



NORTH OGDEN CITY COUNCIL OPEN HOUSE
January 4, 2022, 5:15 – 5:55pm

CITY COUNCIL WORK SESSION MEETING
JANUARY 4, 2022, 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/89980381454> Webinar ID: 899 8038 1454

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

YouTube: <https://www.youtube.com/channel/UCrigbePBxTucXEzRr6fclhQ/videos>

Welcome: Mayor Berube

Invocation & Pledge of Allegiance: Council Member Barker

CONSENT AGENDA

1. Swearing in of new City Council Member, Jay D Dalpiaz and incumbent Blake D. Cevering
Swearing in incumbent Mayor, S. Neal Berube
Presenter: Susan Nance, City Recorder
2. Swearing in of new Police Officer, Jonathan Ungard
Presenter: Susan Nance, City Recorder
3. Call for conflict of interest disclosure
4. Appointment of Economic Development Committee (EDC) Chair
- [5.](#) Discussion and/or action to consider October 12, 2021, City Council meeting minutes
- [6.](#) Discussion and/or action to consider October 26, 2021, City Council meeting minutes

ACTIVE AGENDA

7. Public Comments*
- [8.](#) Discussion on Village at Prominence Point
Presenter: Scott Hess, Planning Director
9. Public Comments*
10. Mayor/Council/Staff Comments
11. 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 30th day of December, 2021 at North Ogden City Hall, on the City Hall Notice Board, on the Utah State Public Notice Website, and at <http://www.northogdencity.com>. The 2022 meeting schedule was also provided to the Standard Examiner on December 16, 2021. Susan L. Nance, CMC, 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.

NORTH OGDEN CITY COUNCIL MEETING MINUTES

October 12, 2021

The North Ogden City Council convened in a Council meeting with limited attendance on October 12, 2021, at 6:01 p.m. at the North Ogden City Office at 505 East 2600 North. And electronically on Zoom, recording can be found on YouTube: <https://www.youtube.com/channel/UCriqbePBxTucXEzRr6fclhQ/videos>. Notice of time, place, and agenda of the meeting was posted on the bulletin board at the municipal office and posted to the Utah State Website on October 7, 2021. Notice of the annual meeting schedule was published in the Standard-Examiner on December 13, 2020.

PRESENT:	S. Neal Berube	Mayor	
	Ryan Barker	Council Member	
	Blake Cevering	Council Member	(via Zoom)
	Charlotte Ekstrom	Council Member	
	Cheryl Stoker	Council Member	
	Phillip Swanson	Council Member	
STAFF PRESENT:	Jon Call	City Manager/Attorney	(via Zoom)
	Joyce Pierson	Deputy City Recorder	
	Scott Hess	Planning Director	
	Brandon Bell	Associate Planner	
	Tiffany Staheli	Parks & Recreation Director	(via Zoom)
	Jami Jones	Finance Director	
	Dave Espinoza	Public Works Director	
	Casey Hunsaker	Street Lead	
	Brian Galvez	Asst. Public Works Director	
	Lorin Gardner	City Engineer	
	Brandon Mason	Planning Commissioner	
VISITORS:	Jay D Dalpias	Sandy Cochran	Karen Bell
	Kent Bell	Koralyn Hietala	Mike
	Linda Lundstrom	Brenda Ashdown	Trent Nelson
	Stefanie Casey	Terri McCulloch	Spencer Stephens
	Susan Clements	Dallin	

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

CONSENT AGENDA

1. CALL FOR CONFLICT OF INTEREST DISCLOSURE

Mayor Berube asked if any Councilmember had any conflict of interest to disclose. No disclosures were made.

2. DISCUSSION AND/OR ACTION TO CONSIDER THE AUGUST 17, 2021 CITY COUNCIL MEETING MINUTES

Council Member Ekstrom cited a typographical error in the minutes; a resident's name was spelled wrong.

Council Member Swanson motioned to approve the August 17, 2021, City Council Meeting minutes as amended. Council Member Ekstrom seconded the motion.

Voting on the motion:

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

The motion passed unanimously.

3. DISCUSSION AND/OR ACTION TO CONSIDER THE AUGUST 24, 2021 CITY COUNCIL MEETING MINUTES

Council Member Stoker motioned to approve the August 24, 2021, City Council Meeting minutes. Council Member Swanson seconded the motion.

Voting on the motion:

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

The motion passed unanimously.

ACTIVE AGENDA

4. PUBLIC COMMENTS

Sandy Cochran, North Ogden resident, thanked Council Member Swanson for visiting the Village at Prominence Point project last night to become more familiar with the concerns that residents living there have; the residents are asking for help with many situations. She cited a home that has a 4.5 foot drop off in its rear yard and noted there must be some sort of code violation associated with that condition. She asked for help finding the codes and understanding her rights as well as the rights of others in the subdivision; they are willing to do the work, they just need to be pointed in the right direction. She then addressed Council Member Cevering and stated that many residents purchased homes in the development and were not ever notified of the public easement for the future trail through the project. She assumes this is a violation of some kind of real estate law. She stated that the homeowners living in the project should not be in the situation they are in and they need help.

Council Member Cevering stated he will look into that issue. Mayor Berube asked Council Member Barker to reach out to the Code Enforcement Division and ask them to inspect the other conditions mentioned by Ms. Cochran.

Kent Bell, North Ogden resident, referenced item six, standards for accessory buildings. He provided photographs and sample building materials to the Mayor and City Council Members and noted he is seeking a variance to build an 18 by 20-foot Cleary building in the southwest corner of his property. The City's building code is not clear regarding whether the building materials on the Cleary building are allowed; he reviewed his building plan, noting he has chosen charcoal gray on the roof, light gray on the walls, and white trim around the doors and windows to match his home. The roof will be changed to a 4/12 pitch to meet the building code and there will be an overhang that also meets code. The building is made of steel and is very attractive. The building will not be used for business purposes, but for personal storage and he is installing a six-foot vinyl fence around the yard perimeter.

Mayor Berube referred Mr. Bell to Planning Director Hess to get some direction on how to proceed with his appeal.

Korilynn Hietala, North Ogden resident, stated she also lives in the Village at Prominence Point project, and she provided photographs of her backyard where she wants to install a fence. She has been told that there is a public easement across her backyard, which she was not aware of, and also that her property is in a flood plain. She has been told that if she can get clearance from the Army Corps of Engineers, she can install the fence. She finally spoke with the Corps today and they told her they do not oppose the fence as long as it is not located in a waterway. She contacted Mr. Hess who spoke to the City Attorney about the issue, and he cited the easement and contacted the Army Corps about the possibility of performing a study to determine exactly where the fence can be located. She stated that a fencing contractor has come to her home to start

working on the fence, but they cannot complete just a portion of the fence or only the fence posts. She referred to the photographs that identify the locations of the future fence posts and she discussed her fencing plan; once the fence is installed, she can finish her sod and landscaping. There is approximately 11 feet of the creek that is on her property and there is not room for another 10-foot easement for the trail. She asked for permission to install the fence at this time, with the understanding that she will remove the fence in the future if the trail project actually comes to fruition. Right now, people wander through her yard and she is concerned about her privacy without the fence.

Mayor Berube stated that the City needs to adequately address the potential future trail process; he will meet with Mr. Hess and City Manager/Attorney Call to determine what type of agreement the City can consider.

5. **DISCUSSION AND/OR ACTION TO CONSIDER AN ORDINANCE TO CLARIFY LANGUAGE REGARDING FENCES CONSTRUCTED IN THE CLEARVIEW TRIANGLE ON CORNER LOTS**

Planning Director Hess reviewed a staff memo included in the meeting packet summarizing the Planning Commission's recommendation to amend standards for fences constructed in the clear view triangle on corner lots; he offered a comparison of the current City Code language with the proposed ordinance amendments, noting the Commission forwarded a recommendation to the City Council with an approved draft ordinance and amended language for fencing in the clear view triangle to be 3.5 feet tall, 75 percent transparent, and cannot be chain link. The Commission felt the fencing at corner locations should be as open as practical, and cited visibility issues with chain link when viewed at a perpendicular angle (Oreilly's and 2600 given as an example of obscured view, but ultimately that location is obscured mostly by the 6-foot height of the fence). The last note on chain link was that it is easier for vegetation to grow up this fence style increasing the likelihood for the fence to become sight obscuring.

Council Member Ekstrom asked if this ordinance will result in an extension of the sight triangle on corner lots. Mr. Hess stated this ordinance does not address the change to the sight triangle; that is an issue that will be handled separately in the future and the fencing standards considered tonight will not impact that matter.

Council Member Ekstrom motioned to approve Ordinance 2021-31 to clarify language constructed in the clear view triangle on corner lots. Council Member Cevering seconded the motion.

Voting on the motion:

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

The motion passed unanimously.

6. DISCUSSION AND/OR ACTION TO CONSIDER AN ORDINANCE TO ADJUST THE STANDARDS FOR ACCESSORY BUILDINGS

Associate Planner Bell explained a request came from the Council asking staff to consider standards for heights, square footage and size, for accessory buildings. There is a pending building permit application, and concerns about the City ordinance on the topic of accessory buildings were raised in the process of that application being reviewed. Staff is of the opinion that there is not a one-size-fits-all solution, but there is a reasonable range of solutions, based on principles that balance and seek to maintain rights of all affected parties. Staff believes the valid interests of neighbors on this topic, revolve around the issues of the height of the building, especially in relation to the distance of that height from the property line, excessive blocking of light coming on to their property, and excessive heat transmission onto a neighbor's property. Concerns about the design and materials of accessory buildings have been addressed through design standards enacted in the City for accessory buildings, requiring similar design and materials to be used as the home. On a related note, it may be worth considering that Accessory Dwelling Units (ADU's) can currently be up to 25' feet in height, at the same setbacks as a home, which are significantly closer than Accessory Buildings are allowed to be to the side property line. Further, single-family homes can also, technically be 35' high at 20' from the rear property line. Hence the Council should consider whether property owners desiring to build an accessory building on their property should have significantly different height standards than ADU's. Consequently, Staff is of the opinion that if the height of the accessory building is increasingly farther away from the property line, as the height increases, an increase in the size of the building should be permitted, to meet the needs of both owner of an accessory building and neighboring residents. The adjustment to the ordinance would still limit accessory buildings to 25% of the rear yard, so that cap on size and to a percentage of the yard still exists. Staff is of the opinion that it's reasonable for the building size to continue to be correlated to the percentage of the rear yard it occupies. The proposed ordinance amendment also amends the roof height and setback standards to one provision instead of two, and sets a flat, single standard for the maximum square footage, of 2500 square feet. This would replace a formula that provides a custom square footage limit for the size of every accessory building by coupling the permitted size for an accessory building to the size of the main floor area of the home, on each individual lot. This ensures those with smaller, and often older homes are not penalized on the building they want to build, just because they have a smaller home. The proposed ordinance would bring the code closer to uniformity for different types of buildings, or in other words, closer to

having roughly similar standards for any building whether it is Accessory Dwelling Unit, Accessory Building, or single-family home regarding distance from the property line. The Council should consider whether these changes are appropriate, and whether this is a reasonable, equitable comparison between Accessory Buildings and ADU's. The intent behind these potential adjustments is to simplify the ordinance, and if a height increase is permitted for accessory buildings, that change is intended to take into consideration, balance, and meet the interests and reasonable concerns of both property owners desiring to build an accessory building, and their neighbor's concerns. Staff is of the opinion that these adjustments keep the ordinance within a reasonable range of balancing differing interests of property owners desiring an accessory building and those of neighbors on nearby properties.

Council Member Swanson stated that according to the City's ordinances, an accessory dwelling unit (ADU) that is 25 feet tall must be 20 feet from the property line, but an accessory building of the same size must be 25 feet from the property line. He wondered if it makes sense to use a uniform setback for buildings of that size, regardless of their use. Mr. Bell stated that is the Council's prerogative, but most of the complaints City staff receives about accessory buildings deal with their size/scale, setbacks, and building materials/colors. Staff was attempting to prevent those concerns in drafting the proposed ordinance. This led to high level discussion and debate regarding the proposed formula for building heights/setbacks and whether it allows for a building height between 10 and 25 feet.

Mayor Berube then invited input from Planning Commission Vice Chairman Mason. Mr. Mason stated that one of the primary functions of the Planning Commission is to save the City Council time in their consideration of land use issues such as this. He provided background information regarding the recommendation of maximum size for an accessory building; he recommended that the maximum size be 1,500 square feet for lots under an acre in size and 2,500 square feet for lots over an acre in size. He stated he is typically opposed to arbitrary limits on things like building sizes and noted that he feels that other regulations overlap enough and are essentially self-limiting for accessory buildings. He stated that he recommends the Council adopt the current version of the ordinance that has been proposed by the Planning Commission.

Council Member Ekstrom asked if the Planning Commission would be concerned if the maximum square footage of the building were removed. Mr. Mason stated he personally is not opposed to removing the maximum square footage, but the Planning Commission was uncomfortable not having a mechanism to stop a massive building that does not fit with its surroundings. Council Member Barker stated that he feels that the maximum square footage included in the proposed ordinance is appropriate.

Mayor Berube then cited the information heard during the public comment period regarding accessory building materials. He asked how the Council feels about the request to allow metal on accessory buildings. Council Member Barker stated that as long as an accessory building matches the primary dwelling unit, he is not concerned about the use of metal. He agreed that metal does last longer than hardy board or stucco. He would recommend that the proposed ordinance be tabled until the matter of building materials can be addressed by the Planning Commission and a

recommendation included in the proposed ordinance. He also suggested that the same standards apply to all zones in the City. Mr. Hess stated that the proposed ordinance applies to the R-1-5 zone through the R-1-12.5 zone; in the RE-20, there are larger agricultural properties, and the ordinance allows for larger accessory buildings. The Hillside Protection Zones have their own accessory building standards as well. He stated it will be difficult to provide protections in the Hillside Protection Zones and the RE-20 zone if the same accessory building standards are imposed across the City. Mr. Hess then added that the public hearing advertisement only addressed accessory building standards in the R zones, not the Hillside Protection Zones; therefore, the Council cannot consider amendments that apply to other zones. Council Member Swanson stated he is comfortable moving forward with action on the proposed ordinance because he understands that considering accessory building standards for the other zones will be very complicated. Mayor Berube stated he is comfortable with that stance, but would like to address building materials in this ordinance; he polled the Council to determine if they are comfortable allowing metal buildings. There was discussion among the Council, staff, and Kent Bell regarding metal buildings; Council Member Swanson stated that Cleary buildings use a heavier gauge steel, which he is comfortable with. However, other buildings use other steel that is not as durable and he does not want to allow that. Mr. Hess stated that language could be crafted that requires commercial grade steel.

Council Member Swanson motioned to approve Ordinance 2021-32 to adjust the standards for accessory buildings, and directing staff to work with the Planning Commission to develop a recommendation regarding allowed building materials. Council Member Ekstrom seconded the motion.

Voting on the motion:

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

The motion failed to pass by a 3-2 vote.

Mayor Berube asked Mr. Hess to work with the Planning Commission to develop a recommendation that addressed accessory building sizes and standards, as well as allowing metal as an accessory building material.

7. DISCUSSION ON COMMUNITY GARDEN

Parks and Recreation Director Staheli reported that the City's current community garden will not be usable due to construction; the City has had its community garden for nine years and many families rely upon it. Additionally, future plans for the City include a community garden. She noted Administration had identified other possible sites for a

community garden: Barker Park or City property at 3079 N. 450 E. Both locations are good spots; staff feels that certain items should be included in the future garden, including concrete planter boxes, fencing, irrigation infrastructure, and community trees/plants and benches. City oversight is needed to create a more involved, landscaped garden area and properly maintain it. The property at 3079 N 450 E has existing berries, grapes and fruit trees that have been established for years. The property at Barker Park would be starting from scratch and could be designed exactly as the city wanted it to look. Both locations would require improvements to irrigation. With either location, there are many benefits to continuing to preserve space in North Ogden for a community garden that draws residents together.

Mayor Berube asked if staff has developed a cost estimate for the two spaces. Ms. Staheli answered no and indicated she did not want to do that until she is aware of the area that the Council preferred. Council discussion of the subject of a community garden centered on topics such as public access; other sites that may already have access to irrigation infrastructure; and security measures to ensure that produce is not taken by individuals not participating in the community garden program. Mayor Berube asked Ms. Staheli to determine the potential costs of developing the community garden at Barker Park. He also asked Administration to determine whether other locations may be viable, such as the property at the City's water tank.

8. DISCUSSION ON WELCOME TO NORTH OGDEN SIGN

Jay D. Dalpiaz, Chair of the Economic Development Committee (EDC), reported on the Committee's consideration of a "Welcome to North Ogden" sign; the sign will be located on the property at the City's southern border where the Cooperstowne project will be constructed. There is an agreement between the City and the developer of that project for them to contribute \$2,500 to the sign. The initial informal bid for the sign was approximately \$12,500 and he has been told that a portion of the sign cost can be funded using Redevelopment Agency (RDA) funds. He presented a rendering of the sign for Council consideration.

Mayor Berube stated that in addition to funding from the Cooperstowne project, the City has approached the developer of property across the street to see if they are able to contribute financially. He then asked if the funding from the Cooperstown project is contingent upon completion of the project. City Manager/Attorney Call stated that he will review the agreement to determine the answer to that question.

Continued high level discussion among the Council centered on various components of the sign, including overall design; sign size; lighting; and building materials. Mayor Berube polled the Council and determined there is support from the group for pursuing the sign as proposed by the Committee. He thanked Mr. Dalpiaz for his presentation.

9. **DISCUSSION AND/OR ACTION TO CONSIDER THE PROPOSED BUDGET AMENDMENTS FOR FISCAL YEAR 2021-2022**

Finance Director Jones reviewed proposed amendments to the Fiscal Year (FY) 2021-2022 budget, including:

- \$93,050 change in the General Fund for a 22nd Police Officer and new server.
- \$400,000 expenditure for Public Safety building.
- \$180,000 expenditure for impact fee study for all funds.
- \$313,000 transfer for Storm Water Impact Fee Fund.

Mayor Berube noted that each Impact Fee fund will contribute to the impact fee study. Ms. Jones stated that is correct. City Manager/Attorney Call then provided a brief overview of the purpose of an impact fee study; the intent is to determine the improvements needed in the future in association with continued growth of the City. The results of the study can be used to determine improvements needed responsive to growth; projects included in an impact fee facilities plan can be funded with impact fee revenues. There was a brief discussion about the option of developing a public safety impact fee plan in order to charge an impact fee for public safety improvements.

a. Public Hearing

Mayor Berube opened the public hearing at 7:52 p.m. There were no persons appearing to be heard.

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

Voting on the motion:

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

The public hearing was closed at 7:53 p.m.

Council Member Swanson motioned to approve Ordinance 2021-33 to approve the proposed budget amendments for fiscal year 2021-2022. Council Member Ekstrom seconded the motion.

Voting on the motion:

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

The motion passed unanimously.

10. DISCUSSION AND/OR ACTION TO CONSIDER A RESOLUTION AMENDING THE CONSOLIDATED FEE SCHEDULE

Finance Director Jones reported on the following proposed fee schedule amendments:

- Adjust garbage waste container fee for building permits and Solid Waste replacement cans to “market rate” instead of a flat fee of \$200.
- Adjust various Animal Control fees from misdemeanor charges reduced to infractions
- Adjust North Shore Passes
- Consolidate Senior Center Facility Rentals to a flat 1.5-hour rate
- Add a Non-Resident blue can charge of \$15.00
- Adjusting fire hydrant meter water usage .19

There was a brief discussion about the adjustments to the aquatic center rental rates; Ms. Staheli noted that the adjustment will make it possible for the center to be rented by two groups in one night, or for one group to rent the facility for a longer period of time.

Council Member Ekstrom motioned to approve Resolution 15-2021 amending the Consolidated Fee Schedule. Council Member Stoker seconded the motion.

Voting on the motion:

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

The motion passed unanimously.

11. DISCUSSION AND/OR ACTION TO CONSIDER AMENDING ORDINANCE 2021-30 FOR PROTECTIVE GROUND COVER

City Manager/Attorney Call noted this item was discussed in the last meeting; the Council adopted an ordinance regarding code enforcement procedures relating to protective ground covering. A few grammatical changes were necessary and a language addition was suggested to make it clear that any action taken by the Fire Marshal shall be in line with the International Fire Code.

Council Member Barker stated that the International Fire Code is much less detailed than the City's code enforcement ordinance. Mr. Call agreed and noted that the City's Code Enforcement Officer will still be issuing citations for violations relating to dead or dry weeds or grasses, but the Fire Marshall can make the determination that a property may be violating the International Fire Code.

Council Member Stoker motioned to amend Ordinance 2021-30 for Protective Ground Cover. Council Member Swanson seconded the motion.

Voting on the motion:

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

The motion passed unanimously.

12. DISCUSSION AND/OR ACTION TO CONSIDER AN ORDINANCE FOR NOISE RELATED TO THE USE OF ENGINE BRAKES

City Manager/Attorney Call noted that as the City's Police Department has been trying to enforce the City's current ordinance regulating the use of engine brakes, they have found that roads upon which engine brakes are commonly used have a grade between 5.5 and 6.3 percent. The Police Department has asked that the ordinance be adjusted to indicate that engine brakes be prohibited on all roads that are 5.0 percent or less of a grade.

Council Member Ekstrom motioned to approve Ordinance 2021-34 for noise related to the use of engine brakes. Council Member Stoker seconded the motion.

Voting on the motion:

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

The motion passed unanimously.

13. DISCUSSION AND/OR ACTION TO CONSIDER AN ORDINANCE RELATED TO PROTECTING DRINKING WATER SOURCES IN NORTH OGDEN CITY

City Manager/Attorney Call stated this is a standard ordinance that several other cities have adopted; many of the rules and regulations are codified in Utah State Code, but the City Engineer suggested that the City's laws also include the regulations. He facilitated a brief discussion among the Council regarding the types of hazards or dangers that the ordinance is intended to prevent, ultimately concluding that the City has not encountered a situation where it has become necessary to take actions to protect a water source. Public Works Director Espinoza added that the measures included in the ordinance are things that the City has already been doing; the purpose of the ordinance is simply to document the City's policies and practices.

Mayor Berube asked if the ordinance applies to City wells or private wells. Mr. Espinoza stated the ordinance will only apply to City wells, but private well owners should be very cautious and ensure they are aware what is happening in the ground immediately surrounding their wells. Mr. Call added that private wells are under the jurisdiction of the County Health Department and regular testing is mandated by their ordinances.

Council Member Stoker motioned to approve Ordinance 2021-35 related to protect drinking water sources in North Ogden City. Council Member Barker seconded the motion.

Voting on the motion:

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

The motion passed unanimously.

14. PRESENTATION ON SNOW REMOVAL

Public Works Department Streets Lead Hunsaker provided a brief overview of the Department's snow removal operations. He identified the equipment used to perform snow removal; main snowplow routes; laws regarding on-street winter parking; prohibition of placing snow in the roadway; and snowplow safety.

Mayor Berube thanked Mr. Hunsaker for the information provided this evening and thanked the streets crew for the service they provide for the City.

15. COUNCIL DEPARTMENT REPORTS:

a. Council Member Cevering – Public Works

Council Member Cevering provided a status report on a few ongoing construction projects in the City. He thanked the Public Works Department for their hard work to keep projects on schedule.

b. Council Member Barker – Planning/Building

Council Member Barker stated that the City's Building Division is very busy with new construction permits; he does not have official numbers on the total number of permits issued recently and he will provide that information at a future meeting.

