on-site landscaping.
    2. Where required, street trees with a minimum 2 inch caliper shall be installed along public rights-of-way by the developer. The species-type, location, and spacing of trees shall be as shown on the approved landscape plan, in coordination with streetscape designs.
6. Installation. It shall be the responsibility of the developer to grade, place topsoil, seed, sod, install sprinkler irrigation systems, and properly plant trees, shrubs, and other approved plant materials.
7. Maintenance. It shall be the responsibility of the developer and/or property association to properly maintain landscaped areas including watering, mowing, pruning, fertilizing, and the removal and replacement of dead plant materials in a timely manner.
8. Vegetation Modification/Removal. Pruning vegetation for "exposure," which results in unnatural plant specimens, is prohibited. Necessary vegetation removal shall be replaced with equal or better quality plant materials. Trees that are necessarily removed shall be replaced with trees with comparable total caliper. Street tree replacement shall be at the discretion of the City Planner.
9. Utility Connections. When disturbances are made to existing landscaped areas, the existing landscaping must be replaced to its previous condition. Other modification of landscaped areas shall require approval by the City Planner.

8. Outdoor Lighting. The lighting of streets, pedestrian areas, parking lots, and open space is required. Exterior wall mounted floodlights are expressly prohibited. Indirect lighting, bollard lighting, and landscape lighting is encouraged. Lighting of a building and site identification signs are permitted as allowed elsewhere in this Code.
   Lighting along Washington Blvd., the Downtown and Southtown, and 2700 N. shall be an approved fixture as selected by the City.
   Lighting shall be evaluated as to how adequately it meets its intended purpose. Design and location of standards and fixtures shall be specified on the site development drawings and a lighting plan provided. Intensities shall be controlled so that 'safety' lighting is provided while neighboring areas are protected from glare or excessive direct light. All lighting shall be directed to the ground to protect the visibility of the night sky.
9. Streets and Pedestrian Ways
    1. Streets. All accesses within a MPC should have connectivity with existing and future street patterns. A grid street pattern or modified grid pattern is required where possible. Cul-de-sac streets shall not be approved unless it can be demonstrated that no other practical way exists to make connectivity. In order to uphold and enhance traditional neighborhood development principles, private

streets are discouraged and gated communities are prohibited.



Connected Street System



Disconnected Street System

2. Widths. Street widths shall be determined during site plan review as may be recommended by staff and approved by the land use authority. In general, streets shall be designed to meet the level of travel and service, while incorporating principles of traffic calming and pedestrian compatibility, i.e. tree lined streets with pedestrian ways and linkages, decreasing the need for pavement width by spreading traffic through a grid or modified street hierarchy system.
3. Sidewalks and Walkways. The design of pedestrian ways may include a solitary meandering pathway or trail, a 'pedestrian street' and the many possible designs in-between. Walkways and connections to trail systems shall be incorporated into the project. Choice of appropriate pedestrian access shall be made based upon the scale and type of mixed use project being proposed and by the way uses are intermingled. A ten foot cross-section (five foot park strip, five foot sidewalk) is a minimum standard, while sidewalks widths of 10’ are suggested for properties that front on Washington Blvd. and/or 2700 N. All public streets shall have walkways for pedestrians.
4. Pavers, borders, colored/textured concrete and other sidewalk design materials with compatible colors shall be used as needed in order break up expanses of hard-surfacing and to encourage pedestrian interest and activity. In vertical mixed use areas, wider sidewalks are required in order to enhance street and land use connectivity. Portions of the park strip may be paved or crushed rock, to accommodate street furniture, leaving tree wells for street trees. Corner plazas are encouraged. Street furniture, including but not limited to benches, trash receptacles, artwork, drinking fountains, bike racks, etc. may be required depending upon the nature of approved uses. Street furniture requirements shall include an overall design theme for compatibility.
5. Crosswalks. Extensive use of crosswalks shall be incorporated within the project. Crosswalks shall be so configured to be a design feature of the development, i.e. heavy painted lines in patterns, pavers, edges, and other methods of emphasizing pedestrian use. Bulb-outs and other pedestrian design shall be used to shorten walking distances across open pavement. Planted medians shall be used in appropriate areas to encourage walking and to act as a 'refuge' for crossing pedestrians.
6. Street widths. The widths of streets shall be established as per the General Plan suggestions and through review by the City Engineer and City Planner.

10. Other Forms of Transportation. All forms of transportation shall be considered within and without the MPC with the intent to improve convenience and reduce automobile trips. All forms of transportation should be encouraged, including, walking, bus, bicycle, and pedestrian. Access connections shall be required where deemed essential to provide

circulation or access to churches, schools, playgrounds, shopping centers, transportation, and other community facilities.

Conveniently located short term bicycle racks shall be required in every development along the street frontage with the ratio of one rack that accommodates at least 2 bikes per business with up to 25 employees and one rack that accommodates at least 4 bikes for businesses with over 25 employees. Long term bike rack/storage is required for residential developments with a ratio of one rack that accommodates at least 5 bikes for every 50 units.

Appropriate bus turnouts, shelters, and stops shall be coordinated and planned as part of the development review process. Based upon land use and the level of demand, bicycle parking shall be provided in appropriate locations, i.e. visible from store fronts and entrances to office buildings and residential structures.

11. Parking Areas. Parking areas shall be considered as structures since they present a three dimensional appearance when occupied.

    Location of parking shall be determined not only from its visual relationship to the building and site, but also as it relates to safe convenient pedestrian and vehicular circulation patterns. Where possible, parking lots shall be broken up and planned as 'outdoor rooms'. When approved, larger parking lots shall be broken up with substantial tree and ground cover. Large parking lots should be broken up into 'rooms' of no more than 300 parking stalls thru the use of connecting walkways. Where practical, parking lots shall incorporate interior retention through the use of internal islands for storm water retention with a ratio of an island for every 16 parking spaces.

    Unless otherwise approved by the Land Use Authority, parking lots are prohibited adjacent to any street and/or between a building and the street. Parking shall be located to the rear of the building or to the side. Parking lots located to the side of a building shall incorporate adequate screening, such as short walls and hedge type landscaping between the lot and the public sidewalk.

    Underground parking, deck or terrace parking, and parking garages are encouraged. Parking structures with first level parking immediately adjacent to the frontage of a street are prohibited. Parking structures shall be designed around natural light with 'safety' lighting added as needed. Landscaping, within and without, may be required to enhance compatibility and safety. Developments may be approved with less than required parking if evidence can be shown that the nature of the land use proposed will not need the number of stalls as recommended in the City's parking ordinance, as may be approved by the land use authority. Developments may also be 'under parked' if justified with a walkable design that demonstrates such, and/or where local multi-modal transit systems exist or are immediately planned, which would help reduce the number of needed parking stalls and/or automobile trips. Shared parking arrangements may be required in order to reduce necessary parking areas and to encourage pedestrian activity. A parking study may be required and may be used to reduce the City parking standards.

    Where possible, on-street parking shall be provided adjacent to developments, and a pro-rated share of such, may be used to satisfy overall parking requirements. Parallel or angle parking may be approved based upon the overall design and width of the street, as recommended by the City Engineer and approved by the land use authority. UDOT coordination and approvals may be required.

    Visitor parking shall be carefully considered using the standard of 1 visitor parking space for every 2 units. Tandem parking may be considered for up to 50% of this requirement. RV storage lots and stalls occupied by RVs shall not be allowed.

12. Environmental. Building, landscape, and solar design should adjusted, where possible, to be compatible with the local climate. Such design should include, but may not be limited to, window placement, building recesses, overhangs, trellises, awnings, porches,

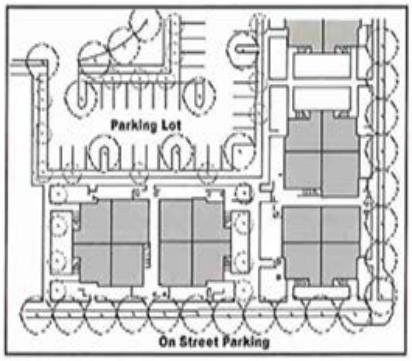
and landscape placement, planned in such a way to enhance livability and reduce energy costs.

The use of lighter colored building materials (i.e. roof tops), fences/walls, and extensive deciduous and evergreen tree cover shall be incorporated into developments in order to reduce the urban heat island effect. Where possible, streets, driveways, parking lots, etc., should use concrete or other materials which absorb less sunlight. Interior and perimeter parking lot landscaping shall be provided at the ratio of at least one tree per six parking stalls.

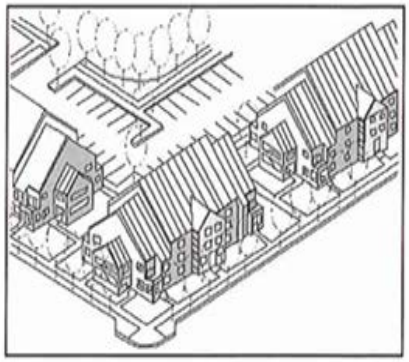
Where practical, drought resistant ground covers, shrubs, and trees shall be incorporated into the landscape to reduce water usage and storm runoff. Extensive areas of grass or other high water use plants without a public purpose are discouraged.

13. 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.
        1. 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
        2. The following standards for multi-family residential shall be encouraged:
            1. Multi-level structures.
            2. Dormers and/or shutters, and other window treatments such as bay or box type windows.
            3. Enhanced corner treatments on major streets including towers and larger corner setbacks for plazas
            4. Street side balconies/decks.
            5. Streets which de-emphasize the need and speed of automobiles.

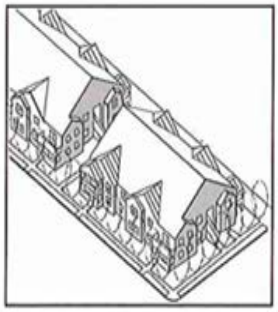
6. Other pedestrian oriented design



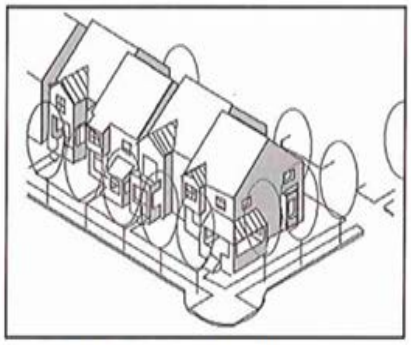
Garden Apartments - Plan View



Garden Apartments - Elevations



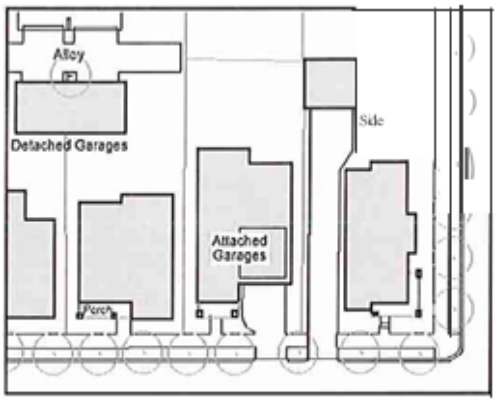
Condos w/ Underground Parking Elevations



Townhomes - Elevations

2. Small lot Single family residential uses, if approved, shall be carefully designed using the following design principles. Front setbacks shall range between fifteen (15) and twenty (20) feet typically measured from the inside edge of sidewalk to the porch. Front loaded garages shall be subservient to the dwelling and shall not have a setback less than twenty feet. Side and rear setbacks shall be determined by the Planning Commission based upon acceptable subdivision layout and design. The following standards shall be required for single family residential:
    1. Subservient garages, i.e. back loaded detached with alley access, front loaded detached, attached but setback from the front line of the home by at least five feet (and 20' from the public ROW), side entry attached, or a combination of the above.
    2. Roofs with a 4/12 pitch or greater.
    3. Covered open front porches comprising at least 50% of the front elevation (not including the garage), in no case being no less than fifteen feet (15') in width and six feet (6') in depth.
    4. Entry sidewalks that connect directly to public sidewalks.
    5. Lamp posts and/or entry door lighting with downward directed illumination
3. The following standards for small lot single family residential shall be encouraged:
    1. Two-story dwellings.
    2. House dormers and/or shutters, and other window treatments.
    3. Street side balconies/decks.
    4. Wrap-around porches, particularly on comer lots.
    5. Streets which de-emphasize the need and speed of automobiles.

6. Other pedestrian oriented design



Single Family Residential - Plan View



Single Family Residential - Elevations

4. Service Areas. Loading and refuse collection areas shall be screened from public view. These areas are not permitted between buildings and streets unless they can be adequately screened thru landscaping and architectural design. Streets shall not be used as maneuvering areas for commercial loading, unloading, or refuse collection. Building and improvements upon lots shall be designed to properly accommodate loading, unloading and refuse collection. Screen walls and enclosures shall be constructed with materials compatible with the structures they serve. Loading and refuse collection areas shall be properly maintained in a debris-free condition. Dumpsters shall not be located within 20' of any property line.

14. Density. It is anticipated that a Master Planned Community will fall in the medium to high density categories as established in the General Plan. Currently (2015) those densities are 6 to 18 units per acre for medium density and 18 to 40 units per acre for high density.

HISTORY
Adopted by Ord. 2015-16 on 7/28/2015

11-7K-6: LAND USES

Land uses shall be established through the development agreement. The general categories of uses include: retail, service, office, and residential uses but all uses shall be enumerated in the development agreement.

HISTORY
Adopted by Ord. 2015-16 on 7/28/2015

11-7K-7: ZONE DESIGNATION ON THE OFFICIAL ZONING MAP OF NORTH OGDEN

All Master Planned Community zoning shall be designated MPC with a suffix that refers to the actual development. As an example, if a project is approved and built with the name "Coldwater Springs", it would be designated on the Zoning Map as MPC-CS.

HISTORY
Adopted by Ord. 2015-16 on 7/28/2015

11-7K-8: MODIFICATIONS OF THE APPROVED PLANS

After adoption of the MPC, there may be a need for deviations from the approved plans to address building code revisions, unknown existing conditions, material availability, and other

unforeseeable issues. The City Planner, the City Engineer, and their designees may approve changes that are consistent with the intent of the original approval, so long as such changes do not constitute more than 5% of the original project area. Any changes shall be approved only if the modifications include improved or equivalent quality of materials or design. Any proposed changes that exceed 5% of the project area or that are deemed materially significant by the City Planner or City Engineer shall require an amendment to the MPC per the approval process set forth in this ordinance. Planning Commission shall hold a hearing and may make a determination in favor of, against, or require a modification to the proposal. Any significant change shall require that the Development Agreement be updated with the City Council.

