



**CITY COUNCIL MEETING AGENDA
SEPTEMBER 07, 2021 AT 6:00 PM
505 EAST 2600 NORTH
NORTH OGDEN, UT 84414**

PUBLIC CAN ATTEND:

In person OR

Click the link below to join the webinar: <https://us02web.zoom.us/j/88079718088> Webinar ID: 880 7971 8088

Or Telephone Dial: 1 253 215 8782 or 1 346 248 7799 or 1 669 900 9128

YouTube: <https://www.youtube.com/channel/UCriqbePBxTucXEzRr6fclhQ/videos>

Welcome: Mayor Berube

Invocation & Pledge of Allegiance: Council Member Swanson

CONSENT AGENDA

1. Call for conflict of interest disclosure

ACTIVE AGENDA

2. Public Comments*
3. Discussion on Sensitive Lands Ordinance
Presenter: Scott Hess, Planning Director
4. Discussion on North Ogden Connection Magazine
Presenter: Jon Call, City Manager/Attorney
5. Discussion on the use of America Rescue Plan Act (ARPA) funds from the Federal Government
Presenter: Jon Call, City Manager/Attorney
6. Public Comments*
7. Council/Mayor/Staff Comments
8. Adjournment

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

The Council at its discretion may rearrange the order of any item(s) on the agenda. Final action may be taken on any item on the agenda. In compliance with the American with Disabilities Act, needing special accommodation (including auxiliary communicative aids and service) during the meeting should notify the City Recorder at 801-782-7211 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 2nd day of September, 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 L. Nance, City Recorder

Public Comments/Questions

- a. Time is made available for anyone in the audience to address the Council and/or Mayor concerning matters pertaining to City business.
- b. When a member of the audience addresses the Mayor and/or Council, he or she will come to the podium and state his or her name and address.
- c. Citizens will be asked to limit their remarks/questions to three (3) 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.



Staff Report to the North Ogden City Council – Work Session

SYNOPSIS/APPLICATION INFORMATION

Application Request: Work Session for future consideration on a legislative amendment to create a Sensitive Lands chapter, amend the Development Constraints chapter, and amend the Definitions chapter

Agenda Date: September 7, 2021

Applicant: North Ogden City

File Number: ZTA 2018-03

PUBLIC NOTICE:

Mailed Notice:

Newspaper:

City Website: September 2, 2021

STAFF INFORMATION

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APPLICABLE ORDINANCES

North Ogden Zoning Ordinance Title 11-1-4 (Changes and Amendments)
North Ogden Zoning Ordinance Title 11-25 (Development Constraints)
North Ogden Zoning Ordinance Title 11-2 (Definitions)
North Ogden Zoning Ordinance Title 11-9 (Hillside Protection Zones)

BACKGROUND

For a full background on the item prior to July 20, 2021, please see Exhibit J and review the Staff Report from Rob Scott for the Council meeting on May 11, 2021. Since the time of that meeting, Staff met with representatives of Westside Investment, and landowners in the affected hillside areas to discuss concerns and amendments to the Sensitive Lands ordinance. Westside Development submitted a revised memorandum stating their concerns. Staff reviewed all submitted memos to date and responded to each comment. See exhibits B-F. There are overlaps in staff comments between memos. Issues raised across the multiple memos were relatively consistent.

For tonight's Work Session, Staff is asking the City Council to review the attached memos, staff comments, and the Sensitive Lands ordinance. It is Staff's hope that the City Council will provide direction on the comments in order to bring forward a final draft of the Sensitive Lands ordinance for consideration at an upcoming City Council meeting.

SUMMARY OF LAND USE AUTHORITY CONSIDERATIONS

- Should the City create standards for development on sensitive lands?
- Should definitions be amended regarding open space and trails?
- Is the amendment consistent with the General Plan?

PLANNING COMMISSION RECOMMENDATION

The Planning Commission on a 6 – 0 vote recommends that the City Council adopt the sensitive lands amendment. The Planning Commission found that the amendment is consistent with the General Plan.

EXHIBITS

- A. Sensitive Lands Ordinance Amendment – dated May 11, 2021
- B. Wasatch Civil Memorandum with Staff comments – dated March 16, 2021
- C. Wasatch Civil Memorandum with Staff comments – dated April 5, 2021
- D. Planning and Development Services Memorandum with Staff comments – dated July 20, 2021
- E. Carson Jones Comments with Staff comments – dated April 20, 2021
- F. Richard Hall and Cherie Hall Ensminger Comments with Staff comments – dated April 6, 2021
- G. Planning Commission minutes, March 17, 2021
- H. Planning Commission minutes, April 21, 2021
- I. North Ogden Slope Map – dated July 21, 2015
- J. Sensitive Lands Staff Report, Rob Scott – dated May 11, 2021

ORDINANCE 2021-

AN ORDINANCE OF NORTH OGDEN CITY AMENDING THE ZONING ORDINANCE OF NORTH OGDEN CITY TITLE 11-25 DEVELOPMENT CONSTRAINTS, ADDING A NEW CHAPTER 11-27 SENSITIVE LANDS AND AMENDING 11-2 DEFINITIONS WITH ADDED AND AMENDED DEFINITIONS, AMENDING 11-9-4 SUBMISSION AND REVIEW PROCESS

WHEREAS; The City has sensitive lands that require special investigation prior to development; and

WHEREAS; The City is committed to providing safety regulations throughout North Ogden City; and

WHEREAS; The City desires to protect all residents from geologic and natural hazards and apply safety standards to all developments with the City; and

WHEREAS; The City General Plan element regarding natural hazards identifies the need for standards in North Ogden;

WHEREAS; The North Ogden City Planning Commission has reviewed these standards and conducted a public hearing on the amendment and is recommending the adoption of these standards;

NOW THEREFORE, BE IT ORDAINED by the North Ogden City Council that the North Ogden City Code 11-25 DEVELOPMENT CONSTRAINTS be amended and a new chapter 11-27 SENSITIVE LANDS be enacted. Further that 11-2 DEFINITIONS contain additional and amended definitions, and replacing the HP zone review process in 11-9-4 by referencing the review process in 11-27.

The property which is outlined on Attachment A is hereby adopted and identified as the Sensitive Lands Overlay on the Zoning Map. Generally it consists of all lands north and east of the existing and future Mountain Road alignment.

SECTION 1: Language to be amended:

11-25 DEVELOPMENT CONSTRAINTS

A. PURPOSE AND INTENT:

The purpose of this chapter is to establish minimum standards for grading and drainage to protect the health, safety, and welfare of citizens and property owners.

B. APPLICABILITY:

These standards shall apply to zones within North Ogden City. **Properties within the Sensitive Lands Overlay are subject to 11-27.**

C. Studies Required: Prior to any development or any grading activity within ~~this zoning district~~ **all zoning districts**, the developer or landowner shall provide site specific studies addressing the geomorphology, geology, faults, hydrology, slopes, soils, recharge, vegetation and wildlife, fire, and utility and parks constraints of the site. No development shall take place in any area where development hazards are identified, without mitigating measures, as proposed,

designed and certified by the developer's engineer, taking place that will overcome or protect the area from the identified hazards **as approved by the City Engineer. Study requirements are described in 11-27-7: Appendix A.** ~~These measures must be acceptable to the city council. The city council shall not approve any development proposals until it receives a recommendation of the planning commission and city staff. However, if the city believes it is appropriate, the city may still conduct an independent review of the property. By submitting plans and specifications to the city, the developer agrees to allow the city's engineer, surveyor, or other agents onto the property to conduct further reviews.~~

- ~~1. Determinations: The studies shall make the following determinations:
 - ~~a. Whether the site has constraints to development that are too hazardous to be developed and therefore should not be developed.~~
 - ~~b. What areas of the site can be developed if mitigating measures are taken and the identification of the mitigation measures.~~
 - ~~c. What areas of the site have no hazards to development.~~~~
- ~~2. Sensitive Areas: Development in the sensitive areas shall take place only after the developer's engineer certifies and the city accepts the developer's engineer's conclusion, that development in such areas is safe. However, if the city believes it is appropriate, the city may still conduct an independent review of the property. By submitting plans and specifications to the city, the developer agrees to allow the city engineer, surveyor or other agents onto the property to conduct further reviews.~~
- ~~3. Minimum Building Area Without Development Constraints:
 - ~~a. There shall be a minimum of ten thousand (10,000) square feet of buildable area on each lot or parcel.~~
 - ~~b. The entire building area shall be free of any development constraints. None of the development building area shall be located in an area where development hazards are identified, without mitigating measures, as proposed, designed and certified by the developer's engineer, taking place that will overcome or protect the area from the identified hazards.~~
 - ~~c. Each development area must be a contiguous area not less than eighty feet (80') continuously in width and one hundred feet (100') continuously in depth.~~
 - ~~d. If the development area is not adjacent to the public street, it shall be accessible to the public street with an accessway that is a minimum of thirty feet (30') wide from the public street to the development area. The accessway shall be developed in conformance with the grading standards specified in this chapter.~~~~
- ~~4. Development on natural slopes steeper than 20% shall be prohibited without a request for and approval of a variance submitted to the City including engineering recommendations from a certified and licensed engineer and~~

~~subject to approval of the City Engineer. Any such approved variance, including any additional engineering to accommodate slope development, shall become an enforceable requirement for any development, construction, excavation or other activity on any such slope.~~

- ~~a. Natural slope is considered to be existing undisturbed terrain.~~
- ~~b. These sloped areas shall remain undisturbed even though they may be part of a subdivision lot except as authorized by any approved variance permitting development or other construction activities on any natural slope in excess of 20%.~~
- ~~c. Any area of a lot in excess of 20% natural slope shall not be included when the minimum lot area is calculated for the zone in which the subdivision is to be developed if no variance to this slope restriction has been granted.~~
- ~~d. A Conditional Use Permit shall be required to cross these areas with street improvements.~~

*Adopted by Ord. 2002-16 on 10/8/2002
Amended by Ord. [2009-03](#) on 5/26/2009*

SECTION 2: Language to be added:

11-2: DEFINITIONS

As used in this Chapter, the following words and terms shall have the meanings ascribed to them in this Section:

AVERAGE SLOPE: Shall mean and be determined by the use of the following formula:

A.
$$S = \frac{.00229 (I) (L)}{A}$$

S = Average slope in percent.

.00229 = The conversion factor of square feet to acres.

A = Total number acres in the parcel.

I = Contour interval in feet. The contour interval may not exceed ten feet (10').

L = Summation of the length of all contour lines, in feet, within the parcel.

- B. In the determination of the average slope, the average (A) need not include any part of the site having a slope greater than twenty percent (20%). If such areas are excluded from determination of average slope, their acreage shall not be included as part of the total area of the project site for purposes of determining the number of dwelling units allowed, but may be included with individual building lots.

BUILDABLE LAND: That land within a lot or development site, no part of which has slope exceeding twenty percent (20%).

DEVELOPMENT SITE: Shall mean and include the total perimeters of a subdivision or a planned unit development, or a tract, lot or parcel of land intended to be used as commercial, industrial or institutional use.

GROSS ACREAGE: The total area of the development, including all rights of way and other nonresidential uses.

IMPERVIOUS MATERIALS: Materials that are impenetrable by moisture.

NATURAL OPEN SPACE: Areas of any parcel of land that includes hillsides, sagebrush, or natural vegetation.

NATURAL TRAIL: A natural trail is an unimproved, or semi-improved backcountry trail that connects natural areas and mountain recreation areas.

NATURAL VEGETATION: This term shall include orchards, indigenous trees, shrubs, grass and perennial growth.

NET COMMERCIAL ACREAGE: All land within a development site devoted exclusively to a commercial land use.

NET RESIDENTIAL ACREAGE: All land within a development site devoted exclusively to a residential land use.

TRAIL HEADS: Trailheads and trails can include drinking fountains, scenic viewpoints, fitness stations, directional signs, restroom facilities, and parking.

SECTION 3: Language to be amended:

11-2: DEFINITIONS

OPEN SPACE: Any parcel or area of land or water unimproved or improved only with landscaping, boweries, picnic tables, playground equipment, trails, **trail heads**, walking paths, plazas, or other improvements typically associated with outdoor recreation and set aside, dedicated, designated or reserved for the public or private use and enjoyment of owners and occupants of land adjoining or neighboring such open space. **Open space also includes natural open space.**

PARK: A public or private parcel of land ~~developed~~ **designed to function** and used for passive or active recreation **or natural open space.**

SECTION 4: Language to be added:

11-27 SENSITIVE AREA OVERLAY ZONE SA

11-27-1: PURPOSE AND INTENT

11-27-2: SCOPE AND APPLICATION

11-27-3: DENSITY, LOT SIZE, WIDTH AND CHARACTERISTICS

- 11-27-4: DEVELOPMENT STANDARDS
- 11-27-5: REVIEW AND APPROVAL PROCEDURE
- 11-27-6: ISSUANCE OF BUILDING PERMITS
- 11-27-7: APPENDIX A

11-27-1: PURPOSE AND INTENT

A. Certain areas of the City are characterized by slope, vegetation, drainage, rock outcroppings, geologic conditions, and other physical factors which, if disturbed for the purposes of development, can cause physical damage to public or private property or both. Therefore, the development of such areas and adjacent land requires special care on the part of the public and private sectors.

The standards, guidelines and criteria established by this Chapter shall include, but not be limited to the following:

1. The protection of the Public from natural hazards of stormwater runoff and erosion by requiring drainage facilities and the minimal removal of natural vegetation.
2. The minimization of the threat and consequential damages from fire in hillside areas by establishing fire protection measures.
3. The preservation of natural features, wildlife habitat and open space.
4. The preservation of public access to mountain areas and natural drainage channels.
5. The retention of natural topographic features such as drainage channels, streams, ridgelines, rock outcroppings, vistas, trees, and other natural plant formations.
6. The preservation and enhancement of visual and environmental quality by use of natural vegetation and the prohibition of excessive excavation and terracing.
7. The assurance of an adequate transportation system for the total hillside area to include consideration of the approved Transportation Plan of the City. This system design will consider densities and topography with minimal cuts, fills and other visible scars.
8. The establishment of on-site traffic facilities that ensure ingress and egress for vehicles including emergency vehicles into all developed areas at any time.
9. The encouragement of a variety of development designs and concepts that are compatible with the natural terrain of the sensitive areas and will preserve open space and natural landscape.

11-27-2: SCOPE AND APPLICATION

- A. Creation: There is hereby created a Sensitive Area Overlay Zone consisting of those areas shaded on the zoning map of the City.

- B. Jurisdiction Of Sensitive Area Overlay Zone: The provisions of this Chapter shall apply to all lands in the City which lie within the area designated on the Zoning Map as identified as the North Ogden City Sensitive Area Overlay Zone. No building or structure may be erected or reconstructed on land which is designated on the Zoning Maps of the City as sensitive area, nor shall such land be subdivided, graded or otherwise disturbed for purposes of development or subdivision, unless such construction, subdivision or disturbance is undertaken in accordance with this Chapter.

- C. Effect Of Provisions: The regulations of this Chapter shall be supplemental to, and not in lieu of, the applicable zoning provisions of the use district in which the land is located and/or general provisions applicable to all zones. However, in the event of conflict between such additional provisions and the provisions of this Chapter, the more restrictive provisions shall apply.

- D. Application To Previous Development: The provisions of this Chapter shall have no application to any development or other construction project which has been granted preliminary approval prior to the effective date hereof.

11-27-3:DENSITY, LOT SIZE, WIDTH AND CHARACTERISTICS

A. Single-Family Dwelling Units:

- 1. Minimum Lot Size: The minimum lot size with respect to lots upon which single-family detached dwelling units are located in subdivisions or otherwise shall be determined by reference to the following table:

Average Slope Of Development Site	Minimum Lot Size	Minimum Lot Width
0-10%	Same as underlying zone	Same as underlying zone
10.01-20%	15,000 sq. ft. or same as underlying zone whichever is greater	At least 100' at front setback line
20.01+%	Not permitted	Not permitted

- 2. Planned Unit Development: The maximum density with respect to dwelling units per gross acre for dwelling units in a planned unit development shall be the same as that allowed for single-family detached dwellings as found in 11-11-4.

3. Cluster Development: If a cluster project is pursued; lot sizes and setbacks can be amended through a PUD project and associated development agreement. Densities will be established based upon that allowed for single-family detached dwellings. Open space shall allow for public access and trails shall be required to be installed.
4. Maximum Impervious Material Coverage: The maximum impervious material coverage that shall be allowed upon lots which single-family dwelling units are located shall be thirty percent (30%) of the total lot area or seven thousand five hundred (7,500) square feet, whichever is smaller, including accessory buildings, patios, and driveways; provided however, that the maximum impervious material coverage may exceed thirty percent (30%) or seven thousand five hundred (7,500) square feet upon approval by the City Engineer if the request is consistent with the approved grading and drainage plan and approved low impact design for the subdivision or site plan and onsite retention is provided.
5. Areas with slopes exceeding twenty percent (20%). may be:
 - a. Preserved as permanent open space through a conservation easement or master development agreement and maintained by a responsible legal entity, e.g., an HOA, dedicated to the public non-profit or other means that assure permanent preservation; or
 - b. Platted with adjacent approved building lots with an open space easement; or
 - c. Placed in a natural open space area on the edges of a project or comingled within the lot or development.
 - d. Such areas shall include public access points, where trails are included in the project area.
6. Buildable Area:
 - a. Single-family dwelling structures shall be located only upon areas constituting buildable land, which area shall be fully contiguous and shall be at least five thousand (5,000) square feet in size, and shall have minimum dimension, either length or width, of fifty feet (50').
 - b. Single-family dwelling structures on standard lots shall be set back no further than two hundred fifty feet (250') , except as provided in section 6, from a public or private street except by approval of the planning commission and subject to the following standards:
 - (1) The home is connected to city water and sewer;
 - (2) The access drive does not require substantial cuts or fill, but can be developed on existing topography and meet all other requirements for access in this chapter; and
 - (3) The driveway layout follows natural openings and does not require removal of large amounts of vegetation.

(4) The Fire Marshal shall require and approve any needed fire hydrant and or required sprinkling system for the building, and any designated turn around area.

c. All accessory structures shall be located upon buildable land.

7. A flag lot may be approved by the planning commission after determining that due to topographic conditions, sensitive land concerns, or other requirements of this chapter, streets cannot or should not be extended to access substantial buildable areas that would otherwise comply with the minimum lot standards of the underlying zone, subject to compliance with all of the following conditions:

- a. Only one single-family dwelling may be constructed as a main use on a flag lot. Accessory buildings are subject to the standards for the underlying zone and subsection h.
- b. The minimum lot area shall be one (1) acre, exclusive of the private access lane.
- c. No more than two (2) flag lots may be contiguous to each other and abut upon the same public street. Two (2) adjoining flag lots may share a common private lane.
- d. The private lane accessing a flag lot shall be held either in fee title as part of the flag lot, or the private lane may be evidenced by a recorded express, irrevocable easement as shown on the recorded subdivision plat. across the front lot. The form and content of the easement agreement must be acceptable to and approved by the city attorney.
- e. Any lots that have a lane crossing or adjoining them to access a flag lot must be increased in area and width equal to the lane area and width.
- f. The private lane accessing a flag lot shall front on a dedicated public street and shall not exceed four hundred feet (400') in length from the public street to the front lot line of the flag lot exclusive of the driveway accessing the dwelling.
- g. The lane shall be designed as show below:

Lane Standards		
Length	Up to 100 feet in length	101 to 400 feet
Pavement Width	12 feet	20 feet
Buffer on each side of the lane pavement	4 feet	4 feet

The buffer is provided to help screen adjacent properties and to provide a drainage area for the paved portion of the private lane.

- h. The private lane may be configured to be a serpentine design that follows existing contours, minimizes cuts and fill, preserves natural vegetation and re-vegetates as per 11-24. The lane shall not exceed a 10% grade unless approved by the Fire Marshal and City Engineer.

- i. The main body of a flag lot, exclusive of the private lane accessing it, shall meet the required lot area, lot width, and front, back, and side yard requirements for the zone in which it is located including the enhanced lot area requirement describe in subsection h, whichever is greater, and all other applicable provisions of this code. The flag lot width will be measured at the front setback line. The area of the private lane accessing the flag lot may not be included to compute the required minimum area of the main body of the flag lot.
- j. The setbacks for flag lots shall be as follows:
 - 1. Front:50 feet.
 - 2. Sides: 30 feet on each side.
 - 3. Rear: 30 feet.
- j. The private lane and driveway accessing a flag lot also is subject to approval by the Fire Marshal. Such approval may include a requirement of a designated turnaround area conforming to the fire authority's design and construction standards. Structural permeable surfaces are encouraged in designated fire turnaround areas, subject to the Fire Marshal's approval.
- k. Fire hydrants and or sprinkling systems may be required by the Fire Marshal.
- l. The address of the flag lot dwelling shall be clearly visible from or posted at the abutting public street.

11- 27- 4:DEVELOPMENT STANDARDS

It is intended that the development standards and provisions, as set forth herein, shall be required in connection with all building and construction in the North Ogden City sensitive area overlay zone.

A. Drainage And Erosion: The area of the watershed shall be used to determine the amount of stormwater runoff generated before and after construction.

1. The "rational method" or other method as approved by the City Engineer shall be used in computing runoff. The basic formula for the "rational method" is:

Q = CIA in which

Q = Runoff in cubic feet per second (CFS)

C = Coefficient of runoff or the portion of stormwater that runs off a given area (the actual C value used shall be approved by the City Engineer)

I = Average rainfall intensity during time of concentration for ten (10) year return period in inches per hour. The "time of concentration" shall be defined as the time required for water to flow from the most remote point of the section under consideration

A = Drainage area in acres

2. Lots shall be arranged so as to ensure adequate setbacks from drainage channels. The 100-year storm shall be that basis for calculating setbacks. No structures shall be allowed in the 100-year floodplain.
3. Facilities for the collection of stormwater runoff shall be required to be constructed on development sites and according to the following requirements:
 - a. Such facilities shall be the first improvement or facilities constructed on the development site;
 - b. Such facilities shall be designed so as to detain safely and adequately the maximum expected stormwater runoff for a 10-year storm of two (2) hour duration, and to release it at a controlled rate equal to the runoff rate generated by the site in its natural condition. Said natural runoff rate shall not exceed 0.10 cubic feet per second per acre. The facilities shall be designed to detain runoff for a sufficient length of time so as to prevent flooding and erosion during storm runoff flow periods;
 - c. Such facilities shall be so designed as to divert surface water away from cut faces and sloping surfaces of a fill;
 - d. The existing natural drainage system will be utilized, as much as possible, in its unimproved state;
 - e. Where drainage channels are required, wide shallow swales lined with appropriate vegetation shall be used instead of cutting narrow, deep drainage ditches;
 - f. Flow retarding devices, such as detention ponds, [check dams](#) and recharge berms, shall be used where practical to minimize increases in runoff volume, [reduce flow velocity](#) and peak flow rate due to development. Areas which have shallow or perched groundwater or areas that are unstable must be given additional consideration. Each facility shall have an emergency overflow system to safely carry any overflow water to an acceptable disposal point.
 - g. Low Impact Design standards must be complied with as identified in the [North Ogden City Public Works Standards and Technical Specifications Section 19](#).
4. Construction of the development site shall be of a nature that will minimize the disturbance of vegetation cover, especially between October 1 and April 15 of the following year.