16. PUBLIC COMMENTS

Brenda Ashdown, North Ogden resident, referenced the discussion of a Community Garden. She noted that her entire property is fenced, but that does not keep animals out of her property and her garden. She then referenced the 450 East road widening project and noted that a home near Elberta Drive is still standing. She asked if that home will be taken down and, if so, when that will happen. Mr. Call stated the previous owner of the home is working to resolve a few outstanding issues and once that is done, the City will determine how to proceed. There is a financial implication related to the three options the City has and that information will be presented to the Council for a decision in the next month or two. Ms. Ashdown then addressed the "Welcome to North Ogden" sign and stated the cost cited by Mr. Dalpiaz seems very high. She asked if there will be a sign placed at the other entrances into the City, or just at the City's southern border.

Dallin, North Ogden resident, also addressed the community garden and noted that if the City provides land for the garden, especially if there is access to water, that should be enough for anyone wanting to use it. He added that he would like to know if all official City committees are listed on the website; he read those listed on the website, and Mr. Call noted there is also a Public Safety Building Committee. Dallin asked if that body

holds public meetings, to which Mayor Berube answered yes. Dallin stated that they are not listed as an official City committee, though their agendas and minutes may be posted on the website. He then asked if the Council would hear any request for public funding, or if a City employee could approve that. Mr. Call stated that any financial request should be presented to the Council, which may occur at the time the annual budget is adopted, but once an expenditure is approved, it can be made by a City employee. Mayor Berube then stated that the Parks and Trails Committee is not an official committee; the members were not appointed by himself or the Council.

17. COUNCIL/MAYOR/STAFF COMMENTS

Council Members Barker and Stoker thanked the Public Works Department for recent City clean-up efforts.

Council Member Swanson stated he has been reading up on good government accounting practices; Utah laws require each City to have a balanced budget, but this creates an outcome driven budgeting process. He would like to adjust the City's budget mindset to one that focuses on the effectiveness of the budget rather than just if the budget is balanced. Mayor Berube stated what Council Member Swanson is recommending is a practice that evaluates the return on an investment. Council Member Swanson agreed.

Mr. Call provided reminders of upcoming special events in the City. He then noted that each Department is working to develop year-end review presentations; he inquired as to the Council's desired format for receiving those presentations. Mayor Berube suggested that those presentations be spread out over several months. He then thanked Mr. Call for including an article in the Connection Magazine that provides information about recent actions of the City Council.

Mayor Berube stated that planning for the 2022 Cherry Days celebration is underway; the first item of business will be to determine the parade route for 2022 and he asked the Council to be thinking of that issue in preparation for a detailed discussion and decision.

18. ADJOURNMENT

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

Voting on the motion:

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

The motion passed unanimously.

The meeting adjourned at 8:54 p.m.

S. Neal Berube, Mayor

Susan L. Nance, CMC
City Recorder

Date Approved

NORTH OGDEN CITY COUNCIL MEETING MINUTES

October 26, 2021

The North Ogden City Council convened in a Council meeting with limited attendance on October 26, 2021, at 6:01_ p.m. at the North Ogden City Office at 505 East 2600 North. And electronically on Zoom, recording can be found on YouTube: <https://www.youtube.com/channel/UCriqbePBxTucXEzRr6fclhQ/videos>. Notice of time, place, and agenda of the meeting was posted on the bulletin board at the municipal office and posted to the Utah State Website on October 21, 2021. Notice of the annual meeting schedule was published in the Standard-Examiner on December 13, 2020.

PRESENT:	S. Neal Berube	Mayor	
	Ryan Barker	Council Member	(excused)
	Blake Cevering	Council Member	(via Zoom)
	Charlotte Ekstrom	Council Member	
	Cheryl Stoker	Council Member	
	Phillip Swanson	Council Member	
STAFF PRESENT:	Susan Nance	City Recorder	
	Dirk Quinney	Chief of Police	
	Scott Hess	Planning Director	(via Zoom)
	Dave Espinoza	Public Works Director	
	Dylan Hill	Public Works Inspector	
	Tiffany Staheli	Parks & Recreation Director	(via Zoom)
	Jon Call	City Manager/Attorney	(via Zoom)
VISITORS:	Dallin Barker	Christina Watson	Dallin Green
	Terri McCulloch	Korilyn Hietala	Alan Lunt
	Ellen Shindoler	Sandy Cochran	Brenda Ashdown
	Alicia Widdison	Sarah Lansing	Stefanie Casey
	Jay D Dalpias	Daniel Maldonado	James Evans
	Camryn Green	Meadow G.	

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

PRESENTATIONS

1. NORTH OGDEN PARKS & TRAILS PRESENTATION

Alan Lunt, Chairman of the North Ogden Parks and Trails Committee, provided the Council with information about the work being done by the Committee as of late; they are working to develop a more concise mission and vision for improving parks and trails in the City. They want to work directly with the citizens of North Ogden to determine what they would like to see in the City's parks and trail system. There will be a need for increased park space and trails as the City continues to grow. The Committee wishes to work with the Parks and Recreation Department staff to develop recommendations for the Council to consider, organize some service projects in the parks and trails and apply for grants for various projects.

Sara Lansing, Committee member, then presented a draft of a public survey that the Committee has created; the survey has been reviewed by Parks and Recreation Director Staheli and she is supportive of the survey. However, given that the Committee is not a City Committee, the survey has clear language indicating that the survey is being conducted by an entity independent of the City. The results will also be available to the public. She asked for permission to make copies of the survey available at the City offices for simplicity purposes. She briefly discussed the manner in which the survey will be advertised to residents and noted the Committee would also like permission to advertise the survey on the City's website, social media channels, and on the noticing boards at City facilities. The goal is to get at least 150 people from different demographic groups to complete the survey; this includes families with children of all ages and families without children. She added the Committee hopes to gain information representative of the entire community of North Ogden.

Mayor Berube emphasized it is important for the Committee to clearly advertise that they are not a Committee sanctioned by the City. He then stated he feels there is one very important question missing from the survey; those completing the survey should be asked if they are willing to pay increased taxes to fund recommended improvements. Ms. Lansing stated that she can reach out to her fellow Committee members about that question.

There was brief high level philosophical discussion about needed park improvements in the City, with the Council concluding by offering their support for the survey process and thanking residents for getting involved.

CONSENT AGENDA

2. CALL FOR CONFLICT OF INTEREST DISCLOSURE

Mayor Berube asked if any Councilmember had any conflict of interest to disclose. No disclosures were made.

3. **DISCUSSION AND/OR ACTION TO CONSIDER THE SEPTEMBER 7, 2021, CITY COUNCIL MEETING MINUTES**

Council Member Ekstrom indicated there are a few names misspelled in the minutes and she asked that those be corrected.

Council Member Ekstrom motioned to approve the September 7, 2021, City Council Meeting minutes as amended. Council Member Cevering seconded the motion.

Voting on the motion:

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

The motion passed unanimously.

4. **DISCUSSION AND/OR ON A CONDITIONAL ACCEPTANCE OF CHERRY SPRINGS VILLAS SUBDIVISION**

Dylan Hill, Public Works Inspector, reported he has completed conditional inspections on Cherry Springs Villas and recommends conditional acceptance.

Mayor Berube verified the sidewalk ramps are compliant with Americans with Disabilities Act (ADA); he asked if that is something that Mr. Hill looks for in his inspections. Mr. Hill answered yes; there is one such ramp in this project at a trail crossing.

Council Member Swanson motioned to grant conditional acceptance of Cherry Spring Villas Subdivision. Council Member Ekstrom seconded the motion.

Voting on the motion:

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

The motion passed unanimously.

ACTIVE AGENDA

5. PUBLIC COMMENTS

James Evans, North Ogden resident, stated he is part owner of the North Ogden Animal Hospital, and he is concerned with semi parking on Washington Boulevard. Over the past weekend, there were four semi-trucks parked on the road and they park very close to the drive approach of the animal hospital. The speed on Washington Boulevard is 45 miles per hour and when there is a semi-truck parked so close to the approach, it is difficult for his customers to clearly see oncoming traffic that is traveling at a high rate of speed. He stated that he understands that Washington Boulevard is a State road, and they are responsible for monitoring this issue, but he is hopeful that the City can do something to address unsafe conditions.

Christina Watson, North Ogden resident, stated she is also a member of the Parks and Trails Committee, and appreciates the discussion that took place this evening regarding the public survey regarding parks and trails improvements. She is supportive of the addition of the question about whether residents are comfortable paying increased taxes for any park improvements and noted it may be good to add language to inform residents they can donate and have their name placed on a plaque at a City Park.

Mayor Berube stated that it is appropriate to properly fund the Parks and Recreation Department in the annual budget, but the public needs to understand that significant projects or improvements may require a tax or fee increase.

6. DISCUSSION AND/OR ACTION TO CONSIDER AN ORDINANCE ON WHETHER A CUL-DE-SAC/ROADWAY LOCATED AT 100 EAST AND 1475 NORTH SHALL BE INDEFINITELY CLOSED IN ACCORDANCE WITH UTAH CODE 72-5-105

Planning Director Hess explained that the Spring Meadows Subdivision received Final Plat Approval from Planning Commission on December 7, 2016; the subdivision includes 14 residential lots along 1500 North Street, as well as two parcels owned and maintained by the Homeowners Association. The two open parcels include designated wetland areas identified by the Army Corp of Engineers. The subdivision also includes a cul-de-sac bulb on the south property line accessible from 100 East Street in Harrisville City. North Ogden City began issuing building permits once the improvements on 1500 North Street were complete and the subdivision was recorded, however the cul-de-sac was never paved or improved. During development, Harrisville City and the developer agreed that the cul-de-sac bulb was not necessary as 100 East Street operates as a hammerhead turnaround. The cul-de-sac improvements as designed also impact identified wetland areas. Harrisville City has asked the developer to provide a gate across the 100 East Street stub to prevent vehicles from accessing the wetland areas, and to reduce dumping of garbage and debris. The developer is willing to provide the gate, however the roadway must be deemed closed or vacated prior to blocking it off. There are two ways to accomplish this. The first would be to vacate the road on the plat via a Plat Amendment, or second is to consider an indefinite closure.

The option of an indefinite closure provides potential of developing this cul-de-sac if it is deemed necessary in the future. North Ogden City has an existing manhole in the open space area accessed from 100 East Street. If a gate is installed, North Ogden City must be able to unlock it and access this area for future maintenance. The City also needs paved access to the manhole (which would have been provided by the cul-de-sac). Paving improvements can be completed in conjunction with the walking trail improvements. Staff believes that the City Council can find the proposed indefinite cul-de-sac/roadway closure to be in conformance with Utah State Code, as the closed street is not necessary for vehicular travel. Staff recommends that the City Council open the public hearing, discuss the proposed indefinite cul-de-sac closure, and act on the proposed Ordinance.

Council Member Ekstrom stated that the ordinance references 1450 North and she asked if that should be corrected. Mr. Hess answered yes; the ordinance should cite 1475 North and 100 East. There was brief discussion about the manner in which the City will continue to access the area to handle any needed maintenance issues.

a. Public Hearing

Mayor Berube opened the public hearing at 6:46 p.m.

Christina Watson, North Ogden resident, stated she lives near the location of the subject property, and she supports the idea of placing the gate where recommended. She noted, however, that many people travel on the trail in this area to get to a nearby Harrisville park and she asked that there be a small opening in the gate or fence to allow trail users to continue to access that area.

There were no additional persons appearing to be heard.

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

Voting on the motion:

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

Closed Public Hearing: 6:47 p.m.

b. **DISCUSSION AND/OR ACTION TO CONSIDER AN ORDINANCE WHETHER A CUL-DE-SAC/ROADWAY LOCATED AT 100 EAST AND 1475 NORTH SHALL BE INDEFINITELY CLOSED IN ACCORDANCE WITH UTAH CODE 72-5-105**

Council Member Swanson motioned to approve Ordinance 2021-36 the indefinite closure of 100 East and 1475 North as a cul-de-sac/roadway in accordance with Utah Code 72-5-105. Council Member Cevering seconded the motion.

Mayor Berube asked if the City can get assurance from Harrisville that North Ogden public works employees will still be able to access the area to perform any needed infrastructure maintenance. Public Works Director Espinoza indicated that Harrisville has indicated they will let the City place its own lock on the gate to ensure that it will always be possible for the City to access the area. He noted that he can investigate the option of leaving an opening in the gate to allow for pedestrian access to the nearby trail.

Voting on the motion:

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

The motion passed unanimously.

7. **DISCUSSION AND/OR ACTION TO CONSIDER A RESOLUTION FOR AN INTERLOCAL AGREEMENT WITH HARRISVILLE CITY RELATED TO SEWER SERVICE**

Public Works Director Espinoza explained that Harrisville City currently accepts the sewer flows of some North Ogden residential homes which are too low to connect to North Ogden's sanitary sewer system. The proposed development at Montgomery Farms will add an additional eight homes to the Harrisville sewer system and authorize North Ogden City to pay the sewer impact fees to Harrisville City for the homes connected to the Harrisville system. He asked the Council to consider approving the proposed resolution and amendment to the City's interlocal agreement with Harrisville City.

Council Member Ekstrom motioned to approve Resolution 16-2021 for approval of Interlocal Agreement A10-2021 with Harrisville City related to sewer service. Council Member Stoker seconded the motion.

Voting on the motion:

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

The motion passed unanimously.

8. DISCUSSION AND/OR ACTION OF BUDGET AMENDMENT ORDINANCE 2021-33 PASSED ON OCTOBER 12, 2021

City Recorder Nance explained that this is a cleanup item; when the Council approved a budget amendment during the October 12 meeting, they did not have the actual ordinance in front of them. However, all of the financial numbers presented were accurate; it is simply necessary for the Council to view the ordinance and take a new vote on it.

Council Member Swanson motioned to approve Ordinance 2021-33 as seen tonight and previously passed on October 12, 2021. Council Member Cevering seconded the motion.

Voting on the motion:

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

The motion passed unanimously.

9. COUNCIL DEPARTMENT REPORTS:

a. COUNCIL MEMBER STOKER – POLICE

Council member Stoker reported the Community Service Officer is making the transition to a full Police Officer; she has enrolled in the Police Academy and will be a great asset to the Department. She then noted the Department's speed trailer is not operating and the Department has written a grant seeking funding to repair or replace it.. She concluded by reminding everyone of current scams whereby people are being contacted via electronic communication methods to ask for money or other favors.

Mayor Berube then noted the City has received proposals for the Public Safety Building project and a few members of the Public Safety Building Committee, along with members of City Administration, will review them tomorrow evening.

b. COUNCIL MEMBER EKSTROM – PARKS & RECREATION

Council Member Ekstrom reported on opportunities for signing up to participate in the City's trunk-or-treat event. She added that basketball registration is currently open and closes October 31. She concluded by referencing the update provided by Parks and Recreation Director Staheli about improvements to the McGriff Park playground.

c. COUNCIL MEMBER SWANSON – FINANCE

Council Member Swanson presented a chart illustrating the City's sales tax collections since the beginning of the Fiscal Year (FY); revenues continue to baffle economists as they are exceeding revenue projections. He then noted that at the end of the first quarter of the FY, the City's revenues are at 24.1 percent, which does not include September sales tax revenue, and expenditures are at 18.6 percent. This means that the budget is tracking nicely for this point in the year, and he thanked the City's Department Heads for being conservative in the management and execution of their budgets.

10. PUBLIC COMMENTS

Stefanie Casey, North Ogden resident, asked if the review of the Public Safety Building proposals will be public. Mayor Berube stated that there will not be a quorum of a public body in attendance and the meeting will not be public. The information discussed must be confidential initially, but any decision being made will be done in public. The Public Safety Building Committee should be meeting in a public meeting next week to formally score the proposals and provide a recommendation to the City Council.

11. COUNCIL/MAYOR/STAFF COMMENTS

Mayor Berube referenced the trend of increased sales tax revenue in the City and in other communities; he asked that the Council consider setting a threshold in the budget for sales tax revenue and anything exceeding this threshold be automatically dedicated to the City's capital projects fund for both future park needs and facilities capital improvements. He stated that he feels the City should be setting aside funds for Barker Park in particular.

City Recorder Nance reported on the City Council's meeting schedule for the month of November. She also noted that the City's Christmas party will be held December 7.

12. **ADJOURNMENT**

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

Voting on the motion:

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

The motion passed unanimously.

The meeting adjourned at 7:11 p.m.

S. Neal Berube, Mayor

Susan L. Nance, CMC
City Recorder

Date Approved

Staff Report to the North Ogden City Council

SYNOPSIS / APPLICATION INFORMATION

Application Request: Consideration and recommendation to City Council regarding Development Agreement Amendments based on an administrative application, site plan approval of Village at Prominence Point Independent Living Facility and Apartments Phase 1

Agenda Date: January 4, 2021

Applicant: Jack Barrett

File Number: SPR 2021-07, SPR 2021-09

PUBLIC NOTICE:

Mailed Notice:

City Website: December 10, 2021 (PC Meeting)
December 30, 2021 (CC Work Session)

PROPERTY INFORMATION

Address: 1850 N 300 E. Approximately

Project Area: 1.345 Acres (ILF), 2.98 Acres (Apartments)

Current Zoning: Master Planned Community (MPC-VPP)

Proposed Land Use: Multi-Family Housing

Parcel ID: 11-437-0045, 11-014-0081 *Current Parcels (subject to change via subdivision plat)

STAFF INFORMATION

Scott A. Hess
Planning Director
shess@nogden.org
(801) 737-9841

APPLICABLE ORDINANCES

North Ogden Zoning Ordinance 11-17K Master Planned Community Zone MPC
Development Agreement – A29-2017 (Exhibit E)

TYPE OF DECISION

When the Planning Commission is acting in an administrative capacity, it is acting as a land use authority, 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.

In this case the MPC Zone and Development Agreement specifies the approval process. The Independent Living Facility Site Plan, Landscape Plan, and Building Elevations are presented to Planning

Commission for a recommendation to the City Council for final approval. The Apartment Landscape Plan and Signage are to be approved by Planning Commission. If the developer desires to change building footprints or move buildings around they must amend Exhibit B of the original Development Agreement (see this Staff Report's Exhibit A) which will go to Planning Commission for recommendation and City Council for approval.

BACKGROUND

The Village at Prominence Point was approved as a Master Planned mixed-use project in 2017. The developer has been working in phases to complete the build out of the project. The Site Plan submittals for the Independent Living Facility, Apartment Phase 1, and Clubhouse were heard by the Planning Commission on December 15, 2021. Staff determined there were substantive differences between the project submittal and the Development Agreement. The Planning Commission agreed with Staff's review, and ultimately recommended the project come forward to the Council for review. The Planning Commission discussed the project at length, heard from the Developer, and ultimately made a positive recommendation to the City Council for the changes to the Development Agreement as presented. The changes as Staff reviewed them are indicated below. For the project to move forward as proposed, the Development Agreement Site Plan, and building square footage calculations would need to be amended.

This City Council Work Session has been requested to review the Site Plans for both the Independent Living Facility and Phase 1 Apartments. An overlay of the current submittal on top of the 2017 approved Development Agreement Site Plan has been provided as Exhibit D of this staff report.

The Developer may also discuss the Trail alignment on the west side of the project, but this staff report will not address that issue.

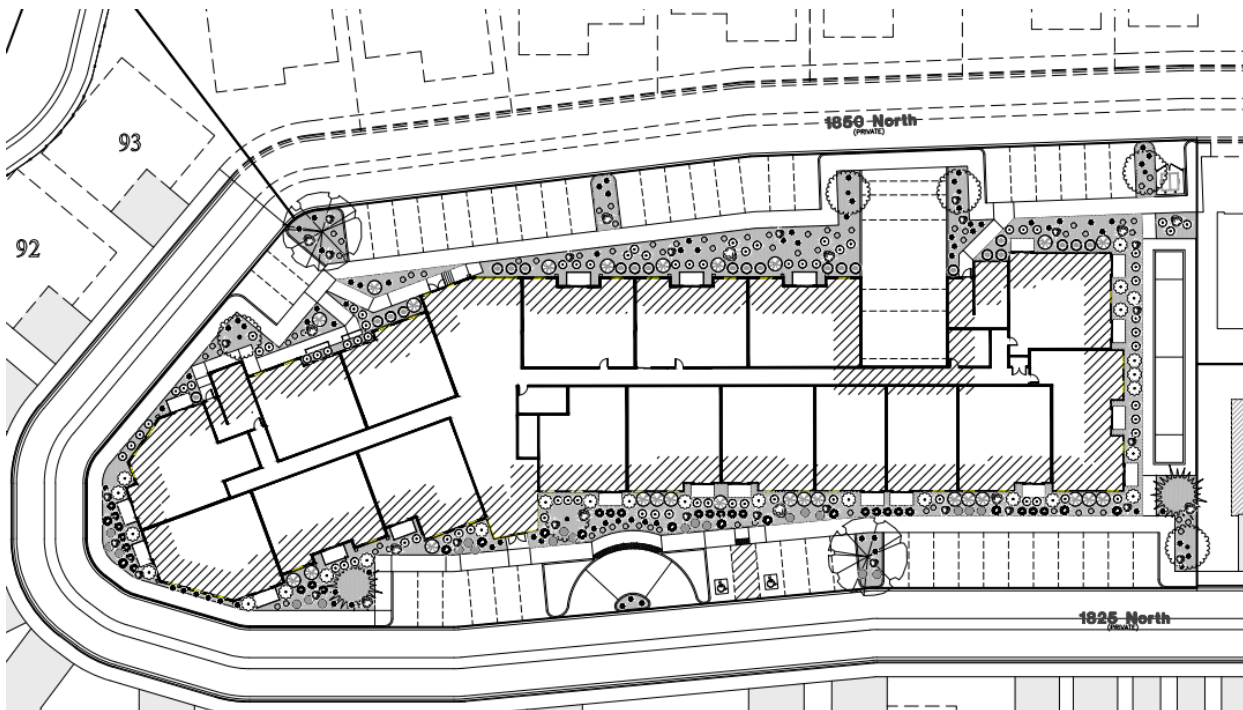
**This space intentionally left blank so Site Plan/Landscape Plan and Architectural submittals could be reviewed side-by-side*

Independent Living Facility Site Plan/Landscape Plan Review:

A29-2017 Exhibit B snapshot of approved ILF Building:



Site Plan/Landscape Plan ILF Building submittal 11-22-2021:



Architectural Review:

ILF Building Elevation Rendering submittal 11-22-2021:





ILF Interior Renderings:



ILF Rooftop Patio Renderings:



***Staff comments in Red were requests of the Developer. The Developer responded in Blue below**

Site Plan/Landscape Plan Review:

The Site Plan and Landscape was approved in the Development Agreement Exhibit B. The Site Plan, Landscape Plan, and Building Elevations are to be approved by the City Council.

Staff Comment: In review of the submitted Site Plan and Landscape Plan, staff has the following notes:

SP/LP Comment 1: The ILF Building as proposed is larger overall compared to the development agreement. Staff provided the notes below to the development team and has asked the Developer to provide a narrative response addressing the building's change of size, setbacks, and height. See attached narrative for the building change.

- Building Square Footage: The footprint of the ILF building is larger than the original development agreement. The 2017 agreement shows 21,815 sq ft, and the current proposal is 26,650 (an increase of 4835).
- Building Length: Proposed ILF Building is roughly 360' feet long east to west, approved ILF Building is roughly 330' long
- Height Shift: The 50' tall section begins 60' closer to the neighboring properties and the 40' section is 30' closer to neighboring properties. The location where the building height changes, and the buildings impacts to neighbor's views were debated at length in 2017. This appears to be a significant difference in where the height of the building changes.
- The site's grade is a higher elevation at the west end than the east end. This causes the 40-foot-tall section of the building to be over 40 feet tall. North Ogden City typically measures building height from the top back of curb. Staff is willing to measure the building's height based on an average grade across the ILF parcel but will need a clarified drawing showing the average lot slope and total building height based on grade. The west portion of the building is actually 38'-0" from Finish Grade so we do have 2'-0" of give allowed on the western side. That being said, based on the most recent civil drawings. The F.F.E shows 40.50 and the Average Final Grade will come out to be roughly 2'-0" below that which means that if we pull from the Final Average Grade to the top of the western wall, we should still comply with the 40' restriction.
- Setbacks: Staff cannot determine consistent measuring points for setbacks between the approved Site Plan and the proposed ILF Building. Staff has asked the developer for a zoomed-out drawing of the new Site Plan to consistently measure the setbacks between the 2017 Site Plan and the current submittal. See attached Exhibit G showing the development plan with updated site plan in "red" Setbacks are addressed in section 7A-4 within Development Agreement.
- The ILF building is encroaching into 10' PUE shown on the inside property line on the subdivision plat.