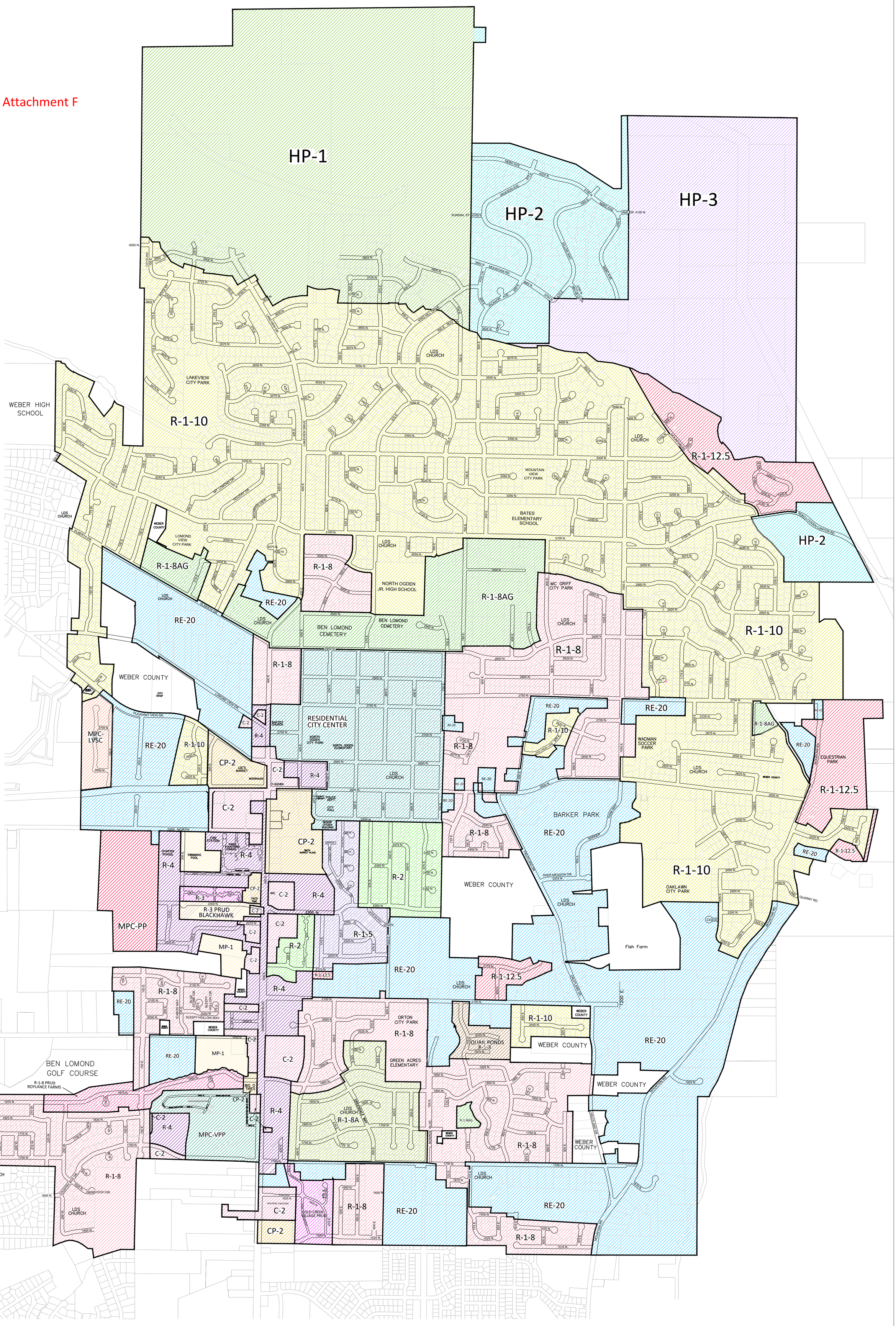
HISTORY
Adopted by Ord. 2015-16 on 7/28/2015

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.

HISTORY
Adopted by Ord. 2015-16 on 7/28/2015

Attachment F



10.

North Ogden City Zoning Map

SCALE: NONE

ADOPTED:

NORTH OGDEN CITY

SETTLED 1851

Staff Report to the North Ogden City Planning Commission

SYNOPSIS / APPLICATION INFORMATION

Application Request:	Discussion and/or action to consider a legislative application to rezone property for land located at approximately 2175 North 850 East from Suburban Residential (RE-20) to Single Family Residential (R-1-12.5)
Agenda Date:	December 16, 2020
Applicant:	Lyman and Lonnie Land Co., LLC, John Hansen, Agent
File Number:	ZMA 2020-07

PUBLIC NOTICE:

Mailed Notice:	December 7, 2020
Newspaper:	December 8, 2020
City Website:	December 11, 2020 and January 8, 2021

PROPERTY INFORMATION

Address:	Approximately 2175 North 850 East
Project Area:	Approximately 2.0536 Acres (89,452.64 Sq. Ft.)
Current Zoning:	Suburban Residential (RE-20)
Proposed Zoning:	Residential (R-1-12.5)
Existing Land Use:	Agriculture
Proposed Land Use:	Residential
Parcel ID:	170750108

ADJACENT LAND USE

North: Agriculture
South: Residential
East: Residential
West: Agriculture

STAFF INFORMATION

Brandon Bell, Associate Planner
bbell@nogden.org
(801) 737-9841

APPLICABLE ORDINANCES

North Ogden Zoning Ordinance Title 11-1-4 (Changes and Amendments)
North Ogden Zoning Ordinance Title 11-6-2B (Boundaries of Zones)
North Ogden Zoning Ordinance Title 11-7A Suburban Residential Zone RE-20
North Ogden Zoning Ordinance Title 11-7B Residential (R-1-12.5)

TYPE OF 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 applicant is requesting a zone change for the property located at approximately 2175 North 850 East from Suburban Residential (RE-20) to Residential (R-1-12.5). The request is part of the next phase of the Coldwater Meadows subdivisions, amending Phase 2, along with the new Phase 3. The rezone is being processed prior to consideration of final approval for the subdivision. The previous phases, which are adjacent to this property, were approved with the R-1-12.5 zone designation.

The property is located at the east end of the 2175 North stub street. Phase 3 of the subdivision proposes to extend this development to accommodate the proposed 3 lots. (See Exhibits A and B).

CONFORMANCE WITH GENERAL PLAN

The proposed subdivision meets the requirements of applicable North Ogden City ordinances and conforms to the North Ogden City General Plan. The General Plan map calls for this property to be developed as low density residential and is within the Coldwater Neighborhood.

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.

General Guidelines:

- A definite edge should be established between the types of uses to protect the integrity of each use, except where the mixing of uses is recommended in the General Plan.
  Staff Comment: The low density general plan designation calls for a variety of single family zones including the R-1-12.5 zone. This rezone application will allow for the next phase of the Coldwater Meadows subdivision, which will border upon agricultural lands to the north.
- 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: This parcel is the next phase of a subdivision transitioning from agriculture to residential.
- Where possible, properties which face each other across a local street, should be the same or a similar zone. Collector and arterial roads may be sufficient buffers to warrant different zones.
  Staff Comment: These proposed lots will be located on a local street and are proposed to have the same R-1-12.5 zone on both sides of the street.
- 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 will not cut across individual lots. The zone change is proposed to be effective only when the subdivision is recorded, in order to follow this guideline. The proposed ordinance has been adjusted from a prior version to be consistent with this guideline.

Residential Guidelines:

- Avoid isolating neighborhoods.
  Staff Comment: The proposed zone change will not isolate the existing neighborhood.
- Require excellence in design.
  Staff Comment: A building permit will be processed for the future home and accessory building meeting city standards. Applicable setbacks and other City ordinance requirements are verified as part of the approval process for building permits.
- Consider development agreements to assure higher quality development.
  Staff Comment: No development agreement is proposed.

SUMMARY OF PLANNING COMMISSION CONSIDERATIONS

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

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6-0 to recommend the property be rezoned to the R-1-12.5 zone, with one abstention. The City Council should consider the application, the General Plan rezoning guidelines, and determine if this application for a zone change from Suburban Residential RE-20 to Single-Family Residential R-1-12.5 meets these guidelines.

EXHIBITS

A. Application
B. Proposed Ordinance with Attachment A
C. Applicable Minutes from December 16, 2020 Staff Meeting

AREA MAP



Rezone App.

NORTH OGDEN CITY
SETTLED 1851

LAND USE DEVELOPMENT APPLICATION

North Ogden City Planning Department
505 East 2600 North
North Ogden, UT 84414 (801)782-7211 ZMA 2020-07

*May be submitted by email to: lbexell@nogden.org (If you don't receive a response with confirmation of receipt - please call 801-737-2215)

APPLICANT INFORMATION

Name: John Hansen Company:

Address: 5730 S. 1475 E. #200, Ogden UT 84403

Email: jhansen@johnwhansen.com Phone: 801-540-2000

OWNER INFORMATION

Name: Lyman & Lonnie Land Co., LLC

Address: –

Email: – Phone: –

PROJECT INFORMATION

Project Name: Coldwater Meadows Phase 3

Project Address: Approx. 2100 N. 900 E.

Parcel #: Subdivision: Coldwater Lot #: 24-26

Acreage: 2.0536 Current Zoning: RE-20

APPLICATION TYPE AND FEE *(CHECK ALL THAT APPLY):

- ☐ **Subdivision:** # of lots_____
  - ☐ Preliminary Approval - $800 plus $50 per lot
  - ☐ Final Approval - $1000 plus $30 per lot
  - ☐ Special Exception Application - $835
- ☐ **Minor Subdivision - $750**
- ☐ **Minor Subdivision without Technical Review - $580**
- ☐ **Amendment or Vacation of Subdivision - $695**
- ☐ **Boundary Line Adjustment - $675**
- ☐ **Site Plan Review:**
  - ☐ With Technical Review - $1,390
  - ☐ No Technical Review - $730
- ☒ **Zoning Amendment:**
  - ☐ Text - $350
  - ☒ Map - $875
  - ☐ Annexation City - $800 plus actual cost of postage and publication
- ☐ **Hearing Officer**
  - ☐ Variance - $565 ☐ Appeal - $565
- ☐ **Conditional Use Permit:**
  - ☐ City Fee (with technical review) - $1,550
  - ☐ City Fee (no technical review) - $730
- ☐ **Planned Residential Unit Development (PRUD) - $1,695**
- ☐ **Subdivision Extention/Expired Subdivision renewal - $200**

Applicant's Signature 11/24/2020 Date

Owner's Signature 11/24/2020 Date

To be filled out by North Ogden City

Date Received 12/3/20 Received by LB ☐ Fees paid: _____

NORTH OGDEN CITY
SETTLED 1851

ZONING ORDINANCE AMENDMENT APPLICATION

North Ogden City Planning Department
505 East 2600 North
North Ogden, UT 84414 (801)782-7211

☒ MAP AMENDMENT ☐ TEXT AMENDMENT*

STATE THE PHYSICAL DESCRIPTION OF THE AREA PROPOSED TO BE REZONED:

STATE THE LEGAL DESCRIPTION OF AREA PROPOSED TO BE REZONED:

CURRENT ZONING CLASSIFICATION(S): RE-20

PROPOSED ZONING CLASSIFICATION: R-1-12.5

***PROPOSED TEXT (attach additional sheets, if needed):**

***If the Master Planned Community Zone is being applied for, then the information listed in 11-7K-3 Process and Application requirements shall also be submitted.**

PLEASE ATTACH TWO (2) PAPER COPIES AND ONE ELECTRONIC COPY OF A MAP PREPARED BY A UTAH REGISTERED LAND SURVEYOR SHOWING THE FOLLOWING:

1. A 24" X 36" map showing the particular property or properties for which the change of zoning is requested and substantially the adjoining properties and the public streets and ways within a radius of three hundred (300) feet of the exterior boundaries thereof.

2. A tentative development plan that shall show the following:

   a. Topographical description showing existing and proposed grades and drainage systems, and natural and manmade features with an indication as to which are to be retained and which are to be removed or altered.
   b. Proposed street system.
   c. Proposed block layouts.
   d. Proposed reservation for parks, parkways, playgrounds, recreation areas, and other open space.
   e. Off-street parking spaces.
   f. Types of uses of structures.
   g. Location of structures, garages, and/or parking spaces.
   h. A tabulation of the total number of acres in the proposed project and a percentage thereof designated for the proposed structures.
   i. Preliminary plans and elevations of the structure types. Single-family residential subdivisions are exempt from the requirement.

3. Reasons justifying the petition for rezoning.

4. A true statement revealing any conditions or restrictions of record (if any) which would affect the permitted uses of the property if rezoned as requested and the date, or dates (if any), of expiration thereof.

5. Such photographs, drawings, and other supporting documents (if any) as the applicant desires to present.

6. Please provide a list of names and addresses of surrounding property owners within 300 feet.

Under certain circumstances where the Planning Director finds that the nature of the rezoning request is such that it would be unnecessary or unfeasible for the applicant to prepare a plan in accordance with the above stated requirements, the Planning Director may waive certain items of the above requirements, but in all cases the applicant will be required to prepare and submit some type of site plan drawn to scale.

PROPERTY OWNER'S PERMISSION FOR REZONING REQUEST:

I (we) authorize John W. Hansen to request a change in the Zoning classification of my (our) property from RE-20 to R-1-12.5.

Property Owner

Property Owner

Applicant's Signature: _____ Date: 11/24/2020

Updated April 2017

ORDINANCE 2020-__

AN ORDINANCE OF NORTH OGDEN CITY AMENDING THE NORTH OGDEN CITY ZONING MAP BY CHANGING PROPERTY AT APPROXIMATELY 2175 N 850 E FROM SUBURBAN RESIDENTIAL RE-20 TO RESIDENTIAL R-1-12.5

WHEREAS; North Ogden City has adopted a General Plan; and

WHEREAS; the North Ogden City General Plan has designated the aforementioned property as Residential Low Density; and

WHEREAS; the Single Family Residential R-1-12.5 zone is consistent with that designation, and would allow Low Density Residential according to the standard identified for such in the General Plan;

NOW THEREFORE, BE IT ORDAINED by the North Ogden City Council that the North Ogden City zoning map be amended.

SECTION 1: The property which is outlined in red on Attachment A is hereby changed from Suburban Residential RE-20 to Single Family Residential R-1-12.5. If there is a conflict regarding the extent of this change in the zoning district to R-1-12.5, it shall include the entirety of Lots 24, 25, and 26, in the Coldwater Meadows Phase 3 subdivision. This zone change to R-1-12.5 shall also include the property in the existing and proposed street right-of-way in front of Lots 24, 25, and 26, as shown on Attachment A. The property affected by this zone change contains approximately 2.05 acres, of an approximately 12 acre parcel (Parcel #:170750108), in addition to any area in the existing and proposed street right-of-way.

SECTION 2: This ordinance shall take effect at the time that the Coldwater Meadows Subdivision, Phase 3, is recorded, unless said phase of the subdivision is not recorded within 2 years of the date of the adoption of this ordinance by the North Ogden City Council, in which case the zoning district shall revert to Suburban Residential RE-20.

