



**CITY COUNCIL MEETING AGENDA
JULY 05, 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/85281798101> Webinar ID: 852 8179 8101

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 Swanson

APPEAL HEARING

1. Appeal of a building official interpretation of the international residential code IRC 3901.4 and IRC 3901.4.5

CONSENT AGENDA

2. Call for conflict of interest disclosure
- [3.](#) Discussion and/or action to consider May 3, 2022 City Council meeting minutes
- [4.](#) Discussion and/or action to consider May 10, 2022 City Council meeting minutes

ACTIVE AGENDA

5. Public Comments*
- [6.](#) Discussion on proposed storage unit and multi-family project located in unincorporated County south of 1700 North
Presenter: Scott Hess, Planning Director
- [7.](#) Discussion regarding accessory building standards in the R-2 zone
Presenter: Kai Johnsen, Planning Technician
8. Public Comments*
9. Mayor/Council/Staff Comments
10. 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 June, 2022 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 five (5) minutes each.
- d. The Mayor shall have discretion as to who will respond to a comment/question.
- e. In all cases the criteria for response will be that comments/questions must be pertinent to City business, that there are no argumentative questions and no personal attacks.
- f. Some comments/questions may have to wait for a response until the next Regular Council Meeting.
- g. The Mayor will inform a citizen when he or she has used the allotted time.

NORTH OGDEN CITY COUNCIL MEETING MINUTES

May 3, 2022

The North Ogden City Council convened in a work session meeting on May 3, 2022, at 6:01 p.m. at the North Ogden City Office at 505 East 2600 North and electronically through 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 April 28, 2022. Notice of the annual meeting schedule was published in the Standard-Examiner on December 16, 2021.

CITY COUNCIL:	S. Neal Berube	Mayor	
	Ryan Barker	Council Member	arrived at 6:15 pm
	Blake Cevering	Council Member	
	Jay D Dalpias	Council Member	
	Charlotte Ekstrom	Council Member	
	Phillip Swanson	Council Member	

STAFF:	Jon Call	City Manager/Attorney
	Susan Nance	City Recorder
	Jami Jones	Finance Director
	Dave Espinoza	Public Works Director
	Dirk Quinney	Chief of Police
	Scott Hess	Planning Director
	Tiffany Staheli	Parks & Recreation Director
	Dylan Hill	Public Works Inspector
	Jason Reney	Culinary Water Superintendent
	Casey Hunsaker	Street Supervisor
	Brian Galvez	Assistant Public Works Director
	Stacie Cain	Utility Billing Manager
	Clark Crowther	Lieutenant
	Jeremy Hindes	Lieutenant
	Nate Boyette	Sergeant

VISITORS:	Mona Wald	Stefanie Casey	Susan Clements
	Brenda Ashdown	Kevin Burns	DPTYD
	Sandy Cochran		

Mayor Berube called the meeting to order. Council Member Dalpias 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 member of the Council had a conflict of interest to declare. No declarations were made.

ACTIVE AGENDA

2. PUBLIC COMMENTS

Monalisa Wald voiced her support for any raise in pay the City is able to provide to City employees; they are worth it, and she does not mind her taxes being raised to provide adequate funding for fair pay – especially for the Police Department. She noted she was formerly employed by North Ogden, and she understands the message that is sent to employees when they are given a deserved increase in pay.

3. FOLLOW-UP DISCUSSION ON RECYCLING

Dave Espinoza, Public Works Director reported he has conducted research on current recycling service providers and costs; he presented a chart illustrating the cost for bi-weekly recycling, concluding the cost per resident per month would be \$2.41. Recycled earth has found a mill in Washington to which they can ship recycled cardboard; aluminum and steel is still being sent to an in-state vendor. Plastics are being sent to a mill in Canada and paper is being sent to an in-state broker. The Council and Mr. Espinoza centered their discussion on recycling trends in the area; the need to educate residents regarding the materials that can be recycled; whether it will be necessary to clean blue garbage cans that have been used for regular waste disposal since the recycling program was discontinued; and a comparison of the City's current costs for centralized recycling dumpsters versus a bi-weekly curbside recycling program; and other types of factors that affect recycling.

4. DISCUSSION ON FISCAL YEAR BUDGET 2022-2023

Jon Call, City Manager/Attorney and Jami Jones, Finance Director, used the aid of a PowerPoint presentation to provide information on the proposed Fiscal Year (FY) 2022-2023 budget. Administration is seeking feedback from the Council regarding plans to save for the future; the amount of funding to dedicate to public safety; including levels of expectations relative to snow plowing, park maintenance, lawn care, and streets.

a. CAPITAL PROJECTS

The General Fund includes funding for \$13.2 million in capital projects, including:

- PS Building
- Capital Project Reserve (City's rainy-day fund)
- Impact fee Study
- Lomond view Park
- Wadman Park
- Parking lot at Senior Center
- Trailhead Improvements (RAMP)
- Barker Park Audio & Theatrical Equip (RAMP)
- Close out of 2600 N/400E Intersection
- North Ogden Plaza (WFRC Grant)
- Water
- Sewer
- Storm Water

There was brief discussion among the Mayor, Council, and staff regarding the scope of various capital projects included on the list above – specifically water projects and the availability of water during the ongoing drought.

Mayor Berube noted, the Council will need to have further discussion regarding capital projects to determine prioritization and ranking; the Council has already discussed increasing property taxes to provide increased funding for certain projects, however, there is still a \$350,000 deficit if all capital projects listed above are included in the budget. Council Member Swanson suggested implementing a rotation or schedule for park repair or replacement projects in the City. Mayor Berube stated it would be good for the Council to discuss that concept. Mr. Call added that staff would like to implement a 10-year capital plan that will provide scheduling recommendations for several different types of capital projects in the City.

Parks and Recreation Director Staheli indicated she will be prepared to discuss parks projects in greater detail in the future, but she briefly provided information on the scope of a few projects that she feels are very important in the coming FY.

b. FUND BALANCE

Mr. Call then discussed proposed fund minimum balances as follows:

- General Fund 15% of Revenue (\$1,450,000)
- Capital Project Fund (\$1,000,000)
- Water Fund 100% of operation (\$1,775,000)
 - o Project balance of \$2,000,000
- Sewer Fund 50% of operation (\$1,034,000)
 - o Projected balance of \$1,150,000
- Storm Water Fund 50% of operation (\$351,000)
 - o Projected Balance \$2,375,000
- Solid Waste Fund 50% of solid waste contract (\$300,000)
 - o Projected Balance of \$395,000

He invited feedback from the Council regarding whether the minimum balances are sufficient or if they would like to increase the balances; he noted that any direction to increase the fund balances would require a revenue increase via a fee adjustment or property tax increase. The Council offered support for the recommended minimum fund balances and thanked Mr. Call and Ms. Jones for being cautious and conservative.

c. SALARIES AND BENEFITS

Mr. Call discussed Administration's salary strategy for the City's 81 employees, 12 of which are assigned to enterprise funds, and five of which are part time. The current proposal is to implement a minimum increase of five percent or \$1.00 per hour depending on those higher in their range for their position. The average increase per employee is 6.3 percent based upon the findings of a salary study using TechNet. The maximum increase an employee would be eligible for to receive is 10 percent. The fiscal impact for salary and benefit increases is \$285,000 in the General Fund and \$48,000 in Enterprise Funds. Relative to benefits, Mr. Call provided the following information:

- Benefits Strategy
 - o No premium increase for Dental, Eye, Accident, or Life
 - o 6.6% increase in Healthcare
 - o Historically the City has covered 95% and 90% of the premiums.

Administration's proposal is to offer all employees the same amount per month based on the plan the City wants to support; family plan options are as follows:

- Traditional Value Care \$1,654.10
- Traditional Focal Point \$1,529.80
- HDHP Value Care \$1,563.00
- HDHP Focal Point \$1,441.80

Mr. Call then facilitated discussion among the Council regarding the recent trends in healthcare benefits; he indicated he is not sure that absorbing the annual increase is sustainable for the City and it may be necessary to consider other options, such as providing a monthly contribution for a family plan of \$1,369.71 or \$1,453.04 and have employees cover any additional expense; contributions would be reduced for single- and two-party plans. The maximum employee expense will go from \$168.01 to 201.06 per month. Other Options include increasing contributions by 6.6% or evaluating other coverages/percentages for employees and spouses. The Mayor and Council engaged in philosophical discussion and debate of the options, with a focus on the impact that some of the more extreme options would have on employees; they communicated the need to remain competitive with other municipalities in the area and concluded to maintain the current philosophy and perform further study of fixed cost benefit options.

5. **PUBLIC COMMENTS**

Police Chief Quinney asked if the current deficit in the budget is due to the 6.6 percent increase in employee benefit costs. Mr. Call answered yes.

6. **COUNCIL/MAYOR/STAFF COMMENTS**

Council Member Barker stated he learned through the Utah League of Cities and Towns (ULCT) that there is a state-wide program called Utah Water Savers that will make all residents eligible for a rebate if they convert their park strip from grass to something that is drought tolerant. There is also a rebate program for smart controllers for irrigation systems. Information can be found at UtahWaterSavers.com.

Mr. Call stated there will be a budget open house meeting next week; it has been advertised on the City's website and through social media channels. This will give residents a chance to engage with the City in advance of a formal public hearing regarding the budget.

8. **DISCUSSION AND/OR ACTION TO ENTER A CLOSED MEETING FOR REASONS RELATED TO UTAH STATE CODE §52- 4-205(1)(A) REGARDING THE CHARACTER, PROFESSIONAL COMPETENCE, OR PHYSICAL OR MENTAL HEALTH OF INDIVIDUAL, §52- 4-205(1)(D) REGARDING STRATEGY SESSIONS TO DISCUSS THE PURCHASE, EXCHANGE, OR LEASE OF REAL PROPERTY, AND §52- 4-205(1)(F) REGARDING DEPLOYMENT OF SECURITY PERSONNEL, DEVICES, OR SYSTEMS**

Council Member Ekstrom motioned to enter into a closed meeting. Council Member Swanson seconded the motion.

Voting on the motion:

Council Member Barker	aye
Council Member Cevering	aye
Council Member Dalpias	aye
Council Member Ekstrom	aye
Council Member Swanson	aye

The motion passed unanimously.

The regular meeting adjourned at 8:21 p.m. and the closed meeting commenced at 8:26 pm. The closed meeting adjourned and the regular meeting reconvened at 10:22 p.m.

11. ADJOURNMENT

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

Voting on the motion:

Council Member Barker	aye
Council Member Cevering	aye
Council Member Dalpias	aye
Council Member Ekstrom	aye
Council Member Swanson	aye

The motion passed unanimously.

The meeting adjourned at 10:22 p.m.