SP/LP Comment 2: The landscaping as shown does not meet the 20% requirement, as it is 16%. It is possible that the Site as a whole can still maintain the 20% landscaping given that the Apartment Area has additional landscaping, but staff does not have that combined figure. Staff has asked the developer to calculate the entire site landscaping for each phase to date to see if the 20% landscape requirement is met. The open space for the entire project is greater than 20%, the open space in the future apartments will bring the project into compliance.

SP/LP Comment 3: The Site Plan does not include any locations of mechanical equipment related to the ILF Building. Staff has asked the developer to indicate locations of mechanical equipment on the

landscape plan and show how this equipment area will be screened as required. Typically, condensers sit on the roof and are covered by ways of the parapet. It is the case with this building as well. Meters will be placed throughout the stretch on the 1st floor on the north wall between the Common Space and the ramp to the parking garage. They will sit under unit windows if needed and will avoid private patios. They will be screened by the landscaping.

SP/LP Comment 5: The ILF Building does not have a large garbage can or enclosure. Staff has asked the developer to address the garbage service for the ILF. Dumpsters were shown on the previous submittal (apartment site).

SP/LP Comment 6: Landscape materials and design are cohesive with the Apartment and Clubhouse submittal. Should the PC find that the landscape materials submitted at the Apartment review meet the Development Agreement, then the PC can find this project to be in compliance with the Development Agreement as well.

SP/LP Comment 7: There is no shown Snow Storage areas. Staff has asked the developer to address the snow storage for this area of the project. A snow storage exhibit has been included in the updated plan set.

Architectural Review:

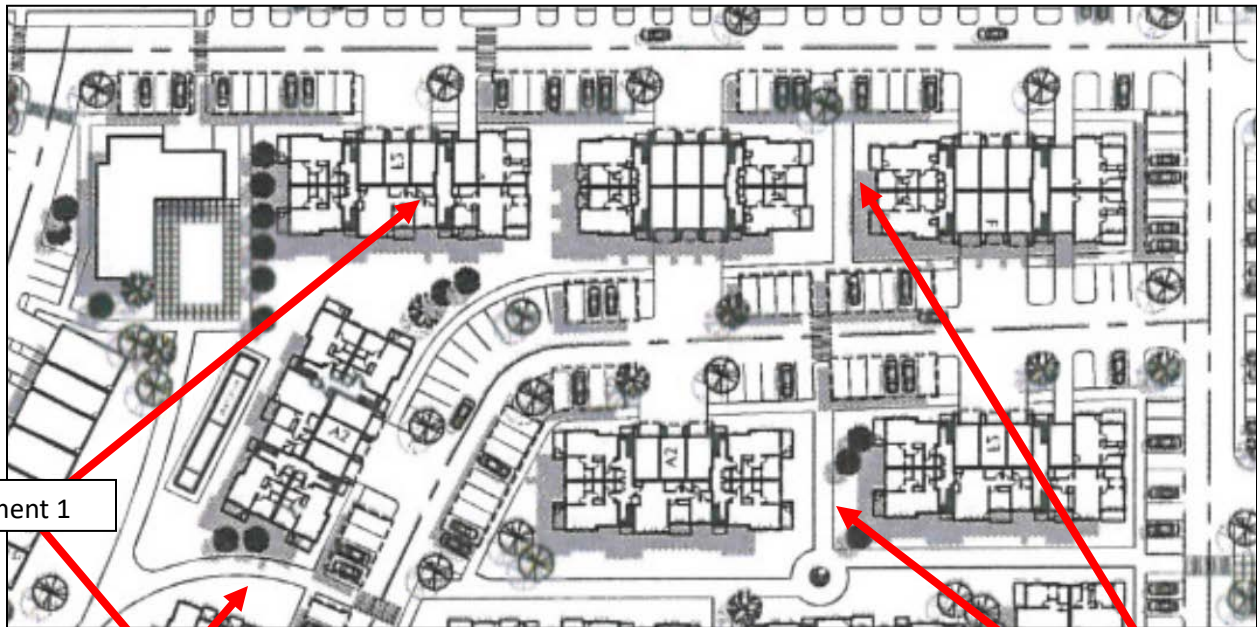
The Development Agreement states: "All site plans, landscape plans, and building elevations shall be approved by the City Council and **shall utilize similar materials, colors, plants, and themes as identified in the Apartment Area.**"

Arch Comment 1: Staff believes the design and materials of the Independent Living Facility meet the intent of the Development Agreement. The color appears to be a combination of earth tone browns and white with a combination of stone accents. The building is more modern in design than the Apartment Area, but that makes sense given its nature as a 3 and 4 story building with a roof patio. The building provides visual interest, reliefs, patios, and focal points for entrances. Staff believes that the Planning Commission can approve the clubhouse as proposed.

**This space intentionally left blank so the Apartment Site Plan submittals could be reviewed side-by-side*

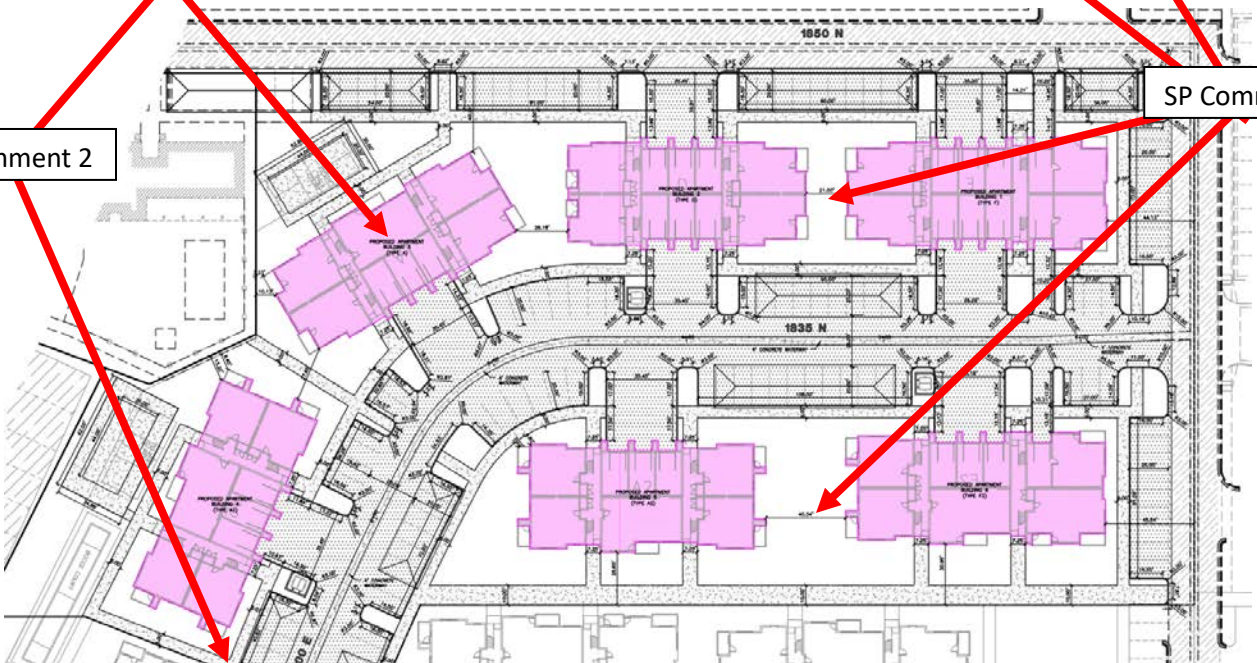
Apartment Phase 1 Site Plan Review:

A29-2017 Exhibit B snapshot of approved Site Plan:



SP Comment 1

Site Plan submittal 11-22-2021: (Update provided in Exhibit B below)



SP Comment 2

SP Comment 3

***Staff comments in Red were requests of the Developer. The Developer responded in Blue below**

Site Plan Review:

The Site Plan was approved in the Development Agreement (See Exhibit L within this Staff Report's Exhibit A). If there are no substantive changes, then the Site Plan requires no additional Planning Commission or City Council approval.

Staff Comment: In review of the submitted Site Plan, staff noted the following changes between the approved 2017 Site Plan, and the current submittal.

SP Comment 1: There has been a change to the northwestern apartment building from footprint F2 to footprint A. Also, the building has been shifted in position to accommodate a pickleball court on the north side of the building. Internal setbacks between buildings have shifted between 18 inches, and up to 8 feet depending on the building. **Staff has asked the developer to address the reasoning behind the change of the footprint style of the building. See attached narrative for the building change (See Exhibit F).** Staff has found that the shift or twist in the building represents a minor change that can be accommodated, as it makes space for an amenity, and ultimately provides a more useable open space.

SP Comment 2: The Site is missing the connected east west trail. In the approved Site Plan, there is a continuous 10-foot pathway connecting east to west on the south side of this phase of apartments. That trail exists on the current proposal between the private streets but is not shown with a pedestrian crossing and does not continue west to the eventual connection at The Lodge. Staff recommends this trail connection be added back per the Development Agreement.

SP Comment 3: The Site is missing internal walkways between the buildings, along with the pedestrian crossing of the private street. Staff recommends this pedestrian connection and crossing be added back per the Development Agreement.

SP Comment 4: Staff cannot see any proposed Bicycle Parking. The Development Agreement states: "There will be at least 43 bike parking stalls, 35 near apartments and an estimated 8 near retail. Every residential building will be within 100 feet of bicycle parking." Staff recommends that bicycle parking be located within 100 feet of the proposed apartment buildings at a ratio of 25% of the required number (9 spaces minimum), based on this being the first 100 of 400 total apartments.

SP Comment 6: There is no snow removal plan or locations shown on the Site Plan. Staff recommends that the applicant address snow removal and provide locations for snow storage. **Snow removal has been indicated on the revised plans.**

SP Comment 7: Parking – With the mismatch of parking stalls along the southwest property line, Staff cannot accurately assess how many parking spaces are being suggested. Also, staff cannot assess the number of ADA accessible spaces with the current drawings. **Staff has asked the developer to provide the total parking spaces (including ADA) provided in the first phase of apartments. A parking space table has been added to the updated plans, the total number of parking stalls for the development with meet the requirement of the development agreement.**

CONFORMANCE WITH THE GENERAL PLAN

The General Plan map shows this area as: “Mixed-Use/Multi-family/Commercial.” This project is consistent with that designation.

PLANNING COMMISSION CONSIDERATION

- Is the proposal consistent with the General Plan?
- Does the proposal meet the North Ogden Zoning ordinance standards and the associated Development Agreement?

RECOMMENDATION

Staff believes that the changes requested for the Independent Living Facility and Apartment Building constitute a substantive change that requires an update to the Development Agreement. Staff recommends that the City Council review the submitted material, consider the Planning Commission positive recommendation, and determine what changes to the Development Agreement may be accommodated based on the current submittal.

EXHIBITS

- A. MPC-VPP Development Agreement A29-2017
- B. Independent Living Facility Narrative Document
- C. Apartment Phase 1 Narrative
- D. Overlay Site Plan – 2017 Development Agreement on 2021 Proposal



W2895460

EX 2895460 PG 1 OF 68
LEANN H KILTS, WEBER COUNTY RECORDER
15-DEC-17 248 PM FEE \$154.00 DEP DC
REC FOR: NORTH OGDEN CITY

THE VILLAGE AT PROMINENCE POINT DEVELOPMENT AGREEMENT *Amended Agreement #A29-2017*

THIS DEVELOPMENT AGREEMENT, hereinafter ("Agreement"), is made and entered into this 6th day of November, 2017, by and among Meritage Companies, LLC, an Alaskan limited liability company (Alaska Entity #10014218) and Mountain Vista Trails, LLC, a Utah limited liability company (Utah Entity #10420822-0160), (hereinafter collectively "Developer") as the owner and developer of certain real property located in North Ogden City, Weber County, Utah, at approximately 1750 North 200 East, and NORTH OGDEN CITY, (hereinafter "the City"), a Utah Municipal Corporation. Developer and the City shall hereinafter be collectively referred to as "Parties" and sometimes individually as a "Party".

RECITALS:

A. Developer is the owner of approximately 34 +/- acres of real property ("Parcel A") located in North Ogden City, Weber County, Utah, which it intends to develop as a Mixed Use Development. A legal description of the property is attached hereto as Exhibit "A".

B. SITE INFORMATION

Tax Lots:	110140048, 110140069, 110140070, 110140071, 110140072, 110140016, 110140062, 110140066, 110140065, 110140064, 110170063
Current Zoning: General Plan:	Commercial (C-2), County A1-A2 Agricultural Southtown Mixed Use (SMU), County Mixed Use and Residential
Location:	The subject property is located within the North Ogden City limits and in an unincorporated island

of Weber County entirely surrounded by North Ogden City corporate limits. The proposed project is located on the west side of Washington Blvd, north of 1700 North.

The property is more specifically located within North Ogden City's general plan and identified as MU or mixed use. The existing zoning for the site is C-2 but the proposal is based upon a rezone to include MPC Masterplan Community Zone

- C. The subject property is zoned Master Plan Community by North Ogden City and A1-A2 Agricultural by Weber County and is designated as mixed use (MU) zone on the North Ogden City General Plan Map and mixed use and residential in the Weber County General Plan.
- D. The subject property is bounded on the west by the R-4 future independent living, assisted living and memory care facility. The other adjacent lots are agricultural in nature.
- E. Developer also has acquired rights to purchase adjoining property currently owned by the Hales Trust which will be developed as part of Parcel A.
- F. The Parties jointly agree that the City will benefit from all aspects of this proposed development.
- G. The Parties desire to enter into terms relevant to Developer's proposed development as set forth herein.

NOW, THEREFORE, in consideration of the mutual covenants, conditions and considerations as more fully set forth below, Developer and The City hereby agree as follows:

- 1. **Recitals.** The above recitals are incorporated herein by reference and made a part hereof.
- 2. **Rezone.** The City agrees to rezone only the subject property as described in the

legal description in Exhibit "A" to Master Planned Community (MPC) zone.

3. **Intended Use.** The Developer agrees that only the proposed Mixed Use Development will be allowed or authorized under the terms of this Agreement or on Parcel A as approved by the City under the MPC zone.
4. **Development Terms.** The following constitutes terms for development of the Parcels.
 - a. Concept Approval. The North Ogden City Council has approved the Developer's proposed concept and has entered into this agreement to facilitate the Developer to develop the subject Property as proposed.
 - b. Compliance with Subdivision Standards. Developer agrees to comply with all of the conditions of approval, the ordinances, rules, regulations, requirements, and standards of the City with respect to the preparation, submission, and recording of the subdivision application. All preliminary and final plats, the construction and completion of said development, particularly to the installation and completion of all required subdivision improvements and the provision of the financial guarantee guaranteeing completion of such improvements (the "Subdivision Guarantee"), will be consistent with current City Ordinances.
 - c. Phasing and Project Division. The Parcels may be developed in any order or phasing as best seen fit by the Developer. However, all terms related to the completion of landscaping and commercial space remain in force as describe in other locations of this document. For purposes of this development agreement the project shall be divided into the following

five development areas as shown on Exhibit B:

- i. Commercial Area, which is the area directly adjacent to Washington Blvd.
- ii. Apartment Area, which is the area directly west of the Commercial Area and includes all 24 individual apartment buildings.
- iii. Townhome Area, which is the area directly west and north of the Apartment Area and includes all 107 townhome units.
- iv. Age Restricted Cottages, which is the northwestern most corner of the project and includes 28 patio home units.
- v. Independent Living Facility, which are one building containing four stories and 68 units.

5. **Vesting.**

- a. The Developer shall have the vested right to develop Parcel A in accordance with the applicable land use ordinances of North Ogden City as established on the date of this Agreement as well as per the terms of this Agreement. Except as set forth in 5.b., the City's future laws are not applicable to the Project.
- b. Exceptions:
 - i. The restrictions on the applicability of the City's Future Laws to the Project as specified in Section 5(a) are subject to only the following exceptions:
 - ii. Developer Agreement. City's Future Laws that Developer agrees

in writing to the application thereof to the Project;

- iii. State and Federal Compliance. City's Future Laws which are generally applicable to all properties in the City and which are required to comply with State and Federal laws and regulations affecting the Project;
- iv. Building Codes. City's Future Laws and safety standards that are updates or amendments to existing building, plumbing, mechanical, electrical, dangerous buildings, drainage, or similar construction or safety related codes, such as the International Building Code, the APWA Specifications, AAHSTO Standards, the Manual of Uniform Traffic Control Devices or similar standards that are generated by a nationally or statewide recognized construction/safety organization, or by the State or Federal governments and are required to meet countervailing public safety concerns related to public health, safety or welfare.
- v. Roads. Reasonable requirements for roadway grades, widths, access points, maintenance, and standards.
- vi. Taxes. Taxes, or modifications thereto, so long as such taxes are lawfully imposed and charged uniformly by the City to all properties, applications, persons and entities similarly situated.
- vii. Fees. Changes to the amounts of fees for the processing of Development Applications, or impact fees that are generally applicable to all development within the City (or a portion of the

City as specified in the lawfully adopted fee schedule) and which are adopted pursuant to State law. Developer is vested in the fees in place at the time a complete application is submitted.

Specifically, Developer will only pay impact fees legally in place on the date a complete building permit application is submitted to the City.

- viii. Compelling, Countervailing Interest. Laws, rules, or regulations that the City's land use authority finds on the record are necessary to avoid jeopardizing a compelling, countervailing public interest pursuant to Utah Code.

6. **Existing On-Site Conditions.**

- a. There are two distinct areas of the proposed project. They are as follows:
 - i. The 18.26 acre parcel "Southern Property" is largely undeveloped but is currently under construction with the proposed subdivision improvements with the construction of 1700 North. Smaller dilapidated structures along Washington Blvd. have been removed and the property is within the corporate limits of North Ogden City.
 - ii. The 14.8 + or – acres of largely undeveloped ground "Northern Property" is currently in the process of being annexed into the North Ogden City Limits.

- b. The subject property slopes generally downhill from the northeast to the southwest at an average slope of about 1%. The vegetation present on the property includes native shrubs and grasses.

7. **Conformance with North Ogden General Plan.**

a. Residential Density.

- i. This proposal consists partly of multi-family housing, which is listed as a permitted use in the MPC zone. It is also consistent with the desire to provide increased density along Washington Blvd. and a mix of housing types. The multi-family housing complex will contain amenities for residences, including a clubhouse, pool, large greenspace, and associated smaller pocket parks. Developer will provide for at least one pathway with public access to connect to the public sidewalks on the north at 300 East and south at 1700 North, and east at Washington Blvd. and west at the assisted living facility.
- ii. The setbacks are approved as shown on the Preliminary Master Plan for the individual buildings/groups of buildings which may be different than is currently anticipated in the MPC zone. Preliminary Master Plan dated 10-3-17 attached as Exhibit L
- iii. The subject property is within the North Ogden Southtown area and is allowed as a MPC zone based upon satisfying the 5 acre minimum parcel development. The density in the amended MPC zone will result in 404 apartment units in 24 multifamily

buildings; 107 Town Home units; 28 single family age restricted Patio Home lots; and 68 units of Independent Living Facility resident units as shown on Exhibit B, F, and L..

- iv. The density allowed shall not override the setbacks between buildings and property lines as approved on the Preliminary Master Plan dated 10-3-17 and attached as Exhibit L. Any unidentified setbacks and distances shall be rounded up to the closest ½ foot as measured on a 24x36 plan sheet.

8. Conformance with MPC Requirements

- a. The Development has been shown to be in compliance with the terms and conditions expressed in the MPC Zone under 11-7K-2. Any modifications to the MPC zone or any other development standards are clearly identified in this Agreement pursuant to 11-7K-5. Any standards which are not specifically waived by this Agreement, or subsequent agreements, will be complied with by Developer and City. The modification of the standards is acceptable under the MPC zone to accommodate favorable design and other concessions of the Parties.
- b. The City Council has considered the items outlined in 11-7K-2 to assess the suitability of Parcel A to be zoned under the MPC zone and finds that the majority are in favor of this Project and Agreement moving forward.

9. Building Height.

- a. The subject property is within the MPC zone, an area that contains special height allowances based upon setbacks and separations. In the

Apartment Area the Developer will build mostly three-story structures; however, some four-story end units have been included to provide variety in exterior elevation design. The building height of the three-story apartments is approximately 42' to the ridgeline. Four-story units have approximately 51' of overall height to the peak ridgeline. There will be a maximum number of 5 (five) 51' buildings.

- b. The maximum building height in the Townhome Area directly adjacent to the northern property line is thirty-one (31) feet with a corresponding twenty (20) foot setback from the property line. All other Townhomes Areas are allowed to build to forty five (45) feet with setbacks between buildings and property lines as shown on Exhibit L.
- c. The maximum building height in the Age Restricted Cottages is twenty-four (24) feet, or must comply with the one foot (1') additional setback over twenty feet (20') for each one foot (1') in height up to a maximum of thirty five feet (35')
- d. The maximum building height in the Independent Living Area is forty (40) feet for the western portion and fifty (50) feet for the eastern portion.
- e. The maximum building height in the Commercial Area is thirty-five (35) feet.

10. **Architectural Design Standards.**

- a. Commercial Area.
 - i. All site plans, landscape plans, and building elevations shall be approved by the City Council as identified in section 23.

b. Apartment Area.

- i. All buildings shall incorporate design features such as offsets, balconies, projections, window reveals, or similar elements to preclude large expanses of uninterrupted building surfaces. Recesses (e.g., deck, patios, courtyards, entrances, or similar features) shall have a minimum depth of six feet. All building elevations adjacent to a public street right-of-way are provided with doors, porches, balconies, sidewalks, approaches, and/or windows to give the appearance of the building fronting on the public street. Unit entries are from breezeways typical on all units. All buildings have units that front facing units. There are no backyards or rear yards for ground floor units. Units that front along 1700 North have front yards and may not have ground floor decks and/or enclosed ground floor patios.
- ii. The building design incorporates offsets, decks and windows. Larger building masses will be divided into varying heights and sizes by breaking up building sections, or by the use of such elements as variable planes, projections, bays, dormers, setbacks, roof canopies, and changes in the roofline. Each building elevation has been designed and approved as shown in Exhibit "E". Building designs may be used in multiple locations throughout the Project; however, no two identical buildings shall

be constructed next to each other unless clearly identified on Exhibit "B".

- iii. Exterior materials, color, or textures on vertical surfaces shall be of cementitious siding and stone veneer, with the exceptions of windows and doors. Developer has provided material specifications identifying the grade of materials, a color palette has been submitted as shown on Exhibit "G", and a detail of the maintenance set aside with the lending institution to the City. The building scale shall be broken down with vertical board and batten compendious panel on the second and third floors. The ground floor shall have cementitious siding combined with stone piers to help establish more permanence and offset and screen garage door locations.
 - a. After installation, all stone veneer and similar products shall be sealed with a product designed for commercial application to prevent weathering and fading. Landscaping shall be consistent with section 15.
 - b. All cementitious siding and wood trim shall be primed on all six sides, or otherwise properly sealed, to provide for long lasting workmanship.
 - c. All roofing material shall be 30 year minimum warranty with an architectural tab.

- iv. Private open space areas shall be provided. These spaces will be enclosed with metal railings and all apartment housing units will have balconies or decks. The windows shall be Millguard Montecito or similar grade. All vents, or cavities in vertical surfaces shall be similar in color to the buildings and in no case shall be white.
- v. A preliminary signage plan is attached as Exhibit "T". Final signage shall be approved by the Planning Commission.

c. Townhome Area.