PASSED and ADOPTED this __th day of 2021.

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:

_____
Susan Nance, CMC
Interim City Recorder

Coldwater Meadows Phase 3

All of Lot 12-R Coldwater Meadows Phase 2, together with
A part of the Southeast 1/4 of Section 33, T7N, R1W, SLB&M, U.S. Survey
North Ogden City, Weber County, Utah

November 2020

Attachment A

Scale: 1" = 60'

60 0 30 60 80 100 120

Graphic Scale



VICINITY MAP
Not to Scale

LEGEND

- ▲ Set Nail & Washer
- ◉ Set 5\8 x 24" Rebar & GBE Cap
- Section Corner
- Street Monument
- P.U.E. Public Utility Easement
- WCS Weber County Survey
- (Rad) Radial
- (N/A) Not Radial
- Fenceline
- Zone "X" (Shaded)
- Zone AE

NARRATIVE

This subdivision plat was requested by Mr. John W. Hansen for the purpose of subdividing the hereon described parcel of land into 3 lots.

Monuments were found for the Northeast Corner, East Quarter Corner, and the Southeast Corner Section 33, Township 7 North, Range 1 East, Salt Lake Base and Meridian, U.S. Survey.

A line bearing South 0°52'09" West between the Northeast Corner and the East Quarter Corner of said Section 33 was used as the basis of bearings for this plat.

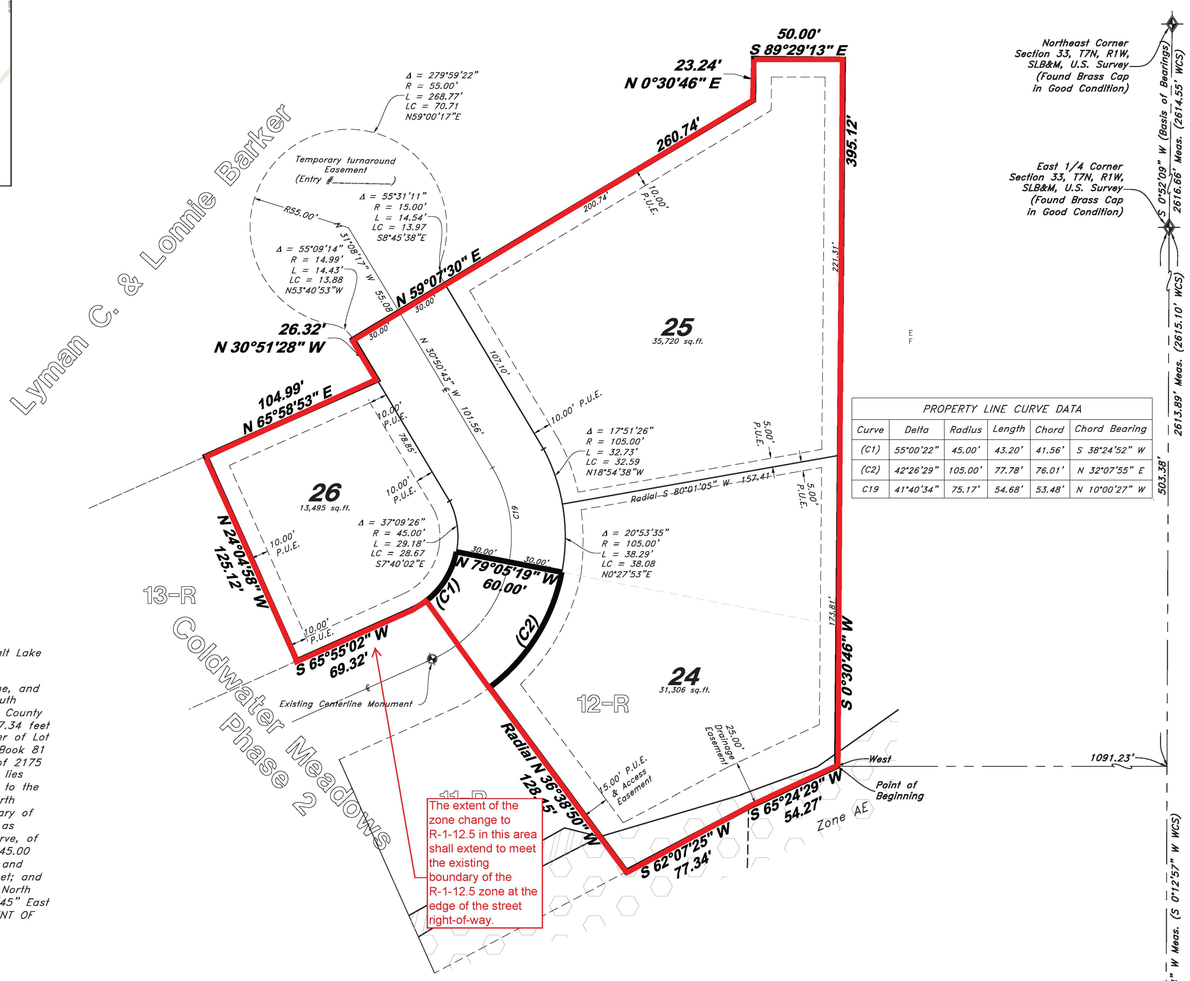
Lot corners were monumented as depicted on this plat.

BOUNDARY DESCRIPTION

A Part of the Southeast Quarter of Section 33, Township 7 North, Range 1 West, Salt Lake Base and Meridian, U.S. Survey, Weber County, Utah

Beginning at a point which is 503.38 feet South 0°14'14" West along the Section line, and 1091.23 feet West from the East Quarter corner of said Section, and running thence South 65°24'29" West 54.27 feet to the Northeast corner of Henry Hartman Subdivision (Weber County Recorder's Office Entry #1230149 in Book 38 page 87); thence South 62°07'25" West 77.34 feet along the North Boundary line of said Henry Hartman Subdivision to the Southeast corner of Lot 11-R, Coldwater Meadows Phase 2, (Weber County Recorder's Office Entry #2867774 in Book 81 page 58); thence North 36°38'50" West 128.15 feet to the Southerly Right of way line of 2175 North Street, being a point of curve on a non tangent curve, of which the radius point lies North 36°38'50" West; thence Northeasterly along the arc of a 105.00 feet radius curve to the left a distance of 77.78 feet (Central Angle equals 42°26'29" and Long Chord bears North 32°07'55" East 76.01 feet) along said Southerly Right of Way line to the Eastern Boundary of said Coldwater Meadows Phase 2; thence four (4) courses along said Eastern Boundary as follows: (1) North 79°05'19" West 60.00 feet to the point of curve of a non tangent curve, of which the radius point lies North 79°05'19" West; (2) Southwesterly along the arc of a 45.00 feet radius curve to the right a distance of 43.20 feet (Central Angle equals 55°00'22" and Long Chord bears South 38°24'52" West 41.56 feet); (3) South 65°55'02" West 69.32 feet; and (4) North 24°04'58" West 125.12 feet; thence North 65°58'53" East 104.99 feet; thence North 30°51'28" West 26.32 feet; thence North 59°07'30" East 305.37 feet; thence North 0°30'45" East 22.79 feet; thence East 50.00 feet; thence South 00°30'46" West 395.12 feet to the POINT OF BEGINNING.

Containing 89,452.64 square feet or 2.0536 acres, more or less.



PROPERTY LINE CURVE DATA					
Curve	Delta	Radius	Length	Chord	Chord Bearing
(C1)	55°00'22"	45.00'	43.20'	41.56'	S 38°24'52" W
(C2)	42°26'29"	105.00'	77.78'	76.01'	N 32°07'55" E
C19	41°40'34"	75.17'	54.68'	53.48'	N 10°00'27" W

NOTES:

1. The homeowners adjacent to the creek are responsible to maintain the flows in the drainage channel. A Stream alteration permit from the State of Utah is required for modifications made to the channel including, but not limited to utility crossings, spanning structures such as bridges, piping the channel, removing vegetation, relocating the channel and regrading the channel. This restriction applies to the area within two times the bankfull edge of water in a direction perpendicular to the flow and away from the channel up to a maximum of 30 feet.
2. 15 foot access must be left open and accessible to city personnel at all times.
3. The floodway is a channel of a stream plus and adjacent floodplain areas that must be kept free of encroachment is that the 1% annual chance flood can be carried without substantial increase in flood heights.
4. 10' wide Public Utility and Drainage Easements (P.U.&D.E.) on front and rear lot lines and subdivision boundaries. 5' wide Public Utility and Drainage Easements each side of property line as indicated by dashed lines, except as otherwise shown.

FLOOD PLAIN

This property lies within flood zone X (unshaded), flood zone X (shaded) and zone AE as shown on the FEMA Flood Insurance Rate Map for Salt Lake County, Utah Map Number 49057C0212E dated 16 Dec, 2005.

Flood Zone X is defined as "Areas determined to be outside the 0.2% annual chance floodplain"

Flood Zone X (Shaded) is defined as "Areas of 0.2% annual chance flood; areas of 1% annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 1% annual chance flood"

Flood Zone AE is defined as "Base Flood elevations determined"

LAND USE AUTHORITY

This is to certify that this plat and the dedication of this plat along with the dedication of all easements were duly approved and accepted by the Land Use Authority of North Ogden City this _____ day of _____, 2020.

by: _____
Chairman

Attest: _____
Secretary

NORTH OGDEN CITY COUNCIL

Approved by the City Council of North Ogden City, Utah this _____ day of _____, 2020.

by: _____
Mayor

Attest: _____
City Recorder

NORTH OGDEN CITY APPROVALS

This plat was approved by the City Engineer and the Community Development Director.

by: _____
City Engineer Date

by: _____
Community Development Director Date

NORTH OGDEN CITY ATTORNEY

I certify that the requirements of all applicable statutes and ordinances prerequisite by the state of Utah and the ordinances of North Ogden City of the foregoing plat and dedications have been complied with.

Signed this _____ day of _____, 2020.

_____
City Attorney

WEBER COUNTY RECORDER

ENTRY NO._____FEE PAID _____FILED FOR RECORD AND RECORDED_____, AT _____ IN BOOK_____ OF OFFICIAL RECORDS, PAGE_____. RECORDED FOR _____

_____
WEBER COUNTY RECORDER

BY:_____
DEPUTY

SURVEYOR'S CERTIFICATE

I, Andy Hubbard, do hereby certify that I am a Professional Land Surveyor in the State of Utah, and that I hold Certificate No. 6242920 in accordance with Title 58, Chapter 22, of the Professional Engineers and Land Surveyors Licensing Act. I also certify that I have completed a survey of the property described hereon in accordance with Section 17-23-17 and that I have verified all measurements shown hereon this plat of Coldwater Meadows Phase 3, in North Ogden City, Weber County, Utah and that it has been correctly drawn to the designated scale and is a true and correct representation of the following description of lands included in said subdivision, based on data compiled from records in the Weber County Recorder's Office. Monuments have been found or placed as represented on this plat.

Signed this _____ day of _____, 2020.

PROFESSIONAL LAND SURVEYOR
11/10/2020
No. 6242920
ANDY HUBBARD
STATE OF UTAH

6242920
License No.

Andy Hubbard

OWNER'S DEDICATION

We, the undersigned owners of the hereon described tract of land, hereby set apart and subdivide the same into Lots and Streets as shown on this plat, and name said tract Coldwater Meadows Phase 3, and hereby dedicate to North Ogden City, Weber County, Utah all those portions of said tract of land designated as Streets, the same to be used as public thoroughfares forever, also dedicate to North Ogden City, Weber County, Utah a 15.0 foot Access Easement for access to Coldwater Creek, also dedicate to North Ogden City, Weber County, Utah a 25.0 foot Access Easement for access along Coldwater Creek, and also those certain strips of land designated as easements for Public Utility and Drainage purposes as shown hereon, the same to be used for the installation, maintenance and operation of Public Utility, Drainage, and Service lines as may be authorized by North Ogden City,

Signed this _____ day of _____, 2020.

James Douglas Barker

Suzie Barker

– LYMAN & LONNIE LAND CO, LLC –

Lyman Barker – Owner

ACKNOWLEDGMENT

State of Utah
County of Weber } ss

The foregoing instrument was acknowledged before me this_____ day of _____ 2020 by Suzie Barker.

Residing At:_____
A Notary Public commissioned in Utah

Commission Number:_____

Commission Expires:_____
Print Name

ACKNOWLEDGMENT

State of Utah
County of Weber } ss

The foregoing instrument was acknowledged before me this_____ day of _____ 2020 by James Douglas Barker.

Residing At:_____
A Notary Public commissioned in Utah

Commission Number:_____

Commission Expires:_____
Print Name

GREAT BASIN ENGINEERING
5746 South 1475 East Ogden, Utah 84403
Main (801)394-4515 S.L.C (801)521-0222 Fax (801)392-7544
www.greatbasinengineering.com

W:\13N719 COLDWATER MEADOW\Drawings\13N719 -CP.dwg, 11/10/2020 11:35:29 AM, drew, 1:1



Chairman Thomas invited public input.

Bradley Shirra, 2128 N. 800 E., stated that two blocks south of him on 1975 North, the homes are jammed onto small lots with minimal space between the homes. He stated it is opinion that looks terrible and many agree with him. Moving to the north, there are newer homes that are so large and look down onto existing homes and this also looks terrible. This detracts from the appeal of North Ogden. He wants to avoid the big homes and lots that are being proposed tonight. He would prefer more uniform lot sizes to provide similar economic value, curb appeal, and housing conformity. He does not want lots that are too large or lots that are too small; he would prefer uniformity and consistency in the neighborhood. He has spoken to many residents in his neighborhood and they agree.

Vice Chairman Mason stated this is the first time as a Planning Commissioner that he has heard an objection to large lots; he asked Mr. Shirra what size lots he feels are appropriate. Mr. Shirra stated that the larger the lot size, the larger the home and he wants to avoid two- and three-story homes that will change the dynamics of the community.

James Barker, 763 E. 2550 N., stated that the reason for the lot size is to allow adequate distance from the homes and the nearby creek. His wife is adamant about building a home with a basement, but the home will not be three stories in height and it will be uniform with others in the existing neighborhood.

Amy Lindblom, 867 E. 2175 N., stated she is the newest homeowner in this neighborhood and she is happy to be there. She does not want to disrupt the neighborhood and she appreciates the City, the homebuilder, and the Barker family for the neighborhood that has been created there. However, she specifically chose to live in the neighborhood based upon her desire for responsibly planned growth. Most of the people that live in the neighborhood are older and retired and there are no children living on the street. They want to keep their neighborhood as it was intended with smaller patio homes for fewer residents. If the City allows larger lots and homes, the unique nature of the neighborhood may be disrupted.