S. Neal Berube, Mayor

Joyce Pierson
Deputy City Recorder

Date Approved

Not Approved

NORTH OGDEN CITY COUNCIL MEETING MINUTES

May 10, 2022

The North Ogden City Council convened in a Council meeting at 6:00 p.m. on May 10, 2022, immediately following an Open House which was held at 5:00 p.m. at the North Ogden City Office at 505 East 2600 North. The meeting was also 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 May 5, 2022. Notice of the annual meeting schedule was published in the Standard-Examiner on December 16, 2021.

PRESENT:	S. Neal Berube	Mayor	
	Ryan Barker	Council Member	
	Blake Cevering	Council Member	
	Jay D Dalpias	Council Member	
	Charlotte Ekstrom	Council Member	
	Phillip Swanson	Council Member	
STAFF PRESENT:	Jon Call	City Manager/Attorney	
	Joyce Pierson	Deputy City Recorder	
	Jami Jones	Finance Director	
	Scott Hess	Planning Director	
	Bryce Nelson	Administrative Services Manager/Treasurer	
	Dirk Quinney	Police Chief	
	Clark Crowther	Lieutenant	
	Dave Espinoza	Public Works Director	
	Tiffany Staheli	Parks & Recreation Director	
	Kristi Morgan	Accountant	
	Jason Reney	Culinary Water Supervisor	
VISITORS:	Sandy Cochran	John Arrington	Kevin Burns
	Mike Dussol	Curtis Peters	Merrill Sunderland
	Stefanie Casey	Cory Jones	Madeline Robles
	Rod Layton	Susan Clements	Terri McCulloch
	Jeana Frederick	Eric Johnston	Spencer Alexander
	Brenda Ashdown	Keith Ashdown	Kcj

OPENHOUSE AT 5:00 PM – FISCAL YEAR 2022-2023 TENTATIVE BUDGET

1. FISCAL YEAR 2022-2023 TENTATIVE BUDGET

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

PRESENTATION

2. UPDATE ON CHILDREN’S JUSTICE CENTER (CJC)

Rod Layton provided the Mayor and Council with an update on the CJC project, including information regarding ownership of the building that will house the facility; partnership with other entities in the community; movement through the City’s zoning and development application process; fundraising/sponsorship efforts; and eventual construction of the project. He thanked the City of North Ogden for its continued support.

CONSENT AGENDA

3. CALL FOR CONFLICT OF INTEREST DISCLOSURE

Mayor Berube asked if any member of the Council had a conflict of interest to declare. No declarations were made.

4. DISCUSSION AND/OR ACTION TO CONSIDER THE MARCH 29, 2022, CITY COUNCIL MEETING MINUTES

Council Member Cevering motioned to approve March 29, 2022, City Council Meeting minutes. Council Member Swanson seconded the motion.

Voting on the motion:

Council Member Barker	aye
Council Member Cevering	aye
Council Member Dalpiaz	aye
Council Member Ekstrom	aye
Council Member Swanson	aye

The motion passed unanimously.

ACTIVE AGENDA

5. PUBLIC COMMENTS

Eric Johnson, North Ogden Resident, stated he is trying to build a swimming pool in his backyard but is unable to move forward because of the City's current setbacks for pools; he is requesting an exception to the current ordinance or an ordinance amendment that would adjust the setbacks to six feet. Otherwise, he would need to reengineer his pool plans, which will be costly.

City Manager/Attorney Call reported that such an amendment would require a recommendation from the Planning Commission to the City Council. He added he believes the current setbacks are in line with the International Building Code, but that will be for Planning staff to determine. Mayor Berube stated he is comfortable with Planning staff reviewing the matter and discussing with Planning Commission.

Madeline Robles stated she is not a North Ogden resident, but she is the new coordinator for the Weber County Communities That Care (CTC) Coalition; she wished to introduce herself to elected leadership of North Ogden and noted she looks forward to working with North Ogden and its youth council.

Jeana Frederick, North Ogden resident, addressed the Council's recent action to adjust accessory building regulations; there is a 2,400 square foot accessory building in her neighbor's side yard and now they are enlarging it and she is concerned about how big it will be and how close it will be to her home. She asked how large an accessory building can be based upon the Council's recent ordinance amendments. She believes the property owner is running a business out of the accessory building without a license.

Mayor Berube stated that the ordinance provides for a 20-foot setback; he asked Mr. Call to provide Ms. Frederick with additional information. Mr. Call stated that the ordinance previously required a setback as well as for an accessory building to be located a certain distance from neighboring buildings; the neighboring building distance was eliminated. Additionally, size standards are related to total lot size and an accessory building cannot exceed 25 percent of the rear yard of a property. He stated he has performed a calculation on the property referenced by Ms. Frederick and found that the accessory building, in theory, could be enlarged to 4,000 square feet without violating the City's ordinance. Ms. Frederick stated that is very concerning; she feels that a building of that size will devalue the other properties in her small residential subdivision. She is also very concerned about her neighbor possibly operating a business out of the building. She asked that the City consider denying his building permit and his business license; she also suggested the Council reevaluate the recent ordinance amendments based upon the impacts that it could have on neighborhoods throughout the City.

Mike Dussol, North Ogden resident, stated he has lived in the City for over 30 years; in 2018 he attended an open house meeting and asked what becomes of the six percent franchise tax the City imposes on electric bills and the one percent franchise tax on phone bills. He was told that the

City receives approximately \$1 million in revenue from the franchise taxes. Additionally, Weber County increased its sales tax on non-food items a few years ago; for quite a long time the Smith's store was charging lower taxes than the Walgreen's store across the street. He then noted that he understands that the Police Department is ordering ammunition from a distributor rather than a manufacturer; this means that it takes longer to get ammunition and it is more expensive.

Brenda Ashdown, North Ogden resident, addressed Mr. Dussol's comments about ammunition and noted that it is also very hard for a regular citizen to buy certain ammunition; it has become hard to get at local sporting goods stores. She then noted she sent the City Council an email about recycling, and she would like them to carefully consider her concerns before proceeding with adjustments to the current recycling scenario. She added that current recycling practices at the central dumpsters need to be improved and monitored as it only takes a small contamination to ruin an entire dumpster of recyclable materials.

Mr. Dussol reapproached and stated that a few years ago he personally recycled metal materials from his home, and he earned \$.34 per pound; he has learned that aluminum has increased to \$.76 per pound. However, most recyclable materials – aside from cardboard – are shipped out of state to be recycled. Transportation costs are very high and make it hard for a recycling program to be successful. Other states have an easier time of achieving success because of their location and proximity to mills for various recyclable materials.

6. DISCUSSION AND/OR ACTION TO CONSIDER AN ORDINANCE APPROVING FISCAL YEAR 2022-2023 TENTATIVE BUDGET

Jami Jones, Finance Director, reported on Administration's proposed Fiscal Year (FY) 2022-2023 tentative budget. As required by State law, the City Council must approve a tentative budget tonight and hold a public hearing in July before action on a final budget. If the Council chooses to go through Truth in Taxation, the final budget adoption will be proposed in August. Otherwise, the final adoption will be presented in June of 2022.

Mayor Berube invited Council Member Swanson to provide an explanation of the certified tax rate for properties in the County and the manner in which a tax increase will impact the taxes charged in North Ogden City.

Ms. Jones then noted that on March 29, 2022, the City Council approved percentages for each of the General Fund departments based on actual expenditures for the last five years. Each department has presented to the Council on outcomes and deliverables budgeted for FY 2022-2023. She provided the following breakdown of various funds in the budget:

General Fund – Revenues over all projected at \$9,672,337

- Sales Tax revenues projection increased by 3% growth + 7% inflation rate
- Property Tax revenues projection increased by 3% growth + 7% inflation rate = \$222,000
 - o Growth @ \$90,000
 - o 7% Truth in Taxation Increase @ \$132,000 or \$20/year per household

General Fund – Expenditures (\$73,000) under-funded; deficit was reduced by eliminating depreciation from the budget.

Items included are:

- 23rd officer starting Jan 1 + vehicle = \$134,000
- 80 hours employee cash out = \$73,000
- Two staff positions moving from part-time to full-time in the Public Safety department = \$86,000
- Salary increases at market rate is \$215,000 to the General fund = \$333,000 total for all funds
- Bond payment = \$410,000
- \$500,000 transfer to Capital Projects Fund (CIP)
- Unfunded depreciation removed = (\$235,000)

Discussion among the Mayor and Council centered on the concept of removing depreciation costs from the General Fund budget; Mayor Berube stated he is concerned about removing completely and noted he would rather spread the cost across multiple future year budgets. He noted the Council can make decisions on this matter upon adoption of a final budget.

Capital Projects (CIP) \$13,196,000 Projects included:

- Public Safety Building
- Capital Facilities Plan/Impact Fee Study
- Lomond View Park
- Wadman Park
- Parking lot behind Senior Center
- Trailhead Improvements (RAMP Grant)
- Barker Park Audio & Theatrical Equipment (RAMP grant)
- Close out of 2600 N/400 E project
- B&C Road construction/repair

Enterprise Funds

- Water Fund - Capital Projects Total - \$5,800,000 (includes \$2.4m in ARPA funds)
 - o Fruitland Dr. Water line
 - o 2.0m gallon water tank – Randal Reservoir
 - o Waterline replacements
 - o Equipment at two well sites
 - o PRV monitoring station
- New position + vehicle = \$125,000
- \$78,000 shortfall (after depreciation) that would require a water rate increase of \$1.00 per month.
 - o The current water base rate is \$16.02. The total increase would be \$17.02
- The Water Impact Fee will be moved over to its special revenue fund for better tracking and transparency for those fees.

- Sewer Fund – Capital Projects Total - \$425,000
 - Sewer lining project
 - Manhole projects
 - Sonar equipment for sewer lines
 - Flowmeters
- Utility Revenue does include the proposed \$.80/month rate increase to cover the Central
- Weber Sewer increase passed along. The total would increase from \$18.07 to \$18.87.
- Storm Waste Fund – no Capital projects this year
 - The rate increase for garbage tipping fees was presented at \$.30/month.
 - The rate increase for fuel recovery cost increase from Republic \$.30/month.
 - The current Garbage rate is \$12.39 – in total, including both proposed increases to \$12.99
 - There is a projected shortfall of \$30,000 before depreciation. This fund has been in a shortfall for a few years, but it's been the support to use the fund balance.
 - Total increase of \$2.40/month or \$28.80/annually

Administration still needs a decision from the Council regarding recycling at \$2.52/month rate increase (assuming these are 2022 costs). The program wouldn't start until July 2023 (next budget year), but the City needs to advise the garbage hauler now so they can get a recycling truck ordered. Another option would be to consider other service providers.

Discussion and debate among the Council centered on utility rate increases contemplated in the budget and costs associated with salary increases for City employees; Mayor Berube stated that considering the needs of the City at this time, he would recommend that – at a minimum – the Council consider maintaining the current property tax rate in order to capture inflation associated with increases in property values.

a. Public Hearing to receive comments on FY 2022-2023 Tentative Budget

Mayor Berube opened the public hearing at 6:58 p.m.