- i. Exterior materials, on vertical surfaces shall be of cementitious siding, hardboard, and stone veneer, with the exceptions of windows and doors.
 - a. After installation, all stone veneer and similar products shall be sealed with a product designed for commercial application to prevent weathering and fading. Natural stone is not required to be sealed. Landscaping shall be consistent with section 15.
 - b. All cementitious siding and wood trim shall be primed on all six sides, or otherwise properly sealed, to provide for long lasting workmanship.
 - c. All roofing material shall be 30 year minimum warranty with an architectural tab.

- ii. The building elevations, colors, and site plans shall be approved by the City Planner and Mayor, provided that all setbacks as shown on Exhibit L and outlined in Subsection 7 are maintained and the number of parking stalls is not reduced.
- d. Age Restricted Cottages.
 - i. Exterior materials, on vertical surfaces shall be of cementitious siding, hardboard, and stone veneer, with the exceptions of windows and doors.
 - a. After installation, all stone veneer and similar products shall be sealed with a product designed for commercial application to prevent weathering and fading. Natural stone is not required to be sealed. Landscaping shall be consistent with section 15.
 - b. All cementitious siding and wood trim shall be primed on all six sides, or otherwise properly sealed, to provide for long lasting workmanship.
 - c. All roofing material shall be 30 year minimum warranty with an architectural tab.
 - ii. The building elevations, colors, and site plans shall be approved by the City Planner and Mayor, provided that all setbacks as shown on Exhibit L and outlined in Subsection 7 are maintained and the number of parking stalls is not reduced.
- e. Independent Living Area.

- i. All site plans, landscape plans, and building elevations shall be approved by the City Council and shall utilize similar materials, colors, plants, and themes as identified in the Apartment Area.
11. **Density.** The maximum number of dwelling units shall be up to 607 units as indicated in section 7 above. Buildings shall be laid out as identified on Exhibit L and as clarified under subsection 7 above. All Area Site Plans for phasing purposes shall comply with the standards and requirements of this Development Agreement and any subsequent amendments.
12. **Design.** Developer shall provide a variety and mixture of unit types and densities in a coordinated neighborhood layout. Developer shall install street, sidewalks, and building locations as outlined in the attached site plan to create streetscapes that are safe and accessible for all modes of transportation and to allow for convenient pedestrian and bicycle circulation to all trail connections. Trash receptacles shall have lids and are located next to parking, and shall have walls of 7'-0" feet in height, and shall be screened on at least three sides with an evergreen hedge material. Receptacles will be located on the site for easy access by trash pick-up vehicles.
13. **Streets.** All streets are being improved in association with North Ogden City requirements. No public streets will be required internally in the development; however, 1700 North and Washington Boulevard provide public access to the development and private streets shall service the internal development needs. The North/South road which runs into 300 East will have a public access easement should a connection to 300 East ever be made. No private streets may

be closed to access by the general public, or fire and emergency vehicles. Notwithstanding the foregoing developer may restrict access to the Cottage Development Area as approved by the First Marshal. The design shows a private road with 26 feet of pavement width and the dimension as shown on Exhibits "B" & "H". The final plat shall include language prohibiting the landowner from restricting the use of the private streets or sidewalks. Pedestrian right-of-ways that connect all building entrances within the development to one another shall be created. Developer shall connect to all parking areas, storage areas, recreational and common areas, and adjacent development to the building's entrances and exits throughout the development site, and connect to all future phases of development. Developer shall include public paths to connect the North/South and East/West property lines, along with a public park in the detention basin. Developer shall provide pedestrian facilities within developments that are safe, accessible, reasonably direct, and convenient connections between primary building entrances and all adjacent streets that do not involve a significant amount of out-of-direction travel for users. Developer shall create bicycling and pedestrian routes that are free from hazards and safely designed by ensuring no hidden corners, sight-obscuring fences, dense vegetation or other unsafe conditions. All pedestrian access routes will comply with all applicable accessibility requirements. Where walkways are parallel and abut a driveway or street (public or private), they shall be raised six inches and curbed, or separated from the driveway/street by a five-foot minimum, landscaped strip.

14. **Access.** The proposal shall include a total 3 main road access points and one future secondary access point. All of the main access points are proposed on private local streets whose entry point begins at both 1700 North and Washington Boulevard which are both public roads. The secondary access point may be provided via connection to 300 East, such that no structure shall be placed within twenty (20) feet of the proposed future connection point and a public easement for roadway purposes shall be recorded during the subdivision phase of the Townhome Area. Private roads, parking, and access points shall be constructed according to necessary engineering standards as shown and approved in Exhibit M. The proposed access points are on internal private streets with public access and thus will not adversely impact the transportation system. Also, as designed, the access points are well spaced to accommodate the proposed development and (orientated across from one another) improve site circulation.

A fire equipment access drive shall be provided for any portion of an exterior wall of the first story of a building that is located more than 150 feet from an existing public street or an approved fire equipment access drive as measured around the building. A Fire Plan to be attached as Exhibit "H" shall be approved by the Technical Review Committee and Fire Marshal. Driveways, required parking areas, aisles, and turn-around shall be paved with asphalt, concrete, or comparable surfacing.

15. **Landscaping.**

- a. Plant selection and native vegetation shall be planted where practical. A combination of live deciduous and evergreen trees, shrubs, and ground

covers shall be used for all planted areas, the selection of which shall be based on local climate, exposure, water availability, and drainage conditions. Ground-level areas for passive pedestrian use, such as sidewalks and plazas cover approximately 207,924 GSF or roughly 13 percent of the site area. Developer shall provide approximately 297,982 GSF of drivable surfaces or roughly 37.5% of the site area. Developer shall provide at least 20% of the site in landscaping as shown on the attached approved Preliminary Landscaping Plan as Exhibit "C". A final Landscape Plan shall be approved by the Planning Commission which includes the number of plants, size, species, and other technical information for each phase and/or development area of the Project.

- b. All yards, parking lots, and required street tree planters landscaping shall provide erosion control, visual interest, buffering, privacy, open space and pathway identification, shading and wind buffering based on the following standards. Based on the proposed use of the site, Developer shall provide visual screening and privacy within side and rear yards, while leaving front yards and building entrances mostly visible for security purposes.
- c. Developer shall include pedestrian pathways and open space areas with landscape materials and provide focal points within the development, such as signature trees (i.e., large or unique trees), hedges, and flowering plants. Developer shall use landscaping to generally screen outdoor storage and mechanical equipment areas, and to enhance graded areas

such as berms, swales, and detention/retention ponds. The proposal will include a mix of native and nonnative vegetation, all of which can tolerate the harsh condition of the high desert environment. An irrigation system will be provided to accommodate the type and species of all planted areas, including ground covers.

d. Preliminary tree species include:

1. Trees with Low Mature Tree Height (25 feet or less), for use in areas under power lines or in small planting areas:	
Amur Maple/Acer ginnala	Hawthorn/Crataegus 'variety'
Canada Red Cherry/Prunus virginiana 'Shubert'	Japanese Lilac Tree/Syringa reticulata
Eastern Redbud/Cercis canadensis	Serviceberry/Amelanchier
Flowering Crabapple/Malus 'variety'	
2. Trees with Medium Mature Tree Height (30 to 45 feet):	
American Hornbeam/Carpinus caroliniana	Hedge Maple/Acer campestre
Callery Pear/Pyrus calleryana	Mountain Ash/Sorbus acuparia 'variety'
3. Tall Mature Tree Height (50 feet or larger):	
Green Ash/Fraxinus pennsylvanica	Pin Oak/Quercus palustris
Honey Locust/Gleditsia tricanthos 'variety'	Red Maple/Acer rubrum 'variety'
Littleleaf Linden/Tilia cordata	Red Oak/Quercus rubra
Norway Maple/Acer platanoides 'variety'	Pin Oak/Quercus palustris
Green Ash/Fraxinus pennsylvanica	

A refined species list shall be approved as part of the final Landscape Plan approved by the Planning Commission.

e. Growth Characteristics: Trees shall be selected based on growth characteristics and site conditions, including available space, overhead clearance, soil conditions, exposure, and desired color and appearance to provide a broad canopy tree variety unless limited by overhead clearance.

Developer shall use narrow or “columnar” trees where awnings, other building features, or narrow sidewalks limit growth, or where greater visibility is desired between buildings and the street. Developer shall avoid using trees that are highly susceptible to insect damage, and using trees that produce excessive seeds or fruit. Developer will use deciduous trees for summer shade and winter sun and will select trees for their seasonal color, as desired.

- f. Street trees shall be selected and planted according to current City ordinances and shall be planted within existing and proposed planting strips or in City-approved sidewalk tree wells on streets without planting strips. Small stature trees shall be planted no closer to the curb or sidewalk than three feet; medium trees – three feet; and large trees – four feet.
- g. All irrigation shall be designed to eliminate overspray on structures, fences, or other vertical materials. Drip irrigation shall be used in any areas which are directly adjacent to vertical materials to avoid discoloration.
- h. All final landscape plans shall be approved by the group or persons authorized to approve the building elevations in Subsection 10.

16. Vehicle Parking, Loading, and Bicycle Parking.

- a. Parking spaces in the project may include spaces in garages, carports, parking lots, private side streets, and/or driveways so long as vehicles are not parked in a vehicle travel lane (including emergency or fire access

lanes), and meet the minimum size required by North Ogden City code of nine (9) feet by nineteen (19) feet. This will be verified during the site plan review process for each of the Development Areas and approved by those authorized to approve the site plan in this Agreement.

- b. Vehicle parking is allowed only on approved streets, within garages, carports, and other structures; or on driveways or parking lots that have been developed.
- c. Although the proposal includes a clubhouse, a pool, and green space; these uses are accessory and only intended for residents of the complex unless otherwise designated, thus additional traffic and associated parking will not be generated from them.
- d. The project shall provide 1204 residential parking spaces and 148 commercial parking spaces on site as shown on the Site Plan on Exhibit B & F. The foregoing parking spaces include 19 commercial spaces along Washington Blvd. ADA Accessible Parking Spaces. Accessible parking shall be provided for disabled persons, in conformance with the Federal Americans with Disabilities Act (ADA). Accessible parking is included in the total minimum number of required parking spaces. Accessible parking facilities shall comply with the design requirements of the current building code as adopted by the State of Utah.
- e. A snow removal plan shall be approved by those authorized to approve the site plan.

17. **Bicycle Parking.**

- a. Each required bicycle parking space shall be on asphaltic concrete, Portland cement, or similar hard surface material and each space shall be at least two feet wide by six feet long.
- b. The location of the rack and subsequent parking shall not interfere with pedestrian passage, leaving a clear area of at least 36 inches between bicycles and other existing and potential obstructions. Customer spaces may or may not be sheltered. When provided, sheltered parking (within a building or under an eave, overhang, or similar structure) shall be provided at a rate of one space per 10 employees, with a minimum of one space per use.
- c. Bicycle parking will be conveniently located to both the street right-of-way and at least one building entrance. Bicycle parking shall be visible to cyclists from street sidewalks or building entrances, so that it provides sufficient security from theft and damage. There will be at least 43 bike parking stalls, 35 near apartments and an estimated 8 near retail. Every residential building will be within 100 feet of bicycle parking. The number of commercial bike parking will be reviewed as part of the commercial site plans and be consistent with 11-7K-5 (J).

18. **Transportation Improvement Standards.**

- a. Washington Blvd. will be improved in accordance with the Utah Transportation Authority (UTA) and approved UDOT access points.
- b. All new and/or existing streets and alleys shall be paved according to North Ogden City Standards and Specifications. Sewers and Water mains

are required. Sanitary sewers and water mains shall be installed to serve each new development and to connect developments to existing mains in accordance with the City's construction specifications as described in the pre-application meeting. The City shall be granted easements for any publicly owned utilities which run through the development.

19. **Storm Drainage Improvements.**

- a. Drainage facilities shall be designed and constructed to accommodate increased runoff so that discharge rates existing before the proposed development shall not be increased, and accelerated channel erosion will not occur as a result of the proposed land disturbance or development activity.
- b. Effect on Downstream Drainage. Where it is anticipated by the City Engineer that the additional runoff resulting from the development will channel to the new park existing drainage facilities, appropriate new facilities shall be installed by Developer to maintain existing discharge rates from this project.
- c. The detention basin on the parcel identified in Exhibit "K" shall be improved by Developer as a public park for the benefit of all residents, in addition to any park impact fees to be paid. Developer acknowledges that this park and the improvements are satisfying the City's concerns related to the quality of the project and open space requirements and not to offset the burden of new residents moving into the City. A final site plan shall be reviewed and approved by the Planning Commission.

20. **Site Lighting.** All outdoor lighting fixtures subject to this section shall be designed as a full cut-off fixture or have a shielding method to direct light emissions down onto the site and not shine direct illumination or glare onto adjacent properties. A Lighting Plan shall be approved by the Planning Commission prior to construction.
21. **Preliminary Grading and Drainage Plan.** A preliminary grading and drainage plan will be prepared by a registered professional engineer. The preliminary grading plan shall show the location and extent to which grading will take place, indicating general changes to contour lines, slope ratios, slope stabilization proposals, and location and height of retaining walls, if proposed. This plan shall be reviewed by and be subject to approval of the City Engineer.
22. **Building Permits.** The City will process building permits in accordance with established policy. The City shall not unreasonably delay issuance of building permits.
- a. Building Permits. Building permits will only be issued after completion of any necessary subdivisions and final plat recording as approved by the Planning Commission in a regularly scheduled meeting.
- b. A Technical Review Committee is required for all phases/Development Areas of the Project. All utility designs shall be approved by the City Engineer prior to issuance of a building permit.
23. **Commercial Development.** The Developer is not required to complete any commercial development prior to the completion of the residential portion of this Project. However, within one (1) year after the completion of all phases of the

residential portion of the Project, Developer shall landscape and maintain all vacant portions of the commercial property in accordance with City standards regardless of whether or not the area will eventually become a commercial space or parking lot. The City envisions that the Commercial Development will be the southerly entrance to North Ogden with a prominent “gateway building” at the northeast corner of 1700 N and Washington Blvd. Conceptual commercial building elevations are provided in Exhibit “J”, though the ultimate design will be determined by Developer at the time suitable tenants are located. The Mayor shall determine if the proposed commercial elevations are significantly modified enough to require an amendment to this Agreement.

- a. **Uses to be allowed in the commercial area:** Developer agrees to the list of uses which are considered “Permitted Uses” in the North Ogden C-2 zone and which are entirely contained within the building in which the use occurs. No outdoor storage or other uses are allowed except for outdoor seating associated with a café, restaurant, or other similar eating establishment.
- b. **Uses not allowed in the commercial area.** The uses not allowed in the commercial area of this development despite being listed as a “permitted use” in the C-2 zone:

- Adult themed stores
- Agricultural use
- Auto Sales or Repair
- Bail Bond Companies
- Bars or Taverns except as associated with a restaurant.
- Bed and Breakfast
- Boarding Houses
- Boat/Recreational Vehicle Sales and Service

Bowling Alley
 Christmas Tree Sales
 Drive-in Refreshment Stands
 Drive-thru businesses where the drive-thru lane is located
 between the building and the public street
 Educational Institutions similar to K-12 public schools
 Hotel/Motel
 Heavy Equipment Sales/Repair
 Medical Supply/Sales
 Monument/Mortuary Services
 Pawn shop
 Temporary Businesses
 Thrift stores
 Used Restaurant Supply store

Any other use that is not specifically permitted under the current C-2 zoning designation.

24. **Construction.** Developer shall provide the contact name and number of the on-site foreman for the project to respond to issues and concerns immediately. During construction of the Project the Developer will following the approved SWPPP Plan. Additionally, Developer agrees to fully comply with landscape maintenance standards and mow or remove any weeds or plants which grow taller than twelve (12) inches, which are not designed and/or planted to do so, within fourteen (14) days of being notified in writing by the code enforcement officer. Any failure to meet these requirements will expose Developer to abatement remedies available under City and State codes.
25. **Technical Review.** Developer shall be required to address any technical requirements related to engineering and building standards which are typically addressed during the technical review process in the City. The Parties have not yet made the required determinations for design of facilities including, but not limited to, water, sewer, electrical, storm drain, fire suppression, etc.

26. **Other Conditions.** If any condition, covenant, or other provision of this Agreement shall be deemed invalid due to its scope or breadth, such provision shall be modified in writing by both parties to conform to the law. Should the parties be unable to agree upon a modification of the condition, covenant, or provision the contract becomes voidable by either party.

a. Management of Property. The Developer shall establish a Home Owners Association or other entity to maintain and manage on behalf of ownership of all common areas and collect dues for the maintenance of all landscaping, exterior building treatments, private streets, parking, snow removal, underground utilities, sidewalks, plazas, and other similar improvements. The Mayor and City Planner shall verify the CC&R's are in place prior to final approval of the Development Areas.

27. **Successors and Assigns.**

a. Binding Effect. This Agreement shall be binding on the successors and assigns of Developer in the ownership or development of any portion of the Project.

Assignment. Neither this Agreement nor any of the provisions, terms, or conditions hereof can be assigned to any other party, individual, or entity without assigning the rights as well as the responsibilities under this Agreement, and without the prior written consent of the City, which consent shall not be unreasonably withheld. Any such request for assignment may be made by letter addressed to the City and the prior written consent of the City may also be evidenced by letter from the

Mayor of the City to Developer or its successors or assigns. This restriction on assignment is not intended to prohibit or impede the sale of parcels of fully or partially improved or unimproved land by Developer prior to construction of buildings or improvements on the parcels, with Developer retaining all rights and responsibilities under this Agreement.

28. **General Terms and Conditions.**

- a. Term. This Agreement shall be in effect until December 31, 2025.
- b. No Joint Venture, Partnership or Third Party Rights. This Development Agreement does not create any joint venture, partnership, undertaking, or business arrangement between the parties hereto, nor any rights or benefits to third parties.
- c. Severability. If any part or provision of this Agreement shall be determined to be unconstitutional, invalid, or unenforceable by a court of competent jurisdiction, then such a decision shall not affect any other part or provision of this Agreement except that specific provision determined to be unconstitutional, invalid, or unenforceable. If any condition, covenant or other provision of this Agreement shall be deemed invalid due to its scope or breadth, such provision shall be deemed valid to the extent of the scope or breadth permitted by law.
- d. Attorney's Fees. If this Development Agreement or any of the Exhibits hereto are breached, the party at fault agrees to pay the attorney's fees and all costs of enforcement of the non-breeching party.
- e. Counterparts. This Agreement and any originals of Exhibits referred to

herein may be executed in any number of duplicate originals or counterparts, each of which (when the original signatures are affixed) shall be an original, but all of which shall constitute one and the same instrument.

29. General Terms and Conditions.

- a. Construction of Agreement. This Agreement shall be construed so as to effectuate the public purpose of implementing long-range planning objectives, obtaining public benefits, and protecting any compelling countervailing public interest.
- b. State/Federal Law. The parties agree, intend, and understand that the obligations imposed by this Agreement are only such as are consistent with state and federal law. The parties further agree that if any provision of this Agreement becomes, in its performance, inconsistent with state or federal law or is declared invalid, this Agreement shall be amended in writing by both parties. Should the parties be unable to agree upon a modification of the condition, covenant, or provision the contract becomes voidable by either party.
- c. Relationship of Parties and No Third-Party Rights. This Agreement does not create any joint venture, partnership, undertaking, or business arrangement between the parties hereto; nor, unless otherwise stated, create any rights or benefits to third parties.
- d. Laws of General Applicability. Where this Agreement refers to laws of general applicability to the Project, this Agreement shall be deemed to

refer to other laws of North Ogden City and the State of Utah.

- e. Integration. This Agreement contains the entire agreement between the parties with respect to the subject matter hereof and integrates all prior conversations, discussions, or understandings of whatever kind or nature and may only be modified by a subsequent writing duly executed and approved by the parties hereto.
- f. Applicable Law. This Agreement is entered into under and pursuant to and is to be construed and enforceable in accordance with the laws of the State of Utah.
- g. Arbitration. All disputes under this Agreement shall be resolved through binding Arbitration. If the City and Developer are unable to resolve an issue through discussions, the parties shall attempt within ten (10) business days to appoint a mutually acceptable expert in the professional discipline(s) of the issue in question. If the parties are unable to agree on a single acceptable arbitrator, they shall each within ten (10) business days appoint their own individual appropriate expert. These two experts shall, between them, choose the single arbitrator. Developer shall pay the fees of the chosen arbitrator. The chosen arbitrator shall within fifteen (15) business days, review the positions of the parties regarding the arbitration issue and render a decision. The arbitrator shall ask the prevailing party to draft a proposed order for consideration and objection by the other side. Upon adoption by the arbitrator and consideration of such objections, the arbitrator's decision shall be final and binding upon

both parties. If the arbitrator determines as a part of the decision that the City's position was not only incorrect but was also maintained unreasonably and not in good-faith, then the arbitrator may order the City to pay the arbitrator's fees.

- h. Notices. Any notices, requests, or demands required or desired to be given hereunder shall be in writing and shall either be delivered personally, by certified mail, or express courier delivery to the parties at the following addresses:

If to the City:

North Ogden City
S. Annette Spendlove, City Recorder
505 E. 2600 N.
North Ogden, Utah 84414

If to Meritage Companies, LLC

c/o Jack Barrett
34806 North 80th Way
Scottsdale, AZ 85266

If to Mountain Vista Trails, LLC

c/o Dawn Barrett
4144 North 250 West
Pleasant View, UT 84414

WITH A COPY TO:

M. Darin Hammond
SMITH KNOWLES, P.C.
2225 Washington Blvd., Suite 200
Ogden, UT 84401

Any party may change their address by giving written notice to the other party in accordance with the provisions of this section.

DATED this 7th day of November, 2017.

MERITAGE COMPANIES, LLC

By: [Signature]
Its: Scott H. Barrett

DATED this 7th day of November, 2017.

MOUNTAIN VISTA TRAILS, LLC

By: [Signature]
Its: Manager

DATED this 6th day of November, 2017.

NORTH OGDEN CITY



By: [Signature]
Its: Mayor Brent R. Taylor

S. Annette Spendlove
Attest: S. Annette Spendlove

TABLE OF CONTENTS FOR EXHIBITS

- A: Legal Description – Included.**
- B: Preliminary Site Plan – Included.**
- C: Preliminary Landscape Plan – Included with specific plans to be approved by planning commission as presented prior to building permit approval.**
- D: Floor Plans – Included for Apartment Area and not required for other development areas as outlined above.**
- E: Building Elevations – Included for Apartment Area. Individual development area approvals are provided as outlined above.**
- F: Site Data – Included.**
- G: Color Palette and Building material board.**
- H: Fire Plan to be approved by Fire Marshal during technical review of the development.**
- I: Signage – to be approved by Planning Commission at a later public meeting.**
- J: Commercial Elevations – to be approved by City Council at a later public meeting.**
- K: Detention Basin Park – to be approved by Parks Department at a later date.**
- L: Preliminary Master Plan – Included.**
- M: Private Street Cross section – Included.**

EXHIBIT A

NORTH OGDEN CITY LEGAL DESCRIPTION

PART OF THE NORTH HALF OF SECTION 5, T.6N., R.1W., S.L.B. & M., U.S. SURVEY. DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT WHICH LIES N89°47'40"E 3513.84 FEET AND SOUTH 310.70 FEET FROM THE NORTHWEST CORNER OF SAID SECTION 5 AND RUNNING THENCE EAST 1097.76 FEET; THENCE S00°50'15"W 744.35 FEET; THENCE N89°03'50"W 149.94 FEET; THENCE ALONG A CURVE TURNING TO THE RIGHT WITH AN ARC LENGTH OF 79.28 FEET, A RADIUS OF 217.00 FEET, A CHORD BEARING OF N78°35'51"W, AND A CHORD LENGTH OF 78.84 FEET; THENCE ALONG A REVERSE CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 103.39 FEET, A RADIUS OF 283.00 FEET, A CHORD BEARING OF N78°35'51"W, AND A CHORD LENGTH OF 102.82 FEET; THENCE N89°03'50"W 792.06 FEET; THENCE ALONG A CURVE TURNING TO THE RIGHT WITH AN ARC LENGTH OF 30.04 FEET, A RADIUS OF 317.00 FEET, A CHORD BEARING OF N86°20'55"W, AND A CHORD LENGTH OF 30.03 FEET; THENCE N00°56'10"E 127.98 FEET; THENCE ALONG A CURVE TURNING TO THE RIGHT WITH AN ARC LENGTH OF 80.02 FEET, A RADIUS OF 480.00 FEET, A CHORD BEARING OF N05°42'42"E, AND A CHORD LENGTH OF 79.92 FEET; THENCE N10°29'14"E 252.64 FEET; THENCE ALONG A CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 76.88 FEET, A RADIUS OF 420.00 FEET, A CHORD BEARING OF N05°14'37"E, AND A CHORD LENGTH OF 76.77 FEET; THENCE N00°00'00"W 158.70 FEET TO THE POINT OF BEGINNING.