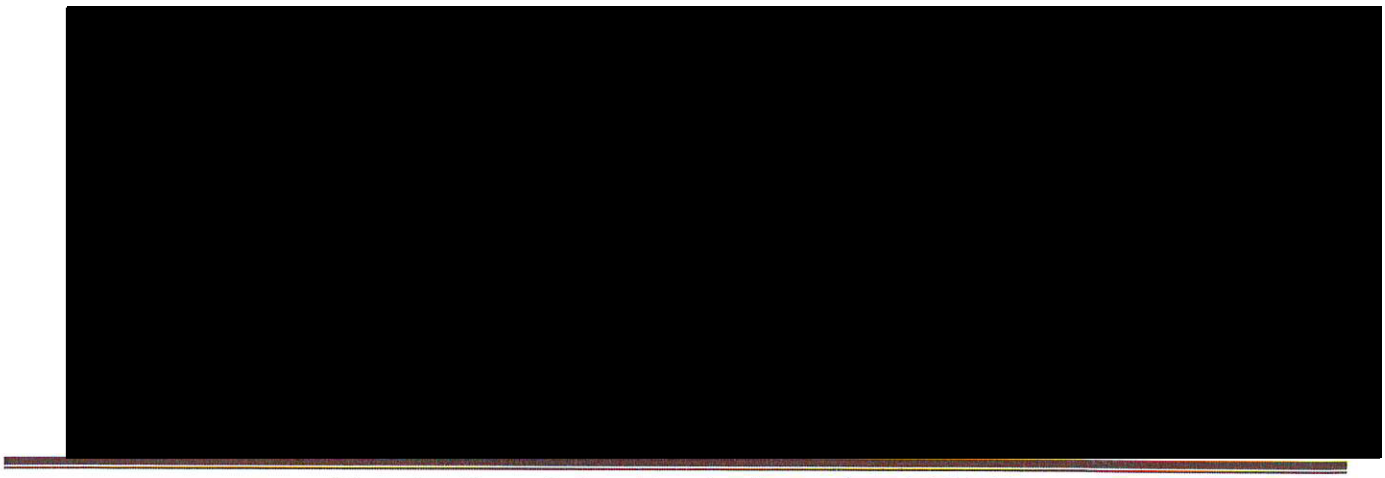
Jed Barker, 2299 N. Fruitland Drive, echoed James Barker's comments; he added he will be the owner of lot 25 and he plans to build a rambler with a basement with the approximate square footage of 4,000 feet. He stated this is actually smaller than most of the homes in the neighborhood. He plans to make sure that his home will blend with the existing neighborhood.

Mr. Hansen responded to Mr. Shirra and Ms. Lindblom; he understands their concern and desire to preserve the unique neighborhood that has been created. However, the project is not managed by a homeowner's association (HOA) and what they are describing is what can be offered in the type of project where architecture and size of a home is controlled by a group of residents. He stated these residents have purchased a regular lot and they are not protected from other who desire to build around them. He stated the property owner, the Barker family, has owned the land for over 100 years and they want to create a place for their children to build a home.

Vice Chairman Mason stated that he is interested in ensuring consistency in development throughout the City and while he understands the concerns that have been voiced tonight, he believes the R-1-12 zone will blend nicely with the current development along Fruitland Drive and properties to the west. However, he has not personally visited the property.

Chairman Thomas stated that the Commission is charged with determining the appropriate zoning for the home rather than dictating the style of home that can be built. His only recommendation would be for existing residents to approach the developer about considering covenants, conditions, or restrictions that will ensure uniformity with existing development of the area.

Commissioner Waite added that if the City does not change the zoning of the property, it will allow for larger lot sizes that could accommodate even larger homes. Vice Chairman Mason agreed and stated he does not believe the Commission has the authority to restrict lot sizes. If a property owner so desires, they can develop a lot that is larger than the minimum lot size.



[redacted]

LEGISLATIVE ITEMS:

9. **ZMA 2020-17 PUBLIC HEARING, CONSIDERATION, AND RECOMMENDATION REGARDING REZONING THE LAND LOCATED AT APPROX. 2175 N 850 E FROM RE-20 TO R-1-12.5**
PRESENTER: ROB SCOTT, PLANNING DIRECTOR

BACKGROUND

The applicant is requesting a zone change for the property located at approximately 2175 North 850 East from Residential Estate (RE-20) to Residential (R-1-12.5). The request is part of the next phase of the Coldwater Meadows subdivisions, amending Phase 2 along with the new Phase 3. The rezone is a precursor to the subdivision consideration. The previous phases were approved with the R-1-12.5 zone designation.

The property is located at the east end of the 2175 North stub and will be extended to accommodate the proposed 3 lots. (See Exhibits A and B)

CONFORMANCE WITH GENERAL PLAN

The proposed subdivision meets the requirements of applicable North Ogden City ordinances and conforms to the North Ogden City General Plan. The General Plan map calls for this property to be developed as low density residential and is within the Coldwater Neighborhood.

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.

General Guidelines:

- A definite edge should be established between the types of uses to protect the integrity of each use, except where the mixing of uses is recommended in the General Plan.
  Staff Comment: The low-density general plan designation calls for a variety of single-family zones including the R-1-12.5 zone. This rezone application will allow for the next phase of the Coldwater Meadows subdivision while boarding agricultural lands to the north.
- 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: This parcel is the next phase of transitioning from agriculture to residential.
- Where possible, properties which face each other across a local street, should be the same or a similar zone. Collector and arterial roads may be sufficient buffers to warrant different zones.

Staff Comment: This parcel is located on a local street and will have the same R-1-12.5 zone.

- 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 does not cut across individual lots.

Residential Guidelines:

- Avoid isolating neighborhoods.
  Staff Comment: The proposed zone change will not isolate the existing neighborhood.
- Require excellence in design.
  Staff Comment: A building permit will be processed for the future home and accessory building meeting city standards.
- Consider development agreements to assure higher quality development.
  Staff Comment: No development agreement is proposed.

The memo offered a summary of Planning Commission considerations:

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

The memo concludes staff recommends the Commission conduct the public hearing and receive public comment, consider the General Plan rezoning guidelines, and make a recommendation to the City Council. Staff recommends approval of the rezone from RE-20 to the R-1-12.5 zone. The Planning Commission can find that this application is consistent with the General Plan.

Mr. Scott reviewed his staff memo.

Chairman Thomas stated that if meeting participants addressed the Commission under the previous agenda item and they have nothing additional to add regarding the proposed zone change, it is not necessary to repeat those comments.

Vice Chairman Mason added that it is appropriate for anyone speaking to address their comments to the Planning Commission, not the applicant or any other individual who has spoken.

a. Public Hearing

Chairman Thomas opened the public hearing at 9:36 p.m.

Amy Lindblom, 867 E. 2175 N., used the Zoom chat feature to note that the homes in the area are 2,000 to 2,700 square feet; none of them have basements. She noted her comments under the previous agenda item are the same for this item.

Bradley Shirra, 2128 N. 800 E., stated he would restate the comments he made under the previous agenda item.

Commissioner Waite made a motion to close the public hearing. Vice Chairman Mason seconded the motion.

Voting on the motion:

Chairman Thomas	**aye**
Vice Chairman Mason	**aye**
Commissioner Arner	**aye**
Commissioner Barker	**abstain**
Commissioner Lunt	**aye**
Commissioner Nancarrow	**aye**
Commissioner Waite	**aye**

The motion carried.

The public hearing closed at 9:38 p.m.

b. Consideration and Recommendation

Vice Chairman Mason stated that he feels the zoning designation that has been requested is appropriate for the area; he feels it will provide an appropriate transition between existing development and future development of raw ground to the north.

Commissioner Nancarrow stated that the residents who spoke were addressing the neighborhood that consists of R.W. Custom homes. That property is currently zoned R-1-12.5 and it seems to her that changing the zoning of this subject property to R-1-12 is consistent with development that has occurred in the area. Vice Chairman Mason agreed, but noted that he appreciates the comments that were made by the public.

Commissioner Mason made a motion to forward a positive recommendation to the City Council regarding application ZMA 2020-17, rezoning the land located at approximately 2175 N. 850 E. form RE-20 to R-1-12.5, based on the findings and subject to the conditions listed in the staff report. Commissioner Waite seconded the motion.

Voting on the motion:

Chairman Thomas	**aye**
Vice Chairman Mason	**aye**
Commissioner Arner	**aye**
Commissioner Barker	**abstained**
Commissioner Lunt	**aye**
Commissioner Nancarrow	**aye**
Commissioner Waite	**aye**

The motion carried.

8. CONTINUED DISCUSSION - SUB 2020-17 CONSIDERATION AND ACTION REGARDING PRELIMINARY APPROVAL OF COLDWATER MEADOWS SUBDIVISION, PHASE 3 LOCATED AT APPROX. 900 E 2200 N

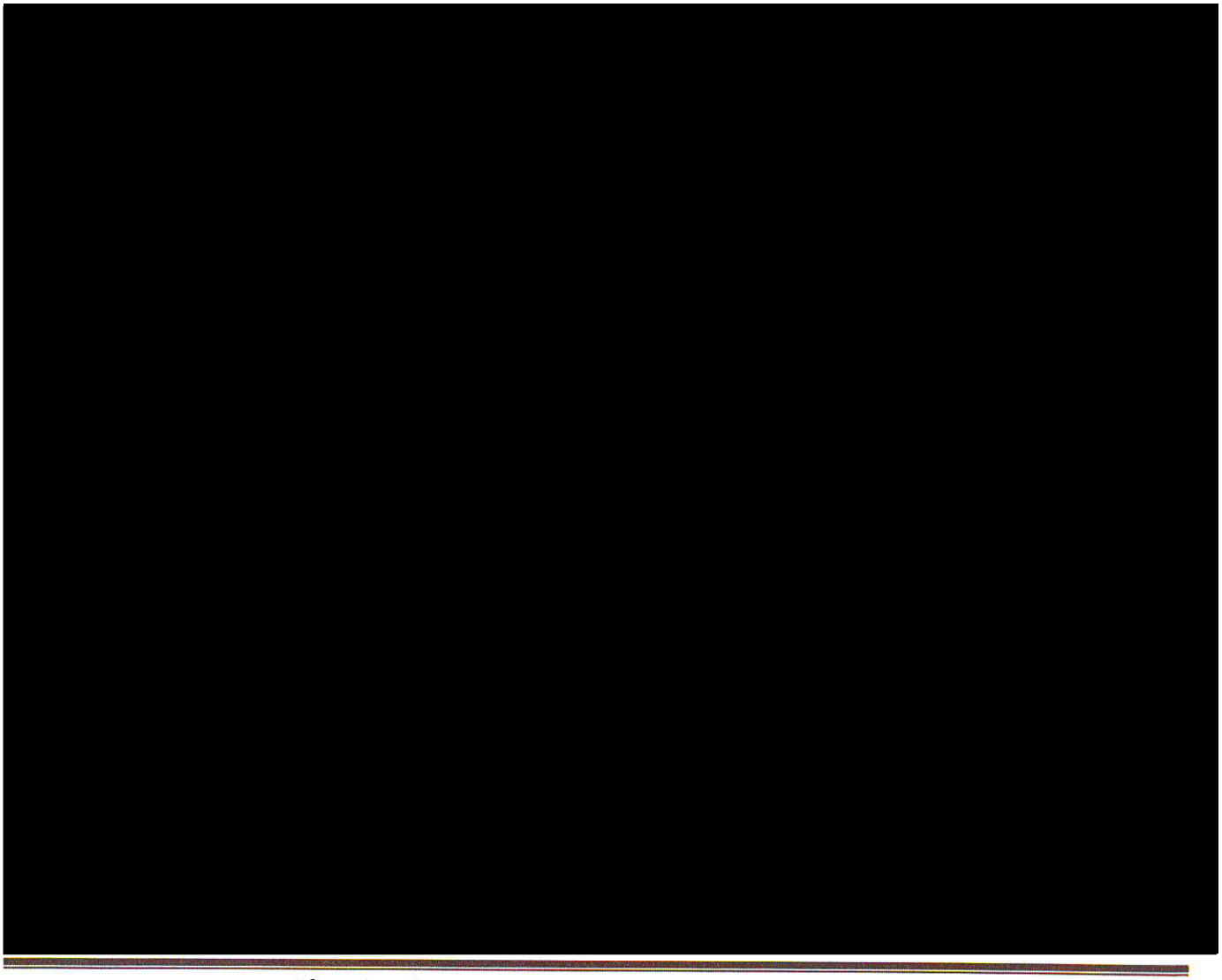
Vice-Chairman Mason again reiterated that he appreciates the comments provided tonight and he can sympathize with the position of those residents who spoke in favor of smaller lots.

Commissioner Nancarrow made a motion to approve application SUB 2020-17, preliminary approval of Coldwater Meadows Subdivision, phase three, located at approximately 900 E. 2200 N., based on the findings and subject to the conditions listed in the staff report. Commissioner Arner seconded the motion.

Voting on the motion:

Chairman Thomas	**aye**
Vice Chairman Mason	**aye**
Commissioner Arner	**aye**
Commissioner Barker	**abstained**
Commissioner Lunt	**aye**
Commissioner Nancarrow	**aye**
Commissioner Waite	**aye**

The motion carried.



Staff Report to the North Ogden City Council

SYNOPSIS/APPLICATION INFORMATION

Application Request:	Review of 2020 Land Use Survey
Agenda Date:	January 12, 2021
Applicant:	North Ogden City

PUBLIC NOTICE:

Mailed Notice:	N/A
Newspaper:	N/A
City Website:	January 8, 2021

STAFF INFORMATION

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

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 conducts periodic updates to the city's land base by conducting a land use survey. The survey identifies the amount of land that is transitioning between various land uses, e.g., since 2014 the city increased in size through annexations by 61 acres to approximately 4,811 acres (7.5 square miles) The survey divides the land base between urbanized and non-urbanized lands with sub-categories. These projections assist in monitoring needed services and the availability of land for future development. (See Exhibit A)

The previous survey was completed in 2014. This survey will be compared to the 2020 Census in regards to tracking trends against the General Plan.

SUMMARY OF LAND USE AUTHORITY CONSIDERATIONS

- What indications for North Ogden's future are contained in the 2021 Land Use Survey?

RECOMMENDATION

Review the 2021 Land Use Survey.

EXHIBITS

A. 2021 Land Use Survey

Land Use Survey

Fall 2020

North Ogden City, UT

Robert O. Scott, AICP, Planning Director

Kai Johnsen, Planning Technician

Julian Berg, Planning Intern

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General Information

In the fall of 2020, the North Ogden City Planning Department conducted a periodic update land use survey to measure growth trends in North Ogden City. The survey is a measuring tool to monitor growth in relation to the city's General Plan. The first land use survey was conducted in 2014.

Aerial and street photographs, city parcel data and boundaries, and field analysis were used to complete this survey. GIS software was used to compile and process data, update the previous land use map, and calculate the land area totals for different land use categories. Figure 1 and Tables 2 and 3 summarize the results of the survey.