5. Erosion control measures on the development site shall be required to minimize the solids in runoff from such areas. The detailed design system to control stormwater erosion during and after construction shall be contained in the grading and drainage report described in section 11-27-7: Appendix A, of this chapter.

B. Vegetation And Revegetation:

1. All areas on development sites cleared of natural vegetation in the course of construction of offsite improvements shall be replanted with revegetation which has good erosion control characteristics.
2. New planting shall be protected with mulch material and fertilized as per the approved landscape plan. A water schedule will be included with the landscape plan.
3. The use of persons or firms having expertise in the practice of revegetation (i.e., licensed landscape architects or nurserymen) shall supervise the planting and installation of re-vegetative cover.
4. Vegetation shall be removed only when absolutely necessary, e.g., for the construction of buildings, roads and filled areas.
5. After the completion of offsite improvements, vegetation will be planted in all disturbed areas consistent with the approved landscape plan and planting schedule:
 - a. If irrigated, planting may be done during summer months.
 - b. Such vegetation shall be a mixture of plant materials, i.e., trees, shrubs, grass and forbs. Native plant materials are preferred.
6. No vegetation shall be removed on slopes over twenty percent (20%) except as approved by the City Engineer for trail and/or open space improvements.
7. Topsoil removed during construction shall be conserved for later use on areas requiring vegetation or landscaping, i.e., cut and fill slopes.
8. All disturbed soil surfaces shall be established consistent with the approved landscaping plan and Storm Water Pollution Prevention Plan (SWPP).
9. The property owner and/or developer shall be fully responsible for any destruction of native or applied vegetation identified as necessary for retention and shall be responsible for such destroyed vegetation. They shall carry the responsibility both for employees and subcontractors from the first day of construction until the completion of offsite improvements. The property owner and developer shall replace all destroyed vegetation with varieties of

vegetation approved by the planning commission. The property owner shall assume responsibility upon purchase of the lot.

C. Fire Protection:

1. Areas without a recognized water supply shall meet special requirements, on an individual basis, as established by the Fire District , water utility and engineering department.
2. Each development site and building permit for private lots, flag lots, and lots where the front setback is greater than fifty feet (50'), shall be reviewed by the Fire Marshal for compliance with requirements for fire apparatus.
3. Spark arresters shall be installed in every fireplace constructed indoor or outdoor. Screen openings in such arresters shall not be in excess of one-fourth inch (1/4") in diameter.
4. The Wildland Urban Interface (WUI) code shall be followed.

D. Geology:

All projects within the North Ogden Sensitive Area Overlay Zone shall submit various reports depending on the potential geologic hazards associated with the land being developed including a geotechnical report. Geotechnical reports shall be recorded and referenced on subdivision plats.

1. Any development within a band one-eighth (1/8) of a mile on either side of a mapped fault or fault trace must submit a geologic report as part of the development review process.
2. Development of all structures used for human occupancy shall take place fifty feet (50') or farther from any active earthquake fault or fault trace. Active fault traces are those identified and mapped by the city or those identified by special studies required of the developer.
3. Development of all structures used for critical facilities shall take place one hundred fifty feet (150') or farther from any active earthquake fault or fault trace. Critical facilities shall include dams, reservoirs, fuel storage facilities, power plants, nuclear reactors, police and fire stations, schools, hospitals, nursing homes, and emergency communication facilities.
4. No structures shall be built on any zones of deformation with respect to active faults. Offsite improvement design will be approved by the City Engineer.
5. No structures or offsite improvements shall be allowed on any active landslide area.

6. Problems associated with development on or near perched groundwater and shallow groundwater must be mitigated in a manner as approved by the City Engineer. Soils will be evaluated as to their ability to accept watering on open areas and not create instability of the soil structure.
7. No structures shall be allowed in any high hazard rock fall zone, landslide, debris flow or avalanche zone unless mitigation measures are taken to the satisfaction of the planning commission.

E. Grading, Cuts And Fill:

1. All grading, cuts and fill must comply with 11-24 Grading and Drainage Standards.

F. Streets And Ways: Streets, roadways and private accessways shall follow as nearly as possible the natural terrain. The following additional standards shall apply:

1. At least two (2) ingress and egress routes shall be provided for each subdivision or PUD unless the number of units served is less than twenty (20).
2. Points of access shall be provided to all developed and non-developed areas for emergency and firefighting equipment. Driveways located upon each lot extending from a public or private street shall have a maximum grade of ten percent (10%) and shall be of a sufficient width and design to admit and accommodate firefighting equipment. The grade may be increased if approved by the City Engineer and Fire Marshal.
3. Cul-de-sacs shall not exceed six hundred feet (600') in length and meet the North Ogden Public Works Standards. Stub streets that are longer than one hundred feet (100') shall have a temporary turnaround at the end thereof. The Fire Marshal shall provide a recommendation for any cul-de-sac exception requests to determine the safety of the special exception.
4. Centerline curvatures shall be reviewed by the City Engineer for such things as design speeds, sight distances and stopping distances. Streets may cross areas over 20% slope areas when the slope over 20% does not exceed 200 hundred feet.
5. Variations of the street design standards developed to solve special hillside visual and functional problems may be presented to the planning commission for consideration and approval. Examples of such variations may be the use of split roadways to avoid deep cuts, one-way streets, modifications of surface drainage treatments or sidewalk design.

6. Development sites which are located near canyon trails shall provide access to those trails. Parking areas may be required by the planning commission at trailheads based upon a recommendation from the Parks and Recreation Department identifying the number of stalls needed.
7. The maximum amount of impervious surface for streets and ways shall be twenty percent (20%) of the entire development site. All streets or rights of way for vehicular traffic shall be subject to the following limitations:
 - a. Street design and grades shall comply with North Ogden Public Works Standards and Technical Specifications.
 - b. The provisions of this subsection shall not apply to streets or rights of way already constructed or which have heretofore been granted preliminary approval by the planning commission;

G. Open Space Plan:

An open space plan showing passive green spaces, active green spaces, and natural green spaces.

H. Parks Plan

A parks plan showing the size and location of planned parks.

I. Trails Plan

A trails plan showing trail connections to key destinations, such as schools, parks, other community facilities, and national forest lands. Wherever possible, trails should be part of a continuous system that connects schools, parks, community centers, and forest service lands. Neighborhood sidewalks may connect with trails but only count as trails upon the recommendation of the Parks and Recreation Department. The trails shall meet city standards.

J. Building Design:

1. Buildings proposed for construction in hillside or canyon areas within the North Ogden City sensitive area zone shall be designed to be visually compatible with the natural beauty of the hillsides and canyons. The use of building materials in colors that will blend harmoniously with the natural settings are encouraged. Such material as natural woods, brick (earth colors) and stone are considered to be most appropriate.
2. The planning commission shall review the design and specified exterior materials and colors for all structures other than single-family dwellings. Building permits for such structures shall not be granted until building materials and colors have been approved by the planning commission.
3. Innovative designs for single-family dwelling units, e.g., earth sheltered dwellings with grass roofs, etc., provided such innovations are also allowed under the city's building code, or that they have been granted the appropriate variances.

H. On Site Development: The property owner shall be fully responsible for making all improvements in accordance with the development site approval, e.g., drainage, erosion and vegetation constraints. Re-vegetative projects, the stabilization of grading sites, cuts and fill and construction of stormwater runoff facilities, and the construction of recreation centers as required must be completed prior to any subdivision being recorded. A Certificate of Occupancy may be withheld if required re-vegetative requirements have not been completed.

11- 27-5:REVIEW AND APPROVAL PROCEDURE

A. Conceptual Approval: All applications for a planned unit development, subdivision or other site plan shall comply with all applicable ordinances of the city. In addition, conceptual approval must first be granted by the planning commission prior to application for preliminary approval.

1. Submittal For Concept Approval:

- a. Vicinity Map: Covers sufficient adjoining territory to indicate clearly nearby street patterns, property lines, other adjacent properties in the developer's ownership, and other significant features that will have a bearing upon the development;
- b. Contour Map: Showing a proposed subdivision and street layout, existing substantial buildings, significant trees, watercourses, drainage ditches, storm or sanitary sewers with size and flow line elevation, water lines, gas lines, power lines, permanent easements, and other features that will have a bearing upon the design of the subdivision or on the provision of utilities.
- c. Building Layout: The general location of housing units along with other appropriate uses and amenities.

2. Planning Commission Action: The planning commission may approve, approve with conditions, or deny the application for conceptual approval. Any approval by the planning commission shall specify which, if any, special studies and reports must be submitted for preliminary approval. Any concept denial shall include the reasons for such denial.

B. Preliminary Approval: Any individual seeking preliminary approval for development in the sensitive area overlay zone shall submit the following information:

1. Written Documents:

- a. A legal description of the total site proposed for development, including a statement of present and proposed ownership and present and proposed zoning;
- b. A statement of planning objectives to be achieved by the development through the particular approach proposed by the applicant. This statement should include a description of the character of the proposed development

and the rationale behind the assumptions and choices made by the applicant;

- c. A phasing plan and development schedule indicating the approximate date when construction of the project or stages of the project can be expected to begin and be completed;
 - d. A statement of the applicant's intentions with regard to the future selling or leasing of all or portions of the development;
 - e. Quantitative data for the following: total number and type of dwelling units; parcel size; proposed lot coverage of buildings and structures; approximate gross and net residential densities; total amount of open space (including a separate figure for usable open space);
 - f. Special studies as required by the Planning Commission identified during conceptual approval. These may include, soil characteristics report, grading or erosion control plan, geologic report, vegetation preservation and protection report, hydrology and storm drainage and fire protection report (see Appendix A for study guidelines). All reports submitted herein shall be prepared by persons or firms licensed to practice their specialty or expertise in the State of Utah, if such license is required, or by one having demonstrable expertise in such field of practice.
2. Site Plans: Site plans shall include, in addition to the above provisions, the following:
- a. Location of the proposed planned unit development, subdivision, or other development, with identification of abutting streets;
 - b. A slope map at a scale of one inch equals fifty feet (1" = 50') for development sites of less than ten (10) acres and a scale of one inch equals one hundred feet (1" = 100') for development sites of greater than ten (10) acres and a determination of the average slope of the proposed development;
 - c. The slope map referred to in subsection B2b of this Section shall also include a designation of all areas in the proposed development having a slope in excess of twenty (20%) percent;
 - d. Topographic contours with a minimum contour interval of 5 feet.;
 - e. The total acreage, number of lots and proposed total density and average slope for residential developments;
 - f. The location and approximate size of the proposed lots;

- g. A general street location, width, and grade of all proposed streets and radius of any cul-de-sacs;
 - h. Location of existing or proposed schools, churches, or parks;
 - i. Location of known hazards, (i.e., faults, drainage, rockfall, etc.) and the boundaries of the 100-year flood plain, or if no mapped flood plains exists, the boundary of potential 100-year flood plains;
 - j. Soil type and general description;
 - k. Land use data, i.e., the amount of residential land, transportation land, etc., by acreage and percent;
 - l. Vegetative type map;
 - m. Existing and proposed utility lines (water, sanitary sewer and storm drains), etc.;
 - n. Proposed landscape plan, including the species identification and quantity of plants to be installed at the various locations throughout the site;
 - o. All engineering calculations performed and acquired pursuant to the provisions of the ordinances of the City shall be submitted to the City Engineer as part of the review and approval process.
 - p. Parks plan showing the location and size of any planned parks;
 - q. Trails plan showing all trail connections and trail heads to key destinations such as schools, parks, forest service lands;
 - r. Open space plan showing the location, size, and function of open spaces including passive green spaces, active green spaces, and natural green spaces.
3. Planning Commission Action: After weighing all the evidence, the Planning Commission must take formal action, either approving the plan as presented, approving it subject to certain specified modifications, or disapproving it.
 4. Notice of Decision: A notice of decision identifying the planning commission determination and conditions shall be forwarded to the applicant.
- C. Final Approval: The applicant will submit information consistent with the findings of the special studies and based on the establishment of compliance with the preliminary development plan through the review of finalized site plans and specifications, and the review of any materials required by the review authority,

the planning commission shall approve, approve with modifications or disapprove the final and subdivision plat and or site plan. A notice of decision shall be forwarded to the applicant.

1. Compliance With Preliminary Plan: The final development plan shall be deemed in substantial compliance with the preliminary development plan, provided modification by the applicant does not involve a change of one or more of the following:
 - a. Violate any provision of this chapter;
 - b. Vary the lot area requirement by more than ten percent (10%);
 - c. Involve a reduction of more than ten percent (10%) of the area reserved for common open space and/or usable open space;
 - d. Increase the floor area proposed for nonresidential use by more than ten percent (10%);
 - e. Increase the total ground area covered by buildings by more than five percent (5%);
 - f. Significantly alter the road system or on-site circulation pattern; or
 - g. Eliminate any recreational or community facilities approved in the preliminary plan.
2. Spot Elevations, Final Grading Plans: Application for final approval shall include with the improvement drawings, spot elevations on all lot corners or contour grading plans of all lot frontages consistent with the requirements of the 11-24 Grading and Drainage Standards. The scale will be the same as the improvement drawings.

11-27-6: ISSUANCE OF BUILDING PERMITS

There shall be no construction, development or grading upon the development site until final approval has been granted, as provided in this section. Before the construction of single-family dwelling units upon lots shall be allowed, a plot plan drawn to scale (at least 1 inch equals 10 feet) for such lots shall be submitted to the building official, which plot plan shall show lot lines, existing and proposed contours at two foot (2') intervals, location of proposed single-family dwelling units, walks, driveways, patio areas. The plot plan will also show vegetation, drainage, and erosion controls and such plot plan shall be attached to the building permit.

11-27-7: APPENDIX A

- A. Soil Characteristics Report: A geotechnical report should be prepared by a person or firm qualified by training and experience which would furnish

specific soil data for the property to be developed and methods that would control urban erosion. Data on the soil should include:

1. Soils map of the property involved, delineating the soil types;
2. An accurate slope map;
3. Major soil hazard ratings in relation to total area of development;
4. Percentage of area to be disturbed in relation to total area of development.
5. Identify the soils ability to accept watering and remain stable.
6. Infiltration capacity of soil under saturated conditions. Infiltration rates obtained shall be utilized in sizing LID BMPs

B. Grading Or Erosion Control: A grading or erosion control plan should accompany the development application showing the specific methods to be employed to control urban erosion and sedimentation and should include as a minimum:

1. The grading plan shall show present topography to include elevations, lines and grades including the location and depth of all proposed fills and cuts of the finished earth surfaces using a contour interval of two feet (2') or less. Access or haul road location, treatment and maintenance requirements shall be included;
2. The specific control practices to be employed on the disturbed area where necessary (includes seed mixes, types of mulches, etc.);
3. All calculations and proposed details used for design and construction (of debris basins, impoundments, diversions, dikes, waterways, drains, culverts and other water management for soil erosion control measures) shall be shown. Calculations shall employ predictions of soil loss from sheet erosion. Equations should include factors of:
 - a. Rainfall intensity and energy;
 - b. Soil stability;
 - c. Land slope and length of slope or topography;
 - d. Condition of the soil surface and land management practices in use;
 - e. Surface cover, grass, woodland, crop, pavement, etc.;
4. Specific dates on the length of time exposure for unprotected, cleared and graded areas;
5. A schedule showing when each stage of the project will be completed, including estimated starting and completion with reference to other stages of the project.

C. Geology: A geologic and geomorphology investigation of the site should be prepared containing the following information:

1. Location and size of subject area, and its general setting with respect to major geographic and/or geologic features;

2. The individual or agency who perform the geologic mapping upon which the report is based, and when the mapping was prepared;
 3. Abundance, distribution, and general nature of exposure of earth materials within the area;
 4. Nature and source of available subsurface information;
 5. A geologic map should accompany the report and should delineate the following:
 - a. Rock composition and structural elements;
 - b. Surface and subsurface distribution of earth materials exposed or inferred within both bedrock and surficial deposits;
 - c. The nature and distribution of earth materials, faults, folds, slide masses, zones of contortion or crushing joints, fractures, shear zones, or other significant features;
 6. Written recommendations for construction of proposed improvements to avoid impact of any potential geologic hazards.
- D. Vegetation And Preservation Report: Vegetation preservation and protection report shall include:
1. Location and identification (by species) of existing vegetation;
 2. The vegetation to be removed and method of disposal;
 3. The vegetation to be planted;
 4. Slope stabilization measures to be installed;
 5. Analysis of the environmental effect of such operations including effects on slope stability, soil erosion, water quality, fish and wildlife, and fire hazard;
 6. Topsoil stockpile areas will be designated;
 7. Solar orientation is recommended for review.
- E. Hydrology And Storm Drainage: A hydrology report should be prepared by a person or firm qualified by training and experience to have expert knowledge of the subject and should include an adequate description of the following:

1. A flood analysis should be made for all stream channels that occur on the site:
 - a. 100-year storm frequency based on rain on a saturated soil mantle or snow pack taking the results which cause the greater flood flow;
 - b. On streams with a meandering channel and relatively flat gradient way of the standard flood plain analysis of streams may be used (i.e., U.S. Corps of Engineers Standard Project Flood);
 - c. On mountain streams with relatively steep gradients only those analyses based on turbulent flow conditions may be used. "Bulking", if it occurs, must be recognized and channel cross sections increased to allow for it. Mud flows and other debris must also be considered in the analysis;
 - d. History of prior flooding;
 - e. Investigation of effects of short duration high intensity rain storms on the proposed storm drainage system will handle the predicted flows including the impact on areas below.
2. The ability of the existing stream channels to accommodate the estimated increase in storm flow due to the proposed development should be defined with respect to water flow and velocity. If the stream channel or banks are subject to erosion, measures to be taken to minimize this impact should be specified by consideration of the following:
 - a. The proposed streamside environment zone on the site plan and criteria for determining the zone must be delineated;
 - b. Natural flow patterns as they affect the proposed development should be described and evaluated;
 - c. Means by which the manmade drainage systems will deliver water to the natural channel systems should be specified.
3. Subsurface Hydrology:
 - a. The location and size of swamps, springs, and seeps shall be shown on the site plan and an investigation made to determine the reasons for the occurrence of these underground water sources. (An analysis of the vegetative cover or other surface information may be used to show the presence of underground water.)

- b. Effects of the proposed development on subsurface water sources for areas immediately downstream should be defined and evaluated;
 - c. Effects of the proposed development on subsurface water sources and recharge areas immediately downstream should be defined and evaluated;
 - d. If infiltration systems are proposed for handling increased flows caused by the proposed development, their operation and failure prevention measures should be described.
- F. Low Impact Development (LID): An LID Storm Water Report to be prepared by a person or firm qualified by training and experience to have expert knowledge of the subject and should include an adequate description of the following:
- 4. An analysis, including calculations and implementation rationale should be made for all possible LID Best Management Practices that could be implemented on the site:
 - a. To improve water quality, the storm water generated from the 80th percentile storm shall be retained onsite and as close to the point of origin as possible.
 - b. Methods of retention include infiltration, evaporation, transpiration, rainwater harvesting and re-use.
 - c. Preservation of native vegetation is encouraged as this vegetation retains, intercepts, and transpires storm water.
 - d. If meeting these requirements is technically infeasible, provide the rationale justifying such and alternative design criteria.
- G. Fire Protection: A fire protection report is required to assess fire probability and potential hazards by a person or agency qualified by training and experience. Elements of the report should include the following:
- 1. The width and approximate location of any easements required for access of fire protection equipment;
 - 2. Agreements, if any, entered into by the applicant and a fire protection entity or other government agency that could have concerns about fire probability (State and Federal agencies);
 - 3. The approval of the subdivision design and fire protection measures by the fire protection agency;

4. A letter from the chief of the fire protection entity stating:
 - a. Fire flow recommended by insurance service organizations;
 - b. The existing fire flow capability proposed to serve the project.

SECTION 5: Language to be amended.

Replaces the HP zone submission and review process section with a reference to This ordinance shall take effect upon adoption.

11-9-4: SUBMISSION AND REVIEW PROCESS

The submission and review process is found in 11-27-5.