CONTAINING 18.26 ACRES

ANNEXATION AREA LEGAL DESCRIPTION

PART OF THE NORTHEAST QUARTER OF SECTION 5, TOWNSHIP 6 NORTH, RANGE 1 WEST, AND ALSO PART OF THE SOUTHEAST QUARTER OF SECTION 32, TOWNSHIP 7 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY. MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EAST LINE OF LOT 54-R, MYSTERY MEADOWS SUBDIVISION PHASE 2, SAID POINT ALSO BEING A POINT ON THE EXISTING BOUNDARY OF THE CORPORATE LIMITS OF NORTH OGDEN CITY, SAID POINT LIES S00°20'01"W ALONG THE MONUMENT LINE BETWEEN THE NORTHWEST CORNER AND THE SOUTHWEST CORNER OF SAID SECTION 5, 281.23 FEET AND S89°39'50"E 2866.43 FEET FROM THE NORTHWEST CORNER OF SAID SECTION 5; AND RUNNING ALONG THE BOUNDARY OF THE CORPORATE LIMITS OF NORTH OGDEN CITY THE FOLLOWING TWENTY (20) COURSES; (1) NORTH ALONG THE EAST LINE OF SAID 54R, 72.15 FEET TO A POINT ON THE SOUTH LINE OF LOT 32, ROYLANCE FARMS P.R.U.D PHASE 2, 3RD AMENDMENT; (2) N85°09'01"E ALONG SAID SOUTH LINE, 12.61 FEET TO THE SOUTHEAST CORNER OF SAID LOT 32; (3) N08°23'50"E ALONG THE EAST LINES OF LOT 32 AND 31, ROYLANCE FARMS P.R.U.D. PHASE 2, 3RD AMENDMENT 118.26 FEET TO THE SOUTHWEST CORNER OF LOT 28, ROYLANCE FARMS P.R.U.D. PHASE 2, 3RD AMENDMENT; (4) N55°25'02"E ALONG THE SOUTHERLY LINES OF LOTS 28, 27, 26, AND 25, ROYLANCE FARMS P.R.U.D. PHASE 2 3RD AMENDMENT, 197.79 FEET TO THE SOUTHEAST CORNER OF SAID LOT; (5) N20°28'01"E ALONG THE EAST LINE OF SAID LOT 25, 75.84 FEET TO THE SOUTHWEST CORNER OF COMMON AREA, ROYLANCE FARMS P.R.U.D. PHASE 2, 3RD AMENDMENT; (6) N89°04'38"E ALONG THE SOUTH LINE OF SAID COMMON AREA, 230.59 FEET A PORTION OF WHICH RUNS ALONG THE SOUTH LINE OF ROYLANCE FARMS PHASE 4; (7) N88°01'08"E 377.46 FEET; (8) N88°36'08"E 543.60 FEET; (9) N00°48'08"E 3.79 FEET TO THE SOUTHWEST CORNER OF LOT 408, ROYLANCE FARMS PHASE 4; (10) S89°44'26"E ALONG THE SOUTH LINE OF SAID LOT 48, 169.02 FEET TO A POINT ON THE WEST LINE OF LOT 1, ROYLANCE FARMS COMMERCIAL SUBDIVISION; (11) S00°50'00"W ALONG THE WEST LINE OF SAID LOT 1, 59.79 FEET TO THE SOUTHWEST CORNER OF SAID LOT 1; (12) S89°42'34"E ALONG BOUNDARY OF SAID LOT 1, 79.91 FEET TO THE SOUTHERLY CORNER OF SAID LOT 1; (13) S00°15'26"E ALONG BOUNDARY OF SAID LOT 1, 25.00 FEET TO THE SOUTHERLY CORNER OF SAID LOT 1; (14) S89°42'34"E ALONG THE SOUTHERLY LINE OF SAID LOT 1, 0.11 FEET; (15) SOUTH 348.94 FEET; (16) N87°37'48"E 193.97 FEET TO THE CENTERLINE OF WASHINGTON BOULEVARD (400 EAST STREET); (17) S00°50'18"W ALONG SAID CENTERLINE, 175.02 FEET; (18) N89°09'45"W 211.12 FEET; (19) N00°50'15"E 191.47 FEET; (20) WEST 1601.59 FEET TO A POINT ON THE WEST LINE OF LOT 54-R, MYSTERY MEADOWS SUBDIVISION PHASE 2, SAID POINT ALSO BEING THE POINT OF THE BEGINNING.

CONTAINING 631,677 SQUARE FEET OR 14.501 ACRES MORE OR LESS.

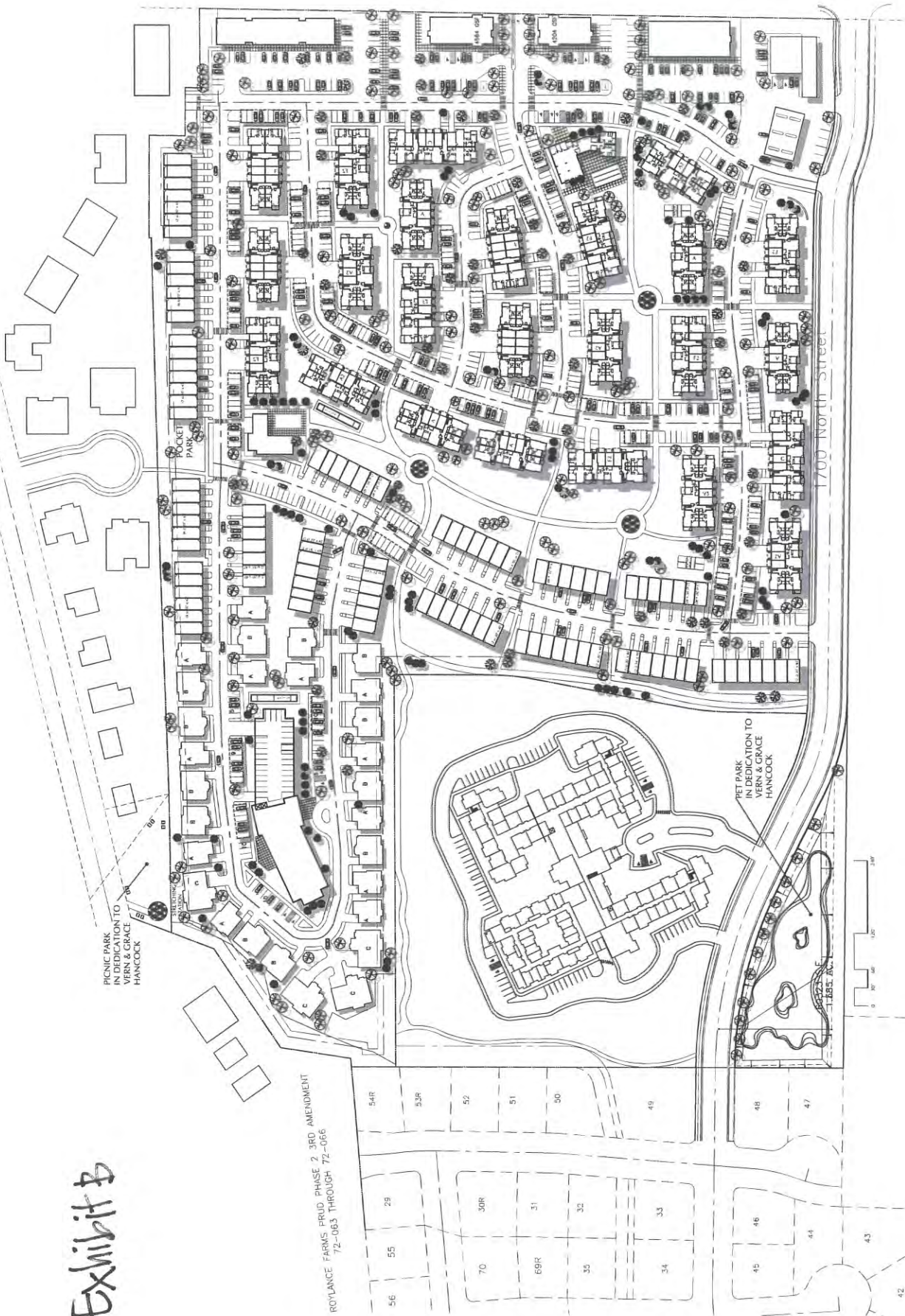


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Exhibit B

ROYALANCE FARMS PHASE 2 3RD AMENDMENT
72-063 THROUGH 72-066



AGE AT PROMINENCE POINT PRELIMINARY MASTER PLAN 10.03.2017

OGDEN, UTAH



Anikrom Moisan Architects, Inc.
ARCHITECTURE INTERIORS URBAN DESIGN IDENTITY
anikrommoisan.com

EXHIBIT C

- INDEPENDENT COTTAGES
- INDEPENDENT LIVING
- FOR SALE TOWNHOMES
- CLUBHOUSE AMENITY
- FOR RENT APARTMENTS
- COMMUNITY RETAIL

PHASE 2, 3RD AMENDMENT
OUGH 72-066

54R

53R

52

51

50

49

48

47

PICNIC PARK
IN DEDICATION TO
VERN & GRACE
HANCOCK

PET PARK
IN DEDICATION TO
VERN & GRACE
HANCOCK

1700 North Street

SITE PLAN LANDSCAPE CONCEPT - 10.03.2017

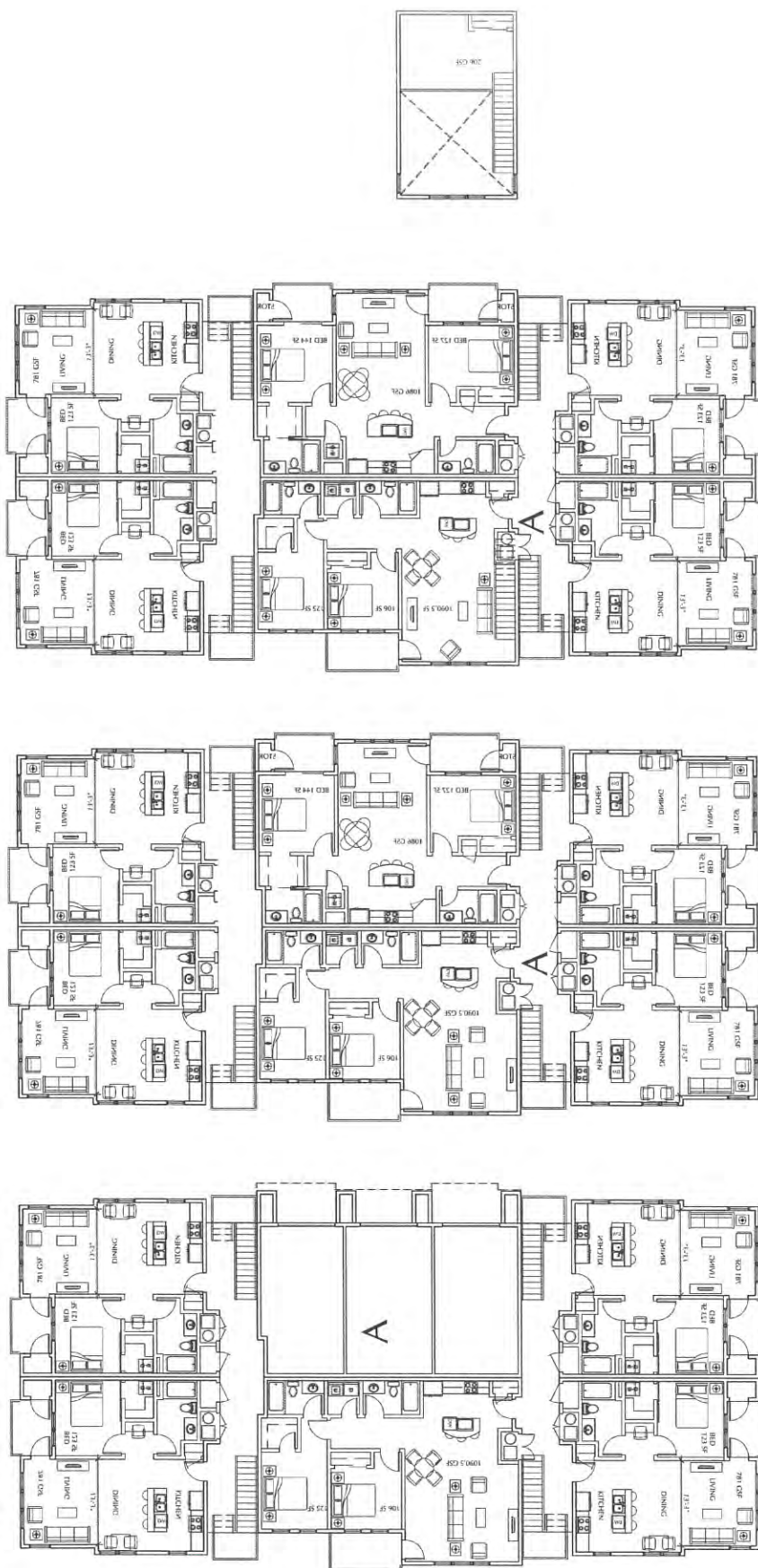
VAPP SITE PLAN

OGDEN, UTAH



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BUILDING 'A' - 18,149 GSF



BUILDING 'A' - 1ST FLOOR

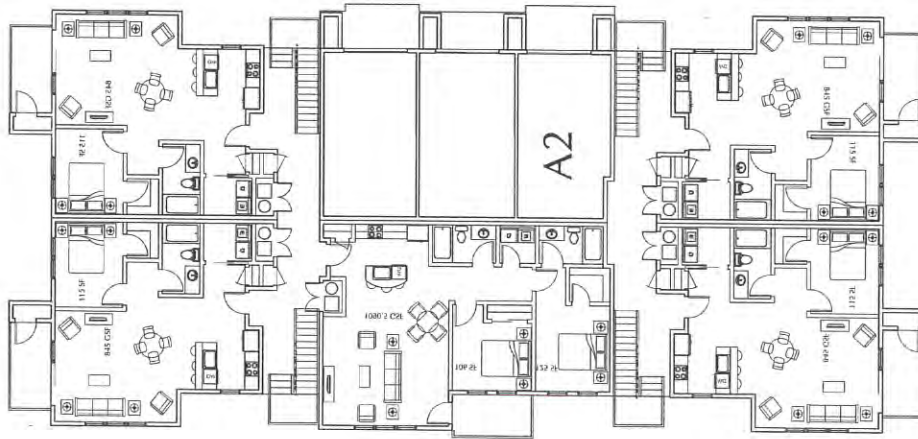
BUILDING 'A' - 2ND FLOOR

BUILDING 'A' - 3RD FLOOR

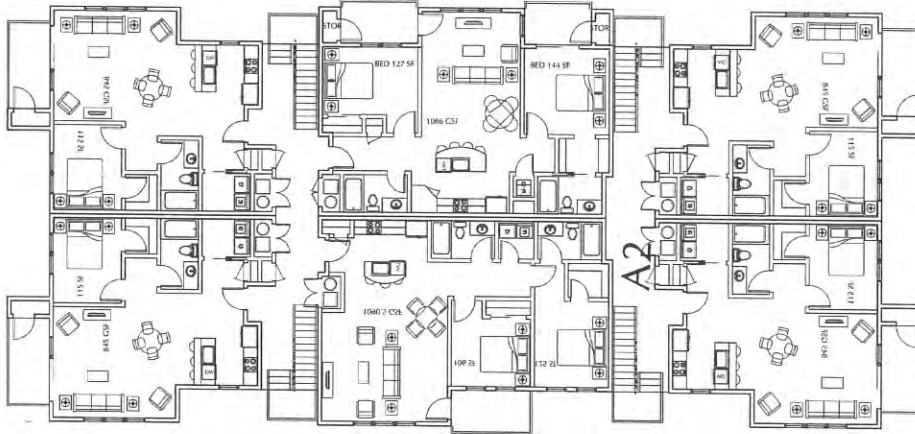
BUILDING 'A' - 4TH FLOOR/LOFT

VILLAGE AT PROMINENCE POINT NORTH OGDEN, UTAH

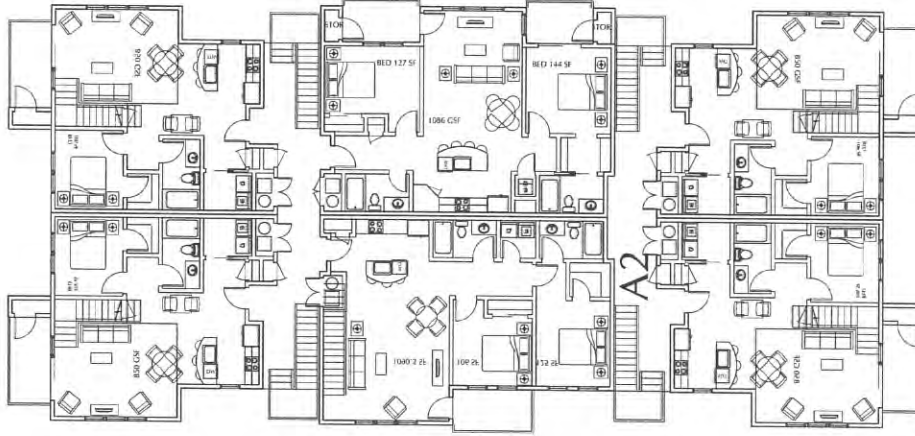
EXHIBIT D - FLOOR PLANS 1/8" = 1' - 0"



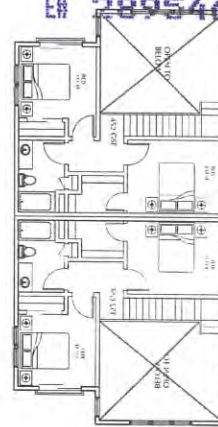
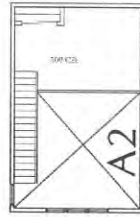
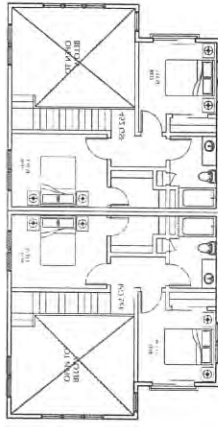
BUILDING 'A2' - 1ST FLOOR



BUILDING 'A2' - 2ND FLOOR



BUILDING 'A2' - 3RD FLOOR



BUILDING 'A2' - 4TH FLOOR/LOFT

VILLAGE AT PROMINENCE POINT NORTH OGDEN, UTAH

EXHIBIT D - FLOOR PLANS 1/8" = 1' - 0"

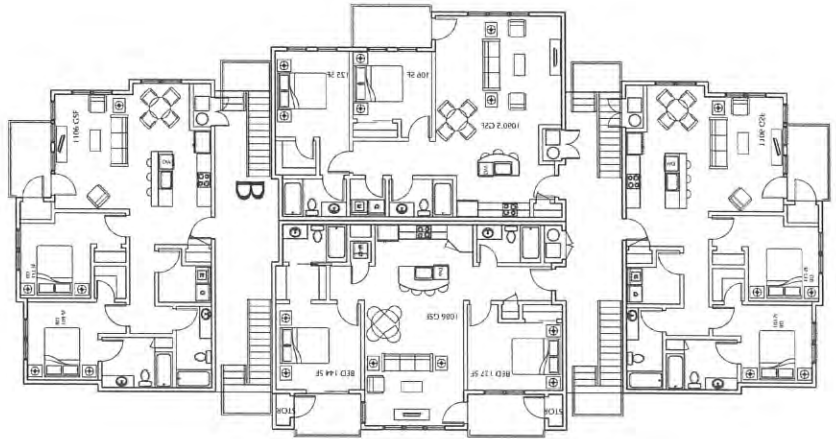
BUILDING 'A2' - 20,895 GSF

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ankrommoisan.com

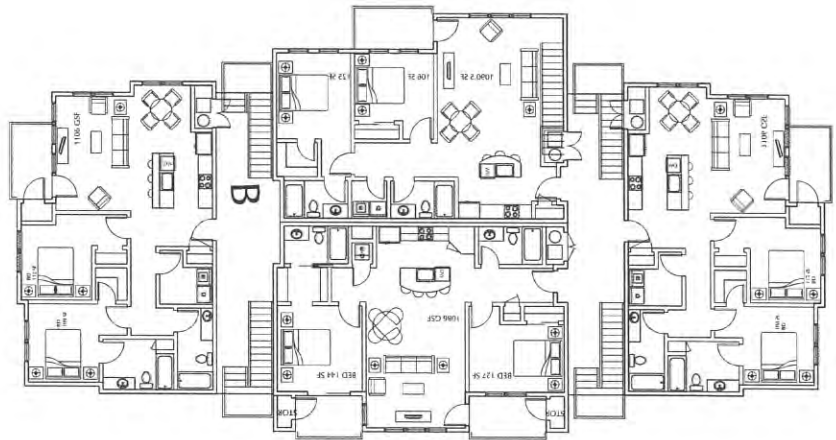




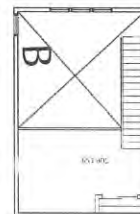
BUILDING 'B' - 1ST FLOOR



BUILDING 'B' - 2ND FLOOR



BUILDING 'B' - 3RD FLOOR



BUILDING 'B' - 4TH FLOOR/LOFT

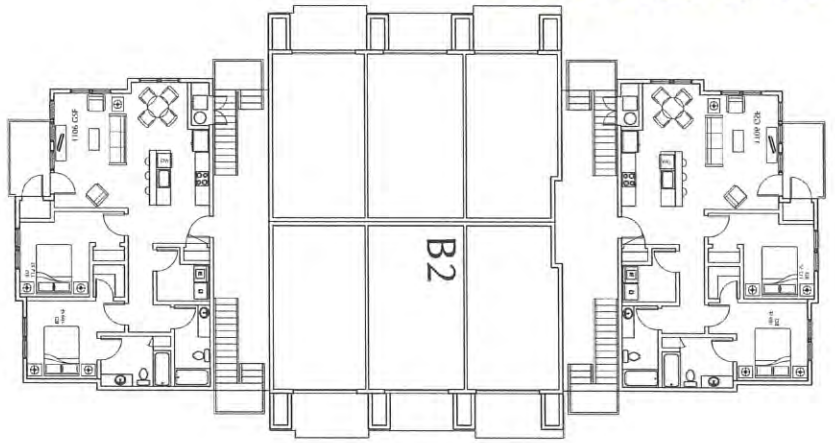
VILLAGE AT PROMINENCE POINT NORTH OGDEN, UTAH

EXHIBIT D - FLOOR PLANS 1/8" = 1' - 0"