As of October 2020, the amount of land incorporated by North Ogden City is approximately 4,811 acres, or just over 7.5 square miles. The city has annexed 61 acres from its 2014 size of 4,750 acres, an increase of 1.3%. The city has the potential to increase its size to over 5,600 acres when potential annexation lands are included.

Land Use Groups

The 2014 Land Use Survey format was used in order to make an effective comparison. The survey land uses have been grouped into two categories: *Urbanized* and *Non-Urbanized*. The *Urbanized* land category includes all urban and suburban uses of land (e.g. schools, roadways, residential, parks, commercial etc.). The *Non-Urbanized* category includes land used for agriculture/pasture, vacant or undeveloped land, and unincorporated land within and adjacent to the city.

Urbanized Land Uses

Land uses within the Urbanized group are *Residential, Institutional, Parks and Recreation, Commercial, Open and Common Space,* and *Roadways*. Altogether these land uses account for 65% of the total land in North Ogden, approximately 5.75 square miles or 3,568 acres (Table 1). The amount of urbanized land has increased from 3,172 acres in 2014 to 3,568 acres in 2020, a growth of 11%, continuing the city's trend of becoming increasingly urban.

Residential Use

Residential land use is the most significant land use within the urbanized land group. The total land area for residential land use is 3.5 square miles or 2,261 acres, making up 40% of all the urbanized land in North Ogden City. The residential land use category has been separated into three categories based on density.

Low Density Residential (Single Family)

This category represents single family housing and is the largest land use within the city. It comprises 61% of all urbanized land and 39% of the total land area of North Ogden City. Single family housing is located throughout the city. It has increased from 1,925 acres in 2014 to 2,193 acres in 2020.

Medium Density Residential (Multi Family)

Land is considered *Medium Density Residential* wherever there are two dwellings that share a common wall, a house has been converted into a two-dwelling structure, or townhomes are found. The total area for this category represents .63% (36 acres) of the total land area of North Ogden City. This category is mainly townhomes and two-dwelling structures situated mostly in the west central part of the city but are present elsewhere.

High Density Residential (Multi Family)

Land is considered *High Density Residential* wherever 3 or more dwellings share a common wall or are on the same property, excluding townhomes. The total land area of this category represents .57% (32 acres) of the total land area of North Ogden City. Apartment complexes and buildings are the most common instance for this category, but others such as retirement homes are within this category as well.

Institutional Use

The primary feature of the *Institutional Use* category is government owned buildings or facilities.

Religious buildings, cemeteries, health clinics, and schools all have been placed here as well due to their public or semi-public natures. All utility facilities, such as electrical or water works, have been deemed an institutional use based on the public services they provide. Institutional land area represents 7% of all urbanized land and 4.6% of all land in North Ogden, totaling 260 acres. This land use has decreased by 80 acres from the 2014 survey, due to corrections and clarifications in determining land use.

Parks and Recreation

All public lands that have been designated for outdoor recreational uses have been included in this category, except those which have yet to be developed. This category represents 3% of all urbanized land and 2% (113 acres) of all land of North Ogden City. This land use has grown slightly from the 2014 survey, mostly due to recreational areas such as the McGriff Canal Trail being placed within this land use category.

Commercial

Commercial properties are mainly found along Washington Boulevard (400 East), which accommodates the flow of traffic to and from businesses. Commercial land use accounts for about 3% of urbanized land and 1.7% of all land in North Ogden City and has increased from 90 acres in 2014 to 97 acres in 2020. Most new commercial development is continuing alongside the city's main throughway Washington Boulevard.

Open and Common Space

This is a new land use category that was not included in the 2014 survey. Open and Common space is mostly land that is collectively used by individual communities, such as homeownership associations (HOA) and apartment complexes. This category also includes land that is commercially or institutionally owned where there is active landscaping and no fencing/barricades. As a land use it represents about 6% of all urbanized land and 3.5% of all land in North Ogden City. This land use is located primarily in the northern part of the city where there are several HOAs and west of Washington Boulevard where there are several apartment complexes/communities, however there are pockets of this land use located throughout the city.

Roadways

The roadway category includes all right-of-ways pertaining to public and private transportation. Roadways account for 18% (630 acres) of all urbanized land and 11% of all land in North Ogden City. This category has grown slightly from the 2014 survey due to new subdivisions being built throughout the city. Only existing roadways were included in this category.

Non-Urbanized Land Use

The Non-Urbanized land use group consists of three land uses: *Agriculture or Pasture, Vacant or Undeveloped*, and *Unincorporated* Land. These land use categories cover all existing agricultural fields, pasture fields, vacant lots, and some land in unincorporated Weber County within and adjacent to the city. Altogether these land uses comprise 37% of the total land use in North Ogden City, totaling 2,103 acres (3.3 sq. miles). Non-Urbanized land has decreased significantly from 2,811 acres in 2014 when it totaled 47% of land use in the city.

Agriculture or Pasture

Agriculture or pastoral land uses represent 18% (373 acres) of non-urbanized land and 6.6% of all land area in North Ogden City. It has decreased from 572 acres in 2014, continuing the city's pattern of increasing urbanization. Many previous agriculture/pasture fields have been converted

into residential areas, which is an explanation for why residential land use has continued increasing since the 2014 survey.

Vacant or Undeveloped

All lands that did not have a distinguishable use were placed into this category. This category represents 41% of all non-developed land, and 15% of all land in North Ogden City. Vacant land has decreased from 1,008 acres in 2014 to 870 acres in 2020, which is most likely due to increased residential and commercial development.

Unincorporated Land

Unincorporated land is land that is administered by Weber County. The North Ogden City General Plan has identified unincorporated lands that are projected for annexation within the North Ogden City boundary declaration. As a land category it represents 41% (860 acres) of non-urbanized land and 15% of all land in this study. There are a multitude of unincorporated land islands within North Ogden City, but the majority of this land is located to the east and north of city boundaries.

Unincorporated land in and around North Ogden City has been used as a measurement of potential expansion of the city limits. In the 2014 survey it was estimated that potential city growth could expand to a total of 5,982 acres in cooperation with surrounding cities and Weber County. Since 2014 the potential expansion total has declined to 5,671 acres, a decrease of 312 acres, as a result of modifications made to the annexation declarations of North Ogden, neighboring cities, and other government bodies. The current land area of this city is approximately 4,811 acres, which matches the 860 acres of unincorporated land available for potential future annexation.

Conclusion and Discussion

While the results of the 2014 land use survey don't completely follow the findings of the 2020 survey the city has continued development patterns that were found in the 2014 survey. The primary change occurring in North Ogden City is the transition of agriculture and pasture land into urbanized land uses, as shown in Table 2. Between 2014 and 2020 the *Non-Urbanized* land group has been reduced by 708 acres and the *Urbanized* land group has increased by 396 acres. New development primarily is taking place on previously non-urbanized land, which explains some offset in the values between these two land use categories.

The significant difference in the non-urbanized land group compared to the 2014 survey is the adjustment towards what is included in the unincorporated land group. The potential city boundary (Figure 1) illustrates what land could potentially become annexed into the city. It has decreased from 1,231 acres in 2014 to 860 acres in 2020 as the boundary has been adjusted to only include land parcels that are privately owned. Removed unincorporated land parcels from the 2014 survey were primarily federally and state owned that were steep and environmentally sensitive in nature. While this reduction is mainly from the changes in potential boundary consideration, the city has annexed 61 acres of previously unincorporated land since the 2014 survey was conducted.

The main source of development in North Ogden comes from *Low Density Residential* housing development occurring on previously non-urbanized land. All approved and/or under construction city projects relating to housing development have been included in this survey in order to be as approximate as possible. *Medium* and *High Density Residential* has overall decreased since the 2014 survey because it was taken into consideration what land uses occurred in these areas, for example most areas marked medium/high residential in 2014 were adjusted in this survey to include open/common space because that was a significant portion of what the land was used for. medium and high density residential development is increasing in North Ogden, but is still relatively small compared to the amount of single family housing.

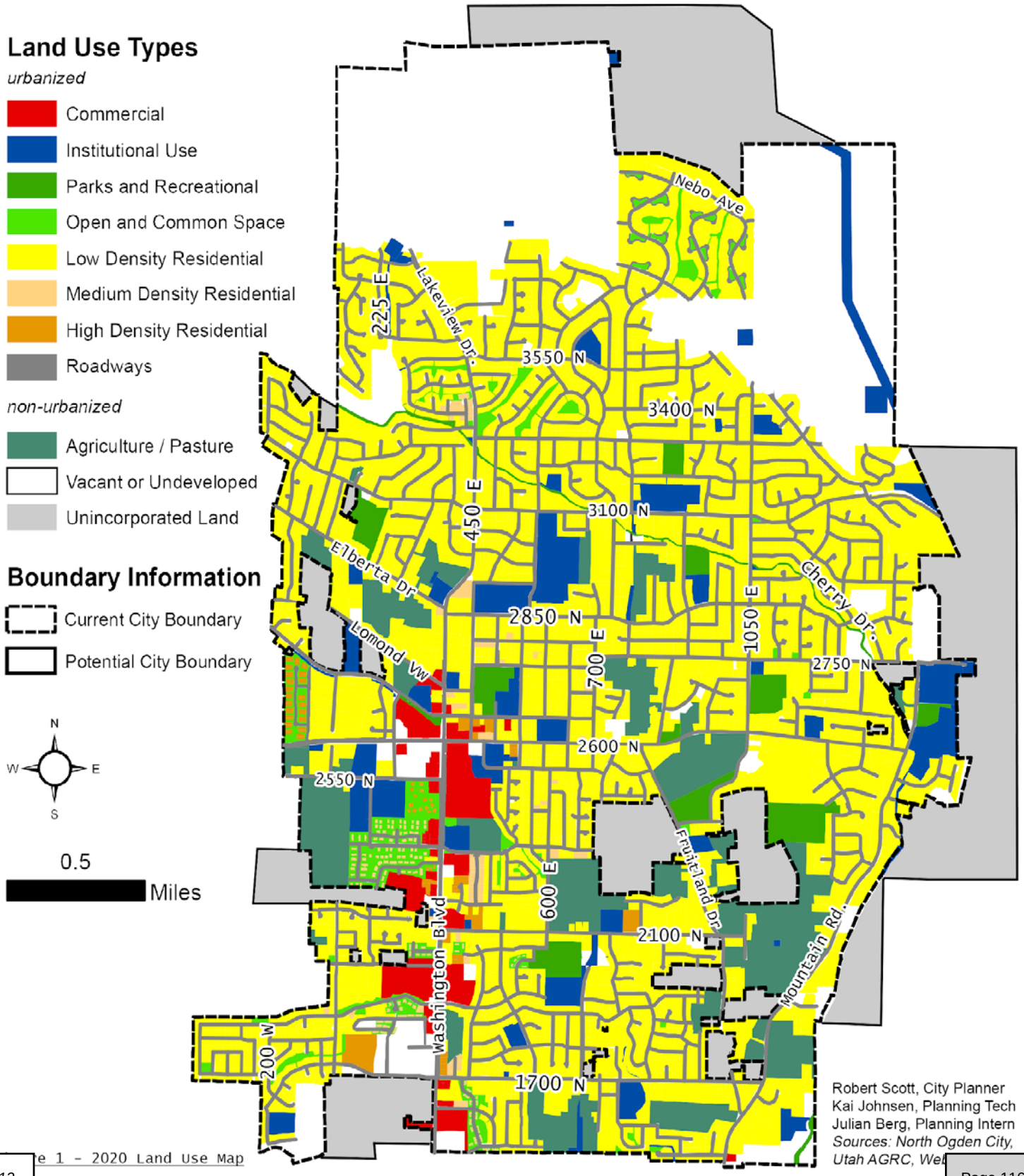
Institutional Use has decreased compared to the 2014 survey because of adjustments made in determining what constituted institutional use. For example, many areas marked as institutional use in 2014 were changed to vacant/open and common space because current land use more accurately represented these land use categories.

The *Commercial, Roadways,* and *Parks and Recreation* land use groups witnessed small increases from the 2014 survey, and if patterns continue these groups should increase in size as the city becomes increasingly urbanized.

Non-urban land uses are likely to continue being developed as North Ogden's population increases due to the city's expansion restrictions. The city is bordered by mountains to the east and north and other cities to the west and south, which limits most outward growth beyond city boundaries. As indicated by urbanization growth in the city since the 2014 survey the city will continue to urbanize, and most of the land for this growth will likely come from *Non-urban* vacant/agricultural land areas. Potential expansion of city boundaries is another growth avenue.

Existing Land Use
North Ogden City, Utah
Fall 2020 Survey

NORTH OGDEN CITY
SETTLED 1851



Robert Scott, City Planner
Kai Johnsen, Planning Tech
Julian Berg, Planning Intern
Sources: North Ogden City, Utah AGRC, Web

Figure 1 - 2020 Land Use Map

Table 1 - Existing Land Uses in North Ogden City

Land Use	Sq. Miles	Acres	Percent of Total
Urbanized			
Commercial	0.151	96.639	1.70%
Institutional Uses	0.406	259.83	4.58%
Parks and Recreational	0.177	113.279	2.00%
Open and Common Space	0.323	206.719	3.64%
Low Density Residential	3.427	2,193.28	38.68%
Medium Density Residential	0.056	35.84	0.63%
High Density Residential	0.05	31.997	0.57%
Roadways	0.985	630.4	11.11%
Urbanized Totals	*5.575*	*3,567.98*	62.91%
Non-Urbanized			
Agriculture/Pasture	0.583	373.12	6.58%
Vacant or Undeveloped	1.359	869.76	15.35%
Unincorporated Land	1.344	860.16	15.16%
Non-Urbanized Totals	*3.286*	*2,103.04*	37.09%
Land Area Totals	**8.861**	**5,671.02**	**100.00%**

**Totals include potential annexation lands*

Current city size is 7.517 square miles (4,810.87 acres)

Table 2 – Land Use Area Differences 2014 to 2020

	Land Area - Acres		
Land Use	2014 Survey	2020 Survey	Difference
Commercial	90	97	7
Institutional Use	340	260	-80
Manufacturing or Industrial	2	0	-2
Park or Reacreational	97	113	16
Open and Commonspace	n/a	207	207
Residential - Single Family	1,925	2,193	268
Residential - Multi Family	94	68	-26
Roadways	624	630	6
Urbanized Total	*3,172*	*3,568*	*396*
Agriculture/Pasture	572	373	-199
Vacant or Undeveloped	1,008	870	-138
Unincorporated Land	1,231	860	-371
Non-Urbanized Total	*2,811*	*2,103*	*-708*
Total	**5,983**	**5,671**	**-312**

Appendix

Land Use Category Descriptions: Based on A Planners Dictionary *by the American Planning Association.*

Agriculture or Pasture Land: Land in active agricultural or horticultural use, or on which livestock or farm animals are allowed to graze.