~~A. Steps Outlined: The submission and review process consists of three (3) basic review steps:~~

- ~~1. The first step is submission of a conceptual sketch plan to evaluate the appropriateness of the development based on the consideration of the existing features and perceived constraints of the proposed site.~~
- ~~2. The second step is submission and review of the development plan, which reflects the results of the engineering studies addressing site specific constraints identified in the engineering studies. If the developer is subdividing the property, a preliminary plat in accordance with the procedures specified in the subdivision ordinance must also be submitted at this step. The engineering studies are to review the geomorphology, geology, faults, hydrology, slopes, soils, recharge, vegetation and wildlife, fire, and utility and parks constraints of the site. The purpose of this step is to determine if the site is safe to be developed as proposed by the development plan and, if applicable, preliminary plat. This step allows the reviewers to evaluate the mitigation measures proposed by the developer's engineers.~~
- ~~3. The third step is submission of the final development plan or final plat and improvement plans. The purpose of this step is to review compliance with the stipulations of the development plan or preliminary plat. It allows for a review of the improvement plans to assure that the development plans or subdivision improvement plans are designed in accordance with the public works standards of the city and with the mitigation measures required by the city. The review of the final plat is to assure that the plat conforms to the subdivision ordinance and the zoning ordinance of the city. Upon compliance with final approval, a final plat shall be recorded.~~

~~B. Conceptual Sketch Plan Review Process: Prior to the submission of a preliminary plat or a development plan in this zoning district, the applicant shall meet with the community development director to discuss the proposal and what constraints for development are believed to exist. Upon completion of this preapplication meeting with the community development director, the applicant may choose to present the conceptual sketch plan to the planning commission. The purpose of this presentation is to provide the applicant with an opportunity to present why the~~

~~proposed development is appropriate for the site. The application shall provide a conceptual sketch plan which shall include the following:~~

- ~~1. Basic site analysis which includes existing features of the site, such as existing plant materials, steep slopes or rock outcroppings, views, and how they will be incorporated into the proposed development;~~
- ~~2. Traffic flow patterns into, through, and out of the proposed development, including vehicular, pedestrian and other;~~
- ~~3. The general location of housing units by type (i.e., detached dwelling units and attached dwelling units), along with other appropriate uses and amenities; and~~
- ~~4. The existing land uses bordering the proposed site.~~

~~C. Preliminary Plat Review Process:~~

- ~~1. An application for a preliminary plat shall be processed in accordance with CCNO 12-3.~~
- ~~2. Engineering studies addressing the possibility of development constraints as specified in CCNO 11-9-7.~~

~~D. Development Plan Review Process:~~

- ~~1. Submission: A development plan shall be presented to the planning commission and shall include the following information:~~
 - ~~a. Topographic maps of the entire site, in accordance with CCNO 11-9-5F2a(1) of this chapter.~~
 - ~~b. A tabulation of the total acreage of the site and the percentages to be designated for parking, streets and travelways, various types of residential units, other buildings and structures, open space and waterways, along with other relevant aspects of the site;~~
 - ~~c. The proposed circulation patterns, including private and public streets, and any other path system;~~
 - ~~d. The proposed location of all parking and ingress and egress;~~
 - ~~e. The proposed location of parks, common open spaces, playgrounds, school sites, recreation facilities, and other similar types of improvements;~~
 - ~~f. The proposed location of all dwellings by type and number of dwelling units per building, along with other buildings (e.g., recreational buildings or club houses) or structures (e.g., fencing, lighting and signage);~~
 - ~~g. The proposed location of each phase, if the project is to be done in phases;~~
 - ~~h. A table of densities for each development phase with an overall density for the development;~~
 - ~~i. A general landscape plan showing the areas to be landscaped and the retention of existing plant materials and landscape features, along with the use of plant materials for buffers and screening;~~
 - ~~j. Preliminary building elevations with notation of building materials of all building types proposed within the development, excluding detached single unit dwellings;~~

- ~~k. A preliminary subdivision design, showing a general layout and buildable area;~~
 - ~~l. A preliminary utility plan showing the manner in which adequate sewage disposal, subsurface drainage, storm drainage and water will be provided to the site. Also show where these services will be extended;~~
 - ~~m. Other information as required by the community development director as being necessary to determine whether the proposed development is desirable and in accordance with the applicable standards.~~
- ~~2. Preliminary Review: The planning commission, subject to the requirements of this title, may approve, deny or approve with conditions, the development plan. In reviewing the preliminary development plan, the planning commission shall determine if the development plan:~~
- ~~a. Encourages better utilization of the land, develops a sense of community and is compatible with the neighborhood;~~
 - ~~b. Meets the minimum requirements of this title;~~
 - ~~c. Provides for an adequate traffic circulation system; and~~
 - ~~d. Meets the general intent and purpose of this title and the general plan.~~
- ~~3. Final Review Of Development Plan: The final development plan, based on the conceptual sketch and preliminary plans, shall be presented to the planning commission and include the following information:~~
- ~~a. All of those items required by the planning commission as part of the approval of preliminary development plan and conditional use permit;~~
 - ~~b. A complete and accurate legal description of all property proposed for development;~~
 - ~~c. A detailed site plan showing the precise location of all buildings and structures, the location of developed common activity area and recreational uses, waterways, detailed circulation patterns, including proposed ownership of common areas, streets and trails, along with other relevant aspects of the site;~~
 - ~~d. Parking layout showing the location of individual stalls and all areas of ingress and egress;~~
 - ~~e. Design of entryways, along with elevations of proposed signs;~~
 - ~~f. A detailed landscape plan showing the location, types and sizes of all plant materials, sprinkling or irrigation systems, screening and fencing;~~
 - ~~g. Final elevations of all buildings proposed within the development with notation of building materials, excluding detached single unit dwellings;~~

- ~~h. Along with all covenants, conditions and restrictions which the city deems necessary to provide adequate guarantees for retention and maintenance of the development as approved;~~
 - ~~i. Detailed engineering plans including site grading, street improvements, drainage, and public utility locations; and~~
 - ~~j. A time schedule for the completion of landscaping and amenities (e.g., common buildings, playground equipment, recreational facilities, trails and entry signs).~~
- ~~4. Final Development Plan Review Process: The planning commission, subject to the requirements of this chapter, may approve, deny or approve with conditions the final development plan for the proposed development. The planning commission review of the final development plan shall include the following:~~
- ~~a. Whether or not the issues addressed by the planning commission during the conceptual, preliminary processes and the conditions established by the conditional use permit have been adequately addressed in the final development plan;~~
 - ~~b. Any additional changes from the preliminary development plan proposed by the developer; and~~
 - ~~c. Any additional information relevant to the success of the proposed development.~~
- ~~5. Time Limitations: A final development plan shall be submitted for approval within twelve (12) months of the issuance of the preliminary development plan approval. Failure to submit a final development plan within the specified time period shall result in the preliminary development plan becoming null and void. However a one time extension of six (6) months may be granted by the planning commission for a showing of good cause if such request is made prior to the expiration of the preliminary development plan.~~

SECTION 6: This ordinance shall take effect upon adoption.

PASSED and ADOPTED this 11th day of May, 2021.

North Ogden City:

**S. Neal Berube, Mayor
North Ogden City**

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:

Katie Gerard
City Recorder



Memorandum

To: North Ogden Planning Commission

From: John Bjerregaard, PE
Wasatch Civil Consulting Engineering

Date: April 5, 2021

Subject: Sensitive Lands Ordinance – Engineering Issues

West Side Investment has retained Wasatch Civil to provide engineering services on proposed development projects in North Ogden. A proposed North Ogden City ordinance modifies City code *Section 11-25 – Development Constraints* and adds a new *Chapter 11-27 Sensitive Lands*. This amendment, if adopted, would apply to property owned by West Side Investments and has the potential to impact development activity. West Side Investment requested that we review of the proposed Sensitive Lands Amendment to identify the general impacts to future development. Identification of specific impacts is impractical because development plans are still at a conceptual level.

It appears that the ordinance is intended to promote public safety by identifying and mitigating natural hazards and preserving important environmental features. The Sensitive Lands Amendment also promotes preservation of existing vegetation, natural drainage patterns, and maintaining groundwater recharge and quality. As we have worked on development concepts for West Side Investment property, the approach that we have been asked to follow is consistent with these goals, and we are supportive of the intent of the Sensitive Lands Amendment. However, we feel that these goals can be met without some of the specific constraints that are now included in the proposed ordinance. Here are some examples of specific constraints that we feel or excessive or may actually work against the stated goals of the ordinance.

Section 11-27-3.A.3 Maximum Impervious Material Coverage. This section prohibits impervious material coverage greater than 30% of the lot area or 7,500 sq. ft., which ever is smaller. Most the homes that are currently being constructed in The Cove Subdivision and in Northview Subdivision would not conform to this requirement. For a 15,000 sq. ft. lot, it would only allow 4,500 sq. ft. of impervious area. Homes with a 4,000 sq. ft. footprint are not uncommon in existing North Ogden hillside developments. When driveways, sidewalks, accessory buildings, and patios are constructed, impervious area will far exceed 30%. The result of this constraint will be larger lots, less open space, and the inability to cluster

development where it is most appropriate. Enforcement will also be a problem because this requirement will impact lot improvements that typically do not require a building permit. Providing a development design that meets infiltration and groundwater recharge goals can be accomplished without this constraint.

Staff Response: Increased impervious surface leads to additional runoff, which must be kept on site in order to meet the Low Impact Development regulations. There is a trade-off between the ability to retain/detain storm water and the amount of impervious. Staff is willing to consider reasonable amendments to this section, but only if it is shown that the developments can meet storm water requirements.

Section 11-27-4.B.4 and 6. Vegetation and Revegetation. Paragraphs 4 and 6 are overly broad and could be interpreted to not allow tree and shrub thinning necessary for the creation of fire defensible spaces. A strict interpretation of Paragraph 4 would also disallow any replacement of natural vegetation with turf sod or other typical residential landscaping. A less restrictive approach that would better preserve native vegetation is to allow smaller lots and more open space.

Staff Response: This was responded to in the Exhibit B.

Section 11-27-4.F.4 Streets and Ways. Paragraph 4 limits the length of streets across 20% or steeper slopes to less than 200 feet. This requirement is arbitrary. Streets can be designed to cross 20% slope area of any length, and visual impacts of the cut slopes can be mitigated by revegetation and natural looking retaining walls.

Staff Response: This was responded to in the Exhibit B.

Section 11-27-4.J.1 Building Design. Paragraph 1 limits the height of single family dwellings to one and a half stories or 25 feet. We assume this constraint is related to visual impacts of development. We feel that visual impact of taller structures can be mitigated by location. For example, a 25' high building at the top of a hill has a more significant visual impact than a 35' tall building located at the base of a hill. Height limits could be established during subdivision review and enforced by lot restrictions on a plat. A maximum height constraint of 25 feet will promote larger building footprints, more impervious area, and less infiltration.

Staff Response: Staff is currently reviewing how the City measures total height of homes. Staff is willing to amend this provision to assure that reasonable homes are able to be built in all single-family zones in North Ogden.

We also have concerns about some of the requirements related to LID, hydrology, storm water facilities design, and flood plains. These concerns are summarized below:

- The City already has defined requirements for LID and infiltration. Existing requirements specifically address infiltration and water quality. We feel that compliance with existing requirements are adequate for maintaining groundwater recharge and protection of water quality.
- There are several references to a flood analysis and identifying the “potential floodplains.” Requiring a delineation of potential floodplains is problematic from both practical and regulatory perspective. The practical concern is that the areas on the North Ogden bench are alluvial fans with shifting drainage channels. Flood areas can be delineated for alluvial fan areas, but development and construction of roads, temporary channels, and permanent channels will render these delineations meaningless. A better approach is to design channels and facilities

that will collect and convey runoff from a major storm (usually the 100-year storm event). Berms and collection channels can be designed to protect from runoff originating above the development.

- Designating areas as potential floodplains implies FEMA approved and regulated floodplain delineations. Once an area is defined as a potential floodplain, FEMA may view the City as responsible for submitting letters of map revisions, issuing floodplain permits, etc.
- The hydrology calculation requirement of the “100-year storm frequency on a saturated soil mantle or snow pack” doesn’t fit with common hydrologic analysis procedures. A 100-year storm event on a snowpack represents an extreme event. The chance of that event occurring in any given year is much less than 1%. These rare events are difficult to analyze because it adds variables such snow pack depth, snow pack temperature, air temperature, and applicable rainfall distribution to the model. The common hydrologic design procedure for mountain and urban basins is to use the methodology outlined in Urban Hydrology for Small Watershed, TR-55. We recommend that ordinance defer to existing City design standards. If analysis requirements are included they should designate the design return period (100-year event), the duration (24-hour), and the rainfall distribution (Farmer-Fletcher 3rd Quartile or SCS Type 2). These rainfall distributions provide a high peak rainfall intensities that occurs after the first part of the storm accounts for the initial infiltration and abstraction losses, and provide conservatively high peak runoff values for our area.

Staff Response: This was responded to in the Exhibit B. Staff will review LID, drainage, and flood plain elements of the Sensitive Lands ordinance against the existing standards and will ensure that they are consistent with current standards.

MEMORANDUM

Planning and Development Services

3007 East Cruise Way
Salt Lake City, Utah
84109

801/277/4435
Fax 801/277/4760
pds@utahplanning.com

To: Scott Hess, Community Development Director
North Ogden City Staff members
North Ogden City Mayor and City Council members

From: Westside Investments, LC via Planning and Development
Services, LLC and Wasatch Civil (Westside Investments representatives)

Date: 7/20/2021

Subject: Comments to proposed Sensitive Lands chapter, amendments to
the Development Constraints chapter, and amendments to the Definitions
chapter (File Number: ZTA 2018-03).

Thank you for the opportunity to provide our comments on this important item. As requested, they are directed to the City's proposed Sensitive Lands Chapter and other various Land Use Ordinance Amendments.

The proposed Sensitive Lands Chapter, amendments to the Development Constraints Chapter, and various amendments to the Definitions Chapter are numerous, detailed, and significant. Westside Investments can not address every item. Some are more substantive than others, but all affect private business and related land development activities. With that caveat, thank you for considering the following items that appear to be the most significant. Of course, revisions to the following items will have effects on other ordinance provisions.

1. **ORDINANCE DRAFTING FOCUS. EVERY ORDINANCE ITEM SHOULD BE TO ACHIEVE PUBLIC SAFETY.** Section 11-27-1, Purpose and Intent states, "Certain areas of the City are characterized by slope, vegetation, drainage, rock outcroppings, geologic conditions, and other physical factors which, if disturbed for the purposes of development, can cause physical damage to public or private property or both." Also, "The purpose and intent statement emphasizes public safety as the primary focus of the ordinance" (p. 3, Staff Report, 5/11/2021).
 - a. The purpose and intent of the proposed amendments are the protection of public safety. It is not the goal of these ordinance amendments to protect any lands identified as "sensitive" (although relationships may exist if public safety-related). The provision of open spaces or parks,

trails, or other publicly accessible passive or active recreational areas lies outside the purpose statement. As a result, many proposed amendments with a different purpose are woven into the Ordinance without any supporting purpose rationale.

Recommendation: All proposed amendment(s) must be directly related to protecting public safety. Any provision that does not address public safety should be deleted.

Staff Response: Staff agrees that the Purpose and Intent as drafted is related to protection of health, safety, and welfare of citizens. Ordinances of all types exist with multiple purposes in mind. Protecting access and enhancing open spaces, parks, trails, or other publicly accessible recreation is a vital and logical goal for cities as they consider development. Staff recommends retaining the language.

2. SENSITIVE AREAS MAP – SCOPE AND APPLICATION. Section 11-27-2 states, “there is hereby created a Sensitive Area Overlay Zone consisting of those areas shaded on the zoning map of the City.” The proposed sensitive lands requirements, and other amendments, affects all lands designated on the Zoning Map and identified within the North Ogden City Sensitive Area Overlay Zone.

How was the Sensitive Area Overlay Zone determined? “The Planning Commission reviewed the proposed map after considering where undeveloped lands were located on the bench areas of North Ogden. It was determined that properties generally to the North and East of Mountain Road would be included in the overlay” (p. 2, Staff Report, April 21, 2021).

Recommendation: Identifying any lands affecting public safety should be based on readily available and substantiated evidence, not solely on location or vacancy.

Staff Response: Sensitive lands are generally those areas of known steep slopes, potential fault lines, slope movement areas (alluvial fan locations), and those areas of the hillside which have yet to develop. Staff understands that each parcel will be reviewed based on its own merit with geotechnical work related to each parcel’s unique characteristics and need. Inclusion in the Sensitive Area Overlay Zone does not represent an undue burden so long as the property owner is able to show that the site does not have increased safety hazards through a geotechnical analysis.

3. PROPOSED SECTION 11-27-3: DENSITY, LOT SIZE, WIDTH, AND CHARACTERISTICS. This section identifies the relationship between slope and density. Properties with slopes below 10% have the density of the underlying zone. Areas of 10-20% slope have a minimum 15,000 square foot lot size with a minimum 100 feet of frontage. No development (or density is provided) when slopes are over 20%. While the Staff Reports indicate “this is consistent with existing standards,” it remains a disincentive to protecting slope areas. A density allocation should be provided to all properties, independent of slope. This, along with an allowed transfer of density, will encourage slope protection for public safety. As proposed, slope protections can be:

- a. Preserved as a conservation easement, master development agreement, or dedicated to the public non-profit or other means for permanent protection; or
- b. Platted with adjacent approved building lots with an open space easement; or
- c. Placed in a natural open space area on the edges of a project or comingled within the lot or development.
- d. Such areas shall include public access points, where trails are included in the project area.

Recommendation: Items a, b, c & d are subdivision design standards and are not related to the protection of public safety. They should be deleted.

Staff Response: Staff agrees that these are design standards, but they must exist somewhere in the Code if the intent is to tie slope and density together. Staff recommends retaining these sections in the Sensitive Lands ordinance and adding references to these requirements within the underlying HP-1, HP-2, and HP-3 zones. This clarification will be less confusing when administering the code in areas identified in the Sensitive Area Overlay Zone map.

- 4. PLANNED UNIT DEVELOPMENT. The Staff Report states, “PUDs will have the same maximum density for the underlying zone. Only single-family projects are allowed, but with a PUD attached units would be allowed.”

These statements are true only for the R-1 and R-2 zones.

Recommendation: As proposed, the PUD provisions do not work. PUDs are only viable in the City’s R-1 or R-2 zones. They should be available to their full extent, and with revisions, to all underlying zones.

Staff Response: Staff agrees that the PUD provisions or cluster subdivision provisions should be applied to other zoning districts including HP-1, HP-2, HP-3, as well as other single family R zones R-1-8, R-1-10, R-1-12, and RE-20 within areas identified in the General Plan as conservation areas, or other areas that the City desires clustered development in order to incentivize the protection of open spaces.

- 5. GRADING AND DRAINAGE. Section 11-25. The stated purpose is “to establish minimum standards for grading and drainage to protect the health, safety, and welfare of citizens and property owners.” The standards of Section 11-27 apply to properties within the Sensitive Lands Overlay.

Recommendation: Section 11-25 provides grading and drainage standards and should only be limited to those items.

Staff Response: Planning Staff will review these sections with the City Engineer to assure that drainage and grading requirements are consistent.

- 6. REQUIRED STUDIES. “Section 11-25C. Studies Required: Prior to any development or any

grading activity *within all zoning districts* (emphasis added to affect the entire City), the developer or landowner shall provide site-specific geotechnical studies when evidence is available from a Federal or State agency with authority (recommended revision) ~~addressing the geomorphology, geology, faults, hydrology, slopes, soils, recharge, vegetation and wildlife, fire, and utility and parks constraints of the site~~ (recommended deletion). No development shall take place in any area where development hazards are identified, without mitigating measures, as proposed, designed and certified by the developer's engineer, taking place that will overcome or protect the area from the identified hazards as approved by a licensed geotechnical firm (recommended revision) ~~the City Engineer~~ (recommended deletion). Study requirements are described in 11-27-7: Appendix A.

Recommendation: No property is exempt from §11-25c. Studies are required for every property in North Ogden City. A geotechnical study will cover items related to protecting public safety and site grading activities. Several proposed studies, including utility and parks constraints, have nothing to do with protecting public safety or site grading. If state or federally provided evidence is available to justify a geotechnical study, then that study alone will address the matters related to public safety and grading. A licensed geotechnical engineer should review and approve the required geotechnical study.

Staff Response: Staff agrees that all properties in North Ogden are subject to geotechnical studies at the time of development. However, every development is unique. If there are areas of desired development with open space, park, trail, or other recreation access identified on the General Plan, then those areas are required to review the viability of those amenities as part of the development process. This is true across the city. Staff has required trail access and preserved open spaces across the city as a public good, as it directly relates to the addition of new roof tops in the City. At times development has proposed open spaces that may be entirely unusable in their configuration, and that does not meet the intent or the duty of the City in assuring that future development is beneficial for the current and future citizens.

Regarding the review of geotechnical work. The City Engineer along with other Planning, Fire, and Public Works staff reviews the outcomes of geotechnical studies, and typically accepts the report and only reviews for compliance to the ordinance. Staff defers to those reports unless there are glaring mistakes or other missing information. In those cases, the City may be willing to hire their own third party geotechnical firm to assure that the report meets the needs of the City and protects the public. This is rare, and Staff does not see that third party review should be a requirement for all geotechnical work.

7. CONFORMANCE WITH THE GENERAL PLAN. Twelve (12) General Plan goal and strategy statements are cited for providing a basis for the proposed amendments. Two (2) statements, at a stretch, could be considered as public safety-related. They are “maintain

existing landslide debris catchment basins” and “create and reinforce use of rigorous disclosure statements for all property and home sales so buyers are aware of potential dangers.” Both statements require public action, directed to a North Ogden City, not to the private sector. The other cited General Plan declarations either address a sensitive lands matter, are concerned with landowners or developers preserving naturally occurring areas, dedications of open space and trails, or promoting housing quality and variety.

Recommendation: No City policy basis is identified for the proposed Ordinance and other amendments.

Staff Response: Staff agrees that there may be areas of the 2015 General Plan that require updating to assure that references clearly reflect the ordinances of the day. However, General Plans in Utah are not obligatory documents, so the “policy basis” for these decisions is the Sensitive Lands ordinance itself. The City has a duty to develop in a sensitive manner. This includes protection of health, safety, and welfare of current and future development, as well as protecting assets such as open space access and recreation. Staff feels that this ordinance meets the intent of North Ogden’s future goals.

8. SLOPES. The City’s slope designations are unusual for northern Utah. Many Utah municipalities and counties, including SL County, Salt Lake City, Cottonwood Heights, and others, have a long history of determining a steep slope as 30% or greater. Further, the slope calculation should be reconsidered. As proposed, the average slope is calculated for the entire property. Depending on the nature of the property, this may not treat all properties equally.

Recommendation: Revise slope determinations to the rise/fall from horizontal, expressed as a percentage of rise/fall over a horizontal run for a minimum of 100 feet.

Staff Response: The 20% slope limitation on development has existed in the City Codes since at least 2018. The City Engineer indicates that there are few areas of the City that fall between 20-30% slope, so while this seems like a provision that will limit development, the actual on-the-ground limitations appear to be minimal. See Exhibit I North Ogden Slope Map

9. CITY ENGINEER’S DISCRETION. The Ordinance provides, “no development shall take place in any area where development hazards are identified, without mitigating measures, as proposed, designed and certified by the developer’s Engineer, taking place that will overcome or protect the area from the identified hazards as approved by the City Engineer (§11-25C, emphasis added). While this section references study requirements, it does not reference any criteria for the City Engineer in determining required mitigation measures.

Recommendation: The revisions recommended by Item #6 above will provide the necessary approval standards.

Staff Response: Staff accepts completed geotechnical studies, accepts the report, reviews for compliance with the ordinance, and follows the recommendations. If a developer and the City disagree on the outcomes of a geotechnical report, then third-party review could be done.

10. UNNECESSARY TIME RESTRICTIONS ON CONSTRUCTION AND VEGETATION DISTURBANCE. If it has not occurred already, §11-27-A(4) must be removed.

Recommendation: Section 11-27-a(4) is an unnecessary restriction on private enterprise and must be removed if not removed already.

Staff Response: Staff understands that in many years development on the hillside between October 1 and April 15 will create minimal impacts. However, there are years with heavy Spring rains that may cause issues with hillside development. The Code as written does not disallow development, but rather asks for a sensitive approach to development that it be “of a nature that will minimize disturbance of vegetation cover”. This seems like a reasonable approach to mitigate issues of development on hillsides during months of inclement weather.

11. VEGETATION AND REVEGETATION. Paragraphs 4 and 6, Section 11-27-4.B are overly broad and could be interpreted not to allow tree and shrub thinning necessary to create defensible fire spaces.