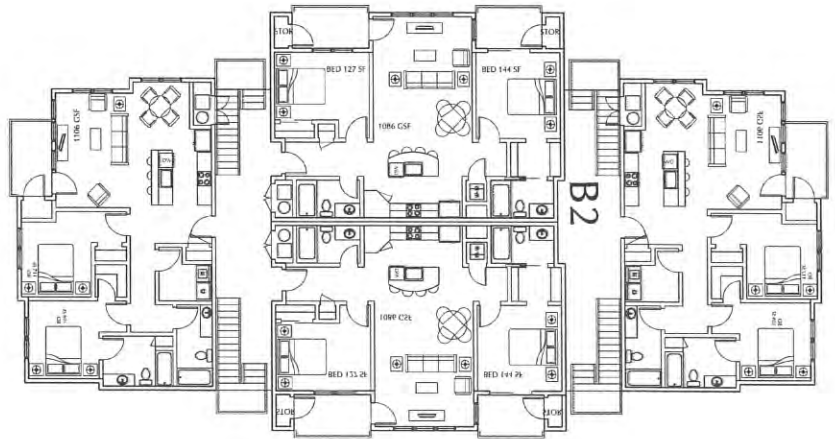
BUILDING 'B' - 15,397 GSF

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ankrommoisan.com

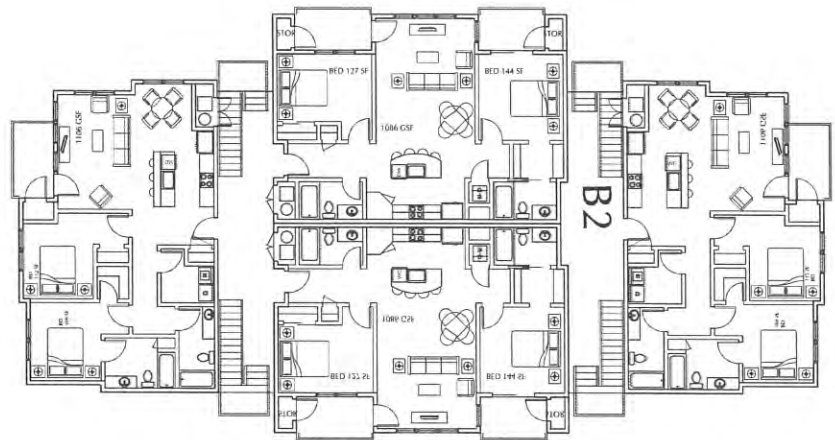




BUILDING 'B2' - 1ST FLOOR



BUILDING 'B2' - 2ND FLOOR



BUILDING 'B2' - 3RD FLOOR

VILLAGE AT PROMINENCE POINT NORTH OGDEN, UTAH

EXHIBIT D - FLOOR PLANS 1/8" = 1' - 0"

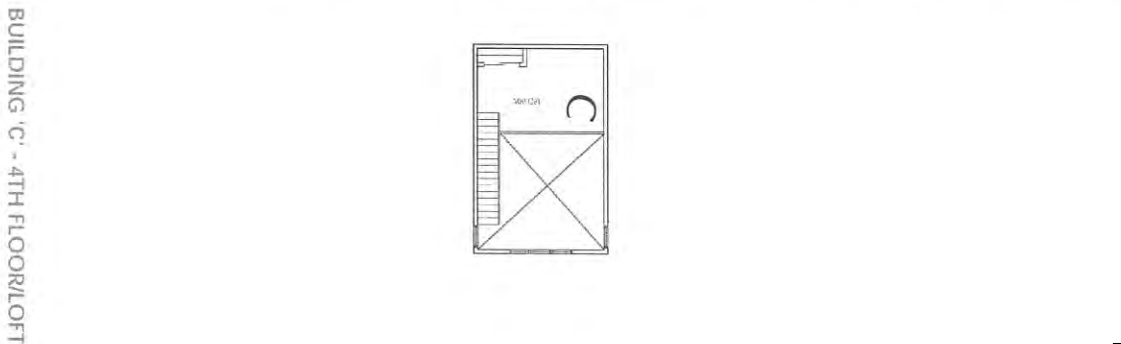
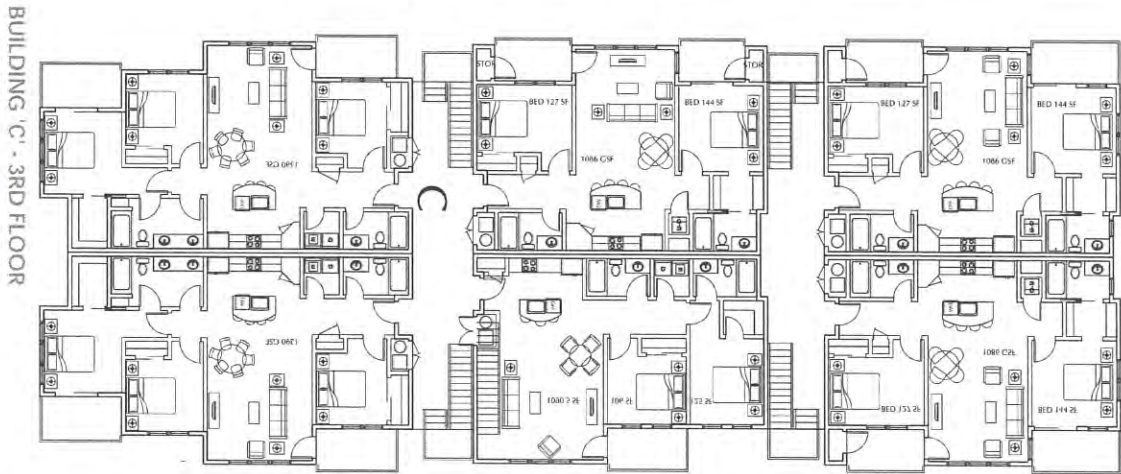
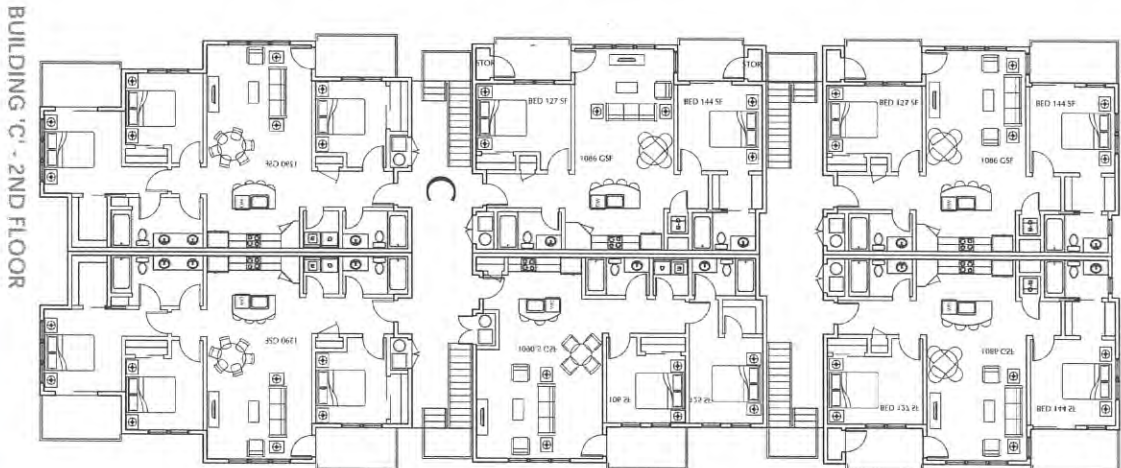
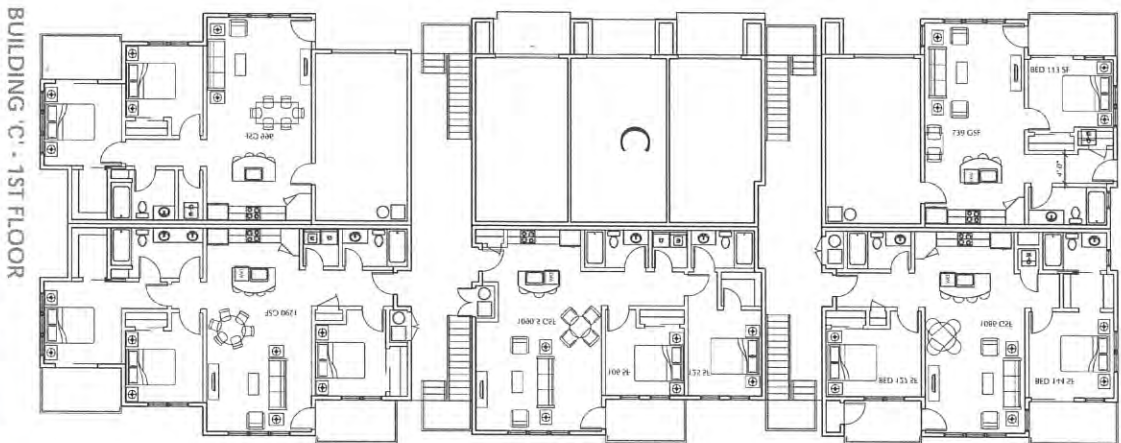
BUILDING 'B2' - 15,088 GSF

Aakom Mosap Architects, Inc.
ARCHITECTURE INTERIORS URBAN DESIGN IDENTITY
aakommosap.com



VILLAGE AT PROMINENCE POINT NORTH OGDEN, UTAH

EXHIBIT D - FLOOR PLANS 1/8" = 1' - 0"



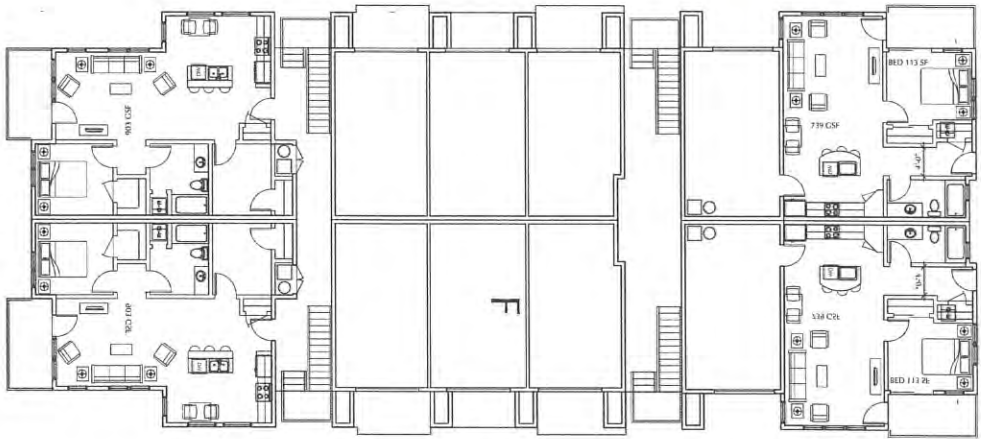
Ankrom, Moisan Architects, Inc.
ARCHITECTURE INTERIORS URBAN DESIGN IDENTITY
ankrommoisan.com



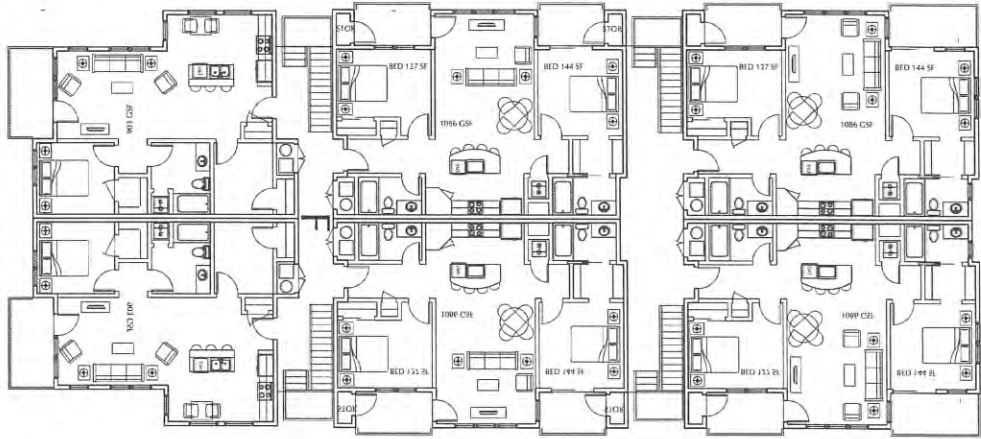
VILLAGE AT PROMINENCE POINT NORTH OGDEN, UTAH

EXHIBIT D - FLOOR PLANS 1/8" = 1' - 0"

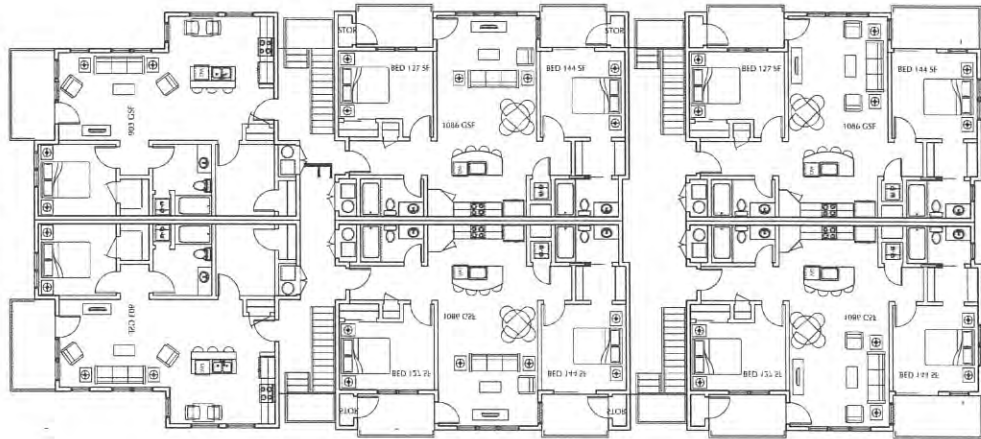
BUILDING 'F' - 1ST FLOOR



BUILDING 'F' - 2ND FLOOR



BUILDING 'F' - 3RD FLOOR



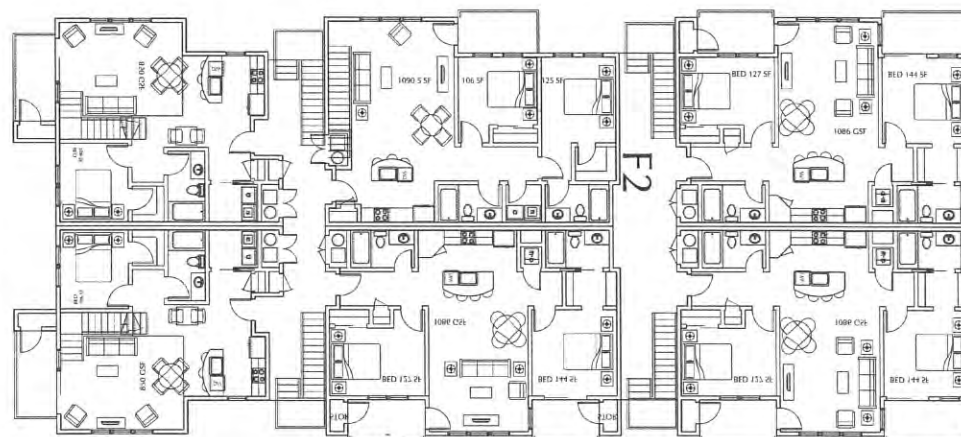
BUILDING 'F' - 20,549 GSF



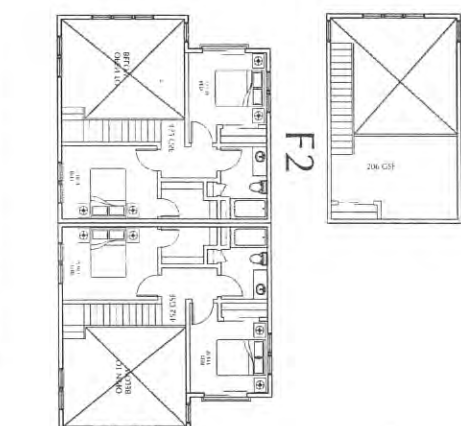
BUILDING 'F2' - 1ST FLOOR



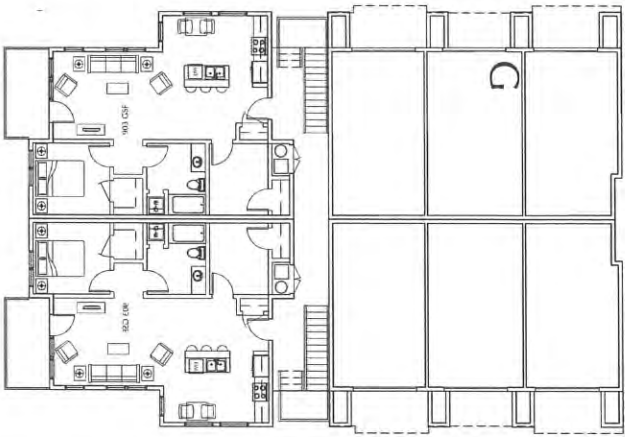
BUILDING 'F2' - 2ND FLOOR



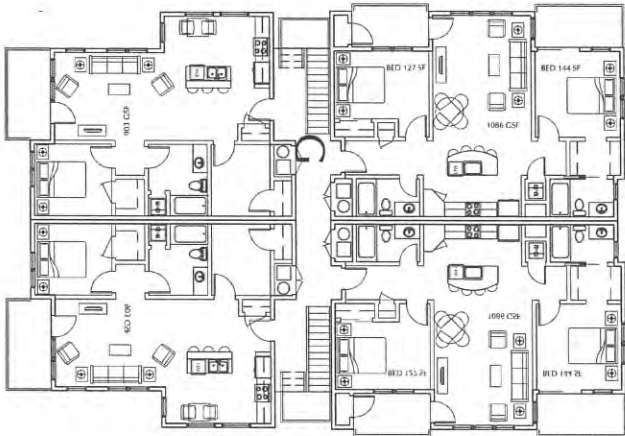
BUILDING 'F2' - 3RD FLOOR



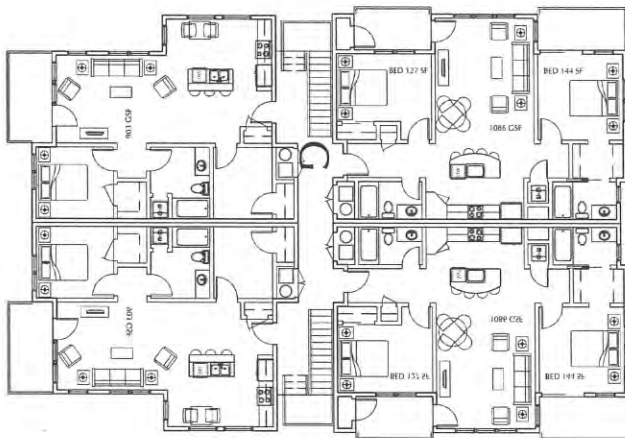
BUILDING 'F2' - 4TH FLOOR/LOFT



BUILDING 'G' - 1ST FLOOR



BUILDING 'G' - 2ND FLOOR



BUILDING 'G' - 3RD FLOOR

VILLAGE AT PROMINENCE POINT NORTH OGDEN, UTAH

EXHIBIT D - FLOOR PLANS 1/8" = 1' - 0"

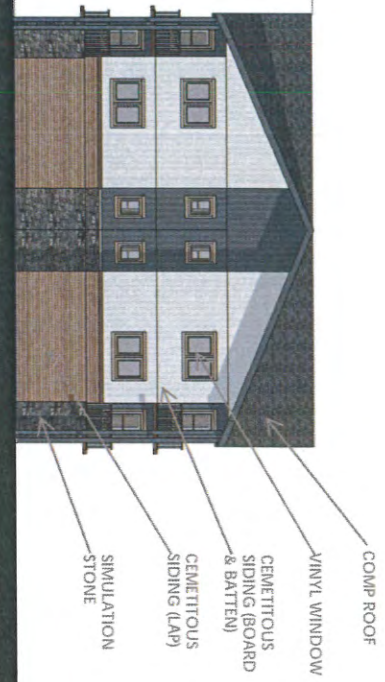
BUILDING 'G' - 12,634 GSF

Arkcom Moleson Architects, Inc.
ARCHITECTURE INTERIORS URBAN DESIGN IDENTITY
arkcommoleson.com



Arkcom Moleson

BUILDING 'G' - SIDE 1 ELEVATION



BUILDING 'G' - REAR ELEVATION



BUILDING 'G' - SIDE 2 ELEVATION



BUILDING 'G' - FRONT ELEVATION



VILLAGE AT PROMINENCE POINT NORTH OGDEN, UTAH

EXHIBIT E - BUILDING ELEVATIONS

APARTMENT ELEVATIONS 1/8" = 1' - 0"

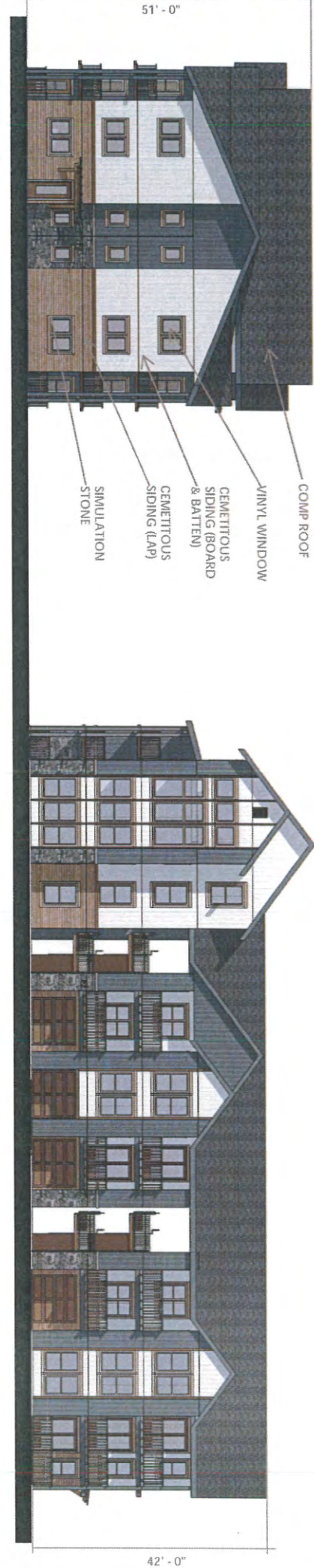
Ankrom Moisan Architects, Inc.
ARCHITECTURE INTERIORS URBAN DESIGN IDENTITY
ankrommoisan.com



Ankrom Moisan

1201/2015

BUILDING 'F2' - SIDE 1 ELEVATION



BUILDING 'F2' - REAR ELEVATION



BUILDING 'F2' - SIDE 2 ELEVATION



BUILDING 'F2' - FRONT ELEVATION



VILLAGE AT PROMINENCE POINT NORTH OGDEN, UTAH

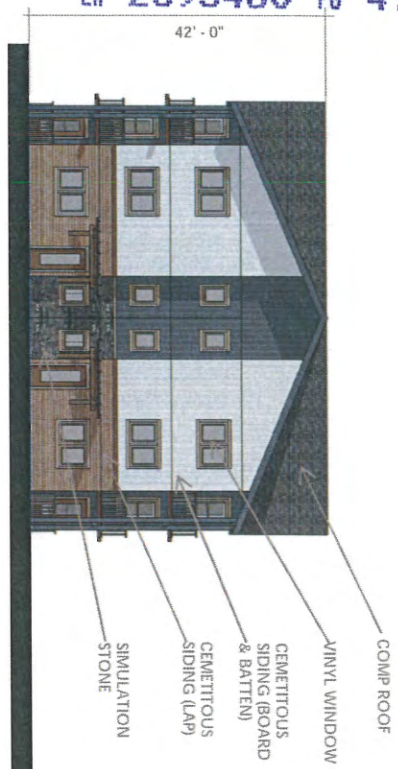
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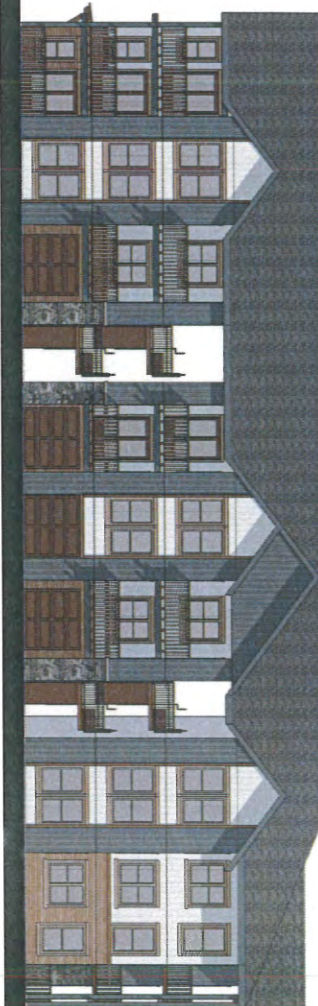
Ankrom Moisan Architects, Inc.
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ankrommoisan.com



