



**CITY COUNCIL MEETING AGENDA
NOVEMBER 22, 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/89705464023> Webinar ID: 897 0546 4023

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. Call for conflict of interest disclosure
2. Discussion and/or action on final acceptance of Shupe Farms Subdivision
Presenter: Dylan Hill, Public Works Inspector
3. Discussion and/or action to consider September 27, 2022, City Council meeting minutes

ACTIVE AGENDA

4. Public Comments*
5. Discussion and/or action to consider an Ordinance to revise the retaining wall standards to add clarifying language in Title regarding Grading and Drainage Standards
Presenter: Scott Hess, Planning Director
6. Discussion and/or action to consider a Resolution to adjust the common boundary with Pleasant View City at the city limits at approximately 3475 North 98 East, related to Rock Point Estates Subdivision
Presenter: Scott Hess, Planning Director
7. Discussion and/or action to consider an Ordinance of final acceptance of the Land Use portion of the North Ogden City Code with codification and corrections made
Presenter: Scott Hess, Planning Director
8. Discussion and/or action to consider an Ordinance amending the General Plan to update the Moderate Income Housing Plan, which was previously passed to add this Ordinance for compliance purposes
Presenter: Scott Hess, Planning Director
9. Discussion and/or action to on consider a resident-lead financial subcommittee for budget purposes
Presenter: Jon Call, City Manager/Attorney
10. Discussion and/or action on Wadman Park playground equipment
Presenter: Jon Call, City Manager/Attorney

****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 18th of November, 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

11. Discussion and/or action to on consider an Assistant City Manager position
Presenter: Jon Call, City Manager/Attorney
 12. Council Department Reports:
 - a. Council Member Barker – Parks and Recreation
 - b. Council Member Dalpiaz – Building and Planning
 - c. Council Member Swanson – Finance
 13. Public Comments*
 14. Mayor/Council/Staff Comments
 15. Adjournment
-

Public Comments/Questions

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



NORTH OGDEN CITY STAFF REPORT

TO: NORTH OGDEN CITY COUNCIL

FROM: DYLAN HILL

PUBLIC WORKS INSPECTOR

DATE: 11/01/2022

BASED ON RECOMMENDATION FROM OUR CITY ENGINEER, ERIC CASPERSON, FINAL INSPECTIONS HAVE BEEN COMPLETED ON SHUPE FARMS AND IT HAS BEEN FOUND UP TO CITY CODE AND STANDARDS.

A REQUEST TO RELEASE ALL REMAINING FUNDS HAS BEEN PROVIDED TO THE ESCROW AGENT ASSIGNED TO THIS SUBDIVISION. UPON CITY COUNCIL APPROVAL, NORTH OGDEN CITY WILL TAKE OVER ALL RESPONSIBILITY FOR THE INFRASTRUCTURE AND ROADWAY.

NORTH OGDEN CITY COUNCIL MEETING MINUTES

September 27, 2022

The North Ogden City Council convened in a Council meeting at 6:00 p.m. on September 27, 2022, 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 September 22, 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	(excused)
	Blake Cevering	Council Member	(excused)
	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	
	Scott Hess	Planning Director	
VISITORS:	Sandy Cochran	Bob Buswell	Brenda Ashdown
	Cory Jones	Greg Cronin	Steve Davies
	Yaca Attwood	Chris Pulver	Dallin Duce
	Kevin Burns	Zella Richards	Korilyn Hietala
	Susan Kilborn	Dee Anna Ito	Susan Clements
	Stefanie Casey	Ethan Hale	Jonathan Keyes

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.

2. **DISCUSSION AND/OR ACTION TO CONSIDER THE JULY 12, 2022, CITY COUNCIL MEETING MINUTES**

Council Member Dalpias offered a minor correction to the minutes.

Council Member Ekstrom motioned to approve July 12, 2022, City Council Meeting minutes as amended. Council Member Swanson seconded the motion.

Voting on the motion:

Council Member Dalpias	aye
Council Member Ekstrom	aye
Council Member Swanson	aye

The motion passed unanimously.

3. **DISCUSSION AND/OR ACTION TO CONSIDER THE JULY 26, 2022, CITY COUNCIL MEETING MINUTES**

Council Member Dalpias offered a correction on item eight, Council Member Swanson was listed as making and seconding a motion, but Council Member Cevering actually seconded the motion. He added that during the public comments for that meeting, a speaker was identified as Bob Mackley, but it was actually Bob Napoli.

Council Member Swanson motioned to approve July 26, 2022, City Council Meeting minutes as amended. Council Member Ekstrom seconded the motion.

Voting on the motion:

Council Member Dalpias	aye
Council Member Ekstrom	aye
Council Member Swanson	aye

The motion passed unanimously.

4. **DISCUSSION AND/OR ACTION TO CONSIDER THE AUGUST 9, 2022, CITY COUNCIL MEETING MINUTES**

Mayor Berube stated that the minutes include comments he made about property taxes; the statement in the minutes is that Mayor Berube identified a tax as the most aggressive tax, but he actually said progressive.

Council Member Dalpiaz motioned to approve August 9, 2022, City Council Meeting minutes as amended. Council Member Swanson seconded the motion.

Voting on the motion:

Council Member Dalpiaz	aye
Council Member Ekstrom	aye
Council Member Swanson	aye

The motion passed unanimously.

5. **DISCUSSION AND/OR ACTION ON CONDITIONAL ACCEPTANCE OF WHITE ROCK PHASE 2 SUBDIVISION**

Public Works Inspector Hill reported that conditional inspection has been completed for the public improvements for White Rock Phase 2 and they were found to be compliant with City Code and Engineering Standards. The original sum of the escrow for the project was \$282,011.94 and the remaining balance of \$114,965.94 will remain with an escrow agent for a one-year period after conditional acceptance by the Council.

There was brief discussion among the Mayor and Council regarding remaining improvements to be completed and improvements that are being deferred for the one-year period.

Council Member Ekstrom motioned to approve conditional acceptance of White Rock Phase 2 Subdivision. Council Member Dalpiaz seconded the motion.

Voting on the motion:

Council Member Dalpiaz	aye
Council Member Ekstrom	aye
Council Member Swanson	aye

The motion passed unanimously.

6. **DISCUSSION AND/OR ACTION ON CONDITIONAL ACCEPTANCE OF PATRIOT POINT PHASE 1A & 2 SUBDIVISION**

Public Works Inspector Hill reported that conditional inspection has been completed for the public improvements for Patriot Point Phases 1A and 2 and they were found to be compliant with City Code and Engineering Standards. The original sum of the bond for the project was \$246,354.59 and due to the nature of the bond, funds have not been released at this time.

Council Member Dalpiaz motioned to approve conditional acceptance of Patriot Point Phase 1A & 2 Subdivision. Council Member Swanson seconded the motion.

Voting on the motion:

Council Member Dalpiaz	aye
Council Member Ekstrom	aye
Council Member Swanson	aye

The motion passed unanimously.

ACTIVE AGENDA

7. **PUBLIC COMMENTS**

Bob Buswell stated he is unsure of the cost but would recommend an enclosure be placed over the North Shore Aquatic Center to make the facility usable year-round; it could host water aerobics, public swimming, and use by the Weber High School swim team.

Sandy Cochran stated she is a resident of the Village at Prominence Point project; she thanked the new owners/developers for providing more amenities than were previously included in the plan for the project. She now sees three playgrounds, two dog parks, and additional parking near the patio homes and many residents are grateful for those improvements. She asked if the City has additional plans that are more detailed and include information about what the inside of the clubhouse will look like, the features to be included in the playground, and the buildout of the park that has replaced three building lots on the western portion of the project. She asked when residents can expect homeowner's associations (HOAs) for the project to be turned over to the homeowners. She added that she read the description of the proposed amendments to the development agreement; it sounds as if the first clubhouse does not have to be completed until the fifth apartment building has received its occupancy permit, but the last time the Council discussed this project, they expressed commitment to starting construction of the clubhouse right away and she is looking for the Council to reiterate that commitment. She added that the weeds on the undeveloped portion of the property are over 14 inches again and she asked that the City to pursue abatement of that nuisance. Finally, she asked if any retailers have been secured for the project area.