Recommendation: Delete as inconsistent with purposes.

Staff Response: Provision 11-27-4 B 1 states “All areas on development sites cleared of natural vegetation in the course of construction of offsite improvements shall be replanted with revegetation which has good erosion control characteristics.” Each provision in this section is related to off-site improvements, detention, trails, or other upfront development impacts. There is no relation to the building activities on an individual lot. Fire protection of structures is a desire of North Ogden City. Staff could clarify the provisions in the section to assure that homeowners have the right to protect their structures and clear brush and vegetation as needed. Staff’s desire is to protect existing vegetation to the largest degree possible. Quality vegetation such as large stands of oak brush is beneficial to hold the hillside. Staff wants to strike a balance here. Clear cutting areas may make development easier, but it also increases runoff and potential for erosion issues.

12. FLOOD ANALYSIS AND POTENTIAL FLOODPLAINS.

- a. The Ordinance requires, by several references, a flood analysis and the identification of “potential floodplains.” Identifying a floodplain for broad alluvial fan areas, like those included in the sensitive lands zone, is unreasonable as the naturally occurring drainage channels move water over time and sometimes shift significantly during a storm event. A flood analysis for the existing condition is meaningless after constructing roads, culverts, and permanent channels. A better approach is to design facilities that will collect and convey runoff from a major storm (usually the 100-year storm event). Berms and collection channels can be designed to protect from runoff originating within and above the development.

- b. Designating areas as potential floodplains implies FEMA-approved and regulated floodplain delineations. Once an area is defined as a potential floodplain, FEMA may view the City as responsible for submitting letters of map revisions, issuing floodplain permits, etc.
- c. The hydrology calculation requirement of the “100-year storm frequency on a saturated soil mantle or snowpack” does not match accepted engineering analysis procedures. A 100-year storm event on a snowpack represents an extreme event. There is no general standard procedure for this analysis because it adds variables such as snowpack depth, temperature, and applicable rainfall over time. The standard hydrologic design procedure for mountain and urban basins is to use the methodology outlined in Urban Hydrology for Small Watershed, TR-55.

Recommendation: It is respectfully recommended that the City revise all provisions relating to flood analysis and flood plains. A simple fix is for the City to defer to its existing design standards.

Staff Response: Staff will review with City Engineer and make sure that this section is consistent with the City’s current floodplain analysis requirements.

13. LOW IMPACT DEVELOPMENT. North Ogden City already has defined requirements for Low Impact Designs (“LID”) and infiltration. Existing requirements specifically address infiltration and water quality.

Recommendation: Compliance with the City’s current requirements is adequate for maintaining groundwater recharge and protection of water quality.

Staff Response: Staff will review with City Engineer and make sure that this section is consistent with the City’s current LID requirements.

14. WASATCH CIVIL REVIEW COMMENTS. Wasatch Civil provided various engineering-related comments to the proposed amendments. These included a 3/16/2021 Memorandum and a 4/5/2021 Memorandum. These comments are attached and are again offered for North Ogden City consideration.

Recommendation: Ordinance revisions recommended by Wasatch Civil should be made to promote efficiencies and public safety.

Westside Investments, LC Summary Statement. Unless an ordinance or ordinance provision promotes public safety, that provision should be removed as it is inconsistent with the City's stated purposes.

Thank You.

Attachments.

cc. Kami Marriott
Randy Marriott
File

TO: North Ogden Planning Commission
Subject: Sensitive Lands Ordinance
Date: 4/06/2021

The development of zoning regulations for Sensitive Lands appears to have evolved from concerns regarding geology, hydrology, soils and other safety factors, into how we can limit and thwart development. We feel that this proposal is an extreme over reach and caters to the segment of the North Ogden community that have moved here and now feel that they like what they have and that there is no need for further development.

Our points of contention with this proposal include:

- The designation that homes can be built to a maximum of 1 1/2 stories or 25 feet. This is on par with one of the city's most restrictive zones and should not apply the lands in question. It lessens the value of the developed lots and is inconsistent with many adjacent developments/phases.

Staff Response: Staff agrees and will review the provisions to assure that a reasonable home can be constructed in all single family zones within the City.

- The numerous new requirements that must be met in order for development to be approved, which add significant time and cost for the developers. These include; the minimization of development work for 6 1/2 months related to vegetation protection, revegetation, the need to cover exposed soils during the winter months, and the undefined Special Studies as required by the Planning Commission identified during the conceptual approval phase.

Staff Response: All development in North Ogden requires some level of geotechnical review. The standards for that review are site specific. If there are sites that show limited to no impact on sensitive lands, steep hillsides, or other geologic factors then the geotechnical report will confirm that, and there will not be undue burden on those properties which are easy to develop. Other areas of the city with known issues or predominantly steep slopes should have a sensitive approach to development that may require additional time or studies to assure development happens in a safe way.

- The definitions are confusing and open to interpretation of the individual. For example:
 - NATURAL OPEN SPACE is defined as areas that contain SAGEBRUSH or NATURAL VEGETATION.
 - NATURAL VEGETATION is defined as areas that include ORCHARDS.
 - OPEN SPACE is defined as areas that include NATURAL OPEN SPACE.
 - A PARK includes the definition as PRIVATE parcel of land designed to function and used for NATURAL OPEN SPACE.
 - Therefore: any land that has SAGEBRUSH or an ORCHARD could be defined as OPEN SPACE or a PARK!

- Throughout this entire document it speaks about the preservation of open space and natural vegetation regardless of the geology or topography of the land. This document seems mainly focused on the determent of future development with no respect to the land owners' rights. We believe this to be illegal and highly recommend that the planning commission vote no on this ordinance.

Staff Response: Staff will review all call outs to vegetation, open space, and parks to assure there is clarity in the ordinance.

As the managing partners of Hall Bros. Land Company, we strongly oppose this proposed ordinance and request that the North Ogden planning commission and the North Ogden City Council do the same.

The partners of the Hall Bros. Land Company understand the need for careful development around TRULY sensitive lands and would gladly be willing to be part of the future development plans of the land that is owned by the Land Company in the mouth of North Ogden Canyon.

We enjoy the canyon as much as anyone and have done so for not only our lives but also prior generations dating back to the early 1900's when this land was purchased by our Great Grandfather. We look forward to sharing this treasure with all residents of North Ogden but it needs to be done with careful planning with the land owner and not just an arbitrary designation of all land above the proposed mountain road regardless of the topology of the land.

The Hall Bro's Land Company has enjoyed the close working relationship with the North Ogden Planning commission for the last 35 years and we have developed many phases in the Hall Tree development. We look forward to the continued close working relationship as we continue to develop this land.

Staff Response: We appreciate your partnership and look forward to continuing to work together. Thank you for your comments!

Best Regards

Cherie Hall Ensminger
Richard Hall



Memorandum

To: North Ogden Planning Commission

From: Jory Wahlen, PE
Wasatch Civil Consulting Engineering

Date: March 16, 2021

Subject: Sensitive Lands Amendment Comments

West Side Investment has retained Wasatch Civil to provide engineering services on proposed development projects in North Ogden. Wasatch Civil has reviewed the proposed Sensitive Lands Amendment. We offer the following comments:

1. The proposed amendment prohibits the development of lots on slopes greater than 20% (11-27-3-A-1).
The City should consider allowing residential lots on slopes exceeding 20%. Buildable slopes should vary based on geological conditions and geographical location. Qualified professionals can determine safe buildable slope to avoid the potential unintended consequence condemning property based on a randomly assigned maximum slope.

Staff Response: The 20% slope limitation on development has existed in the City Codes since at least 2018. The City Engineer indicates that there are few areas of the City that fall between 20-30% slope, so while this seems like a provision that will limit development, the actual on-the-ground limitations appear to be minimal. See Exhibit I North Ogden Slope Map

2. The proposed amendment states Low Impact Design standards must comply with the North Ogden City Public Works Standards chapter 19, and on-site retention of 80% is required (11-27-4-A-3-b).
The wording for the requirement is confusing. If taken literally, it could be understood as a requirement that exceeds the state General Storm Water Discharge Permit, which states that development shall prevent the off-site discharge of the precipitation from the 80th percentile rainfall event. The 80th percentile rainfall event differs from 80% of all stormwater generated. Additionally, the State Permit states that these measures apply to the Maximum Extent Practicable. From our experience, this area contains many areas where it is not practicable to implement these Low Impact Design standards.

Staff Response: Staff will review with City Engineer and make sure that this section is consistent with the City's current LID requirements.

3. The proposed amendment states that streets may cross areas over 20% slope when the slope over 20% does not exceed 200 feet (11-27-4-F-1).
The City should consider not limiting the length of streets crossing over 20% slope area.

When appropriately designed, streets can cross slopes over 20% for much longer distances.

Staff Response: Staff would like to review this section with the Fire Marshall to assure our fire equipment's ability to access hillside locations is protected. These cases of long steep slopes will be infrequent and should be looked at on a case by case basis to assure that fire life safety provisions are met. Staff is willing to review and amend the distance requirement if it can be shown that fire protection is viable.

**NORTH OGDEN PLANNING COMMISSION
MEETING MINUTES
March 17, 2021**

The North Ogden Planning Commission convened in a regular meeting on March 17, 2021, at 6:34 p.m. in the North Ogden City Municipal Building, 505 E. 2600 N. North Ogden, Utah. Due to COVID-19 the meeting was held virtually on Zoom. Notice of time, place and agenda of the meeting was furnished to each member of the Planning Commission, posted on the bulletin board at the municipal office and posted to the Utah State Website on March 12, 2021. Notice of the annual meeting schedule was published in the Standard-Examiner on December 12, 2020.

COMMISSIONERS:

Eric Thomas	Chairman – arrived at 7:14 pm
Brandon Mason	Vice-Chairman
Lisa Arner	Commissioner
Scott Barker	Commissioner
Alan Lunt	Commissioner
Nicole Nancarrow	Commissioner
Johnson Webb	Commissioner

STAFF:

Rob Scott	Planning Director
Lynne Bexell	Administrative Assistant
Evan Nelson	Planning Department Head
Brandon Bell	Associate Planner
Kai Johnsen	Planning Tech
Badr Almadhi	Intern

VISITORS:

Jed Barker	Brenda Ashdown	Robert Bolar
John Hansen	Greg Wall	801-514-9887
Marc Mattson	Deana Davis	Matt Murdock
Cherie Ensminger	Dallin	John Bjerregaard
Jerry Shaw	Susan Kilborn	Stefanie Casey
Jay D Dalpiaz	Chaz Schlange	Ryan Barker
Richard Hall	Ivan Barker	Joyce Jones

Jim Gramoll
Carson Jones

Kami Marriott
Mike Wheeler

Vice Chairman Mason called the meeting to order at 6:34 p.m. Commissioner Webb offered the invocation and Vice Chairman Mason led the Pledge of Allegiance.

1. **ROLL CALL**

Vice Chairman Mason conducted the roll and noted that Chairman Thomas had not arrived for the meeting.

2. **MINUTES CONSIDERATION**

a. **Consideration and action to approve the February 17, 2021, and the March 3, 2021, Planning Commission Meeting minutes**

Commissioner Barker made a motion to approve the February 17, 2021, and the March 3, 2021, minutes as presented. Commissioner Lunt seconded the motion.

Voting on the motion:

Chairman Thomas	absent
Vice Chairman Mason	aye
Commissioner Arner	aye
Commissioner Barker	aye
Commissioner Lunt	aye
Commissioner Nancarrow	aye
Commissioner Webb	aye

The motion carried.

3. **OPENING MEETING STATEMENT**

Vice Chairman Mason read the opening statement.

4. **EX PARTE COMMUNICATIONS OR CONFLICTS OF INTEREST TO DISCLOSE**

There were no disclosures made. Vice-Chairman Mason noted that the Planning Commission Chair is the applicant for the item to be considered during tonight's meeting. He noted Chair Thomas is not in attendance at this time, but if he does join the meeting, he will be asked to recuse himself from discussion and/or action on that item.

No additional disclosures were made.

5. **PUBLIC COMMENTS FOR ITEMS NOT ON THE AGENDA**

There were no public comments.

6. **DISCUSSION REGARDING SCHEDULING A FIELD TRIP TO DISCUSS STREETScape STANDARDS**

Planning Technician Johnson stated the Commission has discussed the idea of participating a fieldtrip to visit different areas of the City and even other communities to inform continued discussion of streetscape standards. The Commission discussed the locations they would like to visit, as well as their schedule, and concluded to participate in a field trip on March 31 at 6:30 p.m.

ADMINISTRATIVE ITEMS:

7. **SUB 2020-17 DISCUSSION AND ACTION REGARDING FINAL APPROVAL FOR COLDWATER MEADOWS SUBDIVISION, PHASE 3 LOCATED AT APPROX. 900 E 2200 N (3 LOTS).**
PRESENTER: BRANDON BELL, ASSOCIATE PLANNER

A staff memo from Associate Planner Bell explained when the Planning Commission is acting as a land use authority, it is acting in an administrative capacity and has limited discretion. Examples of administrative applications are conditional use permits, design reviews, and subdivisions. Administrative applications must be approved by the Planning Commission if the application demonstrates compliance with the approval criteria.

The applicant is requesting final approval for Coldwater Meadow's Subdivision, Phase 3, a 3-lot subdivision (See Exhibit B). There are portions of the property currently in both the R-1-12.5 and RE-20 zones. The property on which this proposed subdivision is located is currently vacant and is located at approximately 900 East 2175 North. A portion of this subdivision is included from a previous phase of this development.

A Technical Review Committee meeting was held on September 23, 2013 for previous phases, and the resulting notes, have been applied to this phase, per the City Engineer. That letter is provided as an attachment (See Exhibit C). The City Engineer has submitted a review memo dated March 3rd, 2021 and additional comments; the memo lists a number of requirements that need to be met (See Exhibit D). The City Engineer may need to resolve some minor questions regarding boundary closures on the plat. Per the City Engineer, we have a geotechnical report for this subdivision. A will-serve letter for sewer and for secondary water have been received.

The subdivision has been rezoned so that the property is entirely in the R-1-12.5 zone. This rezoning should be required as a condition of approval. The R-1-12.5 zone requires a minimum lot size of 12,500 square feet on interior lots and 13,500 on corner lots with a lot width requirement of 100' at the 30' front setback.

The lot widths have been verified to meet the 100' lot width requirement, for this zone. The applicant has provided a square footage for all lots, stating that they meet the square footage requirements for the R-1-12.5 zone. Unnecessary easements on the side and rear property lines have been removed from the plat.

Further, the applicant is proposing to take property from Phase 2 of this subdivision, which has already been recorded, to be included in this phase. Weber County is understood to be fine with amending one lot in Phase 2, with this Phase 3 plat. Staff recommends as a condition of approval, that the applicant be permitted to make any adjustment necessary to do so, related to the lot, including property signing statements, etc., if needed. As a related note, the City Engineer has stated that based on its location in relation to Coldwater Creek, Lot 24, however, does not need to be an R-lot; Staff recommends as a condition of approval, that the "R" designation may be removed from the plat.

There is a temporary turnaround in place, on the west side of the subdivision. Staff recommends as a condition of approval, that the applicant needs to have an easement agreement for the temporary turnaround recorded against the property at the County, prior to or at the same time as the recording of the subdivision, which includes a condition regarding physical maintenance of the turnaround area. Since the City will be a party in that agreement and needs to consent to the terms, Staff recommends as a condition of approval, that a copy of the agreement be provided to, reviewed and/or adjusted by the City Attorney prior to recording, to ensure that the property in the turnaround will be physically maintained.

The Fire Marshall also recommended, additionally, that there was a fire hydrant which was supposed to be installed in the last phase of this subdivision which was not installed. The applicant needs to install the fire hydrant in this phase, to meet fire safety requirements, as a condition of approval. Once this is completed, the applicant can get rid of any existing blow off that may be present in Phase 2.

Finally, a trail connection shown in the General Plan was missed in Phase 2. Given that was missed, the Parks and Recreation Department would like to not pursue attempting to connect the portion of the trail that is identified in the General Plan to go through this property, as it would be a 'trail to nowhere' since the portion in Phase 2 was not connected, and since there are other connections in this area (See Exhibit E).

The memo offered the following summary of Planning Commission considerations:

- Does the proposed subdivision meet the requirements of the applicable City subdivision and zoning ordinances?
- Is the proposed subdivision consistent with the General Plan?

The proposed subdivision meets the requirements of applicable North Ogden City ordinances, if the requirements noted in this report are met, and conforms to the North Ogden City General Plan. The General Plan map calls for this property to be developed as low density residential. The property is also located in a potential conservation area.

Recommended conditions of approval include:

- Requirements of the City Engineer's Report
- Requirements of the Technical Review Committee Letter for previous phases.
- The applicant resolves any closure or related issues with the City Engineer.

- The “R” designation on Lot 24 may be removed from the plat, per the City Engineer based on the location of the lot in relation to Coldwater Creek.
- The applicant be permitted to make necessary adjustments to amend the Phase 2 plat, via this plat, that are related to Lot 24, including adjusting property signing statements, etc., if needed.
- A copy of the turnaround agreement be provided to, reviewed, and potentially adjusted by the City Attorney prior to recording, to ensure that the property in the turnaround will be physically maintained.
- The applicant needs to install the fire hydrant in this phase, to meet fire safety requirements, as a condition of approval. Once this is completed, the applicant can get rid of any existing blow off in Phase 2.

The memo concluded staff recommends that the Planning Commission grant final approval of the Coldwater Meadows Subdivision Phase 3 subject to the conditions recommended in this Staff Report, the Engineer’s Report, and the applicable Technical Review Committee Letter.

Mr. Bell reviewed his staff memo.

Vice Chairman Mason referenced the recommended condition of approval to remove the ‘R’ designation from lot 24 and he inquired as to the purpose of that action. He stated it is his understanding that ‘R’ stands for residential use. Mr. Bell stated that the ‘R’ actually stands for ‘restricted’ in this case. This is typically assigned to a property for a geological purpose and in this case, there is a stream bed to the south of the subject property. However, the City Engineer feels that preservation of the stream bed has been addressed via placement of an easement on the rear of lot 24.

Vice Chairman Mason invited input from the applicant.

John Hansen, 1165 W. 4000 N., Pleasant View, stated that he feels the adjustments made by staff and the City Engineer are positive and he appreciates their assistance in preparing this application for Planning Commission consideration.

Vice Chairman Mason invited public input.

Susan Kilborn, 3370 N. 400 E., stated she understands that Mr. Hansen lives in Pleasant View; she asked if he is ‘John Hansen, the realtor’.

There were no additional persons appearing to be heard.

Commissioner Barker made a motion to approve application SUB 2020-17, final approval for Coldwater Meadows Subdivision, Phase 3, located at approximately 900 E. 2200 N. (3 lots), based on the findings and subject to the conditions listed in the staff report. Commissioner Nancarrow seconded the motion.

Vice Chairman Mason stated this is an administrative application and the Planning Commission has authority over these types of matters. He feels that the application complies with defined standards for granting approval and he supports approval at this time. Commissioner Webb agreed.

Voting on the motion:

Chairman Thomas	absent
Vice Chairman Mason	aye
Commissioner Arner	aye
Commissioner Barker	aye
Commissioner Lunt	aye
Commissioner Nancarrow	aye
Commissioner Webb	aye

The motion carried.

8. SPX 2021-01 PUBLIC HEARING, DISCUSSION, AND ACTION REGARDING A SPECIAL EXCEPTION FOR AN EXTENDED CUL-DE-SAC LENGTH AT MAJOR'S MINI FARM SUBDIVISION LOCATED AT APPROX. 100 W 3050 N PRESENTER: BRANDON BELL, ASSOC. PLANNER

A staff memo from Associate Planner Bell explained when the Planning Commission is acting as a land use authority, it is acting in an administrative capacity and has a narrow degree of discretion. Examples of administrative applications are conditional use permits, design reviews, and subdivisions. Administrative applications must be approved by the Planning Commission if the application demonstrates compliance with the approval criteria.

The applicant has submitted an application for a 3-lot subdivision for this property, which is located in an infill environment with development around the property that the subdivision is proposed for. City ordinance 12-6-3 (A) (3) (j) specifies the maximum length of cul-de-sacs as 600 feet, measured from the center of the cul-de-sac bulb to the center of the intersection of the connecting street. An applicant may apply for an increased cul-de-sac length, per our Special Exception ordinance, 12-1-12.

The applicant is requesting that the cul-de-sac length be allowed to be extended beyond the standard 600' limit which is provided for as a possibility in City code.

The ordinance regarding special exceptions for extended cul-de-sac lengths is as follows:

12-1-12: SPECIAL EXCEPTIONS (D) (4) & (E)

4. Cul-de-sacs may be granted a special exception as to length if all of the following criteria are met:

1. The maximum cul-de-sac length with a special exception extension is 750 feet.
2. There is no reasonable opportunity for connecting to the adjoining street network at this time. If connectivity to an adjoining property can be made in the future; a development agreement is required specifying the conditions and timing of the improvement, e.g., providing for a fire access road and or right of way dedication.
3. The property to be subdivided is an infill and surrounded by developed subdivisions.
4. The maximum acreage of the subdivision to be served is 5 acres.
5. If a special exception is granted connectivity to trails and pedestrian walkways may be required by the Planning Commission after considering a recommendation from the Parks and Recreation Department.

6. If a special exception is granted, the number of lots on the cul-de-sac may be up to 20 as approved by the Planning Commission.
- E. Conditions: In approving Special Exceptions, the City Council may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements of these regulations. The Planning Commission may recommend any condition(s) it feels is relevant to the approval of the Special Exception.

Staff Comment: Please note that according to our ordinance regarding special exceptions, all of the above criteria need to have been met, in order to qualify for a special exception.

Staff has provided the following commentary on each of the specific conditions in the above ordinance:

1. The maximum cul-de-sac length with a special exception extension is 750 feet.

Staff Comment: The City Engineer has measured the cul-de-sac length at 647.47 feet (See Exhibit C). If the subdivision is not granted the exception, the present design of the cul-de-sac would need to be reduced by at least 47.47 feet. On a related note, the applicant has indicated that the cul-de-sac length may change slightly in the final subdivision design. Staff recommends, that if the special exception request is recommended to the City Council to be approved, that any motion specify an adjustment to the length of the cul-de-sac, so long as it is within the maximum length permitted for a cul-de-sac, with a special exception.

2. There is no reasonable opportunity for connecting to the adjoining street network at this time. If connectivity to an adjoining property can be made in the future; a development agreement is required specifying the conditions and timing of the improvement, e.g., providing for a fire access road and or right of way dedication.