Commercial: Any structure or premises used for wholesale or retail purposes on which the property user or employees are engaged in work for which it is intended that compensation be received for goods or services.

Unincorporated Land: Parcels or areas of land that are unincorporated by any city, remain in Weber County jurisdiction, and are included in North Ogden City's annexation declaration.

Institutional Uses: A nonprofit or quasi-public use, such as a religious institution, library, public or private school, hospital, or government-owned or government-operated structure or land used for public purpose (excluding city parks).

Parks and recreational: A public or private area of land, with or without buildings, intended for outdoor active or passive recreational uses.

High Density Residential: Apartment/condominium buildings with three or more attached dwellings (excluding townhome structures).

Medium Density Residential: Semi-detached dwellings, single-family attached or detached dwellings, two-family dwellings, or townhouse dwellings.

Low Density Residential: Single-family detached dwellings.

Roadways: All property dedicated or intended for public or private road, street, alley, highway, freeway, or roadway purposes or to public easements, therefore.

Vacant or Undeveloped: Land or buildings that are not actively used for any purpose.

Common/Open Space: Land within or related to a development, not individually owned or dedicated for public use, that is designed and intended for the common use or enjoyment of the residents of the development and may include such complementary structures and improvements as are necessary and appropriate.

Land Use Survey Assumptions and Guidelines

Aside from the generalized categories, other guidelines are set which provide rules for land use assignments. The following assumptions were established to serve this purpose. The land use assessment was done using 5-inch resolution aerial imagery from Spring 2018, downloaded from the Utah AGRC (gis.utah.gov) as well as imagery from Google Maps (aerial, satellite, and street-side images) and parcel data information from the Weber County planning department. Field analysis was also used as needed.

Dividing Mix-Use Parcels

Any residential parcel with 1.80 acres and larger that also contained an agricultural or pasture area was a candidate for separation into different uses. The separation was made based on area boundaries, such as fences or lawn extent, and a new acreage was calculated. Separation was only made in these areas where there was a determinable development of an agriculture field. If a residential parcel only contained undeveloped grass or weeds it was included as a residential land use because it is owned by the property owner(s).

If a residential/agriculture parcel was smaller than 1.80 acres but its agricultural area bordered a neighboring, larger agricultural area, the land use was separated between the two categories. Parcels which are smaller than 1.75 acres containing agriculture/pasture and not bordering larger areas remained the residential category.

Determining Residential Uses

Three categories were used for residential land uses. Low Density – Contains parcels that have a single dwelling on the property. Medium Density – Contains parcels which have two dwellings, townhomes, or duplexes on the property. A dwelling with a basement or side apartment was also included. High Density – Contains parcels with 3 or more dwellings on the property, excluding townhomes. Recently platted parcels without developed housing on them fall into the category that the development will follow. Older lots that remain undeveloped move into the Vacant or Undeveloped category.

NORTH OGDEN CITY
SETTLED 1851

NORTH OGDEN CITY
STAFF REPORT

TO: MAYOR AND CITY COUNCIL
FROM: JON CALL, CITY MANAGER/ATTORNEY
SUBJECT: ANIMAL CONTROL ORDINANCE
DATE: 1/6/2021

The Animal Control Officer identified some issues in the ordinance as her office has been working through a dangerous animal abatement. I have reviewed the ordinance with her and we have proposed the following changes.

1. Make appropriate changes to langue regarding requirements for the animal control officer to be a sworn officer or special functions officer.
    a. We have occasionally had individuals who have various certifications, however, I do not believe it should be a requirement.
2. Make appropriate changes to change the individual who orders abatement of animals to the Administrative Law Judge/Administrative Hearing Officer as opposed to the justice court.
    a. This change is recommended by the state through our Justice Court Judge. The state has concerns with judges handling any items which are not entirely criminal in nature. Abatement of animals is not a criminal offense.
3. Formalizing the City policy that if somebody has an unlicensed dog when they pay their fine a portion of that fine, if paid within 30 days, is applied to the license fee to bring the animal into compliance.
4. The final change is to eliminate all the ordinances which are regulating business activities which may no longer be needed, or are covered under the City's business licensing and zoning provisions.
    a. This is a large section, but is tied to the discussion related to breeding animals had by the Council at the meeting in December.

ORDINANCE 2021- ___

AN ORDINANCE REGULATING THE ANIMAL CONTROL ORDINANCES

WHEREAS; The City has several residents who own and raise animals and

WHEREAS; The City has sought to protect residents, animals, and neighbors; and

WHEREAS; The City has adopted various provisions regulating animal ownership; and

WHEREAS; The City desires to clarify its ordinances to correspond with best practices and other changes to benefit North Ogden residents.

NOW THEREFORE, BE IT ORDAINED by the North Ogden City Council that the North Ogden City Code be amended as follows.

SECTION 1: The North Ogden Code Title 6 Chapter 1 Section 2 be amended to read as follows.

6-1-2: ADMINISTRATION

A. Animal Control Supervisor And Animal Control Officers:
   1. The office of animal control supervisor is hereby created. The chief of police is appointed to be the city's animal control supervisor until another person is appointed to the position by resolution of the city council. The chief of police, with the consent of the city council, may designate an officer to act as the city's animal control supervisor.
   2. The animal control supervisor may appoint such other animal control officers as he shall deem necessary and for which the city council has allocated funding.
   3. Animal control officers shall be considered employees of the police department.
   4. Each animal control officer shall:
      ~~a. Be either:~~
         ~~(1) A law enforcement officer as defined in Utah Code §§ 53-13-102 and 53-13-103,~~
         ~~(2) A special function officer as defined in Utah Code §§ 53-13-102 and 53-13-105, or~~
         ~~(3) Certifiable as a law enforcement officer or special function officer within twelve (12) months of accepting a position as an animal control officer,~~
      a. ~~b.~~ Take an oath of office,
      b. ~~c.~~ Have authority to enforce the provisions of this chapter,
      c. ~~d.~~ Be primarily engaged in the enforcement of this chapter and/or state laws relating to the control of animals.
   5. The animal control supervisor, animal control officer or police officer shall have authority to apprehend and impound any animal found in violation of this chapter, including:

a. Animals for which a license is required which are found without a license, and
b. Animals which are at large.

6. In enforcing this chapter, the animal control supervisor, animal control officers and other peace officers are authorized to enter into the open premises of any person to take possession of any animal involved in the violation of this chapter. Nothing in this subsection, however, shall:
   a. Dispense with the need for an arrest or search warrant which would otherwise be required, or
   b. Prevent an animal control officer from pursuing an animal into closed premises when the pursuit has been continuous and the officer has reasonable cause to believe the animal was off the premises in violation of this chapter.
7. Police officers may also enforce the provisions of this chapter.

B. Duties Of Animal Control Supervisor And Animal Control Officers:
   1. The animal control supervisor shall:
      a. Enforce the terms of this chapter and perform other responsibilities assigned to him by the mayor,
      b. Keep adequate records of all animals impounded and all monies collected,
      c. See that all animals and holding facilities in the city are licensed, controlled and permitted in accordance with any applicable ordinances, regulations and/or laws and that all holding facilities are reasonably maintained and cleaned,
      d. Establish, in cooperation with other cities, governmental agencies, humane organizations or others, adequate measures for rabies vaccination and control.
   2. The animal control supervisor may delegate any of the duties described in this subsection to a responsible animal control officer.
   3. Each animal control officer shall:
      a. Enforce this section in all respects pertaining to animal control within the city, including the care and impounding of animals and prevention of cruelty to animals.
      b. Carry out all duties prescribed in this chapter or delegated to the officer by the animal control supervisor or the mayor.

C. Animal Shelter:
   1. The city shall provide suitable premises and facilities for the keeping of impounded animals. The city council may designate any animal shelter maintained by another governmental agency or humane organization as the city's official shelter.

D. Interference With Officer Prohibited:
   1. It shall be unlawful for any person to interfere with the animal control supervisor, any animal control officer or any other peace officer in the discharge of the duties imposed upon him by this chapter.
   2. It shall be unlawful for any person to take any animal out of the custody of the animal control supervisor, any animal control officer, or any other peace officer by stealth, fraud or force.
   3. A violation of this subsection shall be a class B misdemeanor.

SECTION 2: The North Ogden Code Title 6 Chapter 1 Section 3 be amended to read as follows.

6-1-3 ANIMAL LICENSING AND PERMITS

A. License Required:
   1. All dogs over six (6) months of age that reside in the city must be licensed each year. This includes dogs residing in the city that are being kept or used as therapy or service animals and active police service dogs as defined in CCNO 6-1-1.
   2. All animal licenses issued by the city shall expire on December 31 of each year.
   3. All new dogs within the city limits must be licensed.
   4. Violation of this subsection A shall be an infraction.

B. Fees:
   1. The city shall issue animal licenses upon payment of the fees established by the city council by resolution.
   2. Whenever a dog owner moves into the city or a person obtains a dog which will reside in the city the owner will be required to license the dog according to the following. If the dog is licensed between January 1 and June 30 a full year fee will be charged. For dogs licensed between July 1 and December 31 a half year fee will be charged. Half year fees apply only to new dogs.
   3. The city will allow a reduction in animal license fees for dogs which have been spayed, neutered and microchipped, provided that the credit will not be granted unless the owner of the animal presents a certificate from a veterinarian certifying that the dog has been spayed, neutered or microchipped or other proof acceptable to the city. The city council shall set the amount of the discounts by resolution.
   4. All license fees shall be paid at the city offices or another place approved by the city's finance director.
   5. No refunds of license fees shall be made for any reason, unless they are approved by the animal control officer.
   6. Owners who fail to license their dogs by March 1 of each year shall be subject to a late fee. The amount of the late fee shall be set by resolution of the city council.
      a. Fees for failure to license shall be reduced when Owners comply with licensing requirements, by the amount of animal licensing fees paid by Owners within 30 days of citation.

C. Application For License:
   1. Before obtaining a license for an animal, the owner of the animal shall complete an application for license. The application shall be submitted on forms prepared by the city and shall contain:
      a. The name, address and telephone number of the owner,
      b. The number of dogs residing at that address,
      c. The name, breed, color and sex of each dog residing at that address,
      d. Whether the dog has been spayed, neutered and/or microchipped, and
      e. Rabies vaccination expiration date.

2. The applicant shall supply proof that the animal to be licensed has up to date rabies vaccinations.
3. The applicant shall present proof of his or her identity and age at the time he or she submits the application to the city.
4. The city shall not issue animal licenses to persons younger than eighteen (18) years of age, unless that person is an emancipated minor.

D. Tags:
1. Upon payment of the license fee and any other fees or assessments, the city shall issue a license tag to the owner of the animal.
2. Every owner shall provide each of his or her dogs with a collar to which the tag may be affixed and shall ensure that the dog constantly wears the collar and the tag.
3. If an owner loses the license tag, the city will issue a replacement tag as follows:
   a. The owner shall certify that the tag was lost,
   b. The owner shall present a receipt showing that he or she paid the license fee for that year, and
   c. The owner shall pay a replacement tag fee set by resolution of the city council.
4. Animal license tags are not transferable from one animal to another.

E. Tag Removal Or Transfer Prohibited:
1. It shall be unlawful to deprive a licensed dog of its collar and tag. It shall also be unlawful to place a license tag on an unlicensed dog. Violation of this subsection shall be an infraction.

F. Prohibited Acts: The following actions are prohibited:
1. Keeping any animal other than a household pet (as defined in CCNO 6-1-1) within the residential areas of the city unless such animal is a qualifying service, therapy dog or "active police service dog" as defined in CCNO 6-1-1 and obtains and possesses an appropriate permit and business license as described hereunder:

   a. A permit as described in subsection L, "Other Animal Related Businesses Including Service Dog And Therapy Dog Related Businesses", of this section; and
   b. A business license as described in CCNO 4-1.
   c. Recognized therapy animal related businesses are limited to use of therapy dogs and may only be kept and/or operated by a professional person who is currently and properly licensed by the Utah division of occupational and professional licensing as a clinical social worker, psychiatrist, medical doctor, marriage and family therapist, physician's assistant, or nurse practitioner. Proof of such current licensing shall be required at the time of application for a permit and for any permit renewal under this subsection.
   d. Keeping of therapy dogs or therapy dogs in training or operation of a therapy animal related business by any persons who do not meet the above stated professional licensing requirements shall be strictly governed by other animal ordinances contained in this code as they apply generally to animal owners including limits on animal ownership numbers.
2. Keeping "domesticated animals" (as defined in CCNO 6-1-1) outside of the RE-20 and R-1-8(AG) zones of the city.

3. Keeping any dangerous animal in the city, except as permitted in subsection I of this section or CCNO 6-1-6A.
4. Capturing any "wild animal" (as defined in CCNO 6-1-1) in the city, except that residents may trap wild animals that have become a nuisance under the supervision of an animal control officer.
5. Keeping swine (including potbellied pigs) at any location in the city.
6. Keeping any "wild animal" (as defined in CCNO 6-1-1) in the city.
7. Operating an animal boarding establishment, pet shop, grooming parlor, riding school, riding stable, or any other animal related business where not in compliance with City zoning ordinances and business license provisions. ~~without first obtaining:~~

   ~~a. An animal board permit as described in subsection G of this section; and~~

   ~~b. A business license as described in CCNO 4-1.~~

8. Keeping, care for, ownership, or possession of three (3) or more dogs over six (6) months of age in the city without a kennel permit as described in subsection H of this section unless otherwise authorized under the exceptions described in subsection F14 or M of this section. Furthermore, it is unlawful at any household address for any person or persons to keep or possess a total of five (5) or more dogs over six (6) months of age including any combination of pets (limited to 2 pets per household address), any licensed therapy dogs and active police service dogs. In the event any person or persons at any household address owns, possesses or keeps any dogs as pets, such pet dogs shall count when calculating the total number of dogs (pet dogs, therapy dogs and active police service dogs) that may be permitted at any household or address.

~~9. Operating a pet shop without first obtaining:~~

~~a. A pet shop permit as described in subsection I of this section; and~~

~~b. A business license as described in CCNO 4-1.~~

~~10. Operating an animal grooming parlor without first obtaining:~~

~~a. An animal grooming parlor permit as described in subsection J of this section; and~~

~~b. A business license as described in CCNO 4-1.~~

~~11. Operating a riding school or stable without first obtaining:~~

~~a. A riding school or stable permit as described in subsection K of this section; and~~

~~b. A business license as described in CCNO 4-1.~~

~~12. Breeding dogs in a residential area without first obtaining:~~

~~a. A dog breeder permit as described in subsection L of this section; and~~

~~b. A business license as described in CCNO 4-1 if the dogs will be sold for a profit.~~

~~13. Operating any other animal related business without obtaining:~~

~~a. A permit as described in subsection L of this section; and~~

~~b. A business license as described in CCNO 4-1.~~

9. ~~14.~~ Keeping, care for, ownership, or possession of a combined total of five (5) or more therapy dogs or therapy dogs in training and dogs kept, cared for, owned or possessed as pets, over six (6) months of age in any zone in the city without a kennel permit as described in subsection H of this section.