Mike Dussol referenced a letter from the Mayor in a recent publication of the North Ogden Connection magazine; the letter discussed North Ogden property taxes. He understands that the largest taxing entity in Weber County is the school district, and they adjust their taxes regularly. He stated he has heard that the main reason for regular tax increases associated with school is the large number of illegal aliens in the Ogden area. He then addressed the City's storm sewer fee and asked if that is intended to generate revenue to cover the cost of the street sweeping machine that cleans gutters in the City. He has never seen anyone cleaning the grate in the gutters, which would be helpful in maintaining the City's storm sewer system.

John Arrington addressed charges for services for zoning/plan check fees and asked if the projected revenue is associated with an expected increase in development in the community or if fees are being increased. Ms. Jones stated the former is the case. Mr. Arrington stated that if the

City plans to spend more time and money on plan check activities, it would be appropriate to increase the fee to pass those costs onto those specifically receiving and benefitting from the service. He then addressed the new budget for Recorder/Human Services and asked where those costs were previously assigned. Ms. Jones answered that the Recorder/Human Services budgets were previously included in the general Administration budget. Mr. Arrington stated that salaries in the Administration budget only decreased by \$25,000. Ms. Jones stated that the staffing in Recorder/Human Services has been increased and a new budget has been created for transparency purposes. Mr. Arrington stated that he only recognized that the cost increase for the new budget did not equal the decrease in the Administration budget.

There were no additional persons appearing to be heard.

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

Voting on the motion:

Council Member Barker	aye
Council Member Cevering	aye
Council Member Delpias	aye
Council Member Ekstrom	aye
Council Member Swanson	aye

The motion passed unanimously.

The public hearing was closed at 7:05 p.m.

b. Discussion and/or action to consider an Ordinance approving Fiscal Year 2022-2023 Tentative Budget

Council Member Barker motioned to approve Ordinance 2022-11 approving Fiscal Year 2022-2023 Tentative Budget. Council Member Ekstrom seconded the motion.

Council Member Delpias stated that during the Council's last budget discussion, there was mention of removing the Lomond View park project from the budget, but it is still included in the tentative budget. Mayor Berube noted the document before the Council tonight is the tentative budget and it can be modified between now and July, when action on a final or operating budget is required. However, the tentative budget has a deficit, and it is necessary for the Council to balance the budget tonight before taking action. Ms. Jones noted Administration's recommendation as to cover the \$73,000 deficit by reducing the transfer from the General Fund to Capital Projects.

Council Member Barker amended his motion to approve Ordinance 2022-11 approving Fiscal Year 2022-2023 Tentative Budget, with a reduction in the transfer from the General Fund to the Capital Projects Fund by \$73,000. Council Member Ekstrom seconded the amended motion.

Voting on the motion:

Council Member Barker	aye
Council Member Cevering	aye
Council Member Delpias	aye
Council Member Ekstrom	aye
Council Member Swanson	aye

The motion passed unanimously.

c. Discussion and/or action to recess the City Council meeting and convene in the RDA

Council Member Delpias motioned to recess the City Council Meeting and convene in the RDA. Council Member Cevering seconded the motion.

Voting on the motion:

Council Member Barker	aye
Council Member Cevering	aye
Council Member Delpias	aye
Council Member Ekstrom	aye
Council Member Swanson	aye

The motion passed unanimously.

City Council Meeting recessed at 7:10 p.m.

The RDA meeting convened at 7:10 p.m.

7. **DISCUSSION AND/OR ACTION TO CONSIDER AN ORDINANCE APPROVING THE RDA FISCAL YEAR 2022-2023 TENTATIVE BUDGET**

Jami Jones, Finance Director, presented the proposed Fiscal Year (FY) 2022-2023 Redevelopment Agency (RDA) budget:

RDA/CDA – Revenues - \$1,015,000

- Property tax = \$915,000
- Transfer from GF – WFRG grant for the North Ogden Plaza project - \$100,000

RDA/CDA - Expenditures

- North Ogden Plaza project \$100,000
- City rebranding efforts - \$50,000
- Transfer to General fund to support - \$26,000
 - o Watering flowers \$11,000
 - o WFRG project \$15,000
- Transfer to Aquatic Center - \$180,000 (if needed)
- CDA Fund balance reserve of 5% fund balance deficit

Mr. Call noted the \$50,000 request for rebranding efforts was made by the City's Economic Development Committee (EDC); they will be making a formal presentation to the Board in June.

Board Member Swanson noted that the Board is carefully considering whether it is appropriate to place live flowers along Washington Boulevard this summer; the Board is very cognizant of the costs associated with maintaining those flowers as well as the limited availability of water during the ongoing drought.

a. Public Hearing to receive comments on RDA FY 2022-2023 Tentative Budget

Mayor Berube opened the public hearing at 7:16 p.m.

There were no persons appearing to be heard.

Board Member Swanson motioned to close the public hearing. Board Member Dalpiaz seconded the motion.

Voting on the motion:

Board Member Barker	aye
Board Member Cevering	aye
Board Member Dalpiaz	aye
Board Member Ekstrom	aye
Board Member Swanson	aye

The motion passed unanimously.

The public hearing was closed at 7:17 p.m.

b. Discussion and/or action to consider an Ordinance approving the RDA Fiscal Year 2022-2023 Tentative Budget

Board Member Cevering motioned to approve Ordinance RDA 2022-12 approving the RDA Fiscal Year 2022-2023 Tentative Budget. Board Member Barker seconded the motion.

Voting on the motion:

Board Member Barker	aye
Board Member Cevering	aye
Board Member Dalpiaz	aye
Board Member Ekstrom	aye
Board Member Swanson	aye

The motion passed unanimously.

c. Discussion and/or action to adjourn the RDA meeting and convene in the City Council Meeting

Board Member Ekstrom motioned to adjourn the RDA meeting and convene in the City Council Meeting. Board Member Swanson seconded the motion.

Voting on the motion:

Board Member Barker	aye
Board Member Cevering	aye
Board Member Dalpiaz	aye
Board Member Ekstrom	aye
Board Member Swanson	aye

The motion passed unanimously.

The RDA meeting adjourned at 7:20 p.m.

The City Council Meeting convened at 7:20 p.m.

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

Jon Call, City Manager/Attorney, summarized the proposed amendments to the City's Consolidated Fee Schedule; this matter was discussed in a previous meeting, but the Council expressed concern about the fee associated with a 'stop work red tag' for failure to obtain a

building permit. He has spoken with the City's Building Division and is satisfied that the fee is justified, and that the City will continue to educate residents and developers on requirements to obtain building permits for various types of projects.

Council Member Delpias referenced Mr. Arrington's recommendation earlier in the meeting to increase plan check fees to ensure that the party that is benefitting from the service is paying for those costs. He wondered if it would be appropriate to adjust that fee this evening. Mr. Call stated that the State of Utah has provided guidance on thresholds for various building fees; before taking an action to adjust the fee, he would rather perform a more thorough analysis to determine if expenses are being covered by fee revenues.

Council Member Barker stated that it is important to keep in mind that any increase in building fees will eventually be passed on to a resident who are paying a contractor for certain building improvements. Mayor Berube agreed.

Council Member Ekstrom motioned to approve Resolution 06-2022 amending the Consolidated Fee Schedule. Council Member Barker seconded the motion.

Voting on the motion:

Council Member Barker	aye
Council Member Cevering	aye
Council Member Delpias	aye
Council Member Ekstrom	aye
Council Member Swanson	aye

The motion passed unanimously.

9. DISCUSSION AND/OR ACTION TO CONSIDER A COLLECTION POLICY

Bryce Nelson, Administrative Services Manager/Treasurer, explained the proposed collection policy provides a process for employees to follow when trying to collect money owed to the City. He summarized the content of the proposed policy, focusing on notification methods the City will use when trying to collect a debt. Mayor Berube suggested the policy be amended to require that notices be sent via certified mail to ensure that the City can make the argument that notices were delivered to anyone subject to debt collection. Mr. Call and Mr. Nelson indicated they feel that is a good adjustment to the policy.

Council Member Swanson motioned to approve a Collection Policy, with an amendment to require certified delivery of debt collection notices. Council Member Cevering seconded the motion.

Voting on the motion:

Council Member Barker	aye
Council Member Cevering	aye
Council Member Delpias	aye
Council Member Ekstrom	aye
Council Member Swanson	aye

The motion passed unanimously.

10. COUNCIL DEPARTMENT REPORTS:

a. COUNCIL MEMBER CEVERING – POLICE

Council Member Cevering reported the Police Department will be participating in the torch run for the Special Olympics on May 19. He added the Department is going through the taser recertification process. The Department has recently discovered counterfeit fentanyl in the community in the form of pills or are being mixed in with other drugs in lethal doses. The Department posted an article about these findings, and they are advising residents to be careful.

Mayor Berube noted he is aware of many difficult issues the Police Department has been dealing with lately and he asked Chief Quinney to pass his gratitude on to his Officers.

b. COUNCIL MEMBER EKSTROM – PUBLIC WORKS

Council Member Ekstrom reported the green waste facility will be open through Saturday for spring cleanup materials free of charge. She added, the demolition of two houses is nearly complete. She then reported on upcoming road/waterline infrastructure projects that will cause sporadic road closures.

Mayor Berube asked Public Works Director Espinoza for an update regarding plans to burn the materials at the green waste pit. Mr. Espinoza stated the facility will be closed at the end of day Saturday and burning will commence next week. The City must secure a permit from the State of Utah for the burn, and it must be done by the end of May. He will ensure that proper advertisement of burning activities is provided and residents that live near the facility will receive in-person notification of plans to burn.

11. PUBLIC COMMENTS

Curtis Peterson, North Ogden resident, stated he enjoys living in North Ogden. He discussed construction in the Lakeview Heights area and noted that with the extension of a road in that area, there has been a dramatic increase in traffic and motorists are driving at very high rates of

speed. He asked for some enforcement efforts and asked if it may be possible to install a sign and light that notifies people that they are driving in excess of the speed limit. Mayor Berube stated that Chief Quinney has heard Mr. Peterson's comments and will respond appropriately.

12. COUNCIL/MAYOR/STAFF COMMENTS

Council Member Swanson reported on email communications he has received regarding a pickleball project in the area. He then reported on the North Ogden divide road closure from June 6 to July 1 this summer.

Council Member Cevering stated he has met with Casey Hunsaker regarding emergency preparedness issues; efforts are underway to secure emergency preparedness supplies for the City.