Staff Comment: Staff is of the opinion that with the existing home already in place to the north of the subdivision, there is not a reasonable opportunity for a road to go through to 3100 North. Any connection, furthermore, would be to a residential street, whereas connections to arterials should be the higher priority. The Planning Commission should determine if they believe there is a reasonable opportunity for a road to go through at this time.

3. The property to be subdivided is an infill and surrounded by developed subdivisions.

Staff Comment: The application meets this requirement. The property is surrounded by existing single-family development.

4. The maximum acreage of the subdivision to be served is 5 acres.

Staff Comment: The application meets this requirement. The area of the property in this proposed subdivision is less than 5 acres.

5. If a special exception is granted connectivity to trails and pedestrian walkways may be required by the Planning Commission after considering a recommendation from the Parks and Recreation Department.

Staff Comment: There is no required trail in the area as part of the Trails Master Plan.

6. If a special exception is granted, the number of lots on the cul-de-sac may be up to 20 as approved by the Planning Commission.

Staff Comment: This application proposes far less than 20 lots. The ordinance also specifies the following:

Conditions: In approving Special Exceptions, the City Council may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements of these regulations. The Planning Commission may recommend any condition(s) it feels is relevant to the approval of the Special Exception.

Staff Comment: If this special exception is recommended to the City Council, the Planning Commission should determine if there are any conditions that they believe will secure the objectives of the special exception regulations and include those conditions in their recommendation to the Council.

The memo offered the following summary of Planning Commission considerations:

- Does the proposed subdivision meet the requirements of the applicable City subdivision and zoning ordinances?
- Does the special exception request comply with the proposed Special Exception Code?

The General Plan map calls for this property to be developed as residential low-density. The subdivision this special exception request relates to was previously granted preliminary approval, where it was determined to meet the requirements of the applicable North Ogden City ordinances, given some conditions of approval. Comments relating to the subdivision application were given at that prior meeting, as a separate agenda item.

The memo concluded staff recommends that the Planning Commission review the above criteria and determine if the application meets all of the required conditions listed above for a special exception to allow an extension of the cul-de-sac length, and make a recommendation regarding whether to grant the special exception to the City Council, including any recommended conditions of approval. Staff recommends that if the special exception request is recommended to the City Council to be approved, that any motion specify that adjustment to the length of the cul-de-sac, may be made so long as it is within the maximum length permitted with a special exception.

Mr. Bell reviewed his staff memo.

a. Public Hearing

Vice-Chairman Mason opened the public hearing at 7:11 p.m.

Chairman Thomas joined the meeting.

Ivan Barker, 177 W. 3325 N., stated that in the 1990s when he was a member of the Planning Commission, there was a discussion about this road. There was one Commissioner who was adamant that the road be extended, but the rest of the Commission determined to leave it as a stub road. He stated that he has no opposition to the road being a cul-de-sac and he is not concerned about the exception that Ms. Taylor has applied for. He is looking forward to seeing the area cleaned up.

Vice Chairman Mason stated that a preliminary plat for the project was submitted several weeks ago and it identified the road as being a hammerhead rather than a cul-de-sac.

There were no additional persons appearing to be heard.

Commissioner Nancarrow made a motion to close the public hearing. Commissioner Lunt seconded the motion.

Voting on the motion:

Chairman Thomas	aye
Vice Chairman Mason	aye
Commissioner Arner	aye
Commissioner Barker	aye
Commissioner Lunt	aye
Commissioner Nancarrow	aye
Commissioner Webb	aye

The motion carried.

The public hearing was closed at 7:46 p.m.

b. Discussion and action

Vice Chairman Mason stated he considers this matter to be a 'clean-up' item and he believes that the six criteria for granting an exception have been met and demonstrated by the applicant. He also believes it will improve the area as stated by Mr. Barker during the public hearing.

Commissioner Barker agreed and stated his only concern relates to special exception criteria two, which states "there is no reasonable opportunity for connecting to the adjoining street network at this time. If connectivity to an adjoining property can be made in the future a development agreement is required specifying the conditions and timing of the improvement, e.g., providing for a fire access road and or right of way dedication." He stated he is concerned that this exception will be granted, but that at some point in the future, connectivity will be possible. Vice Chairman Mason stated that land development is constantly in flux, but at this time he does feel the property meets the criteria for receiving an exception given that there is currently a home in the path of the most reasonable extension of the road to 3100 North. However, that home may not always be there, but he does not feel that is a reason to oppose the exception. Commissioner Webb stated it is important to clearly state that in a motion regarding this item to give those researching this issue in the future an explanation as to why the exception was supported. He then stated that another matter to discuss is the ability of public safety or garbage collection apparatus to navigate the hammerhead roadway; it seems to him that fire trucks should be able to pull into the road and easily exit it. Vice Chairman Mason stated he would assume that the applicant likely does not want a hammerhead road and would, instead, prefer a cul-de-sac; however, the hammerhead is required in order to comply with the requirement to preserve access for public safety and garbage collection apparatus.

Commissioner Nancarrow stated that there is currently a road that dead ends into a dirt patch. That road will stay in place regardless of whether it is extended, turned into a cul-de-sac, or turned into a hammerhead. The subdivision plan improves the roadway and property surrounding it and she does not believe there is a reasonable alternative to providing connectivity, especially to 3100

North. If this action were not approved, she believes the property will stay as it is, which is with a stub road that has a dirt turn around at the end of it. She believes this is a positive development for the City.

Vice Chairman Mason asked if the matter before the Commission is final approval of the subdivision as well as action on the special exception. Mr. Bell stated that the only item for consideration tonight is a recommendation to the City Council regarding the special exception; final approval of the subdivision will be considered at a future meeting. He added that the proposed special exception has received support from the Fire Marshal.

Commissioner Nancarrow made a motion to forward a positive recommendation to the City Council for application SPX 2021-01, special exception for an extended cul-de-sac length at Major's Mini Farm Subdivision, located at approximately 100 W. 3050 N., based on the findings that the application meets all six criteria for receiving an exception, that the length of the cul-de-sac may be made so long as it is within the maximum length permitted with the special exception, and subject to the conditions of approval 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	aye
Commissioner Lunt	aye
Commissioner Nancarrow	aye
Commissioner Webb	aye

The motion carried.

**9. SUB 2020-21 DISCUSSION AND ACTION REGARDING FINAL APPROVAL FOR NORTH OAKS COVE SUBDIVISION, PHASE 17 LOCATED AT APPROX. 3625 N 850 E (5 LOTS)
PRESENTER: ROB SCOTT, PLANNING DIRECTOR**

Chairman Thomas disclosed he is the applicant for this item, and he will not participate in discussion and/or action.

A staff memo from Planning Director Scott explained when the Planning Commission is acting as a land use authority, it is acting in an administrative capacity and has limited discretion. Examples of administrative applications are conditional use permits, design reviews, and subdivisions. Administrative applications must be approved by the Planning Commission if the application demonstrates compliance with the approval criteria.

The applicant received preliminary approval for the North Oaks Cove Subdivision, Phase 17, 5 lots, on February 3, 2021. (See Exhibit B). The property was rezoned to HP-2 on February 9, 2021.

The Technical Review Committee met on December 21, 2020 regarding this proposed subdivision (See Exhibit C). The City Engineer submitted a revised report dated March 11, 2021. (See Exhibit D).

The HP-2 zone requires a minimum lot size of 12,500 square feet on interior and corner lots with a frontage requirement of 100 lineal feet. The lots in this proposed subdivision have been verified to meet the required square footage and lot width requirements.

Lot 5 has been reduced in size and no longer fronts onto Mountain Road. A recorded agreement is required for the 3050 North road extension.

With the redesign there is only one double-fronted lot (Lot 4) which will be required to construct a fence along the boundary with the future Mountain Road. The fence can be constructed either at the time of building permit or with the Mountain Road improvements.

Recommended conditions of approval include:

- Requirements of the North Ogden City Engineer's Report.
- Requirements of the Technical Review Committee Letter.
- Geotechnical report. A note needs to be placed on the plat referencing the company, report number, and date of the geotechnical report. (Complete)
- A will serve letter for secondary water and for sanitary sewer from Central Weber Sewer needs to be provided for all lots in the subdivision prior to recording.
- The applicant be required to add a 6' tall fence in the rear yard of Lot 4 at the time of building permit or Mountain Road improvements.

The memo offered the following summary of potential Planning Commission considerations:

- Does the proposed subdivision meet the requirements of the applicable City subdivision and zoning ordinances?
- Is the proposed subdivision consistent with the General Plan?

The proposed subdivision meets the requirements of applicable North Ogden City ordinances and conforms to the North Ogden City General Plan. This area is in the Hillside neighborhood. The General Plan map calls for this property to be developed as low density residential.

The memo concluded staff recommends that the Planning Commission grant final approval of the North Oaks Cove Subdivision Phase 17 subject to the conditions recommended in this Staff Report.

Mr. Scott reviewed his staff memo.

Commissioner Barker asked if the Commission should dictate the timing of the installation of the fencing associated with the project. Mr. Scott stated the Planning Commission could provide direction regarding the timing of that component of the project, but staff's recommendation is to leave that matter up to the applicant.

Vice-Chairman Mason invited input from the applicant.

Eric Thomas, 3588 N. 875 E., stated that he has adjusted the plan to meet the conditions of approval expressed by staff and the Commission at the preliminary approval phase for this project. He noted

he has nothing to add to Mr. Scott's presentation, but is willing to answer questions from the Commission. He noted that the extension of 3550 North to Mountain Road is being deferred to a later date because there is some concern about the potential for the design of Mountain Road to be adjusted. The final design should be the determining factor for the final elevation of 3550 North. There is a chance that the slope of 3550 North would need to change depending on a change in Mountain Road design and he wants to avoid that by deferring the construction of 3550 North until Mountain Road is built. This will be clarified in the development agreement for the entire project.

Vice Chairman Mason invited public input. There were no persons appearing to be heard.

Commissioner Nancarrow made a motion to approve application SUB 2020-21, final approval for North Oaks Cove Subdivision, Phase 17, located at approximately 3625 N. 850 E. (5 lots), based on the findings and subject to the conditions listed in the staff report. Commissioner Webb seconded the motion.

Voting on the motion:

Chairman Thomas	abstain
Vice Chairman Mason	aye
Commissioner Arner	aye
Commissioner Barker	aye
Commissioner Lunt	aye
Commissioner Nancarrow	aye
Commissioner Webb	aye

The motion carried.

LEGISLATIVE ITEMS:

10. **ZMA 2021-01 PUBLIC HEARING, CONSIDERATION AND RECOMMENDATION REGARDING REZONING PROPERTY LOCATED AT APPROX. 281 E PLEASANT VIEW DRIVE FROM RESIDENTIAL (RE-20) TO MULTI-FAMILY (R-3)**
PRESENTER: ROB SCOTT, PLANNING DIRECTOR

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.

The applicant is requesting a zone change for the property located at approximately 281 East Pleasant View Drive from Suburban Residential (RE-20) to Multi-family Residential (R-3). The properties currently have a horse barn and fields. The request is a precursor to a subdivision and site plan applications for a townhome project that will be subject to Planning Commission approval. (See Exhibit A)

The concept plan consists of 13 buildings with 84 townhomes. (See Exhibit B) There are 6 6-unit buildings, 5 5-unit buildings, and 2 4-unit buildings. The applicant has provided three building elevation examples. (See Exhibit C) The density is 13.2 units per acre. The future 300 East extension is shown on the concept plan. The rezone application will determine the range of uses for this property.

The proposed project conforms to the North Ogden City General Plan. The General Plan map calls for this property to be developed as downtown mixed use which is described as “an area with mixed use characteristics that includes grid type blocks where walkability is a primary focus of the area.”

The Downtown Area map shows that downtown mixed use is located on the east side of the future 300 East and has a small single-family designation on the west. The property is within the Old Town Neighborhood.

The project property is on the edge of the Downtown where it transitions to single family neighborhoods. Care must be taken to ensure that this transition takes place in a well-designed manner. The property sits between two collector streets, Lomond View on the north and Pleasant View Drive on the south. The former Public Works facility is to the east and agricultural / residential land is to the west.

The Downtown map also calls for consideration of the extension of a park along Pleasant View Drive. This is an opportunity for the City to work with the applicant regarding this potential amenity. The following excerpts are taken from the Housing Element and Downtown Elements of the General Plan.

HOUSING

Goals

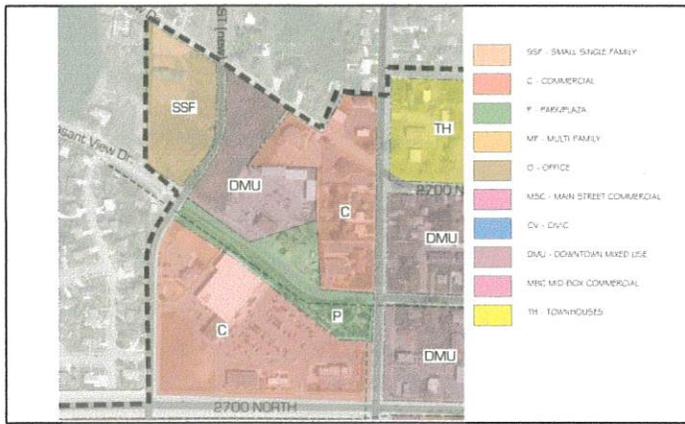
Goal #1 – Increase housing quality and variety.

- Encourage adequate housing types which accommodate lifecycle transitions and changing population norms.
- Encourage housing that provides broad based support for a more stable and diversified tax base and a strong and diverse commercial sector.
- Establish and adhere to high quality building and design standards for all housing types so that development enhances the community character.

Strategies

- Implement the mixed-use plans for the North Ogden Downtown and Southtown centers.
- Locate higher density housing in or near the Downtown and Southtown downtown areas. This will strengthen the business corridor and improve walkability while reducing traffic impacts on existing neighborhoods.

2650 North Street on the West Side of Washington Boulevard (the Northwest quadrant).



The northwest corner of 2600 North and Washington Boulevard is a long established general commercial district. Extending the existing segment of 300 East Street to the north allowing additional easterly connections to Washington Boulevard, in conjunction with the proposed extension southward to 2550 North Street, would allow access to relatively undeveloped properties and reduce congestion at the intersection of 2600 North and Washington Boulevard. It also would allow for a bypass and alternate route to Washington Boulevard.

Residential uses are encouraged to the north and west to support existing commercial uses and generate additional commercial demand. Such uses include small lot residential and medium density concepts, but the immediate area around 300 East and Pleasant View Drive could support additional limited commercial growth. A potential expansion of the Bicentennial Park (which includes water features and the “Stump”) could be realized by closing Pleasant View Drive. Such a closure could direct traffic north and south along an improved and extended 300 East.

EXPANDED BICENTENIAL PARK CONCEPT
SCALE: 1"=40'



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: This project has street edges to the north and south with the former Public Works facility to the east and agriculture / residential to the west.
- 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 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: Lomond View Drive is a collector street that separates this project from the residential to the north. Pleasant View Drive is a collector street that separates the property from commercial / residential to the south.
- 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, and subsequent project will be in the same zone.

Residential Guidelines:

- Avoid isolating neighborhoods.
Staff Comment: The proposed zone change will not isolate the existing neighborhood.
- Require excellence in design.
Staff Comment: A subdivision and site plan review will be processed that will address the project design and subsequent building permits will be processed for the future buildings meeting city standards.
- Consider development agreements to assure higher quality development.
Staff Comment: No development agreement is proposed.

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

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

The memo concluded staff recommends the Commission conduct the public hearing and receive public comment, consider the General Plan along with the rezoning guidelines, and make a recommendation to the City Council regarding the rezone from RE-20 to R-3. The Planning Commission can find that this application is consistent with the General Plan and recommend that the General Plan be followed.

Vice Chairman Mason stated that if the zone change is approved, the applicant could apply for approval of 13 units per acre. He inquired as to the maximum density for the R-2 and R-3 zoning designations. Mr. Scott stated medium density is between six and 18 dwelling units per acre. The maximum number of units in one building is eight.

a. Public Hearing

Vice Chairman Mason opened the public hearing at 7:49 p.m.

Brenda Ashdown, 193 E. Pleasant View Drive, stated she lives across the street from the subject property, and she would prefer that it be developed for low density residential use. She lives between two subdivisions that are single family developments and to the west there is an 84-unit senior living project and she feels overwhelmed by multiple developments around her.

Ivan Barker, 177 W. 3325 N., stated that he wished he were a Commissioner and could vote on this application. His vote would be a resounding no. The requested density is way too high for the area. He could maybe be convinced to support a retirement type of project, but he would strongly urge the Commission to reduce the density of the proposed project.

Mr. Scott advised the Commission to accept input from the applicant prior to accepting additional public input.

John Hansen, 1165 W. 4000 N., Pleasant View, stated that in trying to figure out the needs of the City and what would fit on the property, he decided against boring townhomes and chose to pursue a project that would include character in the different structures. The buildings that are rear loading have pleasing elevations and he feels it will be a nice project that appears to be single family homes. This is not a regular townhome project and he wants it to fit into its surroundings. The building heights are not excessive and since the property slopes to the south, it should not be too impactful to neighboring property owner's views. He then stated that the housing market in Utah is currently unbelievable. Along the Wasatch Front there are just 1,700 homes for sale. Normally there are 18,000 homes for sale. There is now a 55,000-home housing shortage across the State. While this is staggering information, more frightening is the dramatic increase in home prices. Any home listed in Weber County is typically above \$400,000 and there are 10 to 12 offers on the home in the first five hours. He has never seen anything like this in his career. Builders will only commit to build three homes per month and will not commit to a sales price because of inflation. This has left young families in a state of desperation. He is trying to build a product that is affordable yet is still good quality and desirable. Families that move into these units will not feel like they are in an apartment. He then noted that he drives to and through North Ogden on a daily basis and now that Pleasant View Drive's access onto Washington Boulevard has been closed, people will drive past this property and this development will improve that area. He is willing to consider opportunities to connect the property to trail systems or nearby park space. He added the project will be built by Holmes and Holmes, one of the premier builders in Utah. The general plan calls for this type of use in this area and he feels his proposal will be a great transition between existing development and potential future developments.

Jerry Shaw, 2281 N. 525 E., stated that the property address is actually 281 E. Lomond View Drive, not Pleasant View Drive. It is bordered on the south by Pleasant View Drive. He provided historical information regarding the property. He would love for it to remain open space that is farmed, but no one has come along and offered to buy it for that use. It has been his family since 1911. His grandfather raised chickens and cattle on the property and he eventually passed it on to his two sons. He purchased his uncle's share from him, and he and his father owned it jointly until his passing. He stated he has no heirs that are interested in the property and he feels it is time to sell it. He feels the development that has been proposed is the right use of the property.

Many neighbors have expressed their desires for him to retain the property, but that is simply not feasible. He looks forward to the opportunity to develop it in a manner that is pleasing for the City. The land has been commercial for many years, but it was changed to be residential. The property has great access to Lee's Marketplace, with is a positive aspect. It has three sources as water that are gathered in a pond and dispersed under Pleasant View Drive through the canal. There is Pineview Water and a private well on the property as well. The well produced water with quality similar to that produced at the stump. He stated the water that comes under the road was filed upon by his grandfather in the 1940s. It is a wonderful piece of property and will provide future residents a peaceful place to live.

City Manager/Attorney Call noted that the City Council has indicated they will not be considering rezone applications at this time. However, this does not mean that the Planning Commission should not act on the application. The applicant has the right to see their application move through the application process, but the City Council has indicated they are waiting for a recommendation from the General Plan Steering Committee before considering further zoning adjustments.

There were no additional persons appearing to be heard.

Commissioner Nancarrow made a motion to close the public hearing. Commissioner Barker seconded the motion.

Voting on the motion:

Chairman Thomas	aye
Vice Chairman Mason	aye
Commissioner Arner	aye
Commissioner Barker	aye
Commissioner Lunt	aye
Commissioner Nancarrow	aye
Commissioner Webb	aye

The motion carried.

The public hearing was closed at 8:04 p.m.

b. Discussion and recommendation

Vice Chairman Mason stated he recalls another property in the vicinity of the subject property for which the applicant requested similar zoning for a similar project. The Commission recommended approval of the zoning change because the property abutted other high-density housing in the area, but subject to a development agreement that would control design standards for the project. He thought such a project would contribute nicely to the City, but the City Council disagreed with the Commission's recommendation as they wanted to keep higher density uses out of the area. He has conflicting thoughts about this property. He cited land uses abutting the property and indicated he feels it is a good place for a transitional use that will buffer between commercial development and lower density residential development. However, it is directly across the street from some single-family homes and four-plex buildings may be a

rough transition. Commissioners Barker and Arner indicated they share the same concerns. Commissioner Arner stated she has no doubt that the project would be high quality, but she wondered if there is any other place in the City where there are apartments directly across the street from homes. Vice Chairman Mason stated that he believes the applicant would emphasize that the project is not an apartment complex, but simply higher density housing. Commissioner Arner stated it may be helpful to know the property values of single-family homes near the subject property.

Commissioner Nancarrow stated that she always has mixed feelings when trying to balance the need for additional housing stock in the State. The proposed project would meet that need and the General Plan specially calls for multi-family housing in the area. However, when she hears discussion about using a development agreement to ensure that a project looks like single family homes, she finds herself thinking that the correct zoning for the area may be single family residential. No matter where this type of multi-family project is proposed in the City, there will be opposition. No one wants this type of project built next to their property and it is hard to find a good place for it. This product is very popular and there is a demand for it and it is tough for the Planning Commission to balance competing interests when dealing with these types of applications. Commissioner Arner agreed and noted that it is important for the City to consider whether the housing shortage will worsen if this project is not approved. She wondered if this is truly one of the only available properties left for this type of development.

Vice Chairman Mason stated that the General Plan does indicate multi-family residential development is appropriate for this property, but he wondered if the Commission could consider the R-2 zone rather than R-3. He stated that the Commission has some discretion in but agreed that if everyone wants the project to look like a single-family project, perhaps it should be zoned for single family development.

Commissioner Webb stated that most everyone is saying this is a unique piece of land and it should look nice using architectural elements. This is an important decision for the City, and it is important to respect and protect property rights. The property is in a transitional area and it touches many different properties with different types of development. He wondered how that should be approached according to the rules the Commission must work within. He has reviewed the different zoning designations of the City and found difficulty in determining if any one zoning designation fits perfectly on this property. He added he is not very familiar with the Master Planned Community (MPC) zone, but wondered if that may be appropriate for the property. He is interested in the Commission approaching this matter in a positive and productive way and he does not believe anyone is saying to build a bunch of apartments on it. He noted he appreciated Mr. Shaw's input and the intimate information he shared about the history of the property.