~~G. Animal Boarding Establishments:~~

~~1. It shall be unlawful for any person to operate or maintain an animal boarding establishment unless the person first obtains a regulatory permit from the North Ogden building and zoning department in addition to all other required licenses. The application shall include:~~
~~a. The name, address and phone number of the person applying for the permit;~~
~~b. The address of the location where the business will be operated;~~
~~c. The kinds of animals which the person anticipates boarding;~~
~~d. The maximum number of each kind of animal which the boarding establishment will be able to house at any one time;~~
~~e. A copy of the building or site plans for the animal boarding establishment;~~
~~f. The number of employees the boarding establishment anticipates having.~~
~~2. All applications for permits to operate animal boarding establishments shall be submitted with the required permit fee, on a printed form provided by the North Ogden building and zoning department.~~
~~3. The city council shall review all applications for permits for animal boarding establishments and shall grant the permit if it finds:~~
~~a. The animal boarding establishment is an appropriate use in the area proposed for the use;~~
~~b. The facilities (including the number of employees and sanitary facilities) proposed for the animal boarding establishment are sufficient for the number of animals the person is proposing to board;~~
~~c. The animal boarding establishment is unlikely to become a nuisance.~~
~~4. In granting a permit for an animal boarding establishment, the city council may attach conditions to the permit regarding the types of animals which may be boarded at the establishment, the maximum number of animals which may be boarded at any one time and other conditions which the council believes are appropriate for the operation of the particular business.~~

5. ~~The city shall have the authority to suspend or revoke the license of any operator of an animal boarding establishment that is operating in violation of its permit, that is mistreating animals, that has failed to provide adequate facilities for the animals in its care, which has become a nuisance or for other good cause.~~
6. ~~A permit issued under this section may be used only by the person to whom the permit is issued and for the premises for which the permit is issued. If the animal boarding facility is transferred to another owner, the new owner must apply for a new permit. If the permit holder desires to move the animal boarding facility to a new location, the permit holder must obtain a new permit for the new location.~~
7. ~~Permits issued under this subsection G are good for one year and the permit holder shall file a new application each year. The city council need not consider renewal applications unless the permit holder has significantly changed his operations.~~
8. ~~Nothing in this subsection G shall relieve the operator of an animal boarding establishment from the obligation to comply with all business license laws, zoning ordinances, health regulations or other applicable laws, statutes, ordinances, rules or regulations.~~

G. ~~H.~~ Kennels:

1. It shall be unlawful for any person to operate or maintain a kennel unless the person first obtains a ~~regulatory~~ permit from the North Ogden ~~building and zoning~~ planning department, all other required licenses and a conditional use permit as described in the city's zoning ordinance.
2. ~~The application for a kennel permit from the North Ogden building and zoning department shall include:~~
   a. ~~The name, address and phone number of the person applying for the permit;~~
   b. ~~The address of the location where the business will be operated;~~
   c. ~~The services (training, boarding and/or letting for hire) which the kennel will offer to its customers;~~
   d. ~~The kennel's proposed hours of operation;~~
   e. ~~If the kennel will offer boarding services:~~
      (1) ~~The maximum number of dogs the kennel will board at any one time; and~~
      (2) ~~A plan of the facilities which the kennel will use to board the dogs, which must include a separate cage of reasonable size for each dog and a covered shelter for each dog;~~
   f. ~~If the kennel will offer training services:~~
      (1) ~~A description of all training services the kennel will offer (such as basic obedience training, attack training, or training for certified aid animals);~~
      (2) ~~The maximum number of people and dogs who will be allowed in each class; and~~
      (3) ~~A plan of the facility that the operator will use for training classes.~~
3. ~~All applications for permits to operate kennels shall be submitted with the required permit fee, on a printed form provided by the North Ogden building and zoning department.~~
4. ~~The city council will review applications to operate a kennel within the city and shall approve the application if it finds that:~~

~~a. The kennel is an appropriate use in the proposed location;~~
~~b. The kennel's facilities are adequate for the proposed operations; and~~
~~c. The kennel is unlikely to become a nuisance.~~

~~5. In granting a permit to operate a kennel, the city council may set conditions regarding:~~
~~a. The kennel's proposed hours of operation;~~
~~b. If the kennel will offer boarding services, the maximum number of dogs the kennel may board at any one time; and~~
~~c. If the kennel will offer training services, the maximum number of people and dogs who will be allowed in each class.~~

~~6. The city council may suspend or revoke the license of any kennel operator for failing to operate the kennel in compliance with the conditions in the permit, if the kennel becomes a nuisance or for other good cause.~~

~~7. A permit issued under this subsection H may be used only by the person to whom the permit is issued and for the premises for which the permit is issued. If the kennel is transferred to another owner, the new owner must apply for a new permit. If the permit holder desires to move the kennel to a new location, the permit holder must obtain a new permit for the new location.~~

~~8. Permits issued under this subsection H are good for one year and the permit holder shall file a new application each year. The city council need not consider renewal applications unless the permit holder has significantly changed his operations.~~

2. ~~9.~~ Nothing in this subsection H shall relieve the operator of a kennel from the obligation to comply with all business license laws, zoning ordinances, health regulations or other applicable laws, statutes, ordinances, rules or regulations.

~~I. Pet Shops:~~

~~9. It shall be unlawful for any person to operate or maintain a pet shop unless the person first obtains a regulatory permit from the North Ogden building and zoning department, in addition to all other required licenses. The application shall include:~~
~~a. The name, address and phone number of the person applying for the permit;~~
~~b. The address of the location where the business will be operated;~~
~~c. The kinds of animals which will be sold, including the number of animals of each type that the operator anticipates having in the store at any one time;~~
~~d. The hours of operation of the pet shop;~~
~~e. A description of the kinds of commercial animals which will be sold at the pet shop; and~~
~~f. A plan of the pet shop, including plans for complying with all health and sanitary requirements.~~

~~10. All applications for permits to operate pet shops shall be submitted with the required permit fee, on a printed form provided by the North Ogden building and zoning department.~~

~~11. The city council shall review all applications for pet shop permits and shall grant the permit if it finds that:~~
~~a. The pet shop is an appropriate use in the location proposed;~~

b. The facilities are adequate for the proposed pet shop;
c. The pet shop is unlikely to become a nuisance.

12. In granting a permit to operate a pet shop, the city council may set conditions regarding:
    a. The pet shop's proposed hours of operation;
    b. The number of each type of animal which the pet shop may have at any given time;
    c. The kinds of commercial animals which may be sold in the pet shop; and
    d. The facilities to be used to ensure that the pet shop does not become a health hazard.
13. The city council may suspend or revoke the license of any pet shop operator for failing to operate the pet shop in compliance with the conditions in the permit, if the pet shop becomes a nuisance, if the pet shop becomes a health hazard, or for other good cause.
14. A permit issued under this subsection I may be used only by the person to whom the permit is issued and for the premises for which the permit is issued. If the pet shop is transferred to another owner, the new owner must apply for a new permit. If the permit holder desires to move the pet shop to a new location, the permit holder must obtain a new permit for the new location.
15. Permits issued under this subsection I are good for one year and the permit holder shall file a new application each year. The city council need not consider renewal applications unless the permit holder has significantly changed his operations.
16. Nothing in this subsection I shall relieve the operator of a pet shop from the obligation to comply with all business license laws, zoning ordinances, health regulations or other applicable laws, statutes, ordinances, rules or regulations.

J. Animal Grooming Parlors:

1. It shall be unlawful for any person to operate or maintain an animal grooming parlor unless the person first obtains a regulatory permit from the North Ogden building and zoning department, in addition to all other required licenses. The application shall include:

    a. The name, address and phone number of the person applying for the permit;
    b. The address of the location where the business will be operated;
    c. The kinds of animals which will be groomed in the animal grooming parlor;
    d. The number of grooming stations the applicant anticipates including in the parlor;
    e. The hours of operation of the grooming parlor;
    f. The applicant's plans for complying with all health and sanitary requirements.

2. All applications for permits to operate animal grooming parlors shall be submitted with the required permit fee, on a printed form provided by the North Ogden building and zoning department.
3. The city council shall review all applications for animal grooming parlor permits and shall grant the permit if it finds that:

a. The animal grooming parlor is an appropriate use in the location proposed;
b. The facilities are adequate for the proposed animal grooming parlor; and
c. The animal grooming parlor is unlikely to become a nuisance.

4. In granting a permit to operate an animal grooming parlor, the city council may set conditions regarding:

a. The grooming parlor's proposed hours of operation; and
b. The facilities to be used to ensure that the animal grooming parlor does not become a health hazard.

5. The city council may suspend or revoke the license of any animal grooming parlor operator for failing to operate the grooming parlor in compliance with the conditions in the permit, if the grooming parlor becomes a nuisance or a health hazard, or for other good cause.
6. A permit issued under this subsection J may be used only by the person to whom the permit is issued and for the premises for which the permit is issued. If the grooming parlor is transferred to another owner, the new owner must apply for a new permit. If the permit holder desires to move the grooming parlor to a new location, the permit holder must obtain a new permit for the new location.
7. Permits issued under this subsection J are good for one year and the permit holder shall file a new application each year. The city council need not consider renewal applications unless the permit holder has significantly changed his operations.
8. Nothing in this subsection J shall relieve the operator of an animal grooming parlor from the obligation to comply with all business license laws, zoning ordinances, health regulations or other applicable laws, statutes, ordinances, rules or regulations.

K. Riding Schools Or Stables:

1. It shall be unlawful for any person to operate or maintain a riding school or stable, unless the person first obtains a regulatory permit from the North Ogden building and zoning department, in addition to all other required licenses. The application shall include:

a. The name, address and phone number of the person applying for the permit;
b. The address of the location where the business will be operated;
c. The number of horses the applicant anticipates keeping at the riding school or stable;

d. The kinds of classes and other services that the applicant anticipates offering through the riding school or stable;

e. A plan of the riding school or stable, including the stables where the horses will be housed; and

f. he hours of operation of the riding school or stable.

2. All applications for permits to operate riding schools and stables shall be submitted with the required permit fee, on a printed form provided by the North Ogden building and zoning department.
3. The city council shall review all applications for riding school or stable permits and shall grant the permit if it finds that:
    a. The riding school or stable is an appropriate use in the location proposed;
    b. The facilities are adequate for the proposed riding school or stable; and
    c. The proposed riding school or stable is unlikely to become a nuisance.
4. In granting a permit to operate a riding school or stable, the city council may set conditions regarding:
    a. The riding school or stable's proposed hours of operation;
    b. The number of horses the riding school or stable may keep on the property;
    c. The number of people who may be permitted in any single class; and
    d. The facilities to be used to ensure that the riding school or stable does not become a health hazard.
5. The city council may suspend or revoke the license of any riding school or stable operator for failing to operate the riding school or stable in compliance with the conditions in the permit, if the riding school or stable becomes a nuisance or a health hazard, or for other good cause.
6. A permit issued under this subsection K may be used only by the person to whom the permit is issued and for the premises for which the permit is issued. If the riding school or stable is transferred to another owner, the new owner must apply for a new permit. If the permit holder desires to move the riding school or stable to a new location, the permit holder must obtain a new permit for the new location.
7. Permits issued under this subsection K are good for one year and the permit holder shall file a new application each year. The city council need not consider renewal applications unless the permit holder has significantly changed his operations.
8. Nothing in this subsection K shall relieve the operator of a riding school or stable from the obligation to comply with all business license laws, zoning ordinances, health regulations or other applicable laws, statutes, ordinances, rules or regulations.

L. Other Animal Related Businesses Including Service Dog And Therapy Dog Related Businesses:
    1. It shall be unlawful for any person to operate or maintain any business involving the keeping or use of live animals unless the person first obtains a regulatory permit from the North Ogden building and zoning department, in addition to all other required licenses. The application shall include:
        a. The name, address and phone number of the person applying for the permit;
        b. The address of the location where the business will be operated;
        c. The nature of the business;
        d. The kinds of classes and services that the applicant anticipates offering through the business;

e. The number and types of animals that the business will use and the ways in which the animals will be used in the business;
f. A plan of the business showing the facilities for keeping the animals; and
g. The hours of operation of the business.
h. In the case of a therapy animal related business, a copy of the required professional licensing certificate of the applicant.

2. All applications for permits to operate animal related businesses shall be submitted with the required permit fee, on a printed form provided by the North Ogden building and zoning departments.
3. The city council shall review all applications for animal related business permits and shall grant the permit if it finds that:
    a. The animal related business is an appropriate use in the location proposed;
    b. The facilities are adequate for the proposed animal related business; and
    c. The proposed business is unlikely to become a nuisance.
4. In granting a permit to operate an animal related business, the city council may set conditions regarding:
    a. The animal related business's proposed hours of operation;
    b. The number and type of animals the animal related business may keep on the property. In the case of an animal therapy business, such limit shall be four (4) dogs or less;
    c. The facilities to be used to ensure that the animal related business does not become a health hazard.
5. The city council may suspend or revoke the license of any animal related business operator for failing to operate the business in compliance with the conditions in the permit, if the business becomes a nuisance or a health hazard, in the case of a therapy related animal business, for expiration, withdrawal, revocation, or suspension of the applicant's required professional licensing and for other good cause.
6. A permit issued under this subsection L may be used only by the person to whom the permit is issued and for the premises for which the permit is issued. If the animal related business is transferred to another owner, the new owner must apply for a new permit and comply with all requirements of this section. If the permit holder desires to move the business to a new location, the permit holder must obtain a new permit for the new location.
7. Permits issued under this subsection L are good for one year and the permit holder shall file a new application each year. The city council need not consider renewal applications for general animal related businesses unless the permit holder has significantly changed his operations. However, the city council must consider renewal applications for any therapy animal related business.
8. Nothing in this subsection L shall relieve the operator of a general animal related business from the obligation to comply with all business license laws, zoning ordinances, health regulations or other applicable laws, statutes, ordinances, rules or regulations except that owners of service animal related businesses may be authorized to operate such business in any zone.

H. ~~M.~~ Exemptions:

1. Research facilities where bona fide medical or related research is conducted, humane shelters and other animal facilities established by state or local government agencies or which are licensed under federal law shall be exempt from the licensing and permit requirements of this section.
2. Active police service dogs shall be exempt from the limitation of pets per household address as described in subsection F8 of this section.
3. This section shall not apply to individuals whose animals have less than three (3) litters of offspring in a twelve (12) month period. Individuals whose animals have three (3) or more litters of offspring a year shall be required to obtain a kennel permit.