Brenda Ashdown stated that there are only three members of the City Council present this evening and she asked how many members must be present to take a vote on an item. The Mayor answered a motion must have three votes to carry.

City Manager/Attorney Call stated that voting depends on the subject matter; if the issue is an ordinance, it must have three votes in favor to pass. This would be true for item eight on tonight's agenda as a development agreement amendment is a legislative matter. For item nine, a motion could carry with a majority of those present voting in favor.

Korilynn Hietala stated she lives in the Village at Prominence Point project, and she referenced the change to the age restrictions for the cottages in the project. She stated she purchased when the age restriction was in place, and she did so because she wanted a peaceful and quiet neighborhood. She stated she is appreciative of the improved amenities in the project, but the playgrounds in the 55-and-older area may not be needed, except for there are 12 new townhomes that are not age restricted in that area. She asked how and why that was changed. She referenced the park that will be built on the three vacant lots in the project and asked if it will be maintained by the City or the HOA; she can see it becoming a huge public nuisance because of its connectivity to the trail system. She feels that public access to the area may be problematic for the amenities that are intended for the residents of the HOA, such as the pickleball courts, swimming pools, and club houses. She then stated that residents have learned four townhomes that are being operated as short-term rentals and she asked if there are any protections in place for permanent residents at the project. She stated that the covenants, conditions, and restrictions (CCRs) for the project prohibited businesses and vacation rentals, but people are still using their units for short term rentals. She looked forward to hearing answers from the developers about these issues.

Ethan Hale stated he is also a homeowner in the Village at Prominence Point, and he is concerned about the distance between his townhome, unit 67, and the apartment complex, which is only 39 feet. He stated that is not what was originally planned for the development. There was a larger grass area and pickleball courts near his units, but that has changed, and he now feels that his townhome is too close to the apartments, and he asked that the Council consider adjusting that. When he purchased his home, he was assured this would not be an issue.

Dee Anna Ito thanked the Mayor and City Council, as well as the new developers of the Villate at Prominence Point project, for their consideration of those that live in the project. She stated that during the very hot summer months, some of the roads in the project began buckling; they are being fixed, but it is unknown what other issues will arise with infrastructure. She has noticed that some other HOAs have turned over their infrastructure to cities because cities have the expertise to maintain and fix them in the best way. She wondered if the Mayor and City Council would consider accepting ownership of the infrastructure in the Village at Prominent Point project for that reason. She then referenced the pool in the project and wondered if a greenhouse cover could be

added to the pool so that it is usable throughout the fall and spring months. She looks forward to hearing from the developer this evening.

Susan Clements stated she is a member of the Build Barker Park Committee, and she reported on plans for another clean-up project at the Park scheduled for Saturday, October 8 in the hollow area of the park. She invited anyone to attend and participate and she thanked Mayor Berube for attending the initial event held on September 17. A follow up project will be held on October 15 and wildflowers will be planted in the hollow at that time.

8. **DISCUSSION AND/OR ACTION TO CONSIDER DEVELOPMENT AGREEMENT AMENDMENTS AND SITE PLAN UPDATES FOR VILLAGE AT PROMINENCE POINT**

Planning Director Hess explained the Village at Prominence Point was recently acquired by a new development group. As part of that acquisition, the City reviewed and approved a revised Development Agreement that amended building types and locations, total unit count, open space configuration, and timing of amenities. The Development Agreement was approved on May 24, 2022. Leading up to the City Council meeting in May, the developer worked quickly to assure that the City and the new development team were on the same page with the overall development changes. After considering the Site Plan over the summer of 2022, the developer is proposing minor amendments to the Site Plan and Development Agreement to improve functionality of the overall development. The Village at Prominence Point has been a high-profile project, and as such, staff feels that the development amendments should go back to the Council for their approval. Mr. Hess summarized staff's analysis of the proposed site plan changes, including building layout, color schemes, floor plans and elevations, and other changes relating to trail connectivity/sidewalks. He concluded staff is supportive of the proposal and amendments to the Development Agreement and Site Plan; staff recommends the Council review the plans and hold discussion with the developer prior to taking action on the amended Development Agreement.

Mayor Berube referenced Mr. Hale's comments about the distance between his townhome and the apartment complex; he asked Mr. Hess to identify that area on the site plan. Mr. Hess stated that the distance between Mr. Hales' unit and the apartments is 39 feet. He noted that in the initial site plan, the width of the 24-plex building was narrower and there was pickleball courts in that area. He stated that adjustments to the site plan and development agreement have resulted in a shorter distance between Mr. Hales' unit and the apartments. Mayor Berube inquired as to the initial distance between Mr. Hales' unit and the apartments. Mr. Hess stated that distance is not called out on the site plan. Mr. Call stated that it was close to 60 or 70 feet on the previous site plan. Mayor Berube asked if the change is being made in the application being considered tonight or if it was changed in the last adjustment to the development agreement. Mr. Hess stated he would need to review past actions to answer that question.

Mayor Berube then stated he believed the Council and developers had agreed that the construction of the club house would not be connected to the certificate of occupancy for the fifth townhome building; however, the agreement still provides that connection. The developer indicated he is comfortable with what the agreements that were previously made and he has no intentions to delay the construction of the club house. He suggested that the agreement read that the club house must be constructed prior to any certificate of occupancy being issued for any of the apartment units. Mayor Berube then referenced the question about landscaping and ongoing maintenance of the park that will be constructed on the three building parcels on the project. He asked the developer to address that during his presentation to the Council.

Steve Davies reiterated his intent to start the construction of the club house immediately; he has worked with City staff to apply for the building permit for that component of the project before the subdivision plat is approved. He presented a rendering of the front of the club house and noted he is willing to send the full set of plans to the City for public access. He added the subdivision plat is ready to submit as well. He addressed ownership of the park on the three former building lots; he was under the impression that the City did not want ownership or maintenance responsibilities for that park so it has been included in the subdivision plat; there is a master HOA and four subsidiary HOAs: one for the club house, one for the commercial development, one for the townhomes, and one for the patio homes and apartments. He noted that the landscaping of that park will be minimal and will not include significant amenities that will draw the public to the area; this is responsive to the feedback received from existing residents in the community. The park will be maintained along with the other common areas on the project. Mayor Berube asked when that park will be completed, to which Mr. Davies answered in conjunction with the club house. Mayor Berube suggested a date for those two improvements be included in the development agreement. Mr. Davies stated that is acceptable to the developers.

Council Member Swanson referenced the comments about using units in the project for short-term rentals; he asked if the City has an ordinance regarding that type of land use. Mr. Call stated there is an ordinance that is moving through the application process and the Planning Commission is recommending prohibiting short term rentals in multi-family projects; those that are currently operating would be grandfathered or allowed to continue, but no new permits will be issued. Council Member Swanson asked if the grandfathering action would be contingent upon the property owner having secured a business license. Mr. Call answered yes; if all rules are not adhered to, the use could be revoked. Mayor Berube stated it is his understanding that the short-term rentals being operated in the Village at Prominence Point project are operating without licenses and he suggested no new licenses be issued given that an ordinance is being considered. Mr. Hess stated that the ordinance will be presented to the City Council in the near future. Greg Cronin noted that the City's ordinances can be referenced in the CCRs for the project as well. Mr. Call noted that HOAs are not always bound by City ordinances and could vote to prohibit short term rentals entirely in their project.