Chairman Thomas stated he appreciates the thoughtful comments made by the Commissioners. He noted when this General Plan was updated several years ago, which included a great deal of public involvement, this property was one of the areas designated for multi-family development because it is a transitional property between commercial and single-family residential uses. It is also a critical piece of property because of the extension of 300 East.

Chairman Thomas made a motion to forward a positive recommendation to the City Council for application ZMA 2021-01, rezoning property located at approximately 281 E. Lomond

View Drive from Residential (RE-20) to multi-family residential (R-3), based on the condition that the Council enter into a development agreement with the applicant to ensure quality of the project; to be sure that information about the well on the property is recorded to ensure proper spacing between housing units and the well; and based on the findings and subject to the conditions listed in the staff report. Commissioner Nancarrow seconded the motion.

Vice Chairman Mason stated he was also thinking that a condition requiring a development agreement for the project would be appropriate, but he wonders if it would be better to recommend the MPC zone or another zoning designation. He asked if there is flexibility in the zoning and through a development agreement to require lower density, perhaps a duplex, on the area of the property directly abutting single family homes. Chairman Thomas stated he feels the Council would have that flexibility in the R-3 zone and through a development agreement. He added he is hesitant to recommend the MPC zone for any undeveloped parcel in the City that is over five-acres. He feels that zone is intended for larger properties that can contain a variety of uses. He stated that a development agreement for an R-3 zone will provide the control discussed tonight.

Commissioner Webb asked if the applicant would be allowed to include a commercial element on the property given its proximity to adjacent commercial uses. Mr. Call stated that any development agreement for the project would require the applicant to comply with the zoning regulations. There is flexibility in the MPC zone to provide a variety of use, but a commercial component would not be allowed on the property if it is zoned R-3. However, the Council could decide to zone 90 percent of the property R-3 and the remaining 10 percent could be commercial if the applicant does want to pursue a commercial component on the property.

Chairman Thomas amended his motion to recommend that the Council not take final action on the application until they receive a recommendation from the General Plan Advisory Committee. Commissioner Nancarrow seconded the amended motion.

Vice Chairman Mason stated he cannot support the current motion. He would have liked to see language providing specificity about reduced density on the area abutting existing single-family residential uses. Chairman Thomas stated he believes the entire area is in transition. The property is currently surrounded by the old Public Works Facility and two single-family homes, but the property is not narrowly sandwiched between different uses to require buffering for the single-family properties next to the subject property. He stated it is not a big enough piece of property to require single-family on one portion and higher density on the other portion.

Commissioner Webb stated he is also inclined to vote in opposition to the motion. He indicated the property is very 'tricky'; executing on this key property that will set the tone for continued development in the area is critical.

Vice Chairman Mason stated he is actually leaning towards voting in favor of the motion at this point as he feel the development agreement will provide some protection for the City. However, he supports any Commissioner's position if they vote in opposition.

Chairman Thomas reiterated that he feels that transportation projects planned for the area further impact the property. This would be a result of the closure of Pleasant View Drive and expansion of Bicentennial Park in the City. Commissioner Webb stated that changes his opinion somewhat. The

ability for the developer to choose to pursue commercial development on a portion of the property is something that is important for him to preserve.

Commissioner Nancarrow stated there is a reason there are seven Commissioners. It is not necessary to secure a unanimous vote for all applications and no Commissioner should be worried that their colleagues will be upset by an opposing vote. She supports and respects any Commissioners position and viewpoint, and she understands the concerns regarding this application.

Commissioner Barker stated he was initially opposed to approving the application, but the condition to require a development agreement for the project has addressed his concern.

Voting on the motion:

Chairman Thomas	aye
Vice Chairman Mason	aye
Commissioner Arner	aye
Commissioner Barker	aye
Commissioner Lunt	aye
Commissioner Nancarrow	aye
Commissioner Webb	aye

The motion carried.

**11. ZTA 2018-03 PUBLIC HEARING, DISCUSSION, AND RECOMMENDATION REGARDING A PROPOSAL TO AMEND THE CITY CODE TO INCLUDE A SENSITIVE LANDS CHAPTER.
PRESENTER: ROB SCOTT, PLANNING DIRECTOR**

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

The Planning Commission first discussed this amendment on August 19, 2020. Since then, the Planning Commission has had 7 additional discussions regarding the amendment. On February 17, 2021, the Planning Commission requested that a public hearing be set to consider this amendment.

The following summary and outline are provided to assist the Commission in your review. The draft amendment (See Exhibit A) amends Chapter 11-25 Development Constraints to retain the requirement to retain specific studies prior to development that apply to all of North Ogden; it references the study details found in the new Chapter 27. Chapter 11-2 Definitions is also amended.

A new chapter 11-27 Sensitive Area Overlay Zone SA creates measurable standards that are lacking in the current Development Constraints chapter. This is consistent with State land use law that requires clear and objective standards rather than general statements.

The consultants working on the Land Use Code have been consulted regarding the draft and will make the appropriate process changes.

11-2: DEFINITIONS

The definitions chapter defines various terms in the ordinance. All definitions in the code are being located in one chapter 11-2 DEFINITIONS.

The open space definition has been edited to include trail heads and references a new natural open space definition.

The park definition has been amended to clarify its function and references natural open space.

There are two new definitions natural trail and trail heads.

11-27 SENSITIVE LANDS OVERLAY

There are seven sections in the Sensitive Lands amendment. A brief synopsis is given for each section.

11-27-1: PURPOSE AND INTENT

The purpose and intent statement emphasize public safety as the primary focus of the ordinance. The purpose statement addresses natural hazards, storm water design, removal of natural vegetation, fire hazard, natural features, public access, transportation network, emergency access, and development designs.

11-27-2: SCOPE AND APPLICATION

This section identifies that an overlay map will be created for the application of this zone. A map identifying the overlay is shown in Attachment A. The overlay follows lands that are north and east of the existing or future Mountain Road alignment.

11-27-3: DENSITY, LOT SIZE, WIDTH AND CHARACTERISTICS

This section identifies the relationship between slope and density. Properties that have slopes below 10% are allowed to have the density for the underlying zone. Slopes between 10-20% have a minimum 15,000 square foot lot size with a minimum 100 feet of frontage. The HP-3 zone has a 2-acre minimum and this is retained. No development is permitted when slopes are above 20%. This is consistent with existing standards.

PUDs will have the same maximum density for the underlying zone.

Impervious materials coverage standards are given.

Alternatives for incorporating areas that are above 20% into subdivisions are given.

A buildable area definition standard is given.

A flag lot provision is provided for properties within the overlay.

Only single-family projects are allowed, but with a PUD attached units would be allowed.

11-27-4: DEVELOPMENT STANDARDS

Standards are created for Drainage and Erosion, Vegetation and Revegetation, Fire Protection, Geology, Grading, Cuts and Fill, Streets and Ways, Building Design, and On-Site Development.

11-27-5: REVIEW AND APPROVAL PROCEDURE

The review process for projects with the overlay zone is a three-step process, i.e., conceptual review, preliminary, and final. Special studies are identified as part of these reviews. The requirements for each step are provided. This section will be shifted into the administrative review process in the new land use code.

11-27-6: ISSUANCE OF BUILDING PERMITS

There is a separate provision for building permit issuance.

11-27-7: APPENDIX A

Appendix A identifies the standards for each of the various reports. The reports include Soil Characteristics, Grading or Erosion Control, Geology, Vegetation and Preservation Report, Hydrology and Storm Drainage, Low Impact Design, and Fire Protection.

CONFORMANCE WITH THE GENERAL PLAN

The General Plan identifies physical hazards for development in the Environmental Chapter along with appropriate goals and strategies starting on page 62. The Housing Chapter related goals and strategies are found starting on page 22.

Environmental Goals

- Protect sensitive lands within the existing and future City boundaries.
- Protect the water quality of existing wetlands, springs, streams, ponds, and aquifers.

Goal #1 - Protect sensitive lands within the existing and future City boundaries.

Strategies

- Continue to use the land use approach found in the Hillside Protection zones to incentivize developers to avoid sensitive lands.
- Reduce and avoid impacts on sensitive lands. Sensitive lands include: wetlands, riparian corridors, steep slopes, land slide runway areas, avalanche paths, and others.
- Establish preserved natural areas within the City and along the mountains.
- Proactively reassess potential sensitive land impacts at least every 5 years.
- Maintain existing landslide debris catchment basins.
- Create and reinforce use of rigorous disclosure statements for all property and home sales so buyers are aware of potential dangers. Add these to the Hillside Protection chapters of the Zoning Ordinance.
- Work with developers to dedicate open space natural areas, especially those that are sensitive and not developable such as riparian areas, drainages, rock outcroppings, steep slopes, avalanche prone areas, mud slide prone areas, wetlands, etc.

Housing

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.

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

- Should the City create standards for development on sensitive lands?
- Should definitions be amended regarding open space and trails?
- Is the amendment consistent with the General Plan?

The memo concluded staff recommends the Commission conduct the public hearing and receive public comment, consider the General Plan's environmental goals regarding sensitive lands, and make a recommendation to the City Council. The Planning Commission can find that the amendment is consistent with the General Plan and Staff recommends adoption.

Mr. Scott reviewed his memo and facilitated a review of the proposed Sensitive Land ordinance. He indicated he received a letter today from Wasatch Civil Engineering, representing Kami Marriott, which they asked to be submitted for the record of tonight's public hearing. The first point made in the letter deals with the slope percentage that this ordinance will apply to. Their request is to consider increasing the slope from 20 percent to 25 percent. Mr. Scott noted staff's response to that comment is that there are very few areas along the north bench that are above 20 percent. The second point made in the letter relates to Section 11-27-4(g) of the proposed ordinance, which deals with low impact design standards. The current ordinance requires 80 percent onsite retention, but responsive to Ms. Marriott's letter, staff is recommending that requirement be struck, and that the ordinance simply reference Public Works standards, which address low impact design. It is not necessary to have a separate retention standard in this ordinance when that matter is already addressed in the public works standards. He noted the third point discusses streets that may cross areas over 20 percent slope when the portion of the road with a slope of greater than 20 percent does not exceed 200 feet. He stated Ms. Marriott has recommended that 200-foot measurement be increased. The original ordinance did not provide any exception for pursuing development on areas with a slope greater than 20 percent, but staff recognized the need for some flexibility and that is why they recommended the allowance for a 200-foot length of road on an area sloped greater than 20 percent. The HP-3 zone requires that average lot width be 200 feet. However, there is an opportunity for individual lots to be 90 to 100 feet wide and the 200-foot road distance could potentially front two lots. Allowing the 200-foot length to be increased would open the door for fairly extensive cuts and fills for individual building lots along that stretch of roadway. He invited City Engineer Gardner to provide input relative to the points raised in Ms. Marriott's letter.

Mr. Gardner addressed the point regarding the length of road on a portion of ground that is sloped greater than 20 percent. He agreed with Mr. Scott's assessment and reiterated there are so few areas in the City that have a slope greater than 20 percent and he feels this will be a non-issue. Chairman Thomas asked if it would be more appropriate to indicate that roads crossing a slope of more than 20 percent would require approval from the City Engineer rather than designating a specific length.

He stated 200 feet is fairly short in terms of road lengths. Mr. Gardner stated that is a policy decision for the Commission to decide upon. Chairman Thomas suggested that other limiting factors be included in the ordinance to prohibit lot frontage or access onto the portion of the road that is on a slope greater than 20 percent. Mr. Gardner stated that is reasonable.

Mr. Scott suggested that the Commission hear from Ms. Marriott and her engineer regarding the content of their letter. He then concluded his review of the proposed ordinance.

Chairman Thomas addressed the section of the ordinance dealing with the buildable area of a lot depending on the grade of the lot. The definitions section indicates that any land within a given lot cannot have a grade greater than 20 percent and he suggested an edit to indicate that the buildable area of the lot not be any portion of the lot that exceeds 20 percent grade. Mr. Scott stated the ordinance indicates that single-family dwelling structures shall be located only upon areas constituting buildable land, which are fully contiguous and shall be at least 5,000 square feet in size with a minimum dimension – either length or width – of 50 feet. Chairman Thomas stated that addresses his concern. He misunderstood the intent of that section of the ordinance.

Commissioner Webb stated that the ordinance suggests that buildings be constructed with materials and colors that reflect natural vegetation on the hillside. He thinks that is a great concept but wondered how it will be enforced. Mr. Scott stated that at the time of the building permit application, staff will review the plans to ensure that the color scheme complies with the ordinance. Commissioner Webb asked what would prevent someone from building a home in compliance with the ordinance but choosing to paint it pink at some point in the future. Mr. Scott stated that may be a difficult issue to manage, but in addition to City Code Enforcement, many subdivisions are governed by a homeowner's association (HOA), which will have covenants, conditions, and standards that homeowners must abide by.

a. Public Hearing

Vice Chairman Mason opened the public hearing at 8:53 p.m.

John Bjerregaarde, Wasatch Civil Engineering, 1949 E. 7775 S., South Weber, stated that he has been working with Mr. Marriott on plans to develop her property for over a year. He has always intended to place homes in the most suitable locations and to leave other areas open and in their natural vegetative state. He stated he has only had a few days to review the proposed ordinance and he has addressed his initial concerns in the letter referenced by Mr. Scott, but he is concerned that there are other matters in the ordinance that he has missed or that could have unintended consequences for his client. He stated he is not opposed to studying the issue and gathering additional information, but some of the specific requirements in the ordinance could constitute a taking of property for the Marriott's, whereby they could not pursue the highest and best use of the property.

Matt Murdock, Wasatch Civil Engineer, 755 Sunset Lane, South Ogden, reiterated Mr. Bierregaarde's comments. The professionals working on the development plans for the Marriott property are interested in providing for safe development of the areas and hopes not to see any added restrictions that exceed what the professionals are already doing and analyzing in this situation.

Jim Gramoll stated he owns land on the north end of Mountain Road that would fall into the sensitive lands area. He endorsed the comments made by those who have spoken before him in that this is a very extensive document, yet he has had less than a week to review it and be prepared to provide input. He stated he is not saying he is opposed to the ordinance at this point, but he needs more time to review it.

Kami Marriott, 1896 N. 3450 W., Plain City, stated she and her husband, Randy, agree with everything that has been said tonight. The document is very long and detailed and they would like additional time to review it to ensure they have a clear understanding of the implications for their property.

There were no additional persons appearing to be heard.

Commissioner Nancarrow made a motion to close the public hearing. Chairman Thomas seconded the motion.

Voting on the motion:

Chairman Thomas	aye
Vice Chairman Mason	aye
Commissioner Arner	aye
Commissioner Barker	aye
Commissioner Lunt	aye
Commissioner Nancarrow	aye
Commissioner Webb	aye

The motion carried.

The public hearing was closed at 8:58 p.m.

b. Discussion and recommendation

Mr. Scott stated that staff is not opposed to delaying action on this item to give those that have spoken sufficient time to review the document and provide any additional input they may have. Vice-Chairman Mason stated he is also not opposed to tabling this matter. However, there may be others who are in attendance tonight that are supportive of the ordinance moving forward. He noted that the Commission has had sufficient time to review the document and is only providing a recommendation to the City Council.

Chairman Thomas stated that given that the majority of the comments made were from landowners who stand to be impacted by the ordinance, he supports tabling a recommendation on the application.

Chairman Thomas made a motion to table until the second meeting of April application ZTA 2018-03, proposal to amend the City Code to include a Sensitive Lands Chapter. Commissioner Lunt seconded the motion.

Voting on the motion:

Chairman Thomas aye
Vice Chairman Mason aye
Commissioner Arner aye
Commissioner Barker aye
Commissioner Lunt aye
Commissioner Nancarrow aye
Commissioner Webb aye

The motion carried.

Mr. Scott asked that those individuals who have spoken reach out to him to communicate their desires related to the amount of time they need to complete their review of the document. Chairman Thomas asked Ms. Marriott and the representatives of Wasatch Civil Engineering if they can complete their review before the second meeting in April. Mr. Bjerregaarde answered yes. Mr. Scott stated that meeting date is April 21 and he asked interested parties to have their comments submitted to him by April 7.

12. REMARKS FROM PLANNING COMMISSIONERS:

Vice-Chairman Mason referenced the comments made by Commissioner Nancarrow earlier in the meeting regarding opposing viewpoints among Commissioners. He emphasized that it is important and vital for any member of the Commission to vote with their conscience and that they need not fear that other Commissioners will be upset with them for any decision they make. He noted he has a great deal of respect for each member of the Commission. Chairman Thomas agreed.

13. REPORT FROM PLANNING DIRECTOR:

Mr. Scott complimented the Commission for the manner in which they deal with policy issues they are presented with. It is appropriate to dedicate a great deal of time and thought to policy matters and he applauded the idea of utilizing development agreements to address any concerns that the Commission has relative to a zoning matter. He then reported his last day with the City is April 1, but he has committed to seeing through some of the projects he has been working in, including the sensitive land chapter. He stated he cannot express how much he has enjoyed his time with North Ogden. This is a very special city, and he is proud to have worked for the City and with the Planning Commission.

Vice-Chairman Mason thanked Mr. Scott for all he has done for the City and the Planning Commission. He has been a great Planning Director. Several Commissioners echoed Vice-Chairman Mason's sentiment.

14. REMARKS -- CITY MANAGER/ATTORNEY:

City Manager/Attorney also thanked Mr. Scott for his service. He has appreciated Mr. Scott's level of professionalism and depth of knowledge.

15. **ADJOURNMENT:**

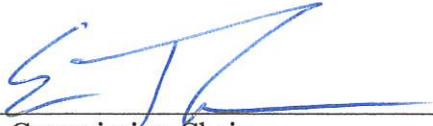
Vice Chairman Mason made a motion to adjourn the meeting. Commissioner Arner seconded the motion.

Voting on the motion:

Chairman Thomas	aye
Vice Chairman Mason	aye
Commissioner Arner	aye
Commissioner Barker	aye
Commissioner Lunt	aye
Commissioner Nancarrow	aye
Commissioner Webb	aye

The motion carried.

The meeting adjourned at 9:13 p.m.



Planning Commission Chair



Katie Gerard, City Recorder

4/7/21

Date approved.



Staff Report to the North Ogden City Council

SYNOPSIS/APPLICATION INFORMATION

Application Request: Consideration, and recommendation on a legislative amendment to create a Sensitive Lands chapter, amend the Development Constraints chapter, and amend the Definitions chapter

Agenda Date: May 11, 2021

Applicant: North Ogden City

File Number: ZTA 2018-03

PUBLIC NOTICE:

Mailed Notice: March 5, 2021

Newspaper: March 6-7, 2021

City Website: May 7, 2021

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 11-25 (Development Constraints)

North Ogden Zoning Ordinance Title 11-2 (Definitions)

North Ogden Zoning Ordinance Title 11-9 (Hillside Protection Zones)

LEGISLATIVE DECISION

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

BACKGROUND

The Planning Commission first discussed this amendment on August 19, 2020. Since then, the Planning Commission has had 7 additional discussions regarding the amendment. On February 17, 2021, the Planning Commission requested that a public hearing be set to consider this amendment. A public hearing was conducted on March 17, 2021. The Planning Commission continued this item until April 21, 2021 in order to allow for additional comments from Wasatch Civil Engineering representing West Side Development.

Staff met with Kami Marriott, Wasatch Civil, and Bruce Parker on April 15, 2021. Written comments were received on April 19, 2021. Staff prepared an addendum addressing those comments which were presented to the Planning Commission on April 21, 2021. (See Exhibits B and C) The response to these comments are contained in the attached Addendum in Exhibit H.

In addition comments were received from Carson Jones. Additional comments were received from Richard Hall and Cherie Hall Ensminger representing Hall Brother Land Company. (Exhibits D and E)

Staff spoke with Carson Jones and made a subsequent phone call with Carson Jones, Richard Hall and

Cherie Hall Ensminger to clarify their questions. There was some misunderstanding regarding the purpose and intent of the amendment which were clarified. Links were shared regarding the General Plan provisions including parks and trails.

Planning Commission Edits

The Planning Commission is recommending the following edits to the amendment. They are incorporated into the amendment and shown in the blue font.

- Added a cluster provision on page 7.
- Deleted the provision limiting height to 25 feet or 1 ½ stories on page 15. The Planning Commission is recommending that a consistent height be maintained for the entire city.
- Eliminated the potential economic or market study from the potential studies on page 16.
- Requested that a standard be established for the allowance of a greater percentage of impervious material coverage where on site detention is provided on page 7.
- Clarified the planting schedules to be consistent with the approved landscape plan on page 11.
- The disturbed soil surface standard be required to be consistent with the approved landscape plan and SWPP plan on page 11.

Staff Edits

Staff reviewed the draft amendment and found some duplication standards that have been deleted.

- The Grading, Cuts, and Fill provision on page 13 has been simplified to reference existing grading and drainage standards.
- The Streets and Ways standard on page 14 has been modified to reference the Public Works Standards.
- On page 19 the Soil Characteristics Report makes reference soil saturation conditions will use infiltration rates in sizing LID BMPs.
- The subsurface hydrology analysis on page 22 now references the 80th percentile storm.

Amendment Summary

The draft amendment (See Exhibit A) amends Chapter 11-25 Development Constraints to retain the requirement to retain specific studies prior to development that apply to all of North Ogden; it references the study details found in the new Chapter 27. Chapter 11-2 Definitions is also amended.

A new chapter 11-27 Sensitive Area Overlay Zone SA creates measurable standards that are lacking in the current Development Constraints chapter. This is consistent with State land use law that requires clear and objective standards rather than general statements.

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The park definition has been amended to clarify its function and references natural open space.

There are two new definitions natural trail and trail heads.

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There are seven sections in the Sensitive Lands amendment. A brief synopsis is given for each section.

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The purpose and intent statement emphasizes public safety as the primary focus of the ordinance. The purpose statement addresses natural hazards, storm water design, removal of natural vegetation, fire hazard, natural features, public access, transportation network, emergency access, and development designs.

11-27-2: SCOPE AND APPLICATION

This section identifies that an overlay map will be created for the application of this zone.

A map identifying the overlay is shown in Attachment A. The overlay follows lands that are north and east of the existing or future Mountain Road alignment.

11-27-3: DENSITY, LOT SIZE, WIDTH AND CHARACTERISTICS

This section identifies the relationship between slope and density. Properties that have slopes below 10% are allowed to have the density for the underlying zone. Slopes between 10-20% have a minimum 15,000 square foot lot size with a minimum 100 feet of frontage. The HP-3 zone has a 2 acre minimum and this is retained. No development is permitted when slopes are above 20%. This is consistent with existing standards.

PUDs will have the same maximum density for the underlying zone.

Impervious materials coverage standards are given.

Alternatives for incorporating areas that are above 20% into subdivisions are given.

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A flag lot provision is provided for properties within the overlay.