Council Member Barker referenced the burn at the green waste facility; there are restrictions on dates and times and it is necessary to find three days in a row where the clearing index is above 500 so that smoke properly dissipates. Council Member Swanson asked Public Works Director Espinoza to provide the Council with an updated bid for a chipper to be placed at the green waste facility; this would help to reduce the need to burn at the end of the spring season.

Mayor Berube offered comments for Council consideration regarding the City's reliance upon volatile revenue sources. He then discussed persisting drought conditions and stressed the importance of encouraging residents to participate in water conservation efforts.

Mr. Call then noted that any code enforcement issue can be reported via dispatch services; there are many ongoing code enforcement issues and proper reporting/routing of issues is key in achieving compliance as soon as possible.

Mayor Berube noted that the City has received complaints about tall grasses/weeds at City parks; this is due to the difficulty the City has encountered in hiring people to maintain park areas. He asked for patience from the public or perhaps volunteers to assist in maintaining open spaces of the City.

13. **ADJOURNMENT**

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

Voting on the motion:

Council Member Barker	aye
Council Member Cevering	aye
Council Member Delpias	aye
Council Member Ekstrom	aye
Council Member Swanson	aye

The motion passed unanimously.

The meeting adjourned at 7:55 p.m.

S. Neal Berube, Mayor

Joyce Pierson
Deputy City Recorder

Date Approved

Staff Report to the North Ogden City Council

SYNOPSIS / APPLICATION INFORMATION

Application Request: Discussion on proposed Storage Unit and Multi-family project located in unincorporated County south of 1700 N.

Agenda Date: June 15, 2022, PC
July 5, 2022, CC

Applicant: North Ogden City

File Number: SPR 2022-XX

PUBLIC NOTICE:

Mailed Notice:
City Website:

PROPERTY INFORMATION

Address: 1659 N. 400 E. Ogden, UT 84404

Project Area: 9.49 Acres

Current Zoning: A-1 (Weber County)

Proposed Land Use: M-1/R-4 Mixed Use

Parcel ID: 11-014-0068, 11-014-0022

ADJACENT LAND USE

North: Multi-family Residential
East: Washington Boulevard

South: Unincorporated Agricultural
West: Single-family Residential

STAFF INFORMATION

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

APPLICABLE ORDINANCES

N/A – Depending on the Decision of the Planning Commission and City Council regarding Annexation, Zoning Text Amendment, and General Plan designation

TYPE OF DECISION

Discussion Item

BACKGROUND

Property owner, Terry Cevering, has proposed a mixed-use project at 1659 N. 400 E. that includes storage units on the east side fronting Washington Boulevard, and townhomes on the west side. This project was brought before the City in 2019 for discussion, but no formal applications were made at that time. North

Ogden City Codes do not currently permit storage units as a new use, but the Code does permit upgrading existing storage units. Storage units were previously permitted in the Manufacturing M-1 zoning district. The property owned by the applicant is in North Ogden City's future annexation declaration, and the General Plan designation is the South Town Mixed Use are that is intended to include commercial and multi-family residential. This application would need the following Land Use Approvals to move forward: Annexation, General Plan Amendment, Zoning Text Amendment, Subdivision, and Site Plan approval.

Staff has reviewed the proposed development and is of the opinion that storage units fronting on Washington Boulevard do not represent the long term highest and best use of the ground. North Ogden City will continue to grow and will need areas of viable commercial to secure future sales tax collection. At this time, there is limited desire for commercial along this portion of Washington Boulevard, but with growth and additional rooftops being developed in the area, it is likely that demand will follow. Staff is supportive of multi-family residential in this area of the City as that matches the currently approved Future Land Use Map of the General Plan.

The Planning Commission is being asked to discuss this project and forward a recommendation to the City Council on whether there is general support for storage units at this location.

ZONING ORDINANCE COMPLIANCE

This project cannot comply with current Zoning Ordinances. A future application would require a Zoning Text Amendment to establish what the proper zone and standards are for new storage unit facilities.

CONFORMANCE WITH THE GENERAL PLAN

The General Plan map shows this area as: "South Town Mixed Use." Manufacturing uses (such as new storage units) are generally not compatible with the current proposed land use in this General Plan designation. This would require an amendment to the General Plan Future Land Use Map in order to remain consistent with future planning and approved land uses.

PLANNING COMMISSION CONSIDERATION

- Does this project meet the needs and desires of North Ogden in this area?
- Is the proposal consistent with the General Plan?
 - Should the General Plan be amended to consider a manufacturing use in this area?
- Does the proposal meet the North Ogden Zoning ordinance standards?
 - Should the Zoning ordinance standards be changed to permit storage units?

PLANNING COMMISSION RECOMMENDATION

The Planning Commission held a discussion for this item on June 15, 2022. The Draft Minutes from the meeting have been attached for the Council's review (see Exhibit C). The Audio of the Planning Commission discussion can be found at the link below. The Discussion item begins at 1:19:29:

https://www.northogdencity.com/sites/default/files/audio/220615_0087edit.mp3

The minutes provide an overview of the discussion with the applicant. Staff has taken an excerpt from the minutes that includes the Planning Commission members' recommendations to the City Council (beginning on page 10 of the Draft Minutes).

“Chairman Thomas stated he still holds the opinion that storage units should not be an allowed use on Washington Boulevard frontage; he acknowledged the improvements to

the design of the proposed project but noted that he feels that such a project would hinder other development in the area. He is not opposed to the townhome component of the proposed development, however,

Vice Chair Mason disagreed with Chairman Thomas; he reiterated his belief that the project that has been proposed by Mr. Cevering is high quality and could be a catalyst for other development of the area.

Chairman Thomas polled the rest of the Commission to determine their position on the matter. Commissioner Lunt stated that he is not necessarily opposed to storage units, but he would like to preserve Washington Boulevard frontage for other commercial uses that will be revenue generating. Commissioner Barker agreed. He noted he likes the design of the building but is concerned about the commercial use of the space. Commissioner Webb stated that there is value in listening to the landowner; he is not opposed to the project that has been proposed. Commissioner Barker agreed with that point as well but noted that he would prefer that the storage unit use be pushed further back and that the corner parcel be preserved for commercial use.

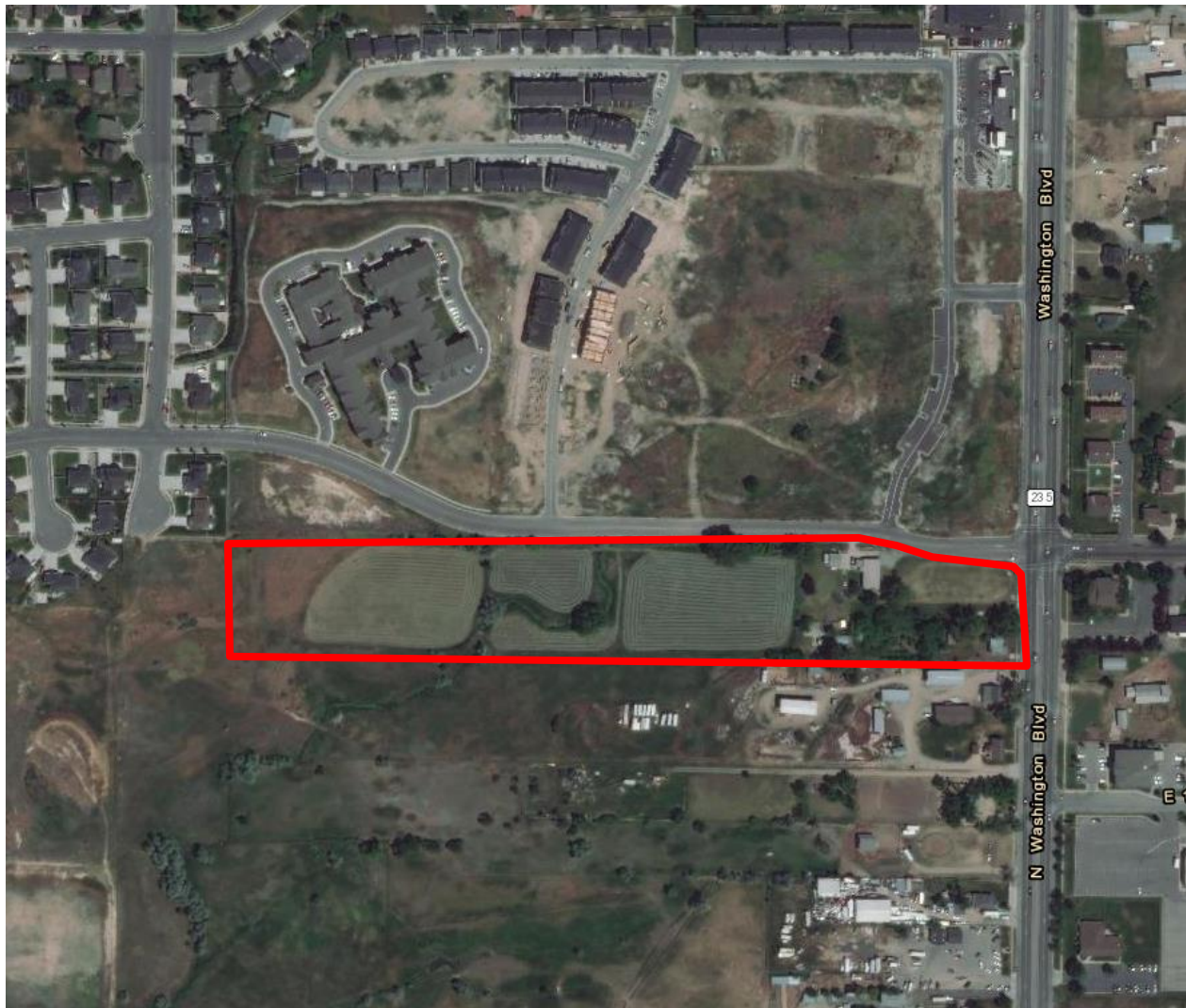
Mr. Strong asked if the project would be supported if he leaves the corner of the property open for commercial development and pushes the storage units and townhomes towards the rear of the property. Chairman Thomas stated that would need to be discussed; however, he feels that the input that has been provided by the Commission tonight will be helpful to the Council in making their decision. The Commission seems to be split on the matter, and that may be the case for the City Council as well.”

The Planning Commission was not unanimous in either direction. For this Work Session, Staff’s recommendation is for the City Council to discuss the project with the applicant and provide feedback and direction to the applicant.