Council Member Swanson then referenced the public comment about the roads in the project being dedicated to the City for ownership and maintenance. Mr. Call stated that due to the width of the road and snow removal issues, the City has indicated they are unwilling to accept ownership and maintenance responsibilities for the roads in the project. Mr. Cronin stated that is the developer's understanding as well. The infrastructure in the project is private and there is a budget within the HOA to maintain the roads and other infrastructure.

Council Member Delpias asked if any retailers or commercial entities have signed contracts to locate in the project. Mr. Cronin stated that the development group has not been actively recruiting businesses to the site; now that the residential components are finalized, they will perform a study to determine what types of commercial uses would be supported in the area. Council Member Delpias then asked the developer to address Ms. Hietala's questions about removal of the age restriction for the cottages in the project. Mr. Cronin stated that initially it was proposed that the internal development would be age restricted, but he has worked to balance the feedback from the entire neighborhood and there will be no changes to the areas that are currently age restricted, but that restriction will not be expanded. Mr. Call stated that only a certain percentage of a project can be age restricted; the entire project cannot be age restricted. Council Member Delpias asked about Ms. Ito's recommendation to cover the pool so that it is usable throughout the fall and spring months. Mr. Cronin stated that the developer is not considering a covered pool, but the HOA could consider that type of improvement and charge fees that could generate revenue to cover those costs. Mr. Cronin then compared the original development plan and the adjusted development plans and cited minor differences/adjustments to the project. He believes the adjustments and improvements are positive and there is proper buffering between uses and buildings. He appreciates the public feedback that has been provided and the Council's consideration of the current proposal.

Concluding discussion centered on the presence of water and weeds near the sidewalk along Washington Boulevard. Mr. Call stated that staff has discovered the presence of a well of some source of groundwater that is causing the nuisance. Staff is working with the developer to address those issues.

Mr. Call briefly reviewed the additional redline edits to the development agreement that have been discussed during tonight's meeting. The Mayor and Council expressed support and agreement to the edits.

Council Member Ekstrom motioned to approve Development Agreement A14-2022 Amendments and Site Plan Updates for Village at Prominence Point with all changes discussed. Council Member Dalpias seconded the motion.

Voting on the motion:

Council Member Dalpias	aye
Council Member Ekstrom	aye
Council Member Swanson	aye

The motion passed unanimously.

Mayor Berube noted that one item that was not addressed was the change in color scheme; he asked if the Council was comfortable with those proposed adjustments. Mr. Cronin offered that the colors were adjusted to match the townhomes across the street. No objections were voiced by the Council.

**9. DISCUSSION AND/OR ACTION TO CONSIDER A RESOLUTION
DECLARING SURPLUS PROPERTY LOCATED AT APPROXIMATELY 3660
NORTH 600 EAST**

Planning Director Hess explained various property Owners in North Ogden City have approached the City Council asking to purchase or occupy land owned by the City. Most recently, property owners Jonathan and Denise Keyes have asked the Council to sell a portion of property used to access a detention basin. The Keyes family have constructed a shed that is currently occupying land owned by North Ogden City. The property owner has received a judgment and resolution through the Code Enforcement process. The decision of the judge was for the property owner to move the shed into a location that meets City Code. The property owner has asked the Council to consider selling the property and retaining a perpetual access easement. Staff has discussed this access road with the Public Works, Building, and Engineering Departments. The Planning Director's opinion at this time is that it does not serve the best interests of the City to sell this property. The detention basin behind the Keyes' home is part of a regional detention basin system. The detention basin currently holds limited water and requires minimal access and maintenance. However, this detention basin is sized to accommodate future water from development north of Mountain Road and west of The Cove. Over time, the access to this detention basin will become more critical. Staff is concerned with the long-term viability and utilization of an access easement, versus the ease of access that is provided by owning the property. Staff recommends the Council hold the public hearing, consider the resolution for surplus property, and determine a path forward for this parcel.

Mayor Berube stated that he feels a holistic approach and policy to all surplus properties in the City would be helpful. Staff agreed, with Mr. Call noting that it is still important for each property to be considered on its own merits as there are specific conditions associated with each property, such as access to public property. Mayor Berube polled the Council regarding whether they would like to consider a macro approach to surplus property or if they would like to consider the action that has been advertised on the agenda tonight. Council Member Swanson stated that for this specific property, encroachment has occurred, and the Council seems to be comfortable allowing that to occur until a time that the City develops a broad policy that provides guidance on the appropriate action for different types of surplus properties. Council Members Delpias and Ekstrom agreed. Mayor Berube stated that a past administrative decision was made to allow the encroachment until September 1 and he asked if the Council could override that decision at this point in time. Mr. Call answered yes.

Council Member Delpias asked if he is correct in his understanding that it is staff's opinion that the property should not be surplus at this point. Mr. Hess answered yes, staff believes it would be premature to sell the land at this point in time due to the fact that it provides access to an adjacent parcel of public property, a detention basin.

a. Public Hearing

Mayor Berube opened the public hearing at 7:23 p.m.

Brenda Ashdown stated she has a question about the subject property; it was her understanding that whether the property is sold to the Keyes family, they will still be required to move their building. She asked if that is correct. Mayor Berube answered no; if the land is sold to them, they will not be required to sell the property. Ms. Ashdown stated that is problematic because it essentially restricts the choice of abutting property owners to purchase and use a portion of that property. Mayor Berube agreed but noted that some of those types of matters are impossible to cure, though the City would attempt to be fair in offering the land available for purchase by other property owners that could benefit.

Corey Jones stated that he owns the property adjacent to the Keyes property; last year he contacted the Public Works Department about maintenance of the access road that sits on the publicly dedicated property to access to storm detention pond. He offered to place weed barrier on the property because the weeds have created a nuisance for him. The Public Works employees visited the property and told him that it would not be a problem for him to perform the work, but in doing so it would be best to maintain the land as it has been designed for storm water run-off. If changed, water would be allowed to run into his property and home. He noted that he is most concerned about the integrity and priority use of the land. Given there is a storm drainage pipe running under the property for the purpose of ensuring proper drainage of the area, he hopes the question is being asked whether selling this property would not compromise other properties. He noted that

this proposal has come about because of the construction of the accessory building on his neighbor's property; this has less to do with selling land for the purpose of helping to maintain City property and more to do with circumventing property owners being held accountable for following City ordinances. He knows this has been discussed over and over and he is actually shocked that this discussion is still going on after the matter was brought to the City's attention over a year ago. This was supposed to be resolved by September 1 and it is now September 27 and the Council plans to further extend the matter. This started with him contacting the Public Works Department about maintaining the access road for the detention basin, which he has been seen used over the past 20 years as a fire pit, dumping ground, and an area from which landscapers pilfer rocks. The Council has been asked to possibly change City ordinances because his neighbor placed a concrete slab and shed in a hole that was originally dug years ago. He is frustrated the Council has taken this long to resolve the issue, but he recognizes that decisions still need to be made. He spoke with Council Member Cevering personally about the issue and was told that information sometimes does not flow freely between Departments of the City and that the resolution being considered by the Council would create a 'win-win' situation for all parties. He is not sure who should be considered 'winning' in this situation; he and other neighboring property owners have never been approached about the possibility of purchasing the land and based upon the information included in the Council's meeting packet, only one homeowner is being offered the opportunity to purchase the property. Regardless, he went through the due diligence process about possibly purchasing a portion of the property but given that the underground drainage pipe and other underground utilities would remain, buying the land would give him little to no development options and no increased value. It would be hard to relocate the rock wall on the perimeter of his property, which he paid to install, but which benefits the City's access road. He does not believe selling the property as surplus is in the best interest of the public because maintaining the critical storm drain property would be best managed by the City; additionally, he believes this proposal has more to do with the best interest of one property who was unwilling to comply with City ordinances. He wondered what precedent this would set for other property owners in a similar situation in the future. He feels strongly about this issue because he personally took the initiative to inform himself of property laws when he first built and wanted to expand his property. He never had the option of purchasing the additional property, though he approached the City with an offer and was denied because it was needed for access to City property. He stated he feels that these decisions were appropriation for the City to make in the past and they are still appropriate policies to uphold today.