Only single family projects are allowed, but with a PUD attached units would be allowed.

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Standards are created for Drainage and Erosion, Vegetation and Revegetation, Fire Protection, Geology, Grading, Cuts and Fill, Streets and Ways, Building Design, and On Site Development.

11-27-5: REVIEW AND APPROVAL PROCEDURE

The review process for projects with the overlay zone is a three step process, i.e., conceptual review, preliminary, and final. Special studies are identified as part of these reviews. The requirements for each step are provided. This section will be shifted into the administrative review process in the new land use code.

11-27-6: ISSUANCE OF BUILDING PERMITS

There is a separate provision for building permit issuance.

11-27-7: APPENDIX A

Appendix A identifies the standards for each of the various reports. The reports include Soil Characteristics, Grading or Erosion Control, Geology, Vegetation and Preservation Report, Hydrology and Storm Drainage, Low Impact Design, and Fire Protection.

CONFORMANCE WITH THE GENERAL PLAN

The General Plan identifies physical hazards for development in the Environmental Chapter along with appropriate goals and strategies starting on page 62. The Housing Chapter related goals and strategies are found starting on page 22.

Environmental

Goals

- Protect sensitive lands within the existing and future City boundaries.
- Protect the water quality of existing wetlands, springs, streams, ponds, and aquifers.

Goal #1 - Protect sensitive lands within the existing and future City boundaries

Strategies

- Continue to use the land use approach found in the Hillside Protection zones to incentivize developers to avoid sensitive lands.
- Reduce and avoid impacts on sensitive lands. Sensitive lands include: wetlands, riparian corridors, steep slopes, land slide runway areas, avalanche paths, and others.
- Establish preserved natural areas within the City and along the mountains.
- Proactively reassess potential sensitive land impacts at least every 5 years.
- Maintain existing landslide debris catchment basins.
- Create and reinforce use of rigorous disclosure statements for all property and home sales so buyers are aware of potential dangers. Add these to the Hillside Protection chapters of the Zoning Ordinance.
- Work with developers to dedicate open space natural areas, especially those that are sensitive and not developable such as riparian areas, drainages, rock outcroppings, steep slopes, avalanche prone areas, mud slide prone areas, wetlands, etc.

Housing

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.

SUMMARY OF LAND USE AUTHORITY CONSIDERATIONS

- Should the City create standards for development on sensitive lands?
- Should definitions be amended regarding open space and trails?
- Is the amendment consistent with the General Plan?

PLANNING COMMISSION RECOMMENDATION

The Planning Commission on a 6 – 0 vote recommends that the City Council adopt the sensitive lands amendment. The Planning Commission found that the amendment is consistent with the General Plan.

EXHIBITS

- A. Amendment
- B. Wasatch Civil Memorandum (March 16, 2021)
- C. Planning and Development Services Memorandum (April 19, 2021)
- D. Carson Jones Comments (April 20, 2021)
- E. Richard Hall and Cherie Hall Ensminger Comments (April 6, 2021)
- F. Planning Commission minutes, March 17, 2021
- G. Planning Commission minutes, April 21, 2021
- H. Staff Report Addendum, April 21, 2021

North Ogden Sensitive Lands

Ordinance 2021 (Proposed)

Comments / Concerns

Section 1

Applicability: this is a blanket statement that is not really looking at sensitive lands; it is more of a stopping of development or making it so restrictive that it is near impossible for the individual landowners to do anything with their land.

Staff Response: Applicability statements are standard and used to identify which zones or areas of the city these ordinances relate to.

Section 4

Purpose and Intent: sub section 1-9 All of these guidelines to be added are a slippery slope and opens the door for individualized personal interpretation of the ordinance. Development by nature is an asset to the prevention of Wild Fire and it brings firefighting assets to where there was once only water truck access over dirt trails.

All of the definitions of standards vary wildly from person to person, who decides what an acceptable topographical feature is? What some people call native plant and vegetation formations other people call weeds and fire hazards. The implementation of this would vary wildly by who sat on the Planning Commission and what some individuals considered sacred.

Staff Response: Staff agrees that development can provide beneficial fire access to hillside properties. The Purpose and Intent statements establish some general guidelines, and are further clarified in the code sections or references to other engineering and public works standards.

Scope and Application: The application and scope of this does not really take in the sensitive areas rather it looks at all the Private Property that is yet to be developed and calls it sensitive land regardless of the general constraints of what really exists on said ground. The main point of this proposed sensitivity seems to be the fact that the overlay zone is substantially undeveloped more so than anything else.

Staff Response: Staff understands that each parcel will be treated individually in these areas. Sensitive Lands were identified to be those areas of known steep hillsides, proximity to fault lines, or other geographic features that require a sensitive approach to development.

Density and Lot Size: This seems to have taken the most restrictive requirements of any of the residential zones of the city and used then to restrict what anyone can do This is arbitrary and unnecessary.

Staff Response: Staff agrees that 15,000 square foot lots are more restrictive than the current HP-1 and HP-2 zones, but they are not more restrictive than other areas such RE-20 which requires 20,000 square foot lots.

Not every project needs a public access point to the mountain. This would be chaotic and uncomfortable for the owners of subject property. Buildable Areas should match what the terrain and surrounding area will sustain.

Staff Response: The City has a history of requiring trail access and open space with other developments. This is recommended to continue as the hillside develops.

Development Standards: Restricting development to only activity between October 1 to April 15 of the following year is preposterous and an undue restriction of general development practices. Storm Water standards and Low impact development standards are already clearly specified and followed in City and State Law.

Question the need for specific contractors to do the re vegetation. This should be dictated by size and scope.

Vegetation should be removed to meet the scope of the project and the wellbeing of the city.

There should be an approved seed mix that is approved for general vegetation needs if it is not specified for the general beautification of the project and surrounding area.

The property owner and/or Developer shall be responsible for destruction of native or applied vegetation is a blanket law/ordinance that generates undue regulation for the sake of restricting the free trade laws of the United States. This is a power move to create avenues or penalties to shut down or restrict land owners/developers.

Staff Response: Staff understands that in many years development on the hillside between October 1 and April 15 will create minimal impacts. However, there are years with heavy Spring rains that may cause issues with hillside development. The Code as written does not disallow development, but rather asks for a sensitive approach to development that it be “of a nature that will minimize disturbance of vegetation cover”. This seems like a reasonable approach to mitigate issues of development on hillsides during months of inclement weather.

Provision 11-27-4 B 1 states “All areas on development sites cleared of natural vegetation in the course of construction of offsite improvements shall be replanted with revegetation which has good erosion control characteristics.” Each provision in this section is related to off-site improvements, detention, trails, or other upfront development impacts. There is no relation to the building activities on an individual lot. Fire protection of structures is a desire of North Ogden City. Staff could clarify the provisions in the section to assure that homeowners have the right to protect their structures and clear brush and vegetation as needed. Staff’s desire is to protect existing vegetation to the largest degree possible. Quality vegetation such as large stands of oak brush is beneficial to hold the hillside. Staff wants to strike a balance here. Clear cutting areas may make development easier, but it also increases runoff and potential for erosion issues.

Geology: The general provisions for the geology should be handled on a parcel basis as it can change fairly rapidly in this area. These requirements already exist and the need to change them is questionable at best.

Having a restriction on roads crossing 20% grade to 200’ or less is eliminating the ability of some land owners to take full access to their land and should not be considered. There are better design and construction practices than blanket restrictions.

Staff Response: Staff would like to review this section with the Fire Marshall to assure our fire equipment's ability to access hillside locations is protected. These cases of long steep slopes will be infrequent and should be looked at on a case by case basis to assure that fire life safety provisions are met. Staff is willing to review and amend the distance requirement if it can be shown that fire protection is viable.

Open Space: Not all Trails are "Public" and Not all Land or Developments need Open Space! If there is a trail that crosses private property, oftentimes the validity of that trail is in question. It is in the communities best interest to keep open access to the mountain as it is one of the great things of living in this area however this needs to be done in a manner that is beneficial to both the land owner and the city not a shotgun approach. There are many examples on a trail leading to the mountain where the trail is a well used access point yet it is squarely on private property. Trails should be well planned and easements granted on a site by site basis. The undeveloped land on the bench is not open space, it is private property and the land owners still have their private property rights.

Open space should be considered by the development and certain constraints which are already enforced. This should not be a mandated requirement. Parks, Parks plan and Trails Plan should be on a as needed to fit the current standards not a mandate required by every development.

Building Design should never be a community process. Building styles, colors and heights should be derived from the highest and best use of the property itself. Taking all of the requirements from each of the different city zones and cherry picking the most restrictive of them all lends itself to more of a taking than a sensitive lands issue.

Staff Response: Staff agrees that the Purpose and Intent as drafted is related to protection of health, safety, and welfare of citizens. Ordinances of all types exist with multiple purposes in mind. Protecting access and enhancing open spaces, parks, trails, or other publicly accessible recreation is a vital and logical goal for cities as they consider development. Staff recommends retaining the language. The State Legislature has limited the city's ability to direct single family home design. Staff will assure that language meets State Code.

Preliminary Approval: Changing Preliminary Approval to have a different process because of this being sensitive lands overreach doesn't make sense.

Vegetation type, Landscaping Plan and parks Plan are things that should be submitted with an HOA type development. Not all projects should require this. The trails and open space plan is an if proposed basis only.

Staff Response: Landscaping, open space, and park plans are all standard requirements of development in all zones.

Final Approval: There is no reason to change this process.

Staff Response: Staff will review approval processes to assure that they are consistent with other sections of code.

Thank You for your consideration in this matter,

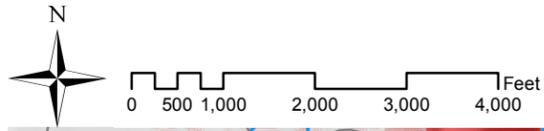
Carson Jones, Blackburn Jones Real Estate Inc.

carson.jones@bbjrei.com

SLOPE MAP

-  Roads
-  North Ogden Potential Boundary
-  Streams/Canals

- Slope**
-  0 - 10%
 -  10 - 20%
 -  20 - 30%
 -  30% +

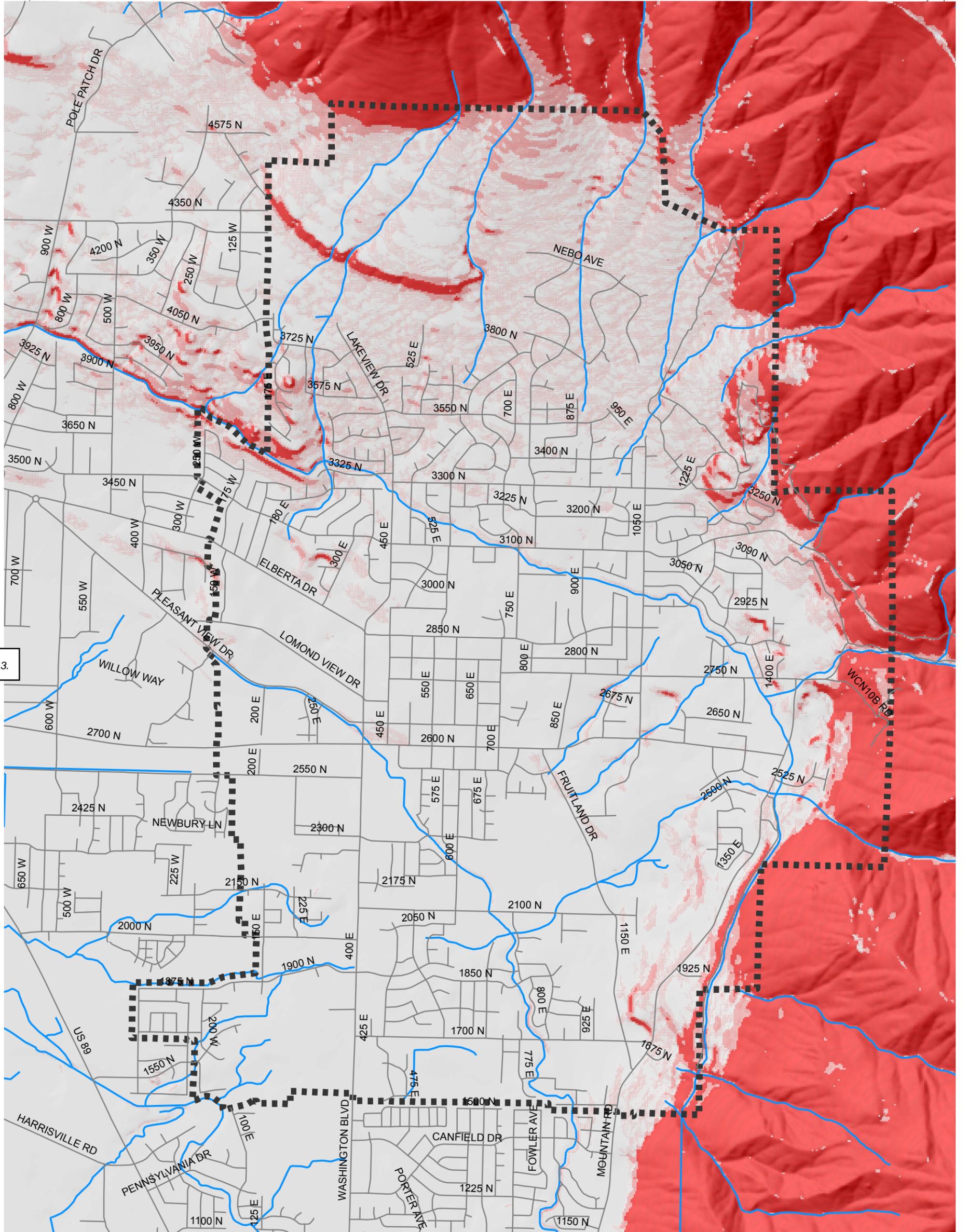


NORTH OGDEN CITY

— SETTLED 1851 —

GENERAL PLAN UPDATE

Date: 7/21/2015



**NORTH OGDEN PLANNING COMMISSION
MEETING MINUTES
April 21, 2021**

The North Ogden Planning Commission convened for a meeting on April 21, 2021, at 6:32 p.m.

COMMISSIONERS:

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

STAFF:

Neal Berube	Mayor
Brandon Bell	Associate Planner
Jon Call	City Manager/Attorney
Dave Espinoza	Public Works Director
Lorin Gardner	City Engineer
Katie Gerard	City Recorder
Kai Johnsen	Planning Tech
Rob Scott	Planning Director

VISITORS:

Brenda Ashdown
Stefanie Casey
Cherie Ensminger
Jeff Fullmer
Richard Hall
Shawn Maynard
Don Peterson
Jackie Peterson
Rick Scadden
Danny Wall
Greg Wall

Vice Chairman Mason called the meeting to order at 6:32 p.m. Commissioner Lunt offered an invocation and Commissioner Nancarrow led the audience in the Pledge of Allegiance.

1. **ROLL CALL**

Vice Chairman Mason conducted the roll and excused Commissioner Webb from the meeting.

2. **MINUTES CONSIDERATION**

a. **Consideration and action to approve the April 7, 2021 Planning Commission Meeting minutes.**

Vice Chairman Mason motioned to approve the April 7, 2021 minutes. Commissioner Nancarrow seconded the motion.

Voting on the motion:

Chairman Thomas	aye
Vice Chairman Mason	aye
Commissioner Arner	aye
Commissioner Barker	aye
Commissioner Lunt	aye
Commissioner Nancarrow	aye
Commissioner Webb	absent

3. **OPENING MEETING STATEMENT**

Vice Chairman Mason read the open meeting statement.

4. **EX PARTE COMMUNICATIONS OR CONFLICTS OF INTEREST TO DISCLOSE**

Chairman Thomas asked if any member of the Commission needs to declare ex parte communications or conflicts of interest. No declarations were made.

5. **PUBLIC COMMENTS FOR ITEMS NOT ON THE AGENDA**

There were no public comments.

CONSENT AGENDA:

6. **DISCUSSION ON THE CAPITAL IMPROVEMENT PLAN FOR STREETS/MONROE ALIGNMENT**
PRESENTER: DAVE ESPINOZA

Planning Director Scott reported that a few weeks ago the Planning Commission participated in a field trip to look at different streetscape designs; there was discussion about the future alignment and construction of Monroe Boulevard. Staff indicated they would ask Public Works Director Espinoza to share information about the capital improvement planning and budgeting process and

he invited Mr. Espinoza to address the Commission to provide that information. Mr. Espinoza indicated his willingness to work with the Planning Commission and City Council to pursue design standards that are aesthetically pleasing and improve the safety of a roadway, but he is concerned about requiring intensive improvements to the streetscape or center island of Monroe Boulevard given the cost associated with such improvements and the difficulty in requiring a developer to complete such improvements.

Chairman Thomas facilitated discussion among the Commission and staff regarding the implications for both the City and a developer of requiring certain design standards for streetscapes and trail improvements. Commissioner Thomas relayed the Commission's desires for improvements along Monroe Boulevard and Mountain Road, including planted medians, street trees, trails, and bulb-outs at intersections with the roads. Mr. Espinoza stated he will take that information under advisement and work with Mr. Scott to develop a recommendation for the Commission to consider. Any action taken by the Commission and ultimately the City Council will be used to inform the City's Capital Improvement Plan (CIP) planning process.

7. **CONSIDERATION AND ACTION REGARDING ANNEXING PROPERTY LOCATED AT APROX. 304 EAST 2000 NORTH AND TO ZONE THE PROPERTY C-2 PRESENTER: ROB SCOTT, PLANNING DIRECTOR**

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

The applicant has submitted an application to annex 1.83 acres of property at 304 East 2000 North. The property has an existing single-family home. The applicant will be selling this property to Bull Frog Spas for eventual expansion. Mr. Maynard has indicated that there is the potential for mixed use although no firm plans have been made.

The adjacent properties are residential and commercial. The applicant is requesting a C-2 zone. The properties in this area are a combination of R-1-8, C-2, and MP-1.

CONFORMANCE TO THE GENERAL PLAN

The North Ogden General Plan Annexation Policy Declaration calls for this property to be annexed into North Ogden City. The property is within the Coldwater Creek Neighborhood.

The Planning Commission and City Council will decide if the zoning for this property is appropriate as part of the transition for this area and consistent with the surrounding uses.

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 will 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 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 General Plan map calls for this property to be developed as residential low density; properties to the east and south have a mixed-use designation. Across 2000 North to the south are storage units with MP-1 zoning. This area is a blend of commercial, manufacturing, and residential uses.
This is a policy decision. The question before the Planning Commission and City Council is where should the transition be established between the mix of uses within this neighborhood and commercial district occur?
- 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 property is transitioning to a new use and the zoning will determine the range of uses.
- 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: 2000 North is a collector street. Having a commercial use across from the Manufacturing zone with storage units would be appropriate.
- 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 parcel will be entirely within one zone.
- The Planning Commission may choose to use mixed use, multiple family, or professional office zoning as a buffer between commercial and residential uses.
Staff Comment: This policy reflects the need to determine the relationship between this mix of uses.
- Any non-residential zone abutting residential zones should be a mixed use, or planned zone (e.g., CP-2, MP- 1) to help minimize the impacts on residential zones. Transitions between uses should be carefully thought through.
Staff Comment: The proposal is for this property should be weighed against the zoning standards for buffering, etc. The potential exists to identify and address buffering provisions and incorporate them into a development agreement.

Commercial Guidelines:

- Generally commercial zones should be located along Washington Blvd. and 2700 North streets, avoiding local streets which serve residential zones. Access to commercial zones should avoid local streets within residential zones.
Staff Comment: Commercial and manufacturing zoning has also extended along 2000 North, a collector street.
- Adhere to the General Plan recommendations for the Downtown and Southtown.

Staff Comment: This property is adjacent to the Southtown boundary. The properties to the east have been identified as mixed use.

- If compatible with the General Plan, existing businesses on collectors and arterials should be allowed to expand while providing an adequate buffer with adjacent residential zones.

Staff Comment: Zoning for commercial would allow for the eventual expansion of the Bull Frog Spa business.

- Encourage commercial uses to be developed with a focus toward walkable streets, with buildings approaching the sidewalk, rather than as standard strip commercial with parking adjacent to the road.

Staff Comment: This policy could be incorporated into a development agreement that would incorporate these design principles into a future site plan.

- Consider development agreements to assure higher quality development.

Staff Comment: This is addressed in earlier comments and is a possibility to insure the appropriate transition and compatibility with the surrounding uses.

- Promote mixed use developments.

Staff Comment: This neighborhood already is a mixture of residential, commercial, and manufacturing uses.

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

- Is the annexation and zoning proposal consistent with the General Plan?
- Is the property located within the North Ogden City annexation declaration boundary?
- What is the appropriate zoning for this property?
- Where should the transition be established the mix of uses within this neighborhood and commercial district?

The memo concluded staff recommends that the Planning Commission recommend that the City Council annex this property. The Planning Commission should also make a recommendation on the appropriate zone.

Mr. Scott reviewed his staff memo.

Commissioner Nancarrow referenced the aerial photo of the subject property and stated it appears as if there are two parcels within the island of unincorporated Weber County property; she asked if the parcel to the east is the only parcel subject to this annexation. Mr. Scott answered yes. Commissioner Nancarrow asked if the other parcel is owned by the same property owner, to which Mr. Scott answered no and noted it contains a home.

Commissioner Barker asked if the recommendation of C-2 zoning would also include a requirement for a development agreement. Mr. Scott stated staff recommends both the C-2 zone and a development agreement. Commissioner Barker stated he wonders if that is truly a transitional zone for the property's surroundings.

Chairman Thomas invited input from the applicant.

Shawn Maynard stated he is the owner of The Cannery building and he has requested the C-2 zone; his plans are to expand the operations of The Cannery building onto the subject property. He originally had a contract to purchase the property to the north of his property, but for reasons that he does not understand, the City allowed that property to be developed as townhomes rather than commercial use. This is the only opportunity for The Cannery to expand and thrive. He understands it abuts residential uses and is prepared to provide appropriate buffering to address any concerns about that relationship.

Vice Chairman Mason asked if the development would promote walkability in the area. Mr. Maynard stated that the current sidewalk layout does not encourage walkability, but as development continues, he expects he will dedicate a defined amount of space for an appropriate setback to accommodate a park strip and improved sidewalk. He expects to engage in conversations about those issues, as well as landscaping, as the project moved forward.

There was a brief discussion about the ownership and uses of surrounding properties, after which the discussion recentered on the relationship between the subject property and the residential properties immediately to the west. Mr. Maynard reiterated he feels he can implement adequate buffering measures to limit the impact that his project will have on adjacent residential properties.

Chairman Thomas invited public input. There were no persons appearing to be heard.