EXHIBITS

- A. Application (not a paid application)
- B. Site Plan, Plat, Building Elevations
- C. Draft Planning Commission Minutes June 15, 2022

AREA MAP



LAND USE DEVELOPMENT APPLICATION

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

APPLICANT INFORMATION		
Name: <u>Terry Cevering</u>	Company: _____	
Address: _____		
Email: _____	Phone: _____	
OWNER INFORMATION		
Name: <u>Terry Cevering</u>		
Address: _____		
Email: _____	Phone: _____	
PROJECT INFORMATION		
Project Name: <u>Cevering Family Properties LLC</u>		
Project Address: <u>1659 N 460 E Ogden UT 84404</u>		
Parcel #: <u>110146068-110140022</u>	Subdivision: _____	Lot #: _____
Acreage: <u>9.49</u>		Current Zoning: <u>A1</u>
APPLICATION TYPE AND FEE *(CHECK ALL THAT APPLY):		
☐ Subdivision: # of lots _____ ☐ Preliminary Approval - \$800 plus \$50 per lot ☐ Final Approval - \$1000 plus \$30 per lot ☐ Special Exception Application - \$835 ☐ Minor Subdivision - \$750 ☐ Minor Subdivision without Technical Review - \$580 ☐ Amendment or Vacation of Subdivision - \$695 ☐ Boundary Line Adjustment - \$675 ☐ Site Plan Review: ☐ With Technical Review - \$1,390 ☐ No Technical Review - \$730	☒ Zoning Amendment: ☐ Text - \$350 ☐ Map - \$875 ☒ Annexation City - \$800 plus actual cost of postage and publication ☐ Hearing Officer ☐ Variance - \$565 ☐ Appeal - \$565 ☐ Conditional Use Permit: ☐ City Fee (with technical review) - \$1,550 ☐ City Fee (no technical review) - \$730 ☐ Planned Residential Unit Development (PRUD) - \$1,695 ☐ Subdivision Extension/Expired Subdivision renewal - \$200	

Terry Cevering
Applicant's Signature

5/2/2022
Date

Terry Cevering
Owner's Signature

5/2/2022
Date

To be filled out by North Ogden City

Date Received _____ Received by _____ ☐ Fees paid: _____



ZONING ORDINANCE AMENDMENT APPLICATION

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

☐ MAP AMENDMENT

☐ TEXT AMENDMENT*

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

STATE THE LEGAL DESCRIPTION OF AREA PROPOSED TO BE REZONED:

CURRENT ZONING CLASSIFICATION(S): AL

PROPOSED ZONING CLASSIFICATION: _____

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

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

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

1. A 24" X 36" map showing the particular property or properties for which the change of zoning is requested and substantially the adjoining properties and the public streets and ways within a radius of three hundred (300) feet of the exterior boundaries thereof.
2. A tentative development plan that shall show the following:
 - a. Topographical description showing existing and proposed grades and drainage systems, and natural and manmade features with an indication as to which are to be retained and which are to be removed or altered.
 - b. Proposed street system.
 - c. Proposed block layouts.
 - d. Proposed reservation for parks, parkways, playgrounds, recreation areas, and other open space.
 - e. Off-street parking spaces.
 - f. Types of uses of structures.
 - g. Location of structures, garages, and/or parking spaces.
 - h. A tabulation of the total number of acres in the proposed project and a percentage thereof designated for the proposed structures.
 - i. Preliminary plans and elevations of the structure types. Single-family residential subdivisions are exempt from the requirement.
3. Reasons justifying the petition for rezoning.
4. A true statement revealing any conditions or restrictions of record (if any) which would affect the permitted uses of the property if rezoned as requested and the date, or dates (if any), of expiration thereof.
5. Such photographs, drawings, and other supporting documents (if any) as the applicant desires to present.
6. Please provide a list of names and addresses of surrounding property owners within 300 feet.

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

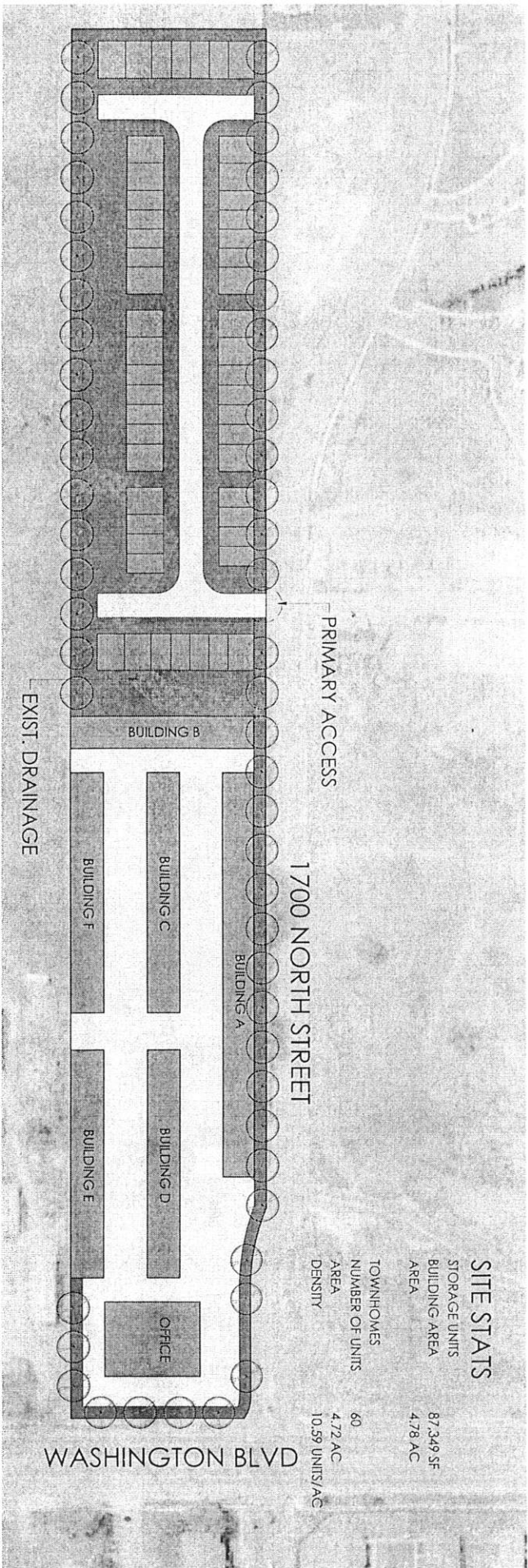
PROPERTY OWNER'S PERMISSION FOR REZONING REQUEST:

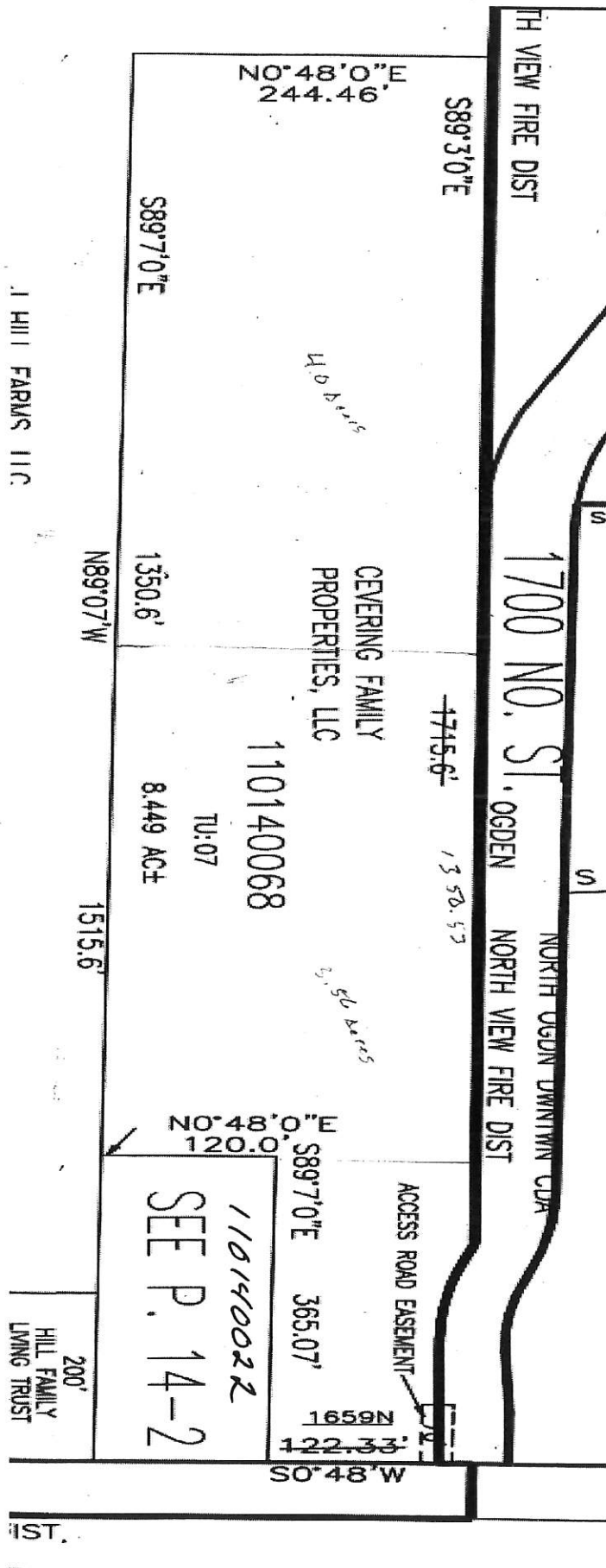
I (we) authorize _____ to request a change in the Zoning classification of my (our) property from _____ to _____.