There were no additional persons appearing to be heard.

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

Voting on the motion:

Council Member Delpias	aye
Council Member Ekstrom	aye
Council Member Swanson	aye

The motion passed unanimously.

The public hearing was closed at 7:32 p.m.

b. Discussion and/or action to consider a Resolution declaring Surplus Property located at approximately 3660 North 600 East

Mayor Berube stated it his understanding that the Council would like to postpone action on the proposed resolution, and he called for a motion.

Council Member Swanson motioned to postpone declaring Surplus Property located at approximately 3660 North 600 East until the Council has complete information from the Planning Division and a possible draft policy for consideration that would provide different categories for types of surplus properties throughout the City. Council Member Ekstrom seconded the motion.

Voting on the motion:

Council Member Delpias	aye
Council Member Ekstrom	aye
Council Member Swanson	aye

The motion passed unanimously.

Mayor Berube stated that if the Council is going to consider selling the subject property, he would like other property owners to be given the option to purchase the property; Mr. Jones indicated that no other property owners have been contacted to make them aware of the option to purchase the property. Mr. Hess stated that it is staff's intention that the property will be made available for purchase by other property owners, though the resolution acknowledges the impetus for this action.

10. COUNCIL DEPARTMENT REPORTS:

a. COUNCIL MEMBER BARKER – PARKS AND RECREATION

City Manager/Attorney Call noted he received a brief report from Council Member Barker; he wanted to announce the upcoming clean-up days scheduled at Barker Park, similar to what was mentioned by Ms. Clements earlier in the meeting. He also reported the recreation football program is underway.

There was brief discussion about plans for planting to occur in the Barker Park hollow and the availability of water for new plants.

Mayor Berube stated that he would like for the Council and staff to work together to develop a routine maintenance policy and plan for some areas of City parks, including parking areas, that have not been properly maintained and have fallen into disrepair.

b. COUNCIL MEMBER DALPIAS – BUILDING AND PLANNING

Council Member Dalpiaz stated he believes the timing of recent actions on the Village at Prominence Point project is great; he has reported in the past that the City's single-family building applications are declining steadily and the timing of the multi-family development at the Village at Prominence Point will help to keep the City's building division engaged and busy with things to do. He added work continues on the Public Safety building; the foundation is underway, and the project will begin to take shape very quickly.

c. COUNCIL MEMBER SWANSON – FINANCE

Council Member Swanson reported that 17 percent of the current Fiscal Year (FY) has elapsed; revenue collection is ahead of schedule at 19 percent and general expenditures are at 14.8 percent. The City received the other half of its American Rescue Plan Act (ARPA) funds, \$1.2 million, and they will be used primarily for the water tank project. The City has also received B&C road funding that was 20 percent more than budgeted; this can be used for road maintenance. He noted the audit is going well and field work will commence soon.

11. PUBLIC COMMENTS

Corey Jones readdressed item nine on the agenda; when he brought the issue to the City's attention a year ago, one of the things that was explained to him was that there are many things in the City that can take a great deal of time to resolve. He asked that the Mayor and Council set a timeline for resolving the surplus property issue.

Sandy Cochran thanked the Council for being patient with her as she has addressed them about the Village at Prominence Point project; when she first began addressing the Council, she was very angry and less than courteous and she apologized. She appreciates that the Council has listened to the frustrations expressed by many residents in the project area; they also appreciate the Council putting pressure on developers involved in the project. She thanked the Mayor and Council for including timelines in the development agreement with the new developers. Seeing the demeanors of the new developers has been reassuring to her after having dealt with the former developer who was very hard to work with and nonresponsive.

Brenda Ashdown stated she is thrilled to hear there is a Cherry Days Committee, and she is excited for them to begin their work. She stated that she understands Parks and Recreation Director Staheli has resigned and she asked if there are plans for filling that position.

Mayor Berube stated that the Department is being reorganized and some maintenance duties have been shifted to the Public Works Department to avoid duplication of efforts. The position vacancy will not be advertised until there is a clear understanding of the effectiveness of the reorganization.

Susan Kilborn suggested prayers for Florida residents who are dealing with terrible conditions due to hurricane events.

12. MAYOR/COUNCIL/STAFF COMMENTS

Council Member Dalpiaz reported on his participation with the Senior Citizen Committee; they have discussed a resolution for the community band. They will be starting practice on Thursday evenings at 7:00 p.m. and will have the facility for one hour. In the long term, there is a possibility that there will be space available in the Public Safety building that could be used by the community band. He then referenced agenda item nine on the agenda and stated he is personally not very interested in declaring that property as surplus; he feels the property owner ignored City ordinances and that is the reason the issue has been considered. The matter has taken far too long to decide and that is concerning to him as well.

Council Member Ekstrom stated that she agrees with Council Member Dalpiaz and also with Mr. Jones about the property that is subject to the surplus action; she does not believe the property should be sold to the Keyes' as they chose to build their shed in an area that was not permitted by ordinance. She then referenced resident requests for things like a pool cover or pickleball courts; it is great to hear those ideas, but there is a lot of research that must be done, and she suggested that residents work together to do more of the leg work and come to the City with an actual plan for funding such a project. Mayor Berube agreed and noted that Council Member Cevering reported that a resident has offered to donate cement for a pickleball court and City staff has been asked to identify a

good location for that amenity. Additionally, citizens have been challenged to raise funds to match grant funding that is available for the Barker Park Amphitheater.

Council Member Swanson stated that on November 1, there will be a work session during which the City's Parks and Recreation Department will be discussed in depth. He encouraged public involvement in that discussion, as it will be philosophical in nature and will include a focus on the role of the City in providing parks and recreation locations and programs.

Mayor Berube stated it his understanding the City has billed Pleasant View City for their use of the senior center and City Administration will be working with Pleasant View Administration to develop an interlocal agreement to define how the facility will be used going forward. He stated that one topic that has been raised is whether Harrisville City should be involved in such an agreement.

Mr. Call reported that staff has met with Dr. Shupe on his property about improvements to be performed to correct damage done to his property during the Washington Boulevard widening project; he believes the majority of the issues have been addressed and corrected. He also reported the leaf truck cleanup will begin this week and has been advertised in the City's newsletter and on the website. He added he has followed up with the Police Chief and City Engineer regarding the idea of restriping of the area around Washington Boulevard and 3100 North and they have recommended against restriping in favor of reminding residents of rules.

Mayor Berube stated he is pleased with the Council for considering precedent setting decisions or unintended consequences of actions taken; it is important for the City to be proactive and learn from decisions that were made in the past. He also thanked City staff and Department Heads for their efforts; it is sometimes difficult for the public to understand all work being done behind the scenes.

13. ADJOURNMENT

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

Voting on the motion:

Council Member Delpias	aye
Council Member Ekstrom	aye
Council Member Swanson	aye

The motion passed unanimously.

The meeting adjourned at 8:11 p.m.

S. Neal Berube, Mayor

Susan L. Nance, CMC
City Recorder

Date Approved

Not Approved

Staff Report to the North Ogden City Council

SYNOPSIS / APPLICATION INFORMATION

Application Request: Discussion and/or action to consider direction on a legislative amendment to revise the retaining wall standards to add clarifying language in Title 11 Grading and Drainage Standards

Agenda Date: November 22, 2022

Applicant: North Ogden City

File Number: ZTA 2022-09

PUBLIC NOTICE:

Mailed Notice: None

Newspaper:

City Website: November 18, 2022

STAFF INFORMATION

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

APPLICABLE ORDINANCES

11: 11-22-1-G-8 GRADING AND DRAINAGE STANDARDS

LEGISLATIVE DECISION

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

BACKGROUND

The Planning Commission and City Council have held public hearings and meetings to hear information from staff and the public on retaining wall standards for North Ogden City. The Planning Commission originally forwarded a positive recommendation on ordinance language to the City Council regulating issues of safety analysis and overall retaining wall heights. The City Council requested a joint work session with the Planning Commission to discuss potential retaining wall height alternatives prior to deciding on the proposed ordinance.