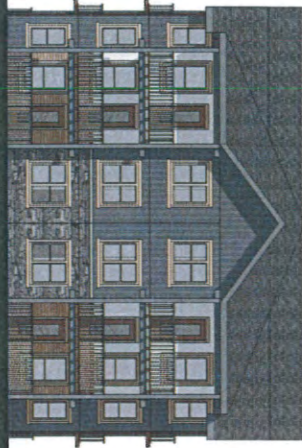
March 2015



BUILDING 'F' - SIDE 1 ELEVATION



BUILDING 'F' - REAR ELEVATION



BUILDING 'F' - SIDE 2 ELEVATION



BUILDING 'F' - FRONT ELEVATION

VILLAGE AT PROMINENCE POINT NORTH OGDEN, UTAH

EXHIBIT E - ELEVATIONS

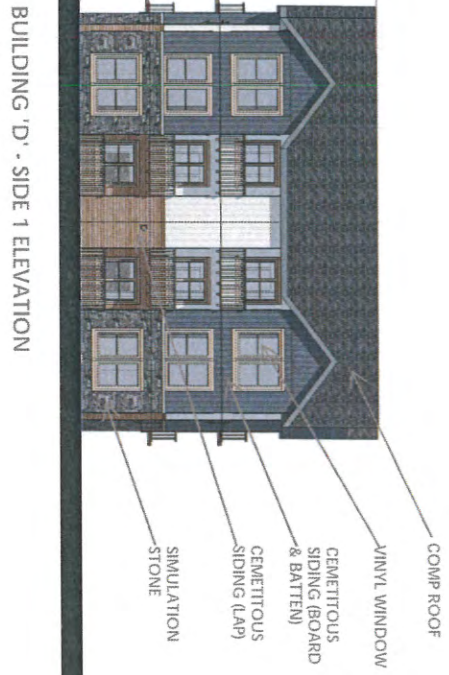
APARTMENT ELEVATIONS 1/8" = 1' - 0"

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ankrommoisan.com



ANKROM MOISAN

1/20/2015



BUILDING 'D' - SIDE 1 ELEVATION



BUILDING 'D' - SIDE 2 ELEVATION



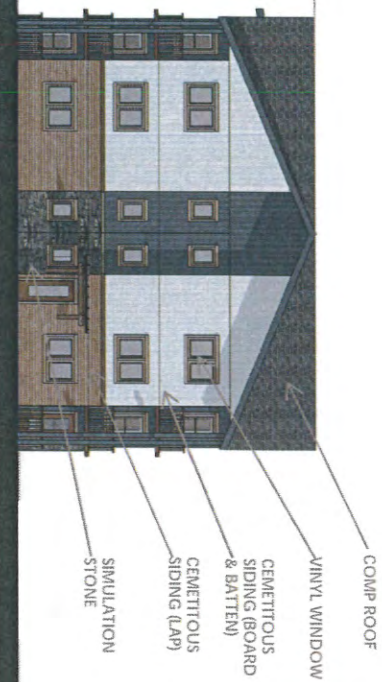
BUILDING 'D' - FRONT ELEVATION

VILLAGE AT PROMINENCE POINT NORTH OGDEN, UTAH

EXHIBIT E - ELEVATIONS

APARTMENT ELEVATIONS 1/8" = 1' - 0"

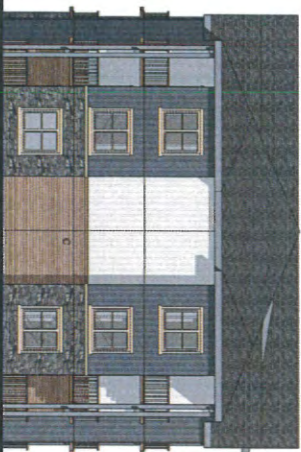
42' - 0"



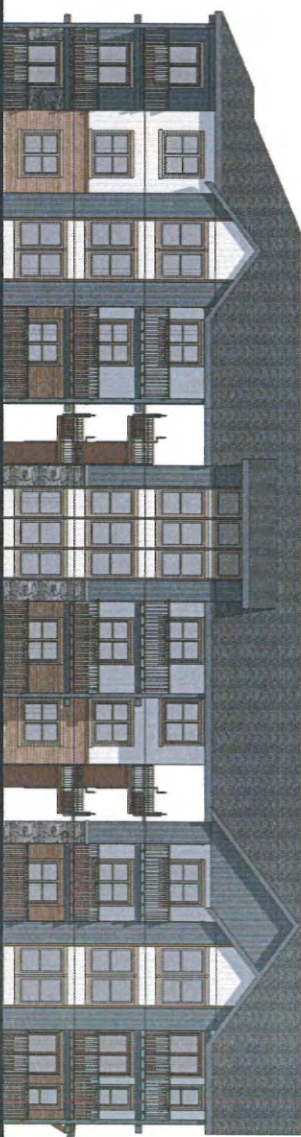
BUILDING 'C' - SIDE 1 ELEVATION



BUILDING 'C' - REAR ELEVATION



BUILDING 'C' - SIDE 2 ELEVATION



BUILDING 'C' - FRONT ELEVATION

VILLAGE AT PROMINENCE POINT NORTH OGDEN, UTAH

EXHIBIT E - ELEVATIONS

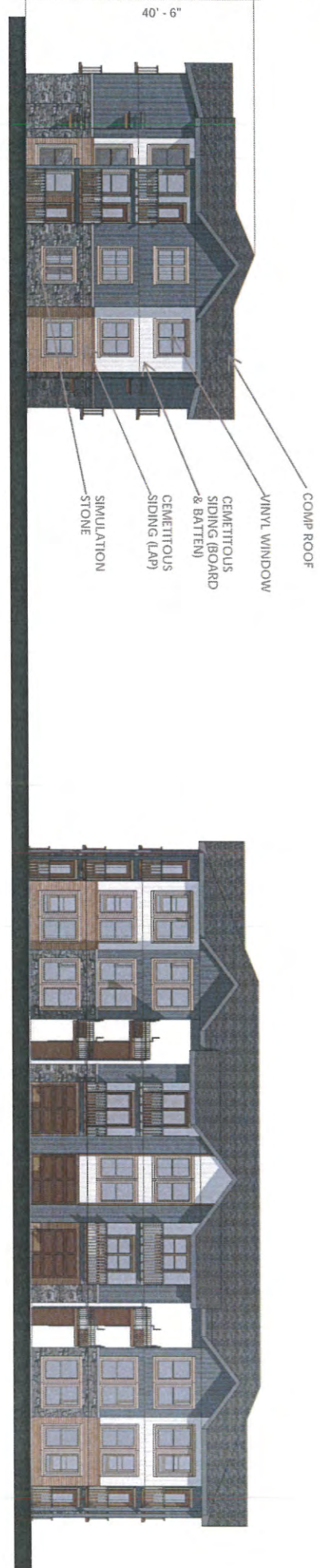
APARTMENT ELEVATIONS 1/8" = 1' - 0"

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ARCHITECTURE INTERIORS URBAN DESIGN IDENTITY
ankrommoisan.com



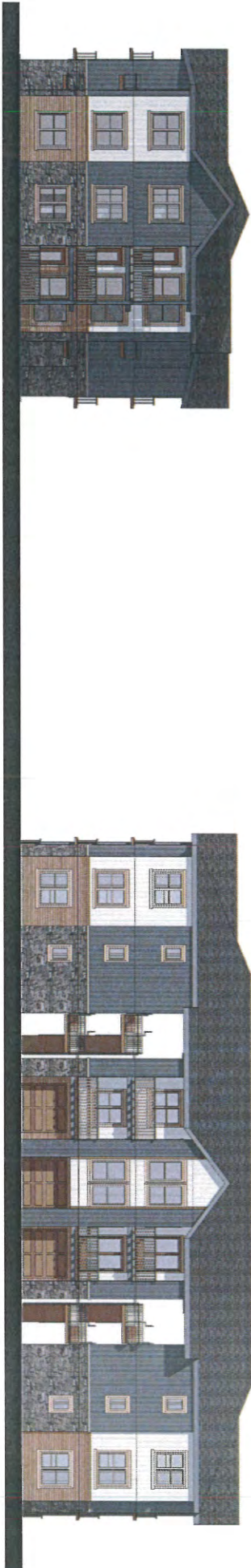
Ankrom Moisan

12/01/2015



BUILDING 'B2' - SIDE 1 ELEVATION

BUILDING 'B2' - REAR ELEVATION



BUILDING 'B2' - SIDE 2 ELEVATION

BUILDING 'B2' - FRONT ELEVATION

VILLAGE AT PROMINENCE POINT NORTH OGDEN, UTAH

EXHIBIT E - ELEVATIONS

APARTMENT ELEVATIONS 1/8" = 1' - 0"

Ankrom Moisan Architects, Inc.
ARCHITECTURE INTERIORS URBAN DESIGN IDENTITY
ankrommoisan.com



Ankrom Moisan



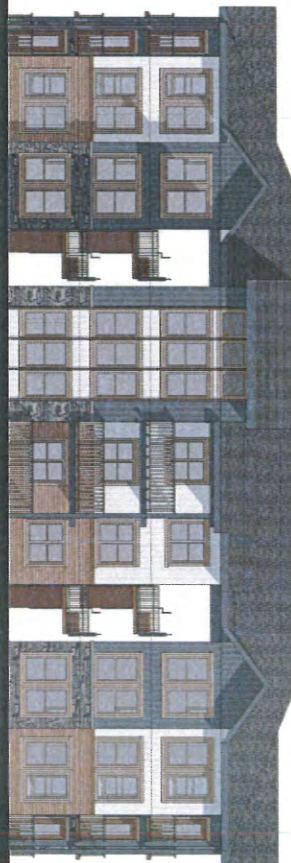
BUILDING 'B' - SIDE 1 ELEVATION



BUILDING 'B' - REAR ELEVATION



BUILDING 'B' - SIDE 2 ELEVATION



BUILDING 'B' - FRONT ELEVATION

VILLAGE AT PROMINENCE POINT NORTH OGDEN, UTAH

EXHIBIT E - ELEVATIONS

APARTMENT ELEVATIONS 1/8" = 1' - 0"

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ARCHITECTURE INTERIORS URBAN DESIGN IDENTITY
ankrommoisan.com



Alison Moisan

12/01/2015

51' - 0"



BUILDING 'A2' - SIDE 1 ELEVATION



BUILDING 'A2' - REAR ELEVATION



BUILDING 'A2' - SIDE 2 ELEVATION



BUILDING 'A2' - FRONT ELEVATION

VILLAGE AT PROMINENCE POINT NORTH OGDEN, UTAH

EXHIBIT E - ELEVATIONS

APARTMENT ELEVATIONS 1/8" = 1' - 0"

Ankrom Moisan Architects, Inc.
ARCHITECTURE INTERIORS URBAN DESIGN IDENTITY
ankrommoisan.com



Alarcon Pilsatz

1/2017/2017

42' - 0"

COMP ROOF
VINYL WINDOW
CEMETTIOUS
SIDING (BOARD
& BATTEN)
CEMETTIOUS
SIDING (LAP)
SIMULATION
STONE

BUILDING 'A' - SIDE 1 ELEVATION



BUILDING 'A' - REAR ELEVATION



BUILDING 'A' - SIDE 2 ELEVATION



BUILDING 'A' - FRONT ELEVATION

VILLAGE AT PROMINENCE POINT NORTH OGDEN, UTAH

EXHIBIT E - ELEVATIONS

APARTMENT ELEVATIONS 1/8" = 1' - 0"

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ankrommoisan.com



Ankrom Moisan

12/31/2015

EXHIBIT F

Village @ Prominence Point Site Data

EN 2895460 PG 54 OF 68

TOTAL SITE AREA CALCS

ROADS, PARKING, DRIVEWAYS & CURBS -	453,183 GSF	31.60%
SIDEWALKS & PLAZAS -	164,701 GSF	11.49%
BUILDING FOOTPRINTS -	363,358 GSF	24.45%
LANDSCAPE -	465,573 GSF	32.46%
W/ PET PARK DETENTION BASIN	525,573 GSF	35.19%
APARTMENTS	404	
TOWN HOMES	107	
COTTAGES	28	
ILF UNITS	68	
TOTAL UNITS - 607		
UNITS PER ACRE		
607/ 32.9 ACRES = 18.45		
W/ PET PARK DETENTION BASIN		
607/ 34.31 ACRES = 17.69		

TOTAL SITE AREA PARKING

RETAIL PARKING 35,912 SF	
148/35,912 x 1,000 = 4.13	
238 CARPORTS	
252 OPEN SPACES	
344 GARAGES	
319 DRIVEWAYS	
35% SHARED RETAIL PARKING (51)	
1,204 TOTAL PARKING	
/607 UNITS = 1.98 %	
50 PARALLEL ON 1700 N.	
1,254 TOTAL PARKING	
/607 UNITS = 2.07 %	

Village @ Prominence Point Site Data

SITE AREA CALCS

RETAIL - 182,557 GSF

ROADS, PARKING, DRIVEWAYS & CURBS -	100,344 GSF	54.97%
SIDEWALKS & PLAZAS -	18,523 GSF	10.15%
BUILDING FOOTPRINTS -	35,912 GSF	19.67%
LANDSCAPE -	27,778 GSF	15.21%

148 parking (including 19 on Washington BLVD.)

Village @ Prominence Point Site Data

APARTMENTS

SF

5 building 'A', 17 unit (12 - 1 BD, 4 - 2 BD, 1 - 2BD LOFT)	18,149
6 building 'A2', 17 unit (8 - 1 BD+, 4 - 2 BD, 1 - 2BD LOFT, 4 - 2 STORY 3BD)	20,895
2 building 'C', 17 unit (1 - 1BD, 10 - 2BD, 1 - 2BD LOFT, 5 - 3BD)	23,517
2 building 'D', 16 unit (6 - 1BD, 6 - 1BD+, 4 - 2BD)	18,532
2 building 'F', 16 unit (2 - 1BD, 6 - 1BD+, 8 - 2BD)	20,549
7 building 'F2', 17 unit (1 - 1BD, 4 - 1BD+, 9 - 2BD, 1 - 2BD LOFT, 2- 2 STORY 3BD)	21,466

24 BLDG/404 total apartment unitsAPARTMENT ACREAGE - 675,864 GSF/15.52 ACRES

404/15.52 = 26 UNITS PER ACRE

SITE AREA CALCS

ROADS, PARKING, DRIVEWAYS & CURBS -	206,394 GSF	30.52%
SIDEWALKS & PLAZAS -	98,965 GSF	14.56%
BUILDING FOOTPRINTS -	153,446 GSF	22.70%
LANDSCAPE -	217,748 GSF	32.22%
TOTAL	675,864 GSF	

593 PARKING

200 CARPORTS
 194 OPEN SPACES
 99 GARAGES
 99 DRIVEWAYS

Village @ Prominence Point Site Data

TOWN HOMES

3x building A1, 6 single garage units

2x building B1, 7 single garage units

4x building A, 7 double garage units

5x building B, 5 double garage, 2 single garage units

2x building C, 7 double garage units

16 BLDG/107 total TH unitsTOWN HOME ACREAGE - 328,836 GSF/ 7.55 ACRES

107/ 7.55 = 14.2 UNITS PER ACRE

SITE AREA CALCS

ROADS, PARKING, DRIVEWAYS & CURBS -	92,908 GSF	
		28.10%
SIDEWALKS & PLAZAS -	31,295 GSF	
		9.67%
BUILDING FOOTPRINTS -	83,822 GSF	
		25.49%
LANDSCAPE -	120,811 GSF	
		36.74%
TOTAL	328,836 GSF	

391 PARKING

18 CARPORTS

29 OPEN SPACES

172 GARAGES

172 DRIVEWAYS

Village @ Prominence Point Site Data

INDEPENDENT LIVING FACILITY

3 STORY_WEST WING

4 STORY_EAST WING

1 BLDG/ 68 total unitsILF ACREAGE - 70,525 GSF/1.62 ACRES

68/1.62 = 42 UNITS PER ACRE

SITE AREA CALCS

ROADS, PARKING, DRIVEWAYS & CURBS -	23,777 GSF	33.71%
SIDEWALKS & PLAZAS -	9,329 GSF	13.23%
BUILDING FOOTPRINTS -	21,815 GSF	30.93%
LANDSCAPE -	15,604 GSF	22.13%
TOTAL	70,525 GSF	

74 PARKING

20 CARPORTS

29 OPEN SPACES

25 GARAGE

Village @ Prominence Point Site Data

55+ COTTAGES

SF

COTTAGE A, 12 units	1,662
COTTAGE B, 12 units	2,078
COTTAGE C, 4 units	2,764

28 BLDG/28 total units

COTTAGE ACREAGE - 176,366 GSF/4.05 ACRES

28/4.05 = 6.9 UNITS PER ACRE

SITE AREA CALCS

ROADS, PARKING, DRIVEWAYS & CURBS -	29,760 GSF	16.87%
SIDEWALKS & PLAZAS -	6,589 GSF	3.74%
BUILDING FOOTPRINTS -	55,697 GSF	31.58%
LANDSCAPE -	84,319 GSF	47.81%
TOTAL	176,366	

96 PARKING

48 GARAGES
48 DRIVEWAYS

Ski Slope
Interior / Exterior
Location Number: 229 C7

Oak Barrel
Interior / Exterior
Location Number: 289 C4

1. CEMENTITIOUS SIDING - BOARD & BATTEN

2. CEMENTITIOUS SIDING - BOARD & BATTEN

3. CEMENTITIOUS SIDING - LAP



5. ARCHITECTURAL WOOD TRIM



6. STANDING SEAM METAL ROOFING



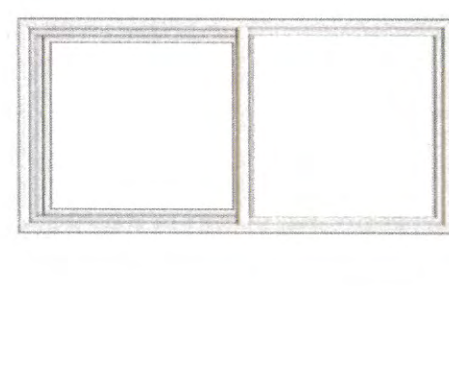
7. 3-TAB ASPHALT SHINGLE- PEWTER GRAY



CRAFT CHOP LEDGE - 'FLINT' 60%



CRAFT SPLIT - 'BLACK TRUFFLE' 40%



8. VINYL WINDOW - ALOMND

VILLAGE AT PROMINENCE POINT

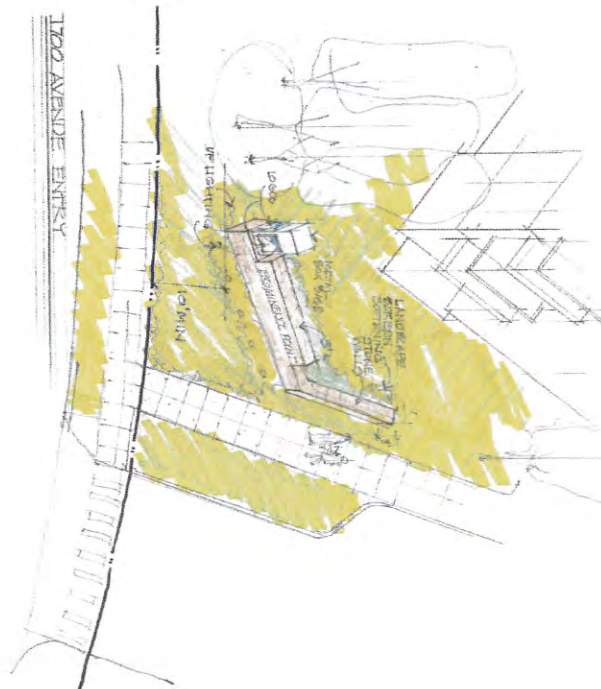
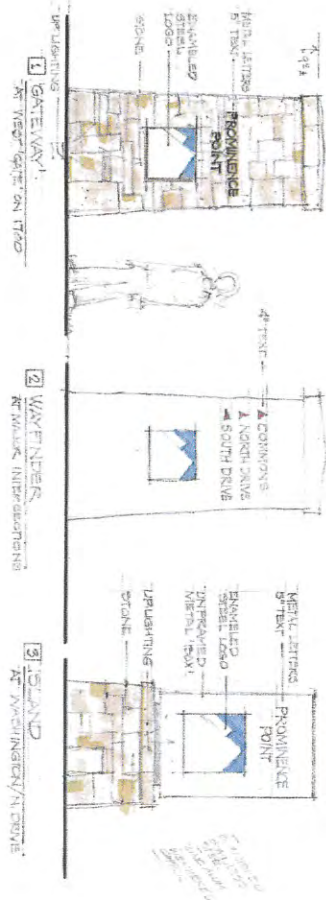
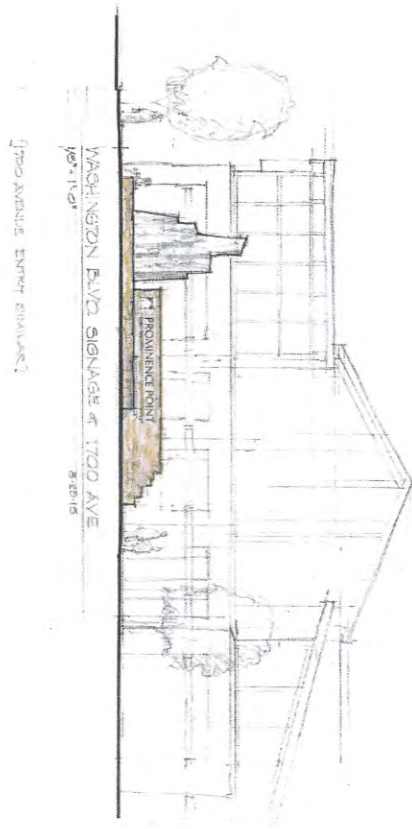
MATERIAL BOARD & COLOR PALETTE