Property Owner

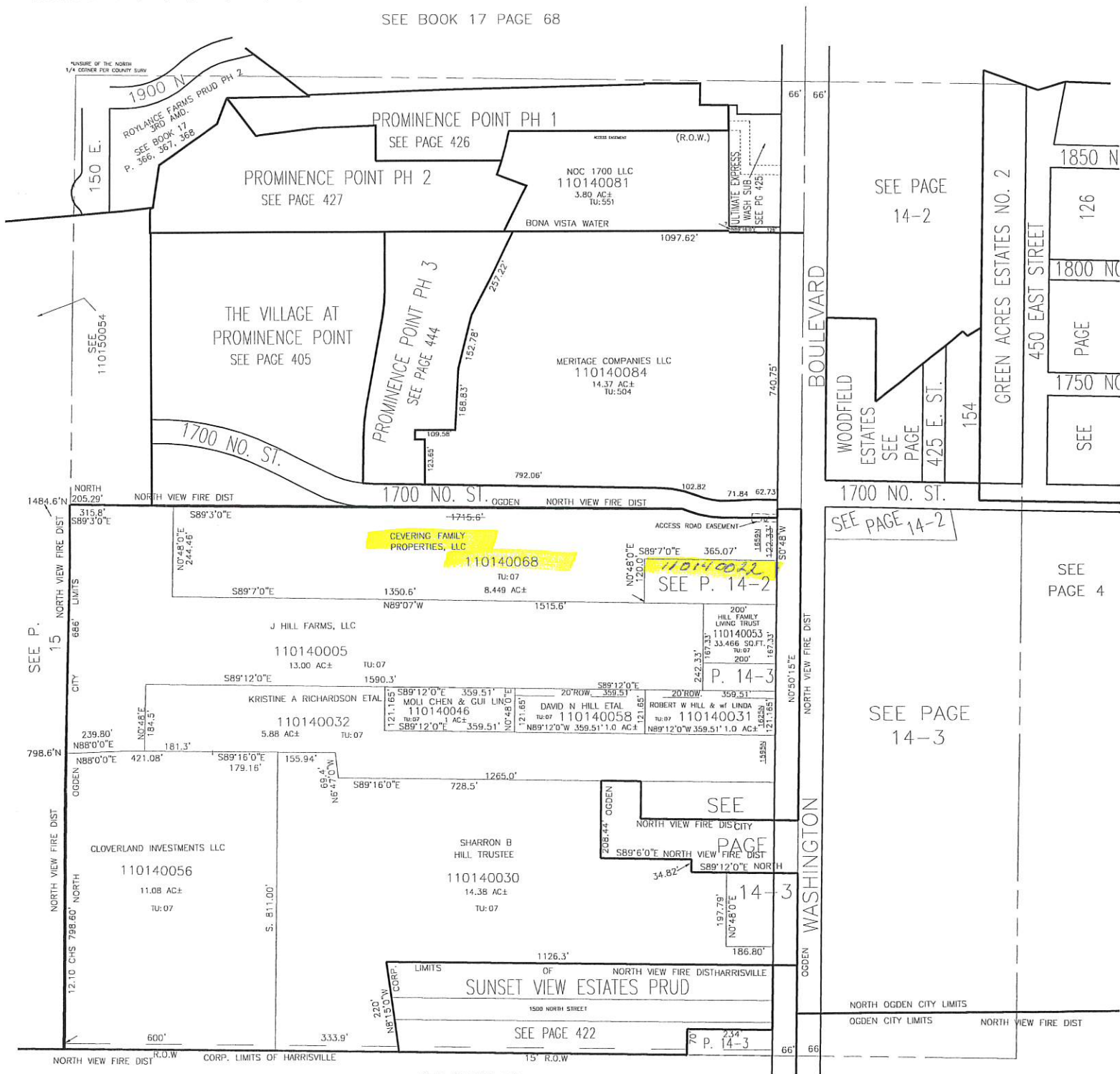
Property Owner

Applicant's Signature: _____ Date: _____





SEE BOOK 17 PAGE 68



PART OF THE N.E. 1/4
SECTION 5, T.6N., R.1W., S.L.B.&M.

14-2

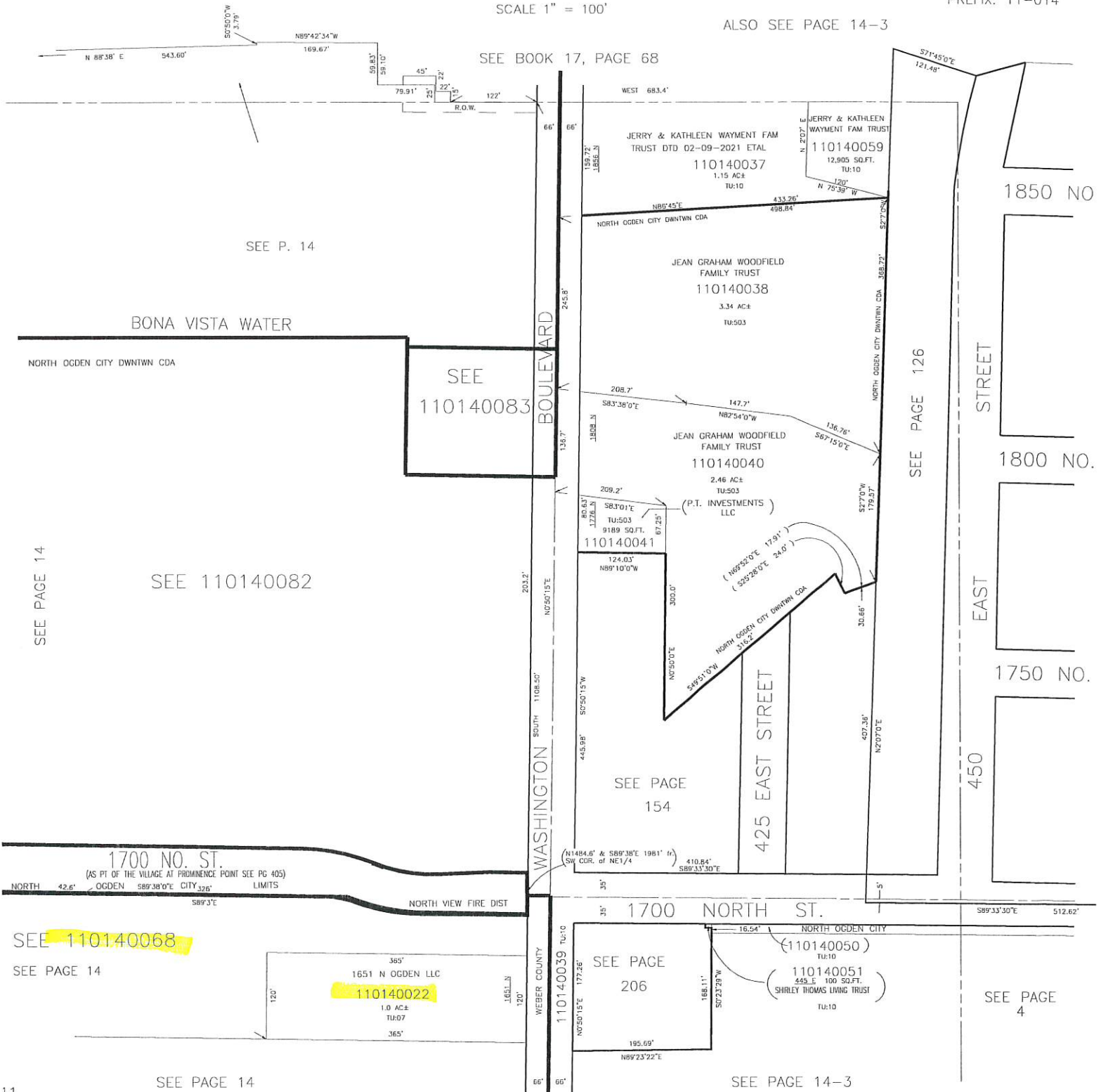
TAXING UNIT: 07,10,13,433,450,503,504

IN NORTH OGDEN CITY AND NORTH OGDEN DISTRICT

SCALE 1" = 100'

PREFIX: 11-014

ALSO SEE PAGE 14-3



11

FOR TAX PURPOSES ONLY

(REVISED 12-9-76)

VLC 1-99





**NORTH OGDEN PLANNING COMMISSION
MEETING MINUTES
June 15, 2022**

The North Ogden Planning Commission convened in a regular meeting on June 15, 2022, at 6:00 p.m. The meeting was also held on Zoom. Notice of time, place and agenda of the meeting was furnished to each member of the Planning Commission, posted on the bulletin board at the municipal office and posted to the Utah State Website on June 9, 2022. Notice of the annual meeting schedule was published in the Standard-Examiner on December 16, 2021.

COMMISSIONERS:

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

STAFF:

Jon Call	City Manager/Attorney
Scott Hess	Planning Director
Brandon Bell	Associate Planner
Kai Johnsen	Planning Tech
Eric Casperson	City Engineer

VISITORS:

Stefanie Casey	Phillip Child	Debbie Child
Terry Cevering	Merrill Sunderland	Rick Scadden
Annette Spendlove		

Commissioner Lunt called the meeting to order at 6:00 p.m. Commissioner Lunt offered the invocation and Commissioner Webb led the Pledge of Allegiance.

1. **ROLL CALL**

Chairman Thomas conducted roll call and indicated that Commissioners Nancarrow and Watson have been excused.

2. **OPENING MEETING STATEMENT**

Chairman Thomas read the opening meeting statement.

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

Chairman Thomas asked if any member of the Commission had any ex parte communications or conflicts of interest to disclose. No disclosures were made.

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

There were no public comments.

ADMINISTRATIVE ITEMS

5. **SUB 2022-07 CONSIDERATION AND ACTION ON AN ADMINISTRATIVE APPLICATION FOR PRELIMINARY APPROVAL OF ROCK POINT ESTATES (2 LOTS) LOCATED AT APPROXIMATELY 3500 NORTH 100 WEST**

Planning Director Hess explained the applicant is requesting preliminary approval for the proposed Rock Point Subdivision, which consists of two lots and one shared common area. The property on which this subdivision is located is currently vacant. This area has a pending Annexation Request that received a favorable recommendation from Planning Commission on June 1, 2022. The annexation request was found to be consistent with the General Plan Future Land Use Map which recommends single-family residential development in this area. As a component of the annexation process, North Ogden City has confirmed the ability to provide culinary, sewer, and storm water utilities to the property. Acceptance of the Annexation and requested RE-20 Zoning designation must be granted by the City Council prior to final approval of the subdivision. Mr. Hess summarized staff/review agency comments regarding the application, concluding the proposed subdivision meets the requirements of applicable North Ogden City ordinances and conforms to the North Ogden City General Plan, with requirements noted in the staff report. This area was formerly in the Pleasant View annexation boundary but was recently requested for annexation into North Ogden City. The nearest land use designation is "Residential Low Density" which can be met with this proposal. Staff believes this development meets the intent of the General Plan, and that the Planning Commission can find the Plat to be in accordance with City Ordinances and the General Plan. Recommended conditions of approval include:

- Requirements of the North Ogden City Engineer's Report must be met prior to final plat approval (unless superseded in this report).
- All will-serve letters must be submitted and their requirements for approval met prior to final approval of the Subdivision.
- Acceptance of the Annexation and requested RE-20 Zoning designation must be granted by the City Council prior to final approval of the subdivision.
- Randy Marriot, or a designated representative of Marriot Land Development Company, must be a signature on the plat and roadway dedication, or the applicants must purchase the impacted property prior to final approval of the subdivision

Chairman Thomas invited input from the applicant.

Rick Scadden stated the open space in the project will be owned and maintained by an LLC and three individuals will have access to that area.

Vice Chairman Mason inquired as to the current zoning of the property. Mr. Hess stated the property is unincorporated and is designated for agricultural use by Weber County. That designation is closest to the City's RE-20 zoning designation.

Chairman Thomas addressed the property still owned by Marriott and asked if extension of the road will provide enough frontage for Marriott to convert that property into a building lot. Mr. Hess answered no and indicated there is enough length, but not enough depth. Additionally, that is a matter that should be considered independent of this application. Mr. Scadden added that he believes that the design of the two-lot subdivision has considered the future use of the Marriott property; he believes the road has been designed in a way that will make it possible for them to build a home on that property.