A joint meeting of the Planning Commission and City Council was held on November 2, 2022. A recording of that meeting is posted on the [North Ogden City Website located here](#). At that meeting the group discussed retaining wall heights. After a lengthy discussion, there was a straw poll of the group that resulted in an average wall height of eleven feet (11') that was deemed reasonable to members of the Planning Commission and City Council. Based on this information,

staff has updated the recommended ordinance to include the safety analysis information and a total height of all retaining walls at eleven feet (11'). Provisions for engineering to be required still stand on all walls taller than four feet (4').

CONFORMANCE WITH THE GENERAL PLAN

There is nothing in the General Plan that was determined to pertain to this issue. Planning Department Staff is proposing this text amendment to Title 11 of City Code, at the request of the City Engineer and Building Official.

RECOMMENDATION

Staff recommends that the City Council review the draft ordinance (see Exhibit A), and decide to adopt the ordinance, amend the ordinance, or remand it back to Planning Commission for further review.

EXHIBITS

- A. Retaining Wall Ordinance Amendment
- B. Planning Commission Draft Minutes, September 7, 2022
- C. City Council Staff Report, October 11, 2022
- D. Joint Work Session Staff Report, November 2, 2022

ORDINANCE 2022-__

AN ORDINANCE OF NORTH OGDEN CITY AMENDING THE ZONING ORDINANCE OF NORTH OGDEN CITY, TITLE 11, CHAPTER 22, SECTION G. RETAINING WALLS, TO ADD CLARIFYING LANGUAGE REGARDING RISK ANALYSIS AND HEIGHT MAXIMUMS FOR RETAINING WALLS

WHEREAS; the City has developments that require retaining and walls in order to construct reasonable and useable private yards and properties; and

WHEREAS; the City has interest in protecting the health, safety, and welfare of all residents; and

WHEREAS; the provisions for retaining walls do not specify whether or not a risk analysis should be completed when constructing retaining walls that may damage life or property; and

WHEREAS; the City Planning Commission and City Council have determined that eleven feet (11') is a reasonable maximum height for retaining walls in the City, and that height should be extended to include engineered gravity rock walls.

NOW THEREFORE, BE IT ORDAINED by the North Ogden City Council that the North Ogden City Code 11-22-G 8, and 11-22-G 9 be amended, as follows:

SECTION 1: Text to be amended:

11-22: GRADING, DRAINAGE, AND DEVELOPMENT CONSTRAINTS

11-22-1: GRADING AND DRAINAGE STANDARDS

I. Retaining Walls.

1. Retaining walls in this section refer to walls that retain earth.
2. Measurement of Height. For the following rules, wall heights are measured from the finished grade below the wall or wall system to the finished grade above the wall or wall system. The term "wall system" refers to tiered walls which will be considered collectively for review purposes.
3. A building permit is needed to construct retaining walls that are over 4 feet in height measured from the finished grade below the wall to the finished grade above the wall. The building official may require a permit on shorter walls if they support a surcharge such as sloped earth, footings, vehicles, etc.
4. When submitting for a building permit, a grading plan must be submitted showing

retaining walls. This plan will be reviewed and approved by the building official. If the plan includes retaining wall heights that exceed 4 feet then the plan must also include typical section views cut through the walls with dimensioned wall heights and distances from walls to structures, property lines and spacing between walls.

5. Grading should be designed to divert surface water away from wall structures. Wall design should also include a system to collect and drain away any water that may collect behind the wall.

6. Tiered Retaining Walls. Tiered walls must be separated horizontally by a distance that exceeds the largest adjacent wall height. Tiered walls with a horizontal separation less than this are not permitted even though they may be engineered and stable. Walls with a horizontal separation of more than twice the largest adjacent wall height are not considered tiered wall system and may be reviewed as separate structures. Tiered retaining wall systems will require a global slope stability analysis stamped by an engineer licensed in the state. Fencing that does not retain earth is not considered part of a retaining wall or retaining wall system and shall be subject to North Ogden's fencing requirements.

7. Any wall or wall system over four feet (4') in height will need to be engineered and stamped by an engineer licensed in the state. The maximum retaining wall height shall be ~~8~~11 feet.

8. Walls ~~8~~11 feet in height or less should be designed and constructed according to standard design and construction practices, manufacturer recommendations and published design charts. Regardless of the height of a retaining wall, the building official or City Engineer may require stamped engineered plans if it is suspected that the retaining wall needs additional engineering due to design requirements or environmental conditions. This may also be true for areas with a high-water table or poor soil conditions. Plans must be stamped by an engineer licensed in the state.

Additional engineering may require a risk analysis if the wall were to fail. The risk analysis is to determine the potential loss of life or property damage. Performance of the risk analysis requirement is at the discretion of the City Engineer and/or Building Official.

9. Gravity rock walls and gravity block walls cannot exceed ~~6~~11 feet in height. Gravity rock walls or gravity block walls can be tiered to create additional height (i.e. they must be spaced horizontally by the height of the tallest adjacent retaining wall).

10. Mechanically stabilized earth (MSE) walls such as Keystone with geogrid or other tieback systems are permitted. Reinforced concrete cantilevered retaining walls are also permitted. These walls may be tiered, but any tier cannot exceed ~~8~~11 feet in height.

11. Rock or other coverings on a steepened slope (rockery) may be considered a retaining wall when the slope exceeds the maximum permanent cut or fill slope recommended by a geotechnical analysis. If a slope requires a rockery to be stable, then it is to be treated as a retaining wall.

12. If these requirements are more restrictive than the standards found elsewhere in the ordinance then these standards will apply.

SECTION 2: This ordinance shall take effect upon adoption.

PASSED and ADOPTED this th day of 2022.

North Ogden City:

S. Neal Berube
North Ogden City Mayor

CITY COUNCIL VOTE AS RECORDED:

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

ATTEST:

Susan L. Nance, CMC
City Recorder

**NORTH OGDEN PLANNING COMMISSION
MEETING MINUTES
September 7, 2022**

The North Ogden Planning Commission convened in a regular meeting on September 7, 2022, at 6:01 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 September 1, 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:

Sandy Cochran	Chris Pulver
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Chairman Thomas called the meeting to order at 6:01 p.m. Commissioner Webb offered the invocation and Vice Chairman Mason led the Pledge of Allegiance.

1. ROLL CALL

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

2. MINUTES CONSIDERATION

Consideration and action to approve the July 6, 2022 Planning Commission Meeting minutes

Commissioner Barker made a motion to approve the July 6, 2022 Planning Commission Meeting minutes. 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.

3. OPENING MEETING STATEMENT

Chairman Thomas read the opening meeting statement.

4. 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.

5. PUBLIC COMMENTS FOR ITEMS NOT ON THE AGENDA

There were no public comments.

LEGISLATIVE ITEMS

6. ZTA 2022-09 PUBLIC HEARING, CONSIDERATION, AND RECOMMENDATION ON A LEGISLATIVE AMENDMENT TO REVISE THE

RETAINING WALL STANDARDS TO ADD CLARIFYING LANGUAGE IN TITLE 11 GRADING AND DRAINAGE STANDARDS

Planning Director Hess explained the Planning, Engineering, and Building Departments regularly have questions and concerns over retaining walls in North Ogden City. These can be new walls constructed along with homes, or retaining walls required as part of a subdivision approval. Generally, the City's standards for retaining walls are able to be met by developers, home builders and homeowners. The basic standards are: walls up to 4 feet tall are permitted without engineering, rock walls 4 to 6 feet tall are permitted with engineering, and concrete or block retaining walls up to 8 feet tall are permitted with engineering. While most developments can conform to those basic regulations, there are times when special circumstances cause rock walls, retaining walls, and other hillside development to exceed the required standards in Title 11. When these special cases come up, the City's Planning and Engineering Departments have been left to interpret the rules and regulations or look towards a Variance process to assist developers and homeowners with finishing their projects.