Vice Chairman Mason made a motion to forward a positive recommendation to the City Council to annex the property located at approximately 304 E. 2000 N. and to zone the property C-2, based on the findings and subject to the conditions listed in the staff report. Commissioner Lunt seconded the motion.

Commissioner Barker asked if the motion includes a requirement for a development agreement. Vice Chairman Mason stated he left that out of his motion because he feels any concerns will be adequately addressed if the project conforms with the City's development standards for a C-2 property.

Commissioner Nancarrow stated that the General Plan calls for low-density residential for the subject property, but the applicant makes an excellent point that the highest and best use of the property is not single-family homes as it is surrounded by manufacturing uses. She feels the expansion of the businesses in The Cannery is an appropriate suggestion. Commissioner Barker agreed. Commissioner Nancarrow added, however, that she does feel it would be appropriate to include a recommendation for a development agreement in the motion.

Commissioner Nancarrow offered a friendly amendment to suggest that the City Council consider negotiating a development agreement with the applicant.

Vice Chairman Mason asked the applicant if he is willing to enter into a development agreement for the project. Mr. Maynard stated that he expects that what he will produce on the property will be better than what is currently there or other projects that could be allowed there. He would rather work through the defined application process to determine the design of the project rather than be constrained by a development agreement.

Chairman Thomas asked Commissioner Nancarrow to express the types of things she would like a development agreement to address. Commissioner Nancarrow stated that the development agreement would run with the land in perpetuity rather than just for this application. She stated that it may be the case that the applicant does not proceed with this current proposal and, instead, sells his property five or 10 years down the road; she would like for the City to be able to require a development agreement for other development proposals for the property. Chairman Thomas stated he would be open to recommending a development agreement that solely addresses walkability and frontage on 2000 North, but he feels that commercial development is appropriate for the area and it is not appropriate to negotiate a development agreement that addresses every single detail of the project. Mr. Scott added that a development agreement could also be used to determine the appropriate buffering between commercial zoning and the existing residential development to the west. This would give assurances to those property owners as well as the City. Mr. Maynard stated that he feels the City's land use code already includes mechanisms to ensure that level of protection. Chairman Thomas agreed and stated that he does not believe a development agreement is needed in this circumstance.

Vice Chairman stated that he does not accept the friendly amendment to his motion based upon the conversation about the subject matter.

Mr. Scott stated that Commissioner Nancarrow has the option to make a substitute motion that, if seconded, would be voted upon before the original motion. Commissioner Nancarrow stated she does not feel strongly enough about the issue, but since it was mentioned in the staff report she wanted to have the discussion.

Voting on the original motion:

Chairman Thomas	aye
Vice Chairman Mason	aye
Commissioner Arner	aye
Commissioner Barker	aye
Commissioner Lunt	aye
Commissioner Nancarrow	aye
Commissioner Webb	absent

The motion carried.

LEGISLATIVE ITEMS:

8. **ZTA 2018-03 CONSIDERATION AND RECOMMENDATION ON A LEGISLATIVE AMENDMENT TO CREATE A SENSITIVE LANDS CHAPTER, AMEND THE DEVELOPMENT CONSTRAINTS CHAPTER, AND AMEND THE DEFINITIONS CHAPTER**
PRESENTER: ROB SCOTT, PLANNING DIRECTOR

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

Commission give a recommendation to the City Council. Typically, the criteria for making a decision, related to a legislative matter, require compatibility with the general plan and existing codes.

BACKGROUND

The Planning Commission first discussed this amendment on August 19, 2020. Since then, the Planning Commission has had 7 additional discussions regarding the amendment. On February 17, 2021, the Planning Commission requested that a public hearing be set to consider this amendment. A public hearing was conducted for this amendment on March 17, 2021.

Wasatch Civil Comments

Comments from Wasatch Civil Consulting Engineering were received and presented at the meeting. There were three comments in the memorandum. The first was a concern about the provision limiting development to properties under 20% slope. This standard is not new to the sensitive lands amendment; this is an existing standard. Further there may be some isolated slopes above 20% but very few.

The second comment suggested a change to the low impact design provision. Staff has made an edit to this provision regarding the low impact design standards. The reference regarding 80th percentile standard is deleted and changed to reference the city low impact design provision in the Public Works Standards.

The third provision is concerned about streets crossing slopes over 20% is limited to 200 feet. The reason for this provision is to limit the amount of excessive cuts and fills. There are very few slopes in the city that are over 20%. Staff recommends retraining this provision.

Staff met with Kami Marriott, Wasatch Civil, and Bruce Parker on April 15, 2021. They will be submitting additional comments prior to the Planning Commission meeting. Staff will transmit their comments along with a staff analysis.

Amendment Summary

The following summary and outline are provided to assist the Commission in your review.

The draft amendment (See Exhibit A) amends Chapter 11-25 Development Constraints to retain the requirement to retain specific studies prior to development that apply to all of North Ogden; it references the study details found in the new Chapter 27. Chapter 11-2 Definitions is also amended.

A new chapter 11-27 Sensitive Area Overlay Zone SA creates measurable standards that are lacking in the current Development Constraints chapter. This is consistent with State land use law that requires clear and objective standards rather than general statements.

The consultants working on the Land Use Code have been consulted regarding the draft and will make the appropriate process changes.

11-2: DEFINITIONS

The definitions chapter defines various terms in the ordinance. All definitions in the code are being located in one chapter 11-2 DEFINITIONS.

The open space definition has been edited to include trail heads and references a new natural open space definition.

The park definition has been amended to clarify its function and references natural open space.

There are two new definitions natural trail and trail heads.

11-27 SENSITIVE LANDS OVERLAY

There are seven sections in the Sensitive Lands amendment. A brief synopsis is given for each section.

11-27-1: PURPOSE AND INTENT

The purpose and intent statement emphasizes public safety as the primary focus of the ordinance. The purpose statement addresses natural hazards, storm water design, removal of natural vegetation, fire hazard, natural features, public access, transportation network, emergency access, and development designs.

11-27-2: SCOPE AND APPLICATION

This section identifies that an overlay map will be created for the application of this zone.

A map identifying the overlay is shown in Attachment A. The overlay follows lands that are north and east of the existing or future Mountain Road alignment.

11-27-3: DENSITY, LOT SIZE, WIDTH AND CHARACTERISTICS

This section identifies the relationship between slope and density. Properties that have slopes below 10% are allowed to have the density for the underlying zone. Slopes between 10-20% have a minimum 15,000 square foot lot size with a minimum 100 feet of frontage. The HP-3 zone has a 2-acre minimum, and this is retained. No development is permitted when slopes are above 20%. This is consistent with existing standards.

PUDs will have the same maximum density for the underlying zone.

Impervious materials coverage standards are given.

Alternatives for incorporating areas that are above 20% into subdivisions are given.

A buildable area definition standard is given.

A flag lot provision is provided for properties within the overlay.

Only single-family projects are allowed, but with a PUD attached units would be allowed.

11-27-4: DEVELOPMENT STANDARDS

Standards are created for Drainage and Erosion, Vegetation and Revegetation, Fire Protection, Geology, Grading, Cuts and Fill, Streets and Ways, Building Design, and On-Site Development.

11-27-5: REVIEW AND APPROVAL PROCEDURE

The review process for projects with the overlay zone is a three-step process, i.e., conceptual review, preliminary, and final. Special studies are identified as part of these reviews. The requirements for each step are provided. This section will be shifted into the administrative review process in the new land use code.

11-27-6: ISSUANCE OF BUILDING PERMITS

There is a separate provision for building permit issuance.

11-27-7: APPENDIX A

Appendix A identifies the standards for each of the various reports. The reports include Soil Characteristics, Grading or Erosion Control, Geology, Vegetation and Preservation Report, Hydrology and Storm Drainage, Low Impact Design, and Fire Protection.

CONFORMANCE WITH THE GENERAL PLAN

The General Plan identifies physical hazards for development in the Environmental Chapter along with appropriate goals and strategies starting on page 62. The Housing Chapter related goals and strategies are found starting on page 22.

Environmental

Goals

- Protect sensitive lands within the existing and future City boundaries.
- Protect the water quality of existing wetlands, springs, streams, ponds, and aquifers.

Goal #1 - Protect sensitive lands within the existing and future City boundaries.

Strategies

- Continue to use the land use approach found in the Hillside Protection zones to incentivize developers to avoid sensitive lands.
- Reduce and avoid impacts on sensitive lands. Sensitive lands include wetlands, riparian corridors, steep slopes, land slide runway areas, avalanche paths, and others.
- Establish preserved natural areas within the City and along the mountains.
- Proactively reassess potential sensitive land impacts at least every 5 years.
- Maintain existing landslide debris catchment basins.
- Create and reinforce use of rigorous disclosure statements for all property and home sales so buyers are aware of potential dangers. Add these to the Hillside Protection chapters of the Zoning Ordinance.
- Work with developers to dedicate open space natural areas, especially those that are sensitive and not developable such as riparian areas, drainages, rock outcroppings, steep slopes, avalanche prone areas, mud slide prone areas, wetlands, etc.

Housing

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.

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

- Should the City create standards for development on sensitive lands?
- Should definitions be amended regarding open space and trails?
- Is the amendment consistent with the General Plan?

The memo concluded staff recommends the Commission review the forthcoming comments and staff review. Consider the General Plan's environmental goals regarding sensitive lands and make a positive recommendation to the City Council. The Planning Commission can find that the amendment is consistent with the General Plan and Staff recommends adoption.

Mr. Scott reviewed his staff memo and facilitated a review of the proposed text of the sensitive lands ordinance.

Chairman Thomas invited public input.

Richard Hall, 2781 N. 1375 W., stated he is a lifelong North Ogden, fourth generation resident. He is one of the managers of the Hall Brother's Land Company and this issue is very concerning to them as they continue to try to develop their land extending further east towards the canyon. He stated he wished he had been privy to the conversations that Mr. Scott had with other landowners that could be impacted by this ordinance. Mr. Scott stated he is willing to have a similar conversation with Mr. Hall. Mr. Hall then stated that his family has been working to develop the land for the last 35 years and immediate plans include development of the property east of Mountain Road; it appears to his family that the land is highly developable, though the portion of the land at the mouth of the canyon may be more sensitive in nature. He has enjoyed the family his entire life and he understands that many others have enjoyed it well, but he is concerned about the placement of unreasonable regulations on the development of the land. It is his understanding that the ordinance will place undue restraints on the property and is aimed at deterring development rather than assisting landowners in developing their property.

There were no additional persons appearing to be heard.

Vice Chairman Mason stated he would like to understand Mr. Hall's specific concerns about how the ordinance would hinder development of the land. Chairman Thomas stated his interpretation of the concerns that have been voiced are that the City is 'painting broad brush strokes' by indicating that all land north and east of Mountain Road is sensitive and may not be developable. He stated he does not believe that entire area is sensitive; he would rather consider each property on its own merits and perhaps modify the hillside protection zones in which the properties are currently located to address any of the concerns that the sensitive lands ordinance was intended to address. He noted that just because a property is steep, does not mean that it is undevelopable. This led to high level discussion among the group about the types of issues that could be addressed within existing hillside protection zoning ordinances, including grade of a road and/or building lot; building heights; clustering provisions; and minimum/maximum lot sizes. Mr. Scott stated that the reason that this issue came to light is because most of the area below Mountain Road is already developed and it is not appropriate to place an overlay on land that is already developed. Chairman Thomas agreed, but noted he is concerned about implementing more restrictive development standards along a large portion of undeveloped land in the City rather than readdressing the requirements in existing zoning. He added, however, that he does not feel the proposed ordinance is more restrictive than any of the overlay hillside protection zones. He does not necessarily agree to leaving it up to the City Engineer

to decide if a land is truly a sensitive land. Mr. Scott stated that the City Engineer would rely upon defined standards in order to determine if a property is a sensitive land.

Vice Chairman Mason stated he disagrees with Chairman Thomas; he likes the idea of a sensitive lands overlay for the areas in which it would be appropriate. He stated that this is a topic that staff and the Commission has expended a great deal of effort to develop, and he feels it is in a form that it is actionable. Chairman Thomas stated that he has been in favor of an overlay zone that is not overly restrictive, but it seems that this overlay zone is much more detailed in terms of design standards and regulations for hillside properties, and he feels those are issues that should be addressed by the underlying zoning of a property. Vice Chairman Mason stated he understands but feels that it is necessary to be somewhat more restrictive for lands further on the eastern and northern benches of the City as they are more sensitive and unmeasured development could have more severe impacts on the City than may be the case for developments lower on the hillside. Chairman Thomas stated that he is concerned about regulations or standards that exceed maximum requirements in the underlying zone; he does not want to treat one property different than another unless absolutely necessary.

Continued high level, philosophical discussion and debate centered on specific differences between regulations in the underlying zone and the sensitive lands overlay zone and whether those differences are appropriate or if they should be adjusted. Mr. Scott stated that any decision to impose the sensitive lands overlay zone would be based on a valid hillside study, which would be triggered by a development application for a given property. He noted that many of the requirements and standards of the hillside protection zones have been transferred to this sensitive lands overlay zone; he emphasized that the main reason this project was undertaken by City staff was to ensure safety for residents that may ultimately live in a home that is built on the City's hillside.

Commissioner Nancarrow stated that she agrees with Vice Chairman Mason's position that it is appropriate to consider implementing the Sensitive Overlay standards; she believes they are aimed at protecting the severe hillsides in the City. There may be some standards that can be reevaluated and adjusted, but she supports the concept of an overlay zone. Commissioner Lunt agreed; the areas upon which the overlay zone would be applied are truly sensitive lands as they can be seen from any location in the City and the way they are developed should be treated in a sensitive matter. He agreed with Chairman Thomas that some adjustments to things such as building heights or grades could be adjusted, but he supports moving forward with a positive recommendation on the Sensitive Overlay Zone. This led Chairman Thomas to facilitated conversation among the Commission regarding the items that should be adjusted; the Commission determined to recommend an adjustment to building heights and rely upon the building height standards that are included in the underlying zone; adding a clustering provision; and removing the requirement for 7,500 square feet of impervious material and rely upon the 30 percent standards in the underlying zone. Mr. Scott and City Engineer Gardner expressed concern about reducing the requirements relating to impervious materials; the purpose of this standard is to reduce the amount of runoff water in the City, which ultimately impacts the entire City. Chairman Thomas stated there may be instances where a developer is required to build detention basins to keep impervious water onsite and, in those cases, it would be appropriate to waive the 7,500 square foot requirement and revert to the 30 percent requirements. Chairman Thomas then stated he would like to adjust the allowed slope for a driveway; if a street can have a 12 percent grade, he is unsure why a driveway cannot have a 12 percent grade. Vice Chairman stated it may be the transition from a street to a driveway would be difficult for emergency response apparatus. Mr. Gardner added that a 12 percent grade is only allowed for a short segment of a

roadway; otherwise, a 10 percent grade is the standard and that is why that is the maximum grade allowed for a driveway. Mr. Scott suggested this is a detail that the City Council can formally address as they are considering final action on the proposed ordinance. Chairman Thomas stated he is comfortable forwarding a recommendation to the City Council if the items that have been raised are addressed.

Vice Chairman Mason wondered if it is appropriate to table action on this item until Mr. Scott can have a discussion with Mr. Hall. Mr. Scott stated he can relay the conversation with Mr. Hall to the City Council and Mr. Hall will also have an opportunity to address the City Council when the item is on the agenda.

Vice Chairman Mason made a motion to forward a positive recommendation to the City Council for application ZTA 2018-03, creation of a Sensitive Lands Chapter, amending the Development Constraints Chapter, and amending the Definitions Chapter of the North Ogden City Code, based on the findings and subject to the conditions listed in the staff report, and subject to the changes discussed throughout deliberation of the application. Commissioner Lunt seconded the motion.

Voting on the original motion:

Chairman Thomas	aye
Vice Chairman Mason	aye
Commissioner Arner	aye
Commissioner Barker	aye
Commissioner Lunt	aye
Commissioner Nancarrow	aye
Commissioner Webb	absent

The motion carried.

9. REMARKS FROM PLANNING COMMISSIONERS:

Vice Chairman Mason stated he feels the forum of tonight's meeting was effective; he asked if the Commission feels the same about allowing some members, staff, and public to participate electronically via Zoom. The Commission discussed the format and indicated the only concern is that those participating in person cannot see the faces of those participating via Zoom. They concluded to continue with the hybrid meeting format to give everyone options for participating in public meetings.

10. REPORT FROM PLANNING DIRECTOR:

Mr. Scott reported that the project to rewrite the City's land use code is progressing; he was hoping to present a few sections to the Commission tonight, but is still working on it. He hopes to present some of the material to the Commission in the coming weeks. He added the new Planning Director, Scott Hess, will begin his employment on May 10, but he wants to stay on at the City in order to finish a few projects he has been working on.

11. **REMARKS – CITY MANAGER/ATTORNEY:**

City Manager/Attorney Call reported that the City Council will soon be discussing the format of Planning Commission minutes; most cities do not have minutes that are as detailed as North Ogden's and staff is working towards indexing YouTube recordings to point a listener to the segment of the minutes document where an item is discussed. These adjustments will make things easier for staff who are responsible for preparing minutes and meeting summaries.

12. **ADJOURNMENT:**

Commissioner Arner made a motion to adjourn the meeting. Commissioner Barker seconded the motion.

Voting on the motion:

Chairman Thomas	aye
Vice Chairman Mason	aye
Commissioner Arner	aye
Commissioner Barker	aye
Commissioner Lunt	aye
Commissioner Nancarrow	aye
Commissioner Webb	excused

The motion carried.

The meeting adjourned at 8:46 p.m.

 *Brandon Thomas* **VICE-CHAIR**

Planning Commission Chair



City Recorder

5/5/21

Date approved



Staff Report to the North Ogden City Council

SYNOPSIS

Description: The contract for the North Ogden Connection Magazine is due to expire soon and the Council needs to determine how to move forward.

Date: September 1, 2021

STAFF INFORMATION

Jon Call
jcall@nogden.org
801-737-9846

QUESTION FOR COUNCIL

What direction would the Council like to see taken with the Connection Magazine?

BACKGROUND

The contract with the Connection magazine is expiring and the publisher wishes to continue the relationship between the City and their company. Staff has pulled some numbers on the costs associated with the City taking on the responsibility itself. Some of these numbers are estimates and others are pretty solid numbers. We anticipate that the City taking the newsletter back on will require an additional use of employee time for formatting and creating content for the newsletter. I am estimating it will take about 10 to 15 hours a month to put the newsletter together across all departments.

There will also be some physical costs to print out the paperwork and include it in the monthly utility bills. For a full color printout double sided printed and stuff in the existing envelopes it would be \$.24 per utility bill. The cost for black and white would be cheaper in the \$.10 a sheet range. Given our monthly bill numbers we would be seeing a cost between \$510 and \$1,224 depending on the options the City selected for the newsletter.

The Publisher is recommending a new cost structure based upon \$.11 per address where the magazine is delivered. The would be approximately \$900 per month at this time.

The City also gets a benefit from having the ability to print the cherry days edition of the magazine by utilizing the publishers contracts and resources. We estimate that we save about \$3,000 a year in cherry days publishing and mailing costs.

On the other side the City has had some complaints about the magazine as some residents have felt

it wasn't a good use of City resources and that the information was not as relevant as they would like. I know the Council has probably heard more concerns than I have, so it would be good for the Council to talk about the benefits and other impacts by the magazine.

The publisher of the Connection Magazine will be available to discuss their proposal as well as answer questions regarding the next steps. His summary of information is attached to this report.

RECOMMENDATION

With the costs and time requirements staff is recommending the council consider extending the contract with the Connection Magazine, or consider looking at other 3rd party publishers. There are obviously additional considerations the council must consider, but from a cost and resource perspective it appears to be a good deal for the City to continue to utilize the Connection Magazine.

EXHIBITS

1. Connection Magazine Information

CONNECTION MAGAZINE DETAILS AND SUMMARIES

North Ogden Connection numbers of interest

We deliver a print magazine to over 8000 North Ogden homes and businesses every month. We mail to 100% saturation, all homes, and businesses.

NorthOgdenConnection.com has an average of 2,000 unique visitors per month with readership of about 1.6 articles per visitor.

Facebook has 1391 followers to our page with our posts reaching between 500 to 700 people per week. We have an additional 953 followers on Instagram.

Currently our email list has 258 clean subscribers. This list is scrubbed each month to remove any email subscribers that don't open our emails within 90 days.

North Ogden Connection gifts to school nominated students of the month each month from the local High Schools and Jr High Schools awarding over \$800 annually directly to the students.

Over the last year, there have been over 50 North Ogden businesses that have advertised in the magazine at least once. These businesses buy in to the power of the city having an official magazine and a magazine that can create connection within a community.

We also provide a widely appreciated free community calendar that serves each school in the area by publishing their calendar of events. We also list local community events for free. We do all that we can to make sure the calendar is accurate and full. This is one of the most widely appreciated sections of the magazine according to our readers.

We also work closely with the North Ogden Museum and publish a history story each month. We have been able to bring to the forefront some of the great history that helped form and make this community great. To date, we have covered 60 unique stories from our history.

Connection Publishing's goal has been and continues to be to serve the city as a trusted partner. We seek to make a great publication that is approved by the city with content and styling that make the city proud, all for the cost of less than half of the postage it takes to mail the magazines, all other costs including maintenance of everything above is covered by Connection Publishing with advertising sales. Our goal is to continue to be in the background to make sure the city is well served by our products and can proudly stand behind their official magazine.



Staff Report to the North Ogden City Council

SYNOPSIS

Description: The Federal Government has provided North Ogden City with funds as part of the America Rescue Plan Act. The Council needs to discuss the ways in which they would like to use these funds. Generally, these funds can be used for Water, Sewer, and Broadband infrastructure.

Date: September 1, 2021

STAFF INFORMATION

Jon Call
jcall@nogden.org
801-737-9846

QUESTION FOR COUNCIL

How would the Council like to spend the ARPA funds we have received?

BACKGROUND

We have been given approximately \$2,400,000 to be used for city infrastructure projects. There are lots of guidelines for the use of the money but because it is a high level policy discussion the staff would like to know which direction you would like us to focus on. Generally staff would recommend a focus on the water system as opposed to the sewer system because of the perceived needs and deficiencies. Dave will provide us with a more exhaustive list of the type of projects but generally the recommendation is centering around the water tank already approved as well as the replacement of undersized/aging lines, and the development of the wells which have already been drilled.

The City also has the ability to apply to the state for the use of some additional funds given to the state. There is \$50 million available to all the cities and towns. We will need to apply for this money quite quickly as the deadline is September 15, 2021. We anticipate that several of the projects we already have planned will qualify for these additional state funds.

RECOMMENDATION

Staff recommends the Council discuss the use of ARPA funds and provide some guidance

EXHIBITS

1. None