Vice Chairman Mason inquired as to the distance between the canal road and the subject property, to which Mr. Scadden answered approximately 10 feet. He understands there are many people who use that trail, and he will use black chain link along his rear lot line rather than privacy fence.

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

The Commission complimented staff on their attention to detail for this application.

Commissioner Barker made a motion to approve application SUB 2022-07, preliminary approval of Rock Point Estates (2 lots) located at approximately 3500 North 100 West, based on the findings and subject to the conditions listed in the staff report. Commissioner Lunt seconded the motion.

Chairman Thomas asked if the staff report addresses the mechanism for dedicating the remnant parcel of property to the City and the manner in which the open space will be handled. Mr. Hess answered yes.

Voting on the motion:

Chairman Thomas aye

Vice Chairman Mason	aye
Commissioner Barker	aye
Commissioner Lunt	aye
Commissioner Nancarrow	absent
Commissioner Webb	aye
Commissioner Watson	absent

The motion carried.

Mr. Scadden stated that he has not received the Engineer's report for the application. Mr. Hess stated he will send that to Mr. Scadden.

Vice Chairman Mason stated that there are different locations throughout the City where there is a small amount of space between a trail and a private property and fencing along both the private property and the trail is creating a corridor that is undesirable and potentially somewhat dangerous. Commissioner Webb agreed and indicated that is an issue that should be considered in future planning efforts.

6. SPR 2022-03 CONSIDERATION AND ACTION REGARDING AN ADMINISTRATIVE APPLICATION, SITE PLAN APPROVAL OF A DRIVE-THRU FAST-FOOD ESTABLISHMENT, NIELSEN'S FROZEN CUSTARD, LOCATED AT 457 EAST 2600 NORTH

Planning Director Hess explained the applicant has been working with North Ogden City Council and Staff to purchase and develop property owned by North Ogden City. As part of the 2600 North roadway widening project, the City purchased land and removed three residential structures in preparation for future commercial development along 2600 North. An administrative application for the North Ogden City Center subdivision has been reviewed and approved by Planning and Engineering but has not been recorded yet. Recordation of the subdivision, and completion of the property sale, will be required prior to beginning any commercial development. The applicant has submitted a Site Plan application for a drive-thru fast food restaurant Nielsen's Frozen Custard. It was determined that a Technical Review Committee Meeting was not needed for this site. The Planning Commission should consider how this proposal meets the North Ogden City Zoning Ordinance, which Mr. Hess summarized and provided staff's comments on various sections of the ordinance such as site development standards; building orientation, facades, materials, and utilities; site plan; trash enclosures; streetscape standards; and parking, loading, traffic, and access standards. He noted the recommended conditions of approval include:

- The application must meet the conditions specified in the Engineer's report.
- Recordation of the subdivision, and completion of the property sale, will be required prior to beginning any commercial development.
- Pedestrian circulation accesses must be clearly marked with alternative pavement material or paint to alert drive-thru customers.
- The Code related to limitations of white as an exterior building material must be updated and adopted prior to beginning any commercial development.
- Planning Commission must find that the location of the trash enclosure meets the intent of the ordinance or recommend an alternative location.

- Street trees must be planted along 2600 North and 475 East at regular intervals not to exceed 40 feet of separation. Trees should be a small variety in order to limit sidewalk lifting, 2" caliper, at least 6' tall, and spaced roughly evenly with exceptions for any existing items in the park strip.
- Staff recommends that the site be expanded to the south slightly to assure that the parking lot design can meet the basic width requirements.
- Staff recommends that the landscaping be updated to reflect a small hedge or shrubs along the east side of the parking and drive aisle as a buffer to 475 East.
- Staff recommends the pending Site conditions and Landscaping be reviewed and approved through administrative review of submitted documents prior to building permit.

Mr. Hess concluded staff recommends approval of the site plan subject to the conditions listed above.

Vice Chairman Mason asked if the ordinance provides the Planning Commission with discretion to adjust parking on the site without relying upon a clear formula that dictates the number of spaces required for a certain land use. Mr. Hess provided the code citation and indicated that the Planning Director and Planning Commission have the ability to consider varied parking accommodations based upon the land use. Vice Chairman Mason inquired as to the spacing between the trees on the south side of 2600 North. Chairman Thomas stated they are 25-feet apart. Vice Chairman Mason stated that the staff report recommends spacing of 40 feet between trees on the side of the subject property and he wondered if that would create some inconsistency between the two sides of the street.

Commissioner Webb stated he is concerned about using grass in the streetscape for the project given the ongoing drought. He asked if the applicant can be given authority to use xeriscaping or other plantings that are drought tolerant. Mr. Hess stated that the City can encourage different landscaping options and the City's ordinance does provide for protective ground covering different than grass.

Mr. Hess then noted the next item on the agenda deals with a legislative amendment regarding exterior colors and that is related to this project.

Chairman Thomas invited input from the applicant.

Phil Child stated he is very excited about this project after having worked on it for over a year. He summarized the expected layout of the building and noted food and custards will be served throughout all business hours. He discussed the parking plan and drive through stacking plans; these are very specific to the Nielsen franchise, and it may be necessary to pursue ordinance amendments that will accommodate the business. It is a great family restaurant that will attract residents and non-residents to the location.

Commissioner Webb stated it was mentioned that this Nielsen's location will be larger than the other two in the area. He also mentioned that Mr. Child owns the Ace Hardware building in the same project area and asked Mr. Child if he has any concerns regarding parking and traffic flow associated with Nielsen's that could impact Ace Hardware operations. Mr. Child stated he is not concerned about the area being overparked; other uses in the area do not utilize all of the parking spaces and he believes there is adequate parking. He anticipates a lot of foot traffic between the

uses. The area will be well-lit and safe for pedestrians and motorists. He added that he intends to pursue xeriscaping of the site and use of plantings that are drought tolerant.

Chairman Thomas invited public input.

Stefanie Casey, North Ogden resident, stated she is very excited about this project. She offered her thoughts on parking in the project area and stated she agrees there is plenty of surrounding parking that can be utilized for Nielsen's. She commented on the next agenda item dealing with a text amendment to allow the traditional color scheme of Nielsen's; she is supportive of that amendment and is not concerned about the white color scheme.

There were no additional persons appearing to be heard.

Vice Chairman Mason stated that he believes the layout of the drive-thru is appropriate and he also likes that there is a walk-up window; however, the layout of the building does not lend itself to walkability, which residents have expressed a desire for. Outdoor seating can encourage walkability, but only if it is properly oriented. He also referenced the next agenda item dealing with the building color; the Commission does not have the authority to grant the white color scheme and any approval of this application should be conditioned upon potential future approval of the text amendment. Mr. Hess stated that is expressed in the recommended conditions of approval in the staff memo.

Chairman Thomas addressed parking and feels that the existing parking accommodations in the project area are sufficient. He also feels that the stacking plan for the drive-thru will function well.

Other Commissioners briefly commented on their support and excitement for the project.

Commissioner Lunt made a motion to approve application SPR 2022-03, site plan of a drive-thru fast-food establishment, Nielsen's Frozen Custard, located at 457 East 2600 North, based on the findings and subject to the conditions listed in the staff report. Commissioner Webb seconded the motion.

Voting on the motion:

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

The motion carried.

LEGISLATIVE ITEMS

7. ZTA 2022-05 PUBLIC HEARING, CONSIDERATION, AND RECOMMENDATION ON A LEGISLATIVE AMENDMENT TO ADD A LIMITATION TO THE REQUIREMENTS REGARDING EXTERIOR COLORS

Associate Planner Bell explained the City Council has expressed a desire to bring a Nielsen's Custard to North Ogden. The signature color for their company is white. The Council has expressed a desire to accommodate the color scheme for the company. At the same time, there has been significant enforcement of the existing requirement for earth tones in the City along Washington Boulevard. Staff is of the opinion that if there is going to be an exception that it should be limited, so that the desire to add the Nielsen's Custard is respected, (color scheme) but in a way that does not impact Washington Boulevard where significant investment has been made in an earth-tone color scheme. Staff hold the view that the best way to accommodate both goals, is to simply add a restriction to where the existing color requirement applies, so that the earth tone exterior color requirement continues to apply to areas where it has had the most impact, (and where removing it would create the most visual inconsistency and negative impact). This area, where removing these requirements would have the most potential negative impact is along and in the immediate vicinity of Washington Boulevard. This would allow other properties that do not visually impact the Washington Boulevard corridor, to not be held to the same standard, while maintaining the investment in the existing color requirement along Washington Boulevard. The Planning Commission should consider whether this is a reasonable adjustment to the ordinance. Mr. Bell advised the Commission to consider the following:

- Is the proposal consistent with the General Plan?
- Is the request a positive change for the City?
- Is there additional language that is appropriate for this ordinance?
- Are there required conditions that would make two-family dwellings compatible with the Residential City Center zone?

Staff recommends that the Planning Commission conduct a review of and discussion regarding the proposed ordinance amendment and consider whether they believe the ordinance amendment should be adopted.

Planning staff facilitated a review of the text that would be used in the ordinance, if approved by the City Council. Vice Chairman Mason recommended the use of bulleted list to identify the parcels that are subject to the color scheme code requirements. There was a brief discussion about a white building potentially being a distraction for drivers along Washington Boulevard, especially given that existing development along the road conforms with the earth tone requirements.

a. Chairman Thomas opened the Public Hearing at 7:12 p.m.

Stefanie Casey, North Ogden resident, stated that she does not believe white will be distracting for motorists. However, she only heard the end of the discussion regarding that matter and maybe she does not fully understand the implications of the text amendment.

Vice Chairman Mason stated that what is being proposed in general is that earth tones will still be enforced along Washington Boulevard, but that white will be considered an earth tone.

Ms. Casey stated she can understand the desire for earth tones that are harmonious, but she is also attracted to diversity and buildings that stand out somewhat from their surroundings. She is not opposed to allowing a white building on Washington Boulevard.

There were no additional persons appearing to be heard.

Commissioner Barker made a motion to close the Public Hearing. Vice Chairman Mason seconded the motion.

Voting on the motion:

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

The motion carried.

The Public Hearing was closed at 7:18 p.m.

b. Consideration and recommendation

Vice Chairman Mason made a motion to forward a positive recommendation to the City Council for application ZTA 2022-05, legislative amendment to add a limitation to the requirements regarding exterior colors, based upon the findings and subject to the conditions listed in the staff report, and supporting the version of the text amendment that was presented during the meeting, not in the meeting packet. Commissioner Barker seconded the motion.

Voting on the motion:

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

The motion carried.