City Engineer Casperson summarized the proposed ordinance text, noting that in cases where walls exceed the permitted height, or there are additional risks to life or property damage if a wall were to fail, the City would like additional engineering be completed and approved as part of the public record. The additional risk analysis would clearly indicate who is liable in the case of a failure and would help assure that future homeowners understand what they are buying if they purchase a lot or home with a wall that represents a higher-than-average risk for failure.

Mr. Hess concluded the Planning Department Staff recommends approval of this proposed text amendment, as a means of adjusting City Code to be responsive to retaining wall impacts and reducing the risk of loss of life or property.

Discussion among the Commission and staff centered on the implications of the proposed ordinance for existing rock walls that may be considered non-conforming upon adoption of the new text; there was also discussion about the manner in which the rock wall height would be measured for purposes of determining whether terracing should be required. Mr. Casperson indicated that any wall exceeding six feet in height should be engineered and permits obtained; upon application for a permit, City staff will determine the proper terracing requirements for a rock wall.

a. Chairman Thomas opened the Public Hearing at 6:17 p.m.

Chris Pulver, North Ogden resident, stated he lives in an area where retaining walls are required; he suggested amendments that take into consideration the impact of a retaining and terraced wall on adjacent property owners.

Vice Chairman Mason stated he has had difficulty understanding the aesthetic issues associated with a terraced retaining wall and he asked Mr. Pulver to comment on his experience given he lives adjacent to a property with a retaining wall. Mr. Pulver stated that he loves the wall next to his property and he would like to locate a shed next to it. It does a good job of retaining the ground behind it, it includes landscape elements, and it is 11 or 12 feet tall. However, there is a point where the wall could become offensively large, especially if it does not include landscaping elements that serve to beautify it.

Commissioner Lunt made a motion to close the Public Hearing. Commissioner Barker seconded the motion.

Voting on the motion:

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

The motion carried.

The Public Hearing was closed at 6:22 p.m.

b. Consideration and recommendation

The Commission discussed and debated the appropriate materials for taller retaining walls; they also discussed the difficulty in maintaining landscaping that is included on a very tall, terraced retaining wall. Chairman Thomas stated that the City has received complaints about the appearance of taller retaining walls, and it is important for the Commission to consider the City's inability to legislate beauty. Others have the opinion that the City should only consider the health and safety issues associated with tall retaining walls, rather than considering aesthetics. Vice Chairman Mason agreed that aesthetics should not be the main priority, but it should be taken into consideration given that retaining walls will be located in residential neighborhoods and many residents do not want a commercial feeling near their property. Chairman Thomas agreed and indicated it may be that the Commission is not ready to make a recommendation on this matter; he suggested that Planning staff utilize the feedback provided tonight to consider adjustments to the proposed ordinance text and bring the issue back to the Commission in a future meeting.

Vice Chairman Mason made a motion to table action on application ZTA 2022-09, legislative amendment to revise the retaining wall standards to add clarifying language in Title 11 Grading and Drainage Standards. 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.

7. ZTA 2022-10 PUBLIC HEARING, CONSIDERATION, AND RECOMMENDATION ON A LEGISLATIVE AMENDMENT TO UPDATE THE PUBLIC WORKS STANDARDS ADOPTED BY ORDINANCE AND REFERENCED IN NORTH OGDEN CITY ZONING CODE TITLE 11

Planning Director Hess explained the City Engineer has recommended updates to the City's Public Works Standards; the updates are based upon changes in processes and the availability of new products used in public works projects. Many changes are minor, but some of the more substantive additions and changes to the Public Works Standards are the addition of Low Impact Development (LID) Standards which will add clarity to City and State LID requirements for storm water management and water quality. The addition of the Sight Triangles Standards will help developers and contractors better plan for sight distance issues at our intersections which will result in safer intersections for pedestrians, bicyclists, and motorists. The Sight Triangle Standards, once adopted in the Public Works Standards, will conflict with Title 11. An update to Title 11 will be necessary to bring these two Codes into alignment. Finally, the updated Mountain Road cross section will standardize the cross-section width and add consistency of design for a major thoroughfare through North Ogden City. He concluded Planning Department Staff recommends approval of the Public Works Standards as presented.

City Engineer Casperson expounded on the information provided by Mr. Hess and facilitated a brief review of the proposed amendments to the Public Works standards.

a. Chairman Thomas opened the Public Hearing at 6:57 p.m.

Chris Pulver stated that he reviewed the text of the proposed amendments to the Public Works standards to determine if there are any options for granting a variance to the standards. He stated that on hillsides, there can be difficulty in adhering to the requirements to preserve a specific sight triangle or distance at an intersection where a motorist can see over or past a fence or retaining wall.

Mr. Hess stated that there is no language in the ordinance that would allow a variance from the standards; if a wall is under four feet and was not engineered or reviewed by the City, it is likely that the City may reach out to the homeowner to ask them to remove the wall. The same would be true for vegetation that blocks a sight triangle. He stated it may be possible for the City to consider a zoning text amendment that addresses the concern raised by Mr. Pulver, but such text amendments are typically applicant driven.

Mr. Pulver left photographs with the Commission that illustrate the issue he is concerned about.

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 7:05 p.m.

b. Consideration and recommendation

Vice Chairman Mason made a motion to forward a positive recommendation to the City Council regarding application ZTA 2022-10, legislative amendment to update the Public Works Standards adopted by ordinance and referenced in North Ogden City Zoning Code Title 11. 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.

8. PUBLIC COMMENTS

Chris Pulver, North Ogden resident, stated that he emailed a photograph of the retaining wall adjacent to his property to City Manager/Attorney Call for consideration as staff works to update the text as part of application ZTA 2022-09.

9. REMARKS - PLANNING COMMISSIONERS

Vice Chairman Mason stated that there was a road in the City that was being striped, but it was not marked by the contractor, and he drove through the yellow paint, causing it to flip onto his truck. He stated he feels the City needs to reach out to the contractor to determine what recourse residents have. He stated he has a testimonial from a witness that there was no signage placed in the work area by the contractor who was performing the work.

10. REPORT - PLANNING DIRECTOR

Planning Director Hess reported on upcoming training opportunities for the Commission.

11. REMARKS – CITY MANAGER/ATTORNEY

City Manager/Attorney Call reported on efforts to include the Commission in ongoing discussion regarding planning work responsive to growth in the City.

12. ADJOURNMENT

Vice Chairman Mason 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 7:18 pm

Eric Thomas
Planning Commission Chair

Joyce Pierson
Deputy City Recorder

Date Approved

Staff Report to the North Ogden City Planning Commission

SYNOPSIS / APPLICATION INFORMATION

Application Request: Consideration and action on a legislative amendment to revise the retaining wall standards to add clarifying language in Title 11 Grading and Drainage Standards

Agenda Date: September 21, 2022 Planning Commission Meeting
October 11, 2022 City Council Meeting

Applicant: North Ogden City

File Number: ZTA 2022-09

PUBLIC NOTICE:

Mailed Notice: None

Newspaper:

City Website: August 22, 2022 (public hearing notice), September 16, 2022 (website notice City Council)

STAFF INFORMATION

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

APPLICABLE ORDINANCES

11: 11-22-1-G-8 GRADING AND DRAINAGE STANDARDS

LEGISLATIVE DECISION

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

BACKGROUND

The Planning, Engineering, and Building Departments regularly have questions and concerns over retaining walls in North Ogden City. These can be new walls constructed along with homes, or retaining walls required as part of a subdivision approval. Generally, the City's standards for retaining walls are able to be met by developers, home builders and home owners. The basic standards are: walls up to 4 feet tall are permitted without engineering, rock walls 4 to 6 feet tall are permitted with engineering, and mechanically stabilized earth (MSE) concrete or engineered block retaining walls up to 8 feet tall are permitted with engineering.