EXHIBIT G - MATERIALS

NORTH OGDEN, UTAH



EXHIBIT I



VILLAGE AT PROMINENCE POINT NORTH OGDEN, UTAH

EXHIBIT I - SITE SIGNAGE

CONCEPT SITE SIGNAGE



VILLAGE AT PROMINENCE POINT NORTH OGDEN, UTAH

EXHIBIT J - RETAIL ELEVATIONS

CORNER RETAIL PLAZA



VILLAGE AT PROMINENCE POINT NORTH OGDEN, UTAH

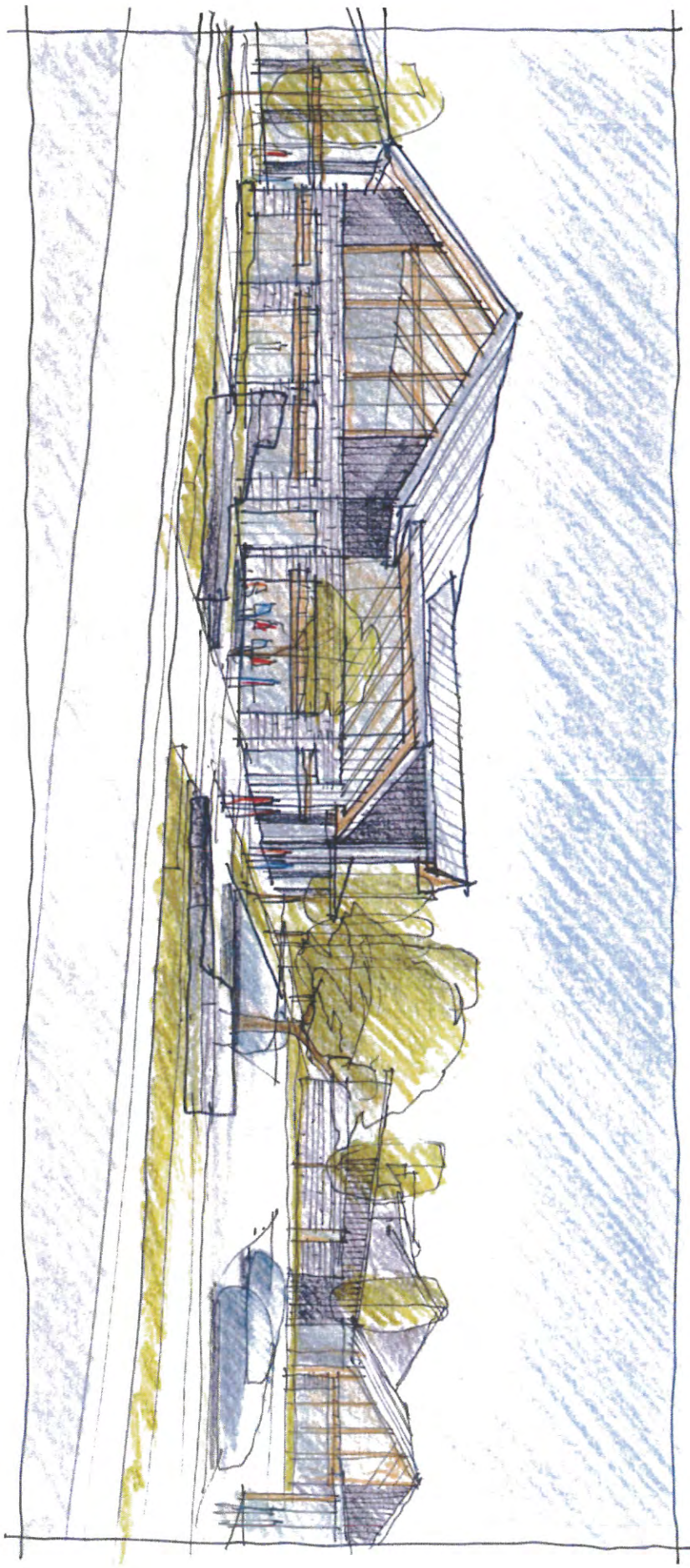
EXHIBIT **B** - RETAIL ELEVATIONS

PROMINENCE POINT ENTRY 'GATEWAY'

Ankrom Moisan Architects, Inc.
ARCHITECTURE INTERIORS URBAN DESIGN IDENTITY
ankrommoisan.com



Ankrom Moisan



VILLAGE AT PROMINENCE POINT NORTH OGDEN, UTAH

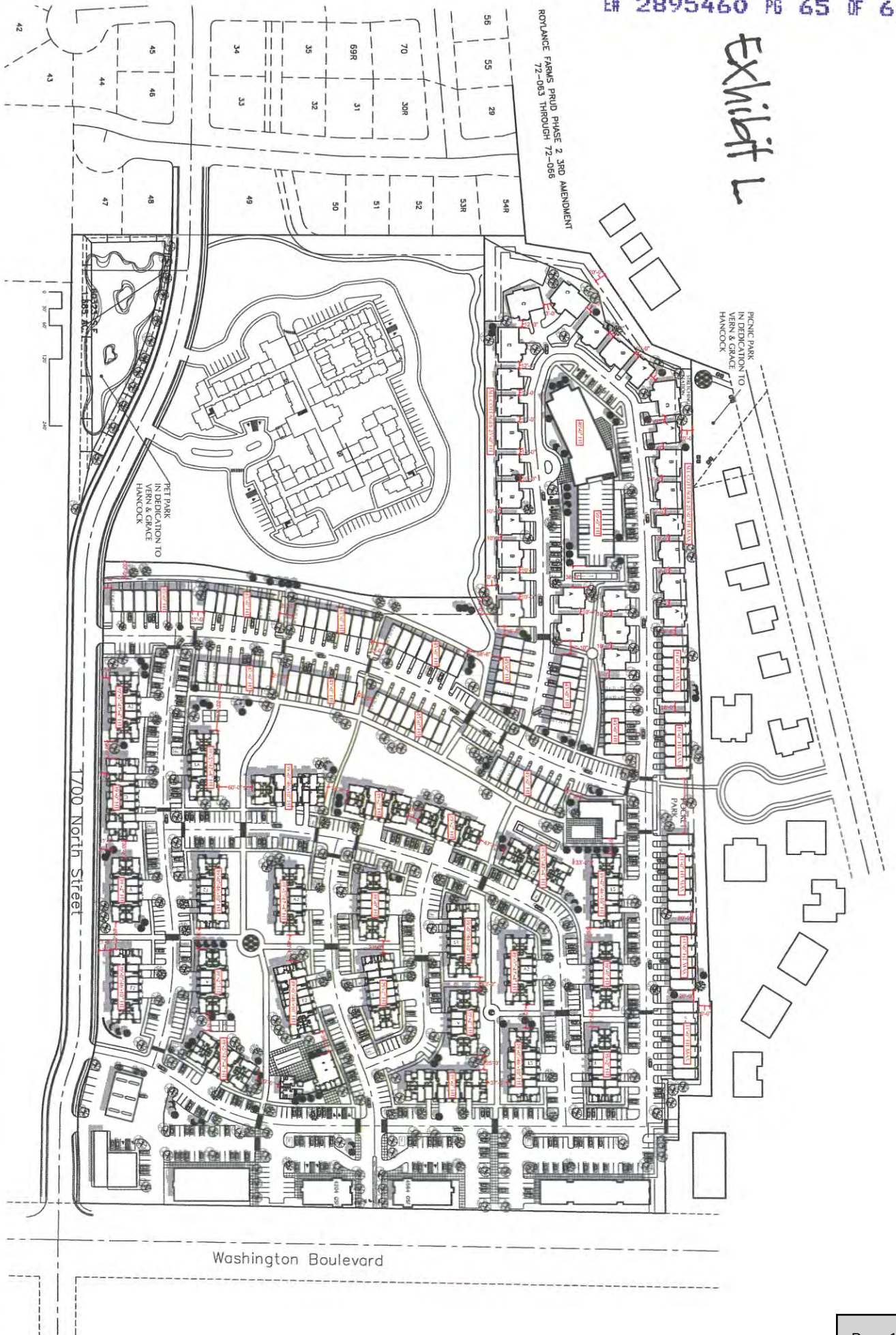
EXHIBIT T - RETAIL ELEVATIONS

CENTRAL RETAIL ENTRY



Exhibit L

RONLANCE FARMS PRUD PHASE 2, 3RD AMENDMENT
72-063 THROUGH 72-066



VILLAGE AT PROMINENCE POINT

PRELIMINARY MASTER PLAN 11.02.2017

NORTH OGDEN, UTAH

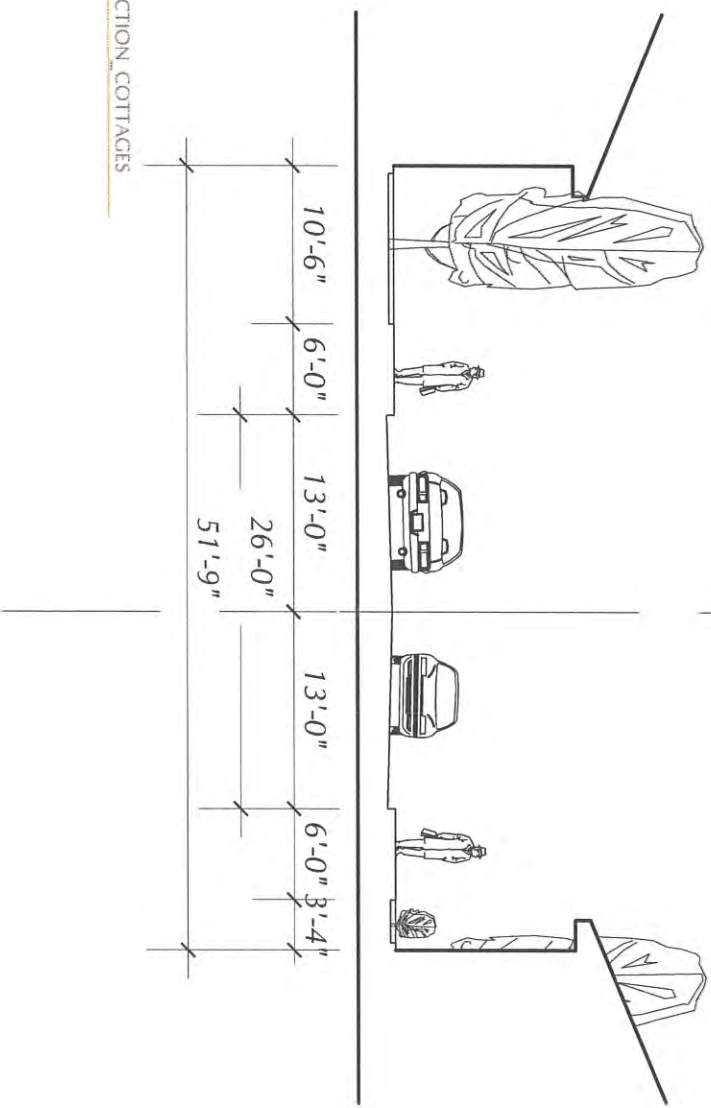


Anthem Nolan Architects, Inc.
ARCHITECTURE INTERIORS URBAN DESIGN IDENTITY
anthenolan.com



Exhibit M

TYPICAL ST. SECTION COTTAGES



VILLAGE AT PROMINENCE POINT

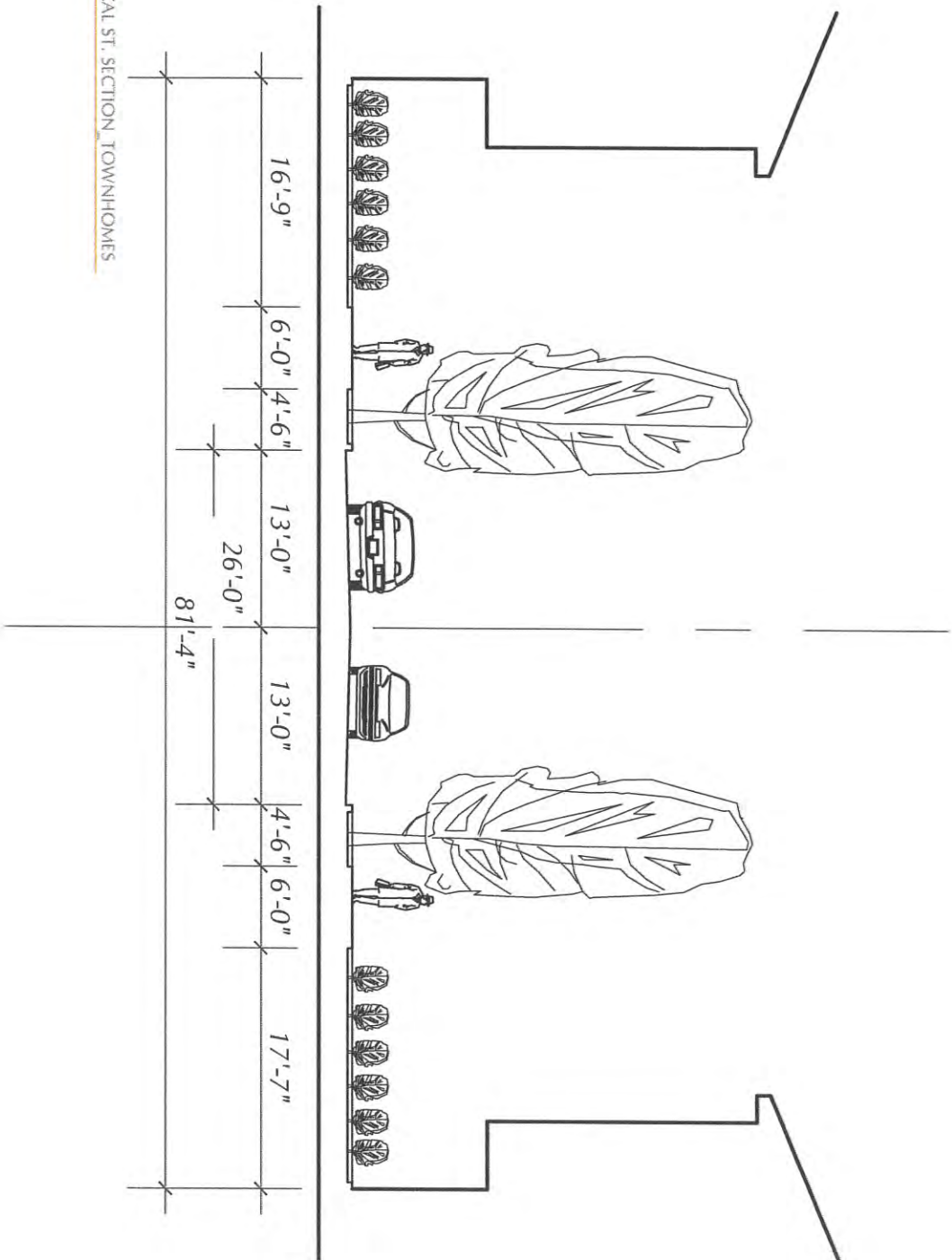
INTERNAL ROAD CROSS SECTIONS 10.09.2017

NORTH OGDEN, UTAH

Atkrom Nolan Architects, Inc.
ARCHITECTURE INTERIORS URBAN DESIGN IDENTITY
atkromnolan.com



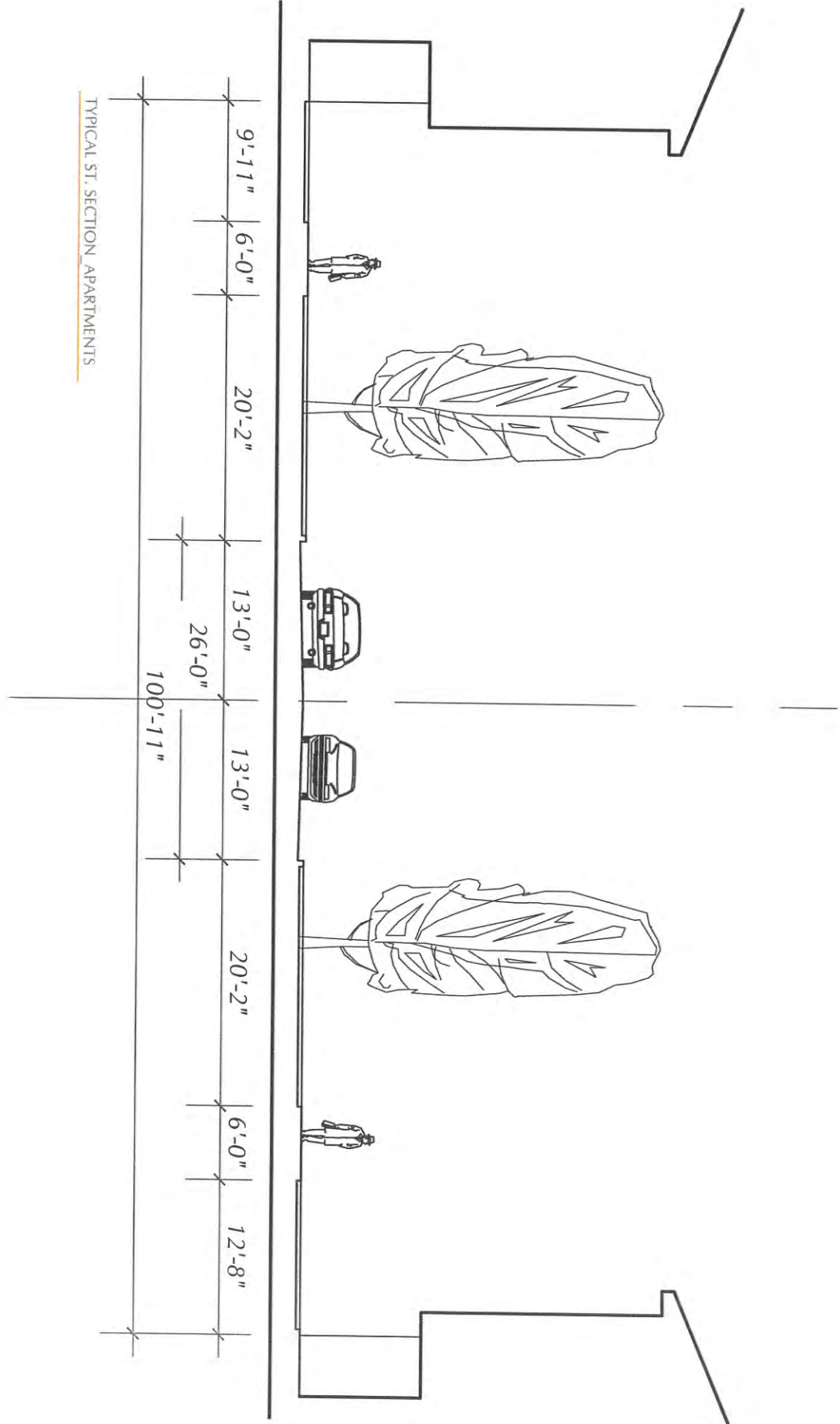
TYPICAL ST. SECTION TOWNHOMES



VILLAGE AT PROMINENCE POINT
INTERNAL ROAD CROSS SECTIONS 10.09.2017
NORTH OGDEN, UTAH

Arkron Nolan Architects, Inc.
ARCHITECTURE INTERIORS URBAN DESIGN IDENTITY
arkronnolan.com





TYPICAL ST. SECTION APARTMENTS

VILLAGE AT PROMINENCE POINT
NORTH OGDEN, UTAH
INTERNAL ROAD CROSS SECTIONS 10.09.2017

Adrian Nelson Architects, Inc.
ARCHITECTURE INTERIORS URBAN DESIGN IDENTITY
adriannelson.com



Silverton Quarter Active Adult Community

Silverton Quarter is an active adult community designed for the aging residence of North Ogden and elsewhere, who desire and physically able to enjoy all the activities that North Ogden and the surrounding areas have to offer. The building features 1, 2 and 3 bedroom units most with 2 baths and a den.

The original concept (pre-covid) assumed a fairly equal number of 1, 2 and 3 bedroom units. The decision to move to a higher percentage of 2 bedroom units, 2 bedroom with dens and 3 bedroom units was based upon information gained from tracking the needs of the buyers from the 55 and older patio homes and the effects of adjustments in peoples working habits due to Covid. These factors along with the list of design enhancements noted below resulted in an overall expanded building footprint. As follows:

1. A larger demand for garage spaces, resulting in a total 61 subterranean spaces up from 25 spaces in the original concept design. Also on-site parking count total of 41 spaces. The overall unit count is up .50% per unit from the original development agreement requirements.
2. A larger need for on-site storage space, resulting in storage units for all residence. This was not contemplated in the original conceptual design.
3. User preference for more substantial living space in the units. (Increase of 15%)
4. A need for workspace/den in the units due to more people working out of their homes. Thus, resulting in 54% 2 bedroom units with dens and 19% 3 bedroom units. This was a large consideration that is now necessary in society to meet the requirements of the residence workplace requirements.
5. User preference for an additional bathroom in the majority of the units.
6. Larger group social gathering areas, shared workspace and dining areas than originally anticipated.
7. Outdoor roof top patio, social area, shared workspace and dining area. This was an addition of approximately 8000 SFT of outdoor patio space. This was not originally contemplated in the concept submitted in 2017. This will provide a safe environment for all ages whether it's family visiting loved ones or neighbors socializing with one another. It may just be for other people who desire safe, healthy, open air space to lounge and dine quietly and take in the views.

The concept building contemplated in the development agreement consisted of a building footprint of 21,815 SFT, while today's design consists of 26,650 SFT, an increase of 4,835 SFT, an 18% increase. The majority of design alterations to the building are in response to the ever evolving housing needs by the residence in our society today, but also, enhancements to the buildings overall desirability to meet the market place. There is currently is no facility like this in North Ogden. This is slated to be an upper end residential destination, the address to live in that keep residents in North Ogden, from moving to some other community, for a living experience and lifestyle that they can't obtain and enjoy here today.

All building refinements have not been an over-reach, but more of a reach-out to appeal to the future residence, with a high quality and standard of living, and a human lifestyle experience that will have the appeal to keep North Ogdens aging population here in our community. This aging residence typically carry 80% of a City's wealth, we would like to help keep them within the North Ogden City boundary as this benefits the community's economy. Another consideration, is that for every residence that sells their home in North Ogden and moves into Silverton

Silverton Quarter Active Adult Community

Quarter, is another residence that can be made available to another renter or buyer. Again, providing another option to keep residence in North Ogden. To accomplish this, our development team must create a very desirable environment to accommodate the needs of the residence in todays world.

Keeping people in the community of North Ogden City, is and always has been our goal. We have done this by way of providing a number of different housing options at the Village at Prominence point, Mystery Meadows and the Lodge Senior Housing Center. Today, we continue this goal by providing once more, a place that people can call home, with a number of amenities within the project creating a second to none in desirability. Silverton is another example of our team's mission to accomplish this.

December 9, 2021

Scott Hess
North Ogden City
Planning Director

Project: Village at Prominence Point Apartment Phase 1
Re: Site Plan Review

Below please find the narrative that has been created in response to your review received December 3, 2021.

Background:

The site is currently approved within the City of North Ogden plan under an original master development agreement. The site is located to the north and west of the intersection of Washington Blvd and 1700 North. The site will contain extensive greenways connecting multiple uses on the overall site. The subject phase I site area consists of six proposed three-story walk-up apartment buildings. Each of the apartment buildings contain a mix of one-, two- and three-bedroom units. Please refer to the developer's performance provided for more detailed information. The proposed development is part of the larger overall site approved previously by the City of North Ogden as a part of a master development agreement.

Development:

The requested design review proposes two multi-family buildings with a total unit count of 100. Parking is a fundamental component of any development and as such surface parking is located within close proximity of each of the apartments, with a total on site 126 space not including shared adjacent retail parking as previously approved. The remaining parking will be in a mix of surface spaces contained within surface spaces, driveways and carports for a total of 122. Garage parking is provided for 24 vehicles, and surface parking separately for visitors and remaining units as 76 total spaces. The parking is also clustered near each of the six buildings to provide for a short and direct walking route to the entrances as well as connections to bike walking paths and associated green spaces. Long-term bicycle parking ensures at least one space per unit in garages and storage lockers within the units. Short-term bicycle parking will be provided for 20 bicycles. Generous open space is provided in the form of both active and passive open spaces, accessible both physically and visually connected to the development and community at large. Active open space for this site includes pocket parks, bocci and pickle ball courts, natural play areas, a multi-use trail, and a community trail throughout the project site. The buildings in Phase 1 have been shifted to allow the inclusion of pickleball courts west of the northwest buildings.

Water/Sewer/Stormwater Water service will be provided on site and to the south of 1700 north

Traffic/Access Internal site circulation will be provided by a network of private streets along with drive aisles.

Sincerely,
Gunnar Langhus
gunnarlanghus503@gmail.com