DISCUSSION ITEMS

8. DISCUSSION ON PROPOSED STORAGE UNIT AND MULTI-FAMILY PROJECT LOCATED IN UNINCORPORATED COUNTY SOUTH OF 1700 NORTH

Planning Director Hess explained property owner, Terry Cevering, has proposed a mixed-use project at 1659 N. 400 E. that includes storage units on the east side fronting Washington Boulevard, and townhomes on the west side. This project was brought before the City in 2019 for discussion, but no formal applications were made at that time. North Ogden City Codes do not currently permit storage units as a new use, but the Code does permit upgrading existing storage units. Storage units were previously permitted in the Manufacturing M-1 zoning district. The property owned by the applicant is in North Ogden City's future annexation declaration, and the General Plan designation is the South Town Mixed Use are that is intended to include commercial and multi-family residential. This application would need the following Land Use Approvals to move forward: Annexation, General Plan Amendment, Zoning Text Amendment, Subdivision, and Site Plan approval. Staff has reviewed the proposed development and is of the opinion that storage units fronting on Washington Boulevard do not represent the long term highest and best use of the ground. North Ogden City will continue to grow and will need areas of viable commercial to secure future sales tax collection. At this time, there is limited desire for commercial along this portion of Washington Boulevard, but with growth and additional rooftops being developed in the area, it is likely that demand will follow. Staff is supportive of multi-family residential in this area of the City as that matches the currently approved Future Land Use Map of the General Plan. The Planning Commission is being asked to discuss this project and forward a recommendation to the City Council on whether there is general support for storage units at this location. He indicated staff has identified potential Planning Commission recommendations as follows:

- Does this project meet the needs and desires of North Ogden in this area?
- Is the proposal consistent with the General Plan?
 - Should the General Plan be amended to consider a manufacturing use in this area?
- Does the proposal meet the North Ogden Zoning ordinance standards?
 - Should the Zoning ordinance standards be changed to permit storage units?

Chairman Thomas invited input from Mr. Cevering.

Mr. Cevering provided a rendering of his project, which has been adjusted since 2019 responsive to feedback he has received from the Council, staff, and residents. Vice Chairman Mason stated he believes the building's design is beautiful and could be the catalyst for other quality development in this area of the City. He recognizes that the proposed use will not provide ongoing sales tax revenues, but if it spurs other development, it will create value for the community.

High level discussion among the Commission and Mr. Cevering centered on the proposed building materials to be used on the project; opportunities for including traditional commercial uses in the project; landscaping of a potential project; development concepts for surrounding properties; and the general demand for commercial development in the City based upon residential growth.

Chairman Thomas invited public input.

Stefanie Casey, North Ogden resident, stated that she believes there is an elementary school slated for the general vicinity of the subject property. If that project moves forward, she wondered what type of development would be more appropriate than storage units. She would be more supportive of something that caters to families and encourages walkability.

Merrill Sunderland, North Ogden resident, stated there has been discussion about this subject property several times over the past few years. He asked that the Commission consider recommending to the property owner that a business in this area should be revenue producing, perhaps only on the property frontage. This would not be a unique recommendation.

Vice Chairman Mason stated he would like to understand what types of businesses residents would like to see on the property; if the City requires a revenue generating component, there is no way to ensure that such a business will remain in operation in perpetuity. However, a storage unit facility would likely always be used and remain open. Mr. Sunderland stated that he is not seeking to prohibit a storage unit project but is simply recommending that one component of the mixed-use project be a commercial use that is revenue generating.

Annette Spendlove, North Ogden resident, stated that she submitted a land use application for a fence on her property and she does not understand the Commission's decision on her application. Chairman Thomas stated the Commission would not have seen that application and it is difficult for him to comment on the action that was taken. Planning Tech Johnson stated that he handled the application; the ordinance prohibits front yard fencing taller than 3 feet and that was the basis for the City's action on the application. Ms. Spendlove stated the fence is not in her front yard; it is in the side yard and she wants to proceed. Mr. Johnson stated that he will deal with the application in response to these comments.

Shawn Strong stated that he is a commercial developer of townhomes and storage units; storage units are typically developed when there is no other suitable use for a property. However, when an area builds out and there is demand for general commercial uses, a developer buys out storage units to redevelop them in that manner. This has happened in other communities in the area. He believes that Mr. Cevering can proceed with building the project in such a way that it can be easily converted to another commercial use at a point in the future when there is a demand for such a use in the City. No matter how badly a Planning Commission, City Council, or residents want a revenue generating use on a certain property, it will not be built until there is a need for it. He stated there is a need for storage units at this time and they will be used. He feels that Mr. Cevering has provided a high-quality design that will be aesthetically pleasing, and it can be converted to a more desirable use in the future when there is a need for it. There is a need for affordable housing and storage space in communities across the state at this time.

The Commission discussed Mr. Strong's comments and agreed that based upon Mr. Cevering's updated design for the project, it would likely be easy to modify the project to convert it to another type of commercial use. Mr. Hess disagreed; there would need to be an extremely compelling commercial need to repurpose that building to make it function for another commercial use.

Chairman Thomas stated he still holds the opinion that storage units should not be an allowed use on Washington Boulevard frontage; he acknowledged the improvements to the design of the

proposed project but noted that he feels that such a project would hinder other development in the area. He is not opposed to the townhome component of the proposed development, however,

Vice Chair Mason disagreed with Chairman Thomas; he reiterated his belief that the project that has been proposed by Mr. Cevering is high quality and could be a catalyst for other development of the area.

Chairman Thomas polled the rest of the Commission to determine their position on the matter. Commissioner Lunt stated that he is not necessarily opposed to storage units, but he would like to preserve Washington Boulevard frontage for other commercial uses that will be revenue generating. Commissioner Barker agreed. He noted he likes the design of the building but is concerned about the commercial use of the space. Commissioner Webb stated that there is value in listening to the landowner; he is not opposed to the project that has been proposed. Commissioner Barker agreed with that point as well but noted that he would prefer that the storage unit use be pushed further back and that the corner parcel be preserved for commercial use.

Mr. Strong asked if the project would be supported if he leaves the corner of the property open for commercial development and pushes the storage units and townhomes towards the rear of the property. Chairman Thomas stated that would need to be discussed; however, he feels that the input that has been provided by the Commission tonight will be helpful to the Council in making their decision. The Commission seems to be split on the matter, and that may be the case for the City Council as well.

9. PUBLIC COMMENTS

There were no public comments.

10. REMARKS - PLANNING COMMISSIONERS:

Commissioner Barker stated he has been contacted by several residents who are concerned about the Northwood Hills Subdivision; they have encroached upon the trail right-of-way. Mr. Hess stated that staff is aware of the issue, but after research, the private property owners have not actually encroached. There are efforts underway to reroute the path to correct the outstanding issues. Commissioner Barker added there is a great deal of trash and debris associated with the project and drainage that is impacting City property. City Manager/Attorney Call stated staff can look into the matter.

Vice Chairman Mason reported that this Saturday there will be a clean-up event at Barker Park to prep the wooded area for future development of bridges and trails. The City is looking for as many volunteers as possible to help with the project and residents can contact Council Member Cevering or Grant Protzman for more information.

11. REPORT - PLANNING DIRECTOR:

Planning Director Hess indicated he had nothing additional to report.

12. REMARKS – CITY MANAGER/ATTORNEY

City Manager/Attorney Call reported the Council has decided to proceed with the truth in taxation process to consider a potential 41 percent increase to the City’s property tax rate. The average home in North Ogden is worth \$500,000, which means the annual property tax will increase from \$250 per year to \$350 per year. Notices will be mailed to all residents, and it may be the case that other taxing entities consider a property tax as well. The hearing regarding taxation and the adoption of the final budget for the next Fiscal Year (FY) will likely be held August 9. Mr. Call then provided a report of other significant Council actions.

13. ADJOURNMENT

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

Voting on the motion:

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

The motion carried.

The meeting adjourned at 8:34 pm

Eric Thomas
Planning Commission Chair

Joyce Pierson
Deputy City Recorder

Date Approved



NORTH OGDEN CITY

SETTLED 1851

Staff Report to the North Ogden Planning Commission

SYNOPSIS / APPLICATION INFORMATION

Application Request: Discussion regarding accessory building standards in the R-2 zone
Agenda Date: July 5, 2022
Applicant: North Ogden City Staff
File Number:

PUBLIC NOTICE:

Mailed Notice: N/A
City Website: N/A

STAFF INFORMATION

Kai Johnsen
kjohnsen@nogden.org
801-737-2202

APPLICABLE ORDINANCES

North Ogden Zoning Ordinance Title 11-9D-4: SITE DEVELOPMENT STANDARDS

LEGISLATIVE DECISION

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

BACKGROUND

A resident recently came to the City with a preliminary site plan for an accessory building for a metal sided building in an R-2 Zone. Staff concluded that based on the current ordinance related to accessory building design standards in the R-2 Zone the building could be approved. However, staff recognized that the standards for accessory buildings in the R-2 Zone are less restrictive and not consistent with the standards for accessory buildings in other residential zones, specifically standards in the R-1-8 and R-1-10 zones.

ANALYSIS

The current North Ogden City Code related to accessory building design standards in the R-2 Zone permit a building 15 feet in height to be constructed 3 feet from a property line. Large accessory buildings, over 600 square feet, must be 15 feet from the property line, the maximum height of the building with a 15-foot setback is unclear in the code. The code contains an exception, a large accessory building may be 25 feet tall with a 20-foot setback from property lines and 60 feet of separation from a home on an adjoining lot. Additionally, there is no reference to 11-9M-9, standards for accessory buildings in residential and civic zones.

In contrast, the accessory building standards in the R-1-8, R-1-10, and related zones require a 3-foot setback for buildings 10 feet in height or less. Beginning at 5 feet from the property line an increase in height is permitted at a 1 to 1 ratio up to 25 feet tall at 20 feet from the property line. In this case, a 15-foot-tall building would require a setback of 10 feet. Additionally, accessory buildings over 200 square feet must be integrated into the design of the main residential building in the R-1-8 and R-1-10 zones.

CONFORMANCE WITH THE GENERAL PLAN

The Vision for North Ogden in the General Plan reads: “North Ogden will continue to be a community of beautiful homes and friendly people that capitalizes on the impressive setting beneath the slopes of Ben Lomond peak. North Ogden will strive to:

- Assure that North Ogden remains a beautiful place to live, work, and recreate;
- Preserve the essential characteristics of a family friendly community that assures an enduring legacy, small town feel, and high quality of life in North Ogden.

SUMMARY OF LAND USE AUTHORITY CONSIDERATIONS

- Do the standards for accessory buildings need to be changed in the R-2 zone to be consistent with standards for accessory buildings in the R-1-10 and R-1-8 zones?
- Should areas of the city that are zoned R-2 need to be rezoned to reflect the current land use? (primarily single-family housing)
- Should accessory building standards applied to multi-family housing units in the R-2 zone differ from those applied to single-family housing?

RECOMMENDATION

Conduct a discussion regarding accessory buildings in the R-2 Zone and provide feedback and direction to prepare an ordinance to present to the Planning Commission for consideration and recommendation to The City Council.