While most developments can conform to those basic regulations, there are times when special circumstances cause rock walls, retaining walls, and other hillside development to exceed the

required standards in Title 11. When these special cases come up, the City's Planning and Engineering Departments have been left to interpret the rules and regulations, or look towards a Variance process to assist developers and homeowners with finishing their projects.

ANALYSIS

The City Engineer has proposed the following language be added to the Code. In cases where walls exceed the permitted height, or there are additional risks to life or property damage if a wall were to fail, the City would like additional engineering be completed and approved as part of the public record. The additional risk analysis would clearly indicate who is liable in the case of a failure, and would help assure that future home owners understand what they are buying if they purchase a lot or home with a wall that represents a higher-than-average risk for failure.

The proposed ordinance reads as follows:

8. Walls 8 feet in height or less should be designed and constructed according to standard design and construction practices, manufacturer recommendations and published design charts. Regardless of the height of a retaining wall, the building official or City Engineer may require stamped engineered plans if it is suspected that the retaining wall needs additional engineering due to design requirements or environmental conditions. This may also be true for areas with a high water table or poor soil conditions. Plans must be stamped by an engineer licensed in the state. 9. Gravity rock walls and gravity block walls cannot exceed 6 feet in height. Gravity rock walls or gravity block walls can be tiered to create additional height (i.e. they must be spaced horizontally by the height of the tallest adjacent retaining wall). 10. Mechanically stabilized earth (MSE) walls such as Keystone with geogrid or other tie-back systems are permitted. Reinforced concrete cantilevered retaining walls are also permitted. These walls may be tiered but any tier cannot exceed 8 feet in height. 11. Rock or other coverings on a steepened slope (rockery) may be considered a retaining wall when the slope exceeds the maximum permanent cut or fill slope recommended by a geotechnical analysis. If a slope requires a rockery to be stable then it is to be treated as a retaining wall. 12. If these requirements are more restrictive than the standards found elsewhere in the ordinance then these standards will apply.	Additional engineering may require a risk analysis if wall were to fail. Risk analysis to determine the potential loss of life or property damage. Performance of risk analysis requirement is at the discretion of the City Engineer and/or building official.
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Retaining Wall Heights

The City Council has asked the Planning Commission to consider retaining wall heights for North Ogden City. North Ogden City Code 11-21-1 G. Retaining Walls permits retaining walls up to four feet tall (4') without engineering, gravity rock walls between four and six feet tall (4-6') with engineering, and retaining walls up to 8 feet tall maximum (8') including: concrete, block, and other engineered walls. Wall systems may be tiered so long as the horizontal distance between tiers is greater than the tallest vertical wall in the system.

The City has received requests from developers, home builders, and home owners for retaining walls that exceed eight feet (8') in height. There have been walls constructed beyond that height that have been required to be cut down, back filled, or otherwise amended to meet the Code. In an attempt to right-size the Code, staff has reviewed other City ordinances and has prepared the following information for the Planning Commission's consideration.

Centerville City:

(c) Grading, Cuts, Fills, Vegetation and Revegetation.

8. Retaining walls shall be used to retain existing slope or graded slope as may be approved by the City Engineer. The height of necessary and approved retaining walls shall be a maximum of eight feet. Extensive "rear yard" retaining walls built for the purpose of leveling a yard by backfilling, are expressly prohibited.

Fruit Heights Development Agreement:

Retaining Walls. Any roadway retaining walls recommended by the Geotechnical Study and required by the city shall be designed and approved by the city and a licensed geotechnical engineer. On any lots, any retaining walls more than four (4) feet in height shall be designed and inspected by a geotechnical engineer to ensure proper design and installation. The homebuilder will be required to supply these geotechnical inspections to the city prior to obtaining certificate of occupancy. Additionally, if the developer installs any retaining walls on any lots, he will be required to submit a design and inspection report from a licensed geotechnical engineer to ensure proper design and installation.

Fruit heights building code:

Permits shall not be required for the following:

- Retaining walls that are not over 4 feet in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge.

Orem: More general grading and Drainage Ordinance:

17-8-2. Hillside Developments.

- A. All property within a hillside area shall be subject to the provisions of this section. All references to grades or slopes shall mean the grade or slope in its natural state. Where the natural state of a slope cannot be definitively determined, the natural state of a slope shall be determined by reference to the City's 1978 aerial map.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-02-0001, Amended, 01/08/2002; Ord. No. O-2010-0015, Amended 05/25/2010)

- B. No grading shall take place on a hillside area until a grading plan has been submitted to and approved by the City. All grading shall conform to the grading plan. This applies to both lots of record and subdivision lots.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-02-0001, Amended, 01/08/2002; Ord. No. O-2010-0015, Amended 05/25/2010)

- C. Every lot intended for building construction shall have a minimum buildable area behind the front setback line of at least forty percent (40%) of the minimum lot area required by the zone in which the lot is located, prior to any grading.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-02-0001, Amended, 01/08/2002)

- D. Any area on a lot or parcel that has an average slope of thirty-five percent (35%) or greater shall remain ungraded except as provided below. The City Engineer may allow grading on twenty-five percent (25%) of all such slope areas on a lot or parcel provided all of the following requirements are met:

1. The proposed slope area can be graded without the use of a retaining wall or other methods of retainage (such as gabions, fabrics, spray-on materials, etc.) and without negatively impacting the stability of any part of the thirty-five percent (35%) slope area or any other part of the lot or parcel, or an adjoining lot or parcel.
2. The proposed grading will not increase the slope of any part of the graded area above its natural slope.
3. The applicant submits a geo-technical report prepared by a qualified engineer showing that the above conditions are met.
4. No structure may be constructed in a natural slope area of thirty-five percent (35%) or greater unless:
 - a. No part of a thirty-five percent (35%) or greater slope located uphill from the structure on the same lot or parcel is graded.
 - b. There is a space of at least twenty feet between all points of the structure and any uphill slope of thirty-five percent (35%) or greater and such setback space has a natural grade of ten percent or less.
 - c. There is a space of at least ten feet between all points of the structure and any downhill slope that has a natural grade of thirty-five percent (35%) or more and such ten-foot setback space has a grade of five percent or less. The ten-foot setback space may be graded.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-02-0001, Amended, 01/08/2002; Ord. No. O-2010-0015, Amended 05/25/2010)

- I. Tops or toes of slopes shall be set back from property boundaries a minimum distance of five feet (5').

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-02-0001, Amended, 01/08/2002)

- M. Any buildable area or portion of a buildable area shall be no closer than thirty feet (30') to any man-made or natural drainage channel.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-02-0001, Amended, 01/08/2002)

- N. All drainage areas shall be kept free of debris and soil sedimentation during subdivision development and building construction.

Provo:

(5) Notwithstanding the requirements in Subsection (4) of this Section, the use of terraced retaining walls is permitted to reduce the steepness of human-made slopes and to provide planting pockets conducive to revegetation. The following requirements apply for terraced retaining walls and vertical walls:

(a) Terraces created between retaining walls shall be permanently landscaped or revegetated.

(b) Terracing is limited to three (3) walls with a maximum vertical height of eight (8) feet each. The width of a terrace shall be a minimum of a one-to-one ratio with the height of the wall. Terraces are measured from the back of the lower wall to the face of the upper wall. Terraces created between retaining walls shall be permanently landscaped or revegetated.