I. ~~N.~~ Inspections: All establishments required to obtain permits under this section shall be subject to periodic inspections by the animal control supervisor or his delegate. The inspector shall make a report of each inspection. The inspector shall give a copy of the inspection to the holder of the permit and shall file the original report with the city. Inspection reports shall be public documents.

J. ~~O.~~ Suspension Or Revocation Of Permits Or Licenses:

1. A permit or license for an animal related business ~~issued under this section~~ may be suspended or revoked or a permit application rejected for any one or more of the following grounds:
   a. Falsification of facts in any permit or license application or in the case of a service animal related business, suspension, expiration, termination or withdrawal of the applicant's required professional licensing;
   b. Violation of any of the provisions of this chapter or any other law or regulation governing the keeping of the permitted or licensed animals, including, but not limited to, noise laws, nuisance laws, building codes, or zoning ordinances;
   c. Conviction on a charge of cruelty to animals or mistreatment of animals, regardless of whether the animals involved in the charge are the same animals permitted or licensed;
   d. Other good cause determined by the ~~city council~~ animal control officer.
2. If an inspection of the premises of any person holding a permit or license under this section reveals a violation of this chapter, the person conducting the inspection shall notify the permit or license holder of the violations by leaving a copy of the inspection report or other written notice with the permit or license holder. If the permit or license holder is not available, the person conducting the inspection may leave the notice with any responsible person over sixteen (16) years of age at the facility. If no responsible person is available, the inspector may serve the notice on the permit or license holder by sending the notice by certified mail to the last known address of the permit or license holder. The written notice shall:
   a. Describe the specific nature of the violations the inspector found;
   b. Establish a specific and reasonable period of time for the permit or license holder or the operator of the facility to correct the violations; and
   c. State that failure to comply with the notice and the terms of this chapter may result in revocation or suspension of the permit or license.

3. If the permit or license holder fails to correct the violations in the time specified in the notice, the inspector shall notify the permit or license holder of the city's intention to revoke or suspend the license or permit. The notice shall:
   a. Give the date, time and place that the ~~city council~~ Administrative Law Judge and/or Administrative Hearing Officer (ALJ/AHO) will consider the matter. The time of the hearing shall be no less than fourteen (14) days from the date of the notice;
   b. Inform the permit or license holder of his or her right to be present at the hearing;
   c. Inform the permit or license holder that if he or she does not appear at the hearing, the city may revoke or suspend the permit or license in the permit or license holder's absence;
   d. Inform the permit or license holder of his or her right to be represented by counsel at the hearing;
   e. Inform the permit or license holder of his or her right to question witnesses presented by the city; and
   f. Inform the permit or license holder of his or her right to call witnesses and present other evidence on his or her own behalf during the hearing.
4. At the time and place set for the hearing, the ~~city council~~ ALJ/AHO shall hold a hearing on whether the permit or license should be suspended or revoked. The city may present witnesses and evidence on the issue and the permit or license holder shall also have an opportunity to present witnesses and evidence. At the close of the hearing, the ~~city council~~ ALJ/AHO shall vote on whether to suspend or revoke the license ~~and the majority vote of the council shall be controlling..~~
5. If the ~~council votes~~ ALJ/AHO decides to suspend the permit or license, it shall set a minimum time of the suspension, which shall be at least six (6) months, and the ~~council~~ ALJ/AHO shall order that the license may not be reinstated until the specified time has run and all of the violations have been corrected.
~~6. A person whose permit or license has been revoked may not reapply for a new license or permit for at least two (2) years.~~

6. ~~7.~~ Notwithstanding the procedures for suspension or revocation above, the animal control supervisor or animal control officer may, without warning or a hearing, suspend any permit or license issued under this chapter if he finds that the condition of the premises of the permit or license holder constitute a substantial and immediate threat to the health, welfare or safety of the residents of the city.
   a. If the animal control supervisor or animal control officer suspends any permit or license under this subsection O7:
      (1) The animal control supervisor or animal control officer shall impound the animals and take other steps to mitigate the threat; and
      (2) The ~~city council~~ ALJ/AHO shall review the action as soon as practicable and the permit or license holder shall be given notice of the hearing.
   b. If the ~~city council~~ ALJ/AHO finds that the animal control supervisor's actions were justified, it shall:
      (1) Order that the permit or license holder pay all costs of impounding the animals;

(2) Order that the permit or license holder pay all remediation costs incurred by the city;
(3) Order that the animals either:
(A) Continue to be impounded until the permit or license holder's premises comply with the provisions of this chapter and any other applicable law, including health and building codes;
(B) Be abated; or
(C) Be made available for sale or adoption to third parties.

K. ~~P.~~ Litter Animals:

1. Notwithstanding the other provisions of this chapter, the owner of a household pet kept in a residential zone which delivers a litter may sell or give away the litter animals under the following conditions:

a. The owner shall have three (3) months to dispose of all of the litter animals which exceed the number of animals the owner may lawfully keep.
b. The owner may sell the litter animals or give them away.
c. The owner may use reasonable methods to advertise the availability of the litter animals, provided that no advertising method may result in a violation of the city's sign or zoning ordinances.

2. No person shall use the provisions of this subsection P to avoid obtaining a business license or a regulatory license described in this section.
a. A person shall be presumed to be using this subsection P to avoid obtaining a business or regulatory license if he sells or gives away more than two (2) litters in a single year.

SECTION 3: The North Ogden Code Title 6 Chapter 1 Section 7 be amended to read as follows.

6-1-7: NUISANCE ANIMALS AND ABATEMENT

A. Nuisance Animals Prohibited: Any owner of any animal(s) causing a nuisance as defined in CCNO 6-1-1 shall be guilty as follows:
1. The owner of an animal that causes any damage to the property of anyone other than its owner shall be guilty of an infraction;
2. The owner of a vicious dog or "vicious animal" as defined herein and kept contrary to CCNO 6-1-6 shall be guilty of a class B misdemeanor;
3. The owner of a "dangerous animal" (as defined herein), which is kept by any person other than a publicly licensed and supervised zoo or zoological garden, a duly authorized and licensed circus or educational institution shall be guilty of a class B misdemeanor;
4. The owner of an animal that causes unreasonable fouling of the air by odors shall be guilty of an infraction;
5. The owner of an animal that causes unsanitary conditions in enclosures or surroundings shall be guilty of an infraction;

6. The owner of an animal that defecates on any public sidewalk, park, building, or private property without the consent of the owner of such private property unless the person owning, having a proprietary interest in, or having care, charge, control or custody of such animal shall remove any such defecation to a proper trash receptacle shall be guilty of an infraction;
7. The owner of an animal that barks, whines, howls or makes other disturbing noises in an excessive, continuous, or untimely or unreasonable manner, which disturbs any person or neighborhood shall be guilty of an infraction.
8. The owner of an animal that molests passersby or chases passing vehicles, including automobiles, trucks, bicycles, scooters or other motorized or unmotorized vehicles shall be guilty of an infraction;
9. The owner of an animal that attacks other animals shall be guilty of a class B misdemeanor;
10. The owner of an animal that is determined by the animal control officer to be a public nuisance by virtue of being offensive or dangerous to public health, welfare or safety shall be guilty of a class B misdemeanor; or
11. The owner of animals that, by virtue of the number maintained, are determined to be offensive or dangerous to the public health, welfare, or safety shall be guilty of an infraction.

B. Abatement Of Nuisance Animals:
1. Notice: When it reasonably appears to the animal control supervisor or any animal control officer that any animal is a "nuisance animal" as defined in CCNO 6-1-1, he or she shall notify the owner of the animal of a hearing with regards to the matter. The notice shall contain a description of the facts supporting the conclusion that the animal is a nuisance animal.
2. Petition: The animal control supervisor or animal control officer shall file with the city's ~~justice court~~ Administrative Law Judge and/or Administrative Hearing Officer (ALJ/AHO) a petition to have the animal declared a nuisance animal and abated. The petition shall set forth:
   a. All facts supporting the allegation that the animal is a nuisance; address of the owner of the animal.
3. Notice Of Hearing: Upon receipt of the petition from the animal control supervisor or animal control officer the ~~justice court~~ ALJ/AHO shall set a hearing in the matter and notify the owner. The hearing shall be held not less than ten (10) days after the date of the notice. A notice of the hearing shall be sent to the owner by certified or registered mail and shall contain:
   a. The date, time and place of the hearing;
   b. A description of the alleged facts supporting the contention that the animal is a nuisance;
   c. A statement that the owner may attend the hearing, may be represented by counsel and may present evidence in his or her own behalf and may cross examine witnesses presented by the city;
   d. A statement that if the owner does not appear at the hearing, the ~~court~~ ALJ/AHO will:
      (1) Accept the allegations of the animal control supervisor or animal control officer as true;

(2) Find that the animal is a nuisance;
(3) Order the destruction of the animal; and
(4) Order the owner to pay the costs of impounding and keeping the animal prior to the hearing and the costs of destroying the animal.

4. Agreement: At any time the owner of the animal may enter into a written agreement stipulating that the animal is a nuisance and a method of abating the animal. The agreement and the method of abating the nuisance shall be approved by the animal control supervisor or animal control officer. If the parties agree that the animal is a nuisance, but are unable to agree on a method of abating the nuisance, the ~~court~~ ALJ/AHO may decide the appropriate method of abating the animal as provided in this subsection B.
5. Hearing: At the time and place described in the notice, the justice ~~court~~ ALJ/AHO shall hold a hearing on the issue of whether the animal is a nuisance and whether destruction or removal of the animal is necessary to abate the nuisance.
   a. If the owner fails to appear at the hearing, the ~~court~~ ALJ/AHO shall find that the animal is a nuisance and order its destruction as set forth herein.
   b. If the owner appears at the hearing, the ~~court~~ ALJ/AHO may consider any evidence presented by the owner or the city which it may consider relevant to determine whether the animal is a nuisance.
   c. The city shall bear the burden of proving that the animal is a nuisance and the measures which are necessary to abate the nuisance. Both issues shall be decided based upon a preponderance of the evidence.
6. Findings: Within ten (10) days of the conclusion of the hearing, the justice ~~court~~ ALJ/AHO shall make findings regarding the animal as described in this subsection.
   a. The justice ~~court~~ ALJ/AHO shall first make a finding regarding whether the animal is a nuisance.
      (1) If the ~~court~~ ALJ/AHO finds that the animal is not a nuisance:
         (A) The ~~court~~ ALJ/AHO need not make any further findings regarding disposition of the animal.
         (B) A finding that the animal is not a nuisance under this subsection shall not preclude a finding that the animal was running at large, barking excessively or otherwise in violation of the law.
      (2) If the ~~court~~ ALJ/AHO finds that the animal is a nuisance:
         (A) It shall also enter a finding regarding the measures necessary to abate the nuisance.
   b. In ruling on the abatement of nuisance animals, the ~~court~~ ALJ/AHO shall proceed as follows:
      (1) The ~~court~~ ALJ/AHO may find that the nuisance may be abated by restricting the animal to the premises of the owner. In that case, the ~~court~~ ALJ/AHO shall order that the animal shall be restricted to the premises of the owner, and the owner's failure to confine the animal to those premises shall be a contempt of ~~court~~ ALJ/AHO.
      (2) The ~~court~~ ALJ/AHO may find that the nuisance may be abated by removing the animal from the city. In that case, the ~~court~~ ALJ/AHO shall order that the animal be removed from the city and any person returning the animal to the

city with knowledge of the ~~court~~ ALJ/AHO's order shall be liable for contempt of ~~court~~ ALJ/AHO.

(3) The ~~court~~ ALJ/AHO may find that the nuisance may only be abated by destroying the animal. The ~~court~~ ALJ/AHO shall find that an animal must be destroyed if:

(A) the evidence presented during the hearing establishes that the animal has made two (2) or more unprovoked attacks on persons, regardless of whether the persons attacked were the owners, members of the owner's household, or any other person,

(B) the first attack is deemed severe enough to warrant destruction in the judgment of the animal control officer. In that case, the ~~court~~ ALJ/AHO shall issue a written order for the destruction of the animal and shall deliver the order to the animal control supervisor. The animal control supervisor shall destroy the animal within five (5) days of the date he or she receives the order unless the destruction is stayed by a ~~court~~ ALJ/AHO of competent jurisdiction. The owner shall pay the costs of destroying the animal.

7. No Bar To Criminal Proceedings: Nothing contained in this subsection B shall prevent or bar the city from proceeding with criminal prosecution of the owner in addition to seeking a determination that the animal is a nuisance.

SECTION 4: This ordinance shall take immediate effect.

PASSED and ADOPTED this th day of 2021.

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:

_____
Susan Nance
Interim City Recorder

NORTH OGDEN CITY
SETTLED 1851

NORTH OGDEN CITY
STAFF REPORT

TO: MAYOR AND CITY COUNCIL
FROM: JON CALL, CITY MANAGER/ATTORNEY
SUBJECT: TRAFFIC VIOLATIONS AND PENALTIES
DATE: 1/6/2021

The current city ordinances have some moving violations as infractions and others as misdemeanors. With recent changes in the state code staff feels it is appropriate to downgrade some offenses to infractions to eliminate mandatory court appearances for these single violations. In situations where a person is guilty of multiple violations they still may need to appear in court, but not on these violations alone.

- Safe and Proper Lookout
- Driving to Right

Staff recommends these changes be approved.

ORDINANCE 2021- ___

AN ORDINANCE REGULATING THE TRAFFIC ORDINANCES

WHEREAS; The City has been given authority by the state to enact ordinances and penalties to regulate traffic and other activities in the City; and

WHEREAS; The City has reviewed it's ordinances and determined that some violation are more severe in the municipality than in the state in general; and

WHEREAS; The City desires to make sure the appropriate penalties are imposed for various traffic violations.

NOW THEREFORE, BE IT ORDAINED by the North Ogden City Council that the North Ogden City Code be amended as follows.

SECTION 1: The North Ogden Code Title 7 Chapter 2 Section 1 and 2 be amended to read as follows.

7-2-1: SAFE AND PROPER LOOKOUT

1. Required: No person shall drive a motor vehicle within the corporate limits of the city in such a manner as to endanger life or property by failing to keep a safe and proper lookout for other traffic, objects or persons.
2. Penalty: Every person convicted of violating the provisions of this section is guilty of an infraction ~~class C misdemeanor~~ and shall be subject to penalty as provided in CCNO 1-4-1.

7-2-2: DRIVING TO RIGHT

1. Required: The driver of a motor vehicle traveling upon roadways within the corporate limits of the city shall hold such motor vehicle under control and as near the right hand edge of the roadway as reasonably possible.
2. Penalty: Any person violating the provisions of this section is guilty ~~of a class C misdemeanor~~ an infraction and shall be subject to penalty as provided in CCNO 1-4-1.

SECTION 2: This ordinance shall take immediate effect.

PASSED and ADOPTED this th day of 2021.

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:

_____

Susan Nance
Interim City Recorder