(i) The Development Services Director or designee may grant an increase in the number of terrace walls or an increase in vertical height of a terrace wall, if the applicant provides documentation, which has been stamped by an engineer licensed in the State of Utah, that demonstrates the property to be developed would be inaccessible without granting an increase.

(c) Retaining walls shall be faced with stone or earth-colored materials similar to the surrounding natural landscape.

(d) Vertical walls are only allowed if approved by the City Engineer and if the following criteria are met:

(i) The applicant provides documentation, which has been stamped by an engineer or landscape architect licensed in the State of Utah, that demonstrates an environmental, aesthetic, or safety concern with installing retaining walls on the subject property.

(ii) The vertical wall shall be constructed of earth-colored materials similar to the surrounding natural landscape.

(e) All applicable building code requirements must be met and applicable permits obtained.

Figure 14.33A.1. Terracing and Retaining Wall – Permitted



(Retaining wall faced with stone. Terraces have been revegetated.)

(g)

Figure 14.33A.2. Terracing and Retaining Wall – Not Permitted



(Wall is not constructed of earth-colored materials and does not provide opportunities for planting pockets.)

(Enacted 2020-22, Am 2020-25)

Given the information above, Staff concludes that eight feet (8') has become a relatively standard maximum height for those cities who regulate or restrict retaining wall heights. It appears that for most cities the Codes either reference eight feet (8') or they are silent on a maximum height. Engineered walls can safely exceed eight feet (8'), but there are other impacts and considerations such as aesthetics and views that need to be taken into account when developing on hillsides. Staff does not present a firm opinion on the matter, and would like to discuss options with the Planning Commission.

CONFORMANCE WITH THE GENERAL PLAN

There is nothing in the General Plan that was determined to pertain to this issue. Planning Department Staff is proposing this text amendment to Title 11 of City Code, at the request of the City Engineer and Building Official.

PLANNING COMMISSION RECOMMENDATION

The Planning Commission met on September 7, 2022 and September 21, 2022. Recordings of the meetings [can be found here](#). Draft Minutes of the September 7, 2022 meeting are attached as Exhibit B. Minutes of the September 21, 2022 meeting were not available in time for this meeting. The discussion at the meeting on September 7, 2022 focused on risk analysis and wall failure potential, and the discussion on September 21, 2022 focused on retaining wall heights. Public Hearings were held at both meetings.

The Planning Commission discussed the risk analysis language and determined that to be in the best interest of North Ogden given the height, proximity, and potential for failure that some proposed and constructed walls exhibit. The Planning Commission then discussed retaining wall heights at length. They considered other City's ordinances, took testimony from the Planning Director and Public Works Director, and made a recommendation to the City Council to retain the eight foot (8') maximum wall height, and to expand that wall height maximum to include engineered gravity stacked rock walls.

The recommendation was unanimous. The ordinance language proposed (see Exhibit A) reflects those changes and recommendations for the City Council's consideration.

EXHIBITS

- A. Retaining Wall Ordinance Amendment
- B. Planning Commission Draft Minutes, September 7, 2022

Staff Report to the North Ogden City Council and Planning Commission

SYNOPSIS / APPLICATION INFORMATION

Application Request: Work Session to consider direction on a legislative amendment to revise the retaining wall standards to add clarifying language in Title 11 Grading and Drainage Standards

Agenda Date: November 2, 2022

Applicant: North Ogden City

File Number: ZTA 2022-09

PUBLIC NOTICE:

Mailed Notice: None

Newspaper:

City Website: October 27, 2022

STAFF INFORMATION

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

APPLICABLE ORDINANCES

11: 11-22-1-G-8 GRADING AND DRAINAGE STANDARDS

LEGISLATIVE DECISION

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

BACKGROUND

The Planning Commission and City Council have held public hearings and meetings to hear information from staff and the public on retaining wall standards for North Ogden City. The Planning Commission forwarded a positive recommendation on ordinance language to the City Council regulating issues of safety analysis and overall retaining wall heights (see Exhibit A). The City Council requested a joint work session with the Planning Commission to discuss potential retaining wall height alternatives prior to deciding on the proposed ordinance. It is staff's understanding that the Planning Commission and City Council agree in regard to the additional liability language for retaining walls that may require a safety analysis if there is an increased potential for loss of life or property. For this reason, the staff report below will not discuss that portion of the proposed ordinance. The City Council meeting staff report outlining the Planning Commission recommendation can be reviewed in Exhibit C.

For the City Council and Planning Commission's consideration at this Work Session, staff has developed three options to guide the Work Session discussion. Those options are:

1. Move forward with the Staff and Planning Commission recommendation as-is.
2. Decide on a reasonable overall height standard for retaining walls and modify the proposed ordinance.
3. Consider a nuanced approach. This could include using an average wall height, adding landscaping regulations, permitting walls that neighbors agree with, or developing separate standards for uphill and downhill retaining walls to determine who has the most impact.

OPTION ANALYSIS

Option 1:

The Planning Commission held two public hearing and provided guidance to Staff to create an ordinance regulating retaining walls. The determination from Planning Commission was to maintain the maximum retaining wall height at eight feet (8'). The PC opted to extend that same maximum wall height to engineered rock retaining walls, previously limited to six feet (6'), making the standards for all retaining walls the same regardless of construction type.

Option 2:

Consider overall retaining wall height. The issue that has led up to this ordinance recommendation is a retaining wall that was constructed in excess of the maximum height of eight feet (8'). In speaking with the Building Department, there have been three concrete retaining walls constructed in North Ogden in 2022. One wall was built too tall and was cut down to meet the ordinance of eight feet (8'). One wall was built to meet the standard and failed and collapsed. One wall was built in excess of the maximum height and the resolution is to be determined.

There are retaining walls in North Ogden that exceed eight feet (8') in height. Most of these walls pre-date the ordinance change creating the maximum height. Engineered walls, constructed correctly, can safely exceed eight feet in height. The current height standard is in some ways based on aesthetics and impacts to neighbors, however as we have seen retaining walls fail, the height is in part based on limiting the damage to life and property if a wall fails. A failure of a taller wall will have greater impact on surrounding properties.

Staff's review of neighboring community's ordinances supports that the maximum of eight feet is a common height limitation for retaining walls. That does not mean that the City must follow suit, but it is a regularly adopted standard that seems reasonable to staff. Should the City Council and Planning Commission determine that another maximum height is reasonable, the ordinance could be modified to reflect the agreed upon number.

Option 3:

Consider a nuanced approach. There is no end to the options the City could develop to address issues of tall retaining walls and mitigating perceived and real impacts. Ideas discussed at the City Council meeting included considering landscaping and aesthetics to minimize visual impacts of tall walls or permitting taller walls based on the acceptance of neighboring property owners.

Staff is of the opinion that any regulations imposed should be clear to administer and enforce. For this reason, staff is concerned with the potential of landscaping to be used as a justification for wall heights, as landscaping is so easily changed, as well as the ongoing drought being a viable reason for a homeowner not to maintain landscaping in the future. Further, staff is concerned with allowing neighboring property owners to be the determining “yes or no” for how tall a wall can be. This pits neighboring property owners against one another, and really comes down to approval being based on relationships rather than on a set of easy to administer criteria.

In staff’s experience, Land Use decisions are best when they stand on their own based on objective criteria.

A nuanced approach that may be more easily administered would be to consider an “average wall height” with perhaps a “not to exceed height number”. The way this would work is that the exposed wall would be calculated across the length of the face of the wall and the average height would be derived from the average of the ground level at the bottom of the wall. This would allow portions of the wall to exceed a maximum height, but on the average the wall would be able to meet a maximum or “not to exceed” number. The world is inherently not flat, so this may provide flexibility for property owners who have rolling yards or low spots that they desire to retain dirt against.

Impacts of walls are also perceived differently depending on the vantage point of the viewer of the wall. Uphill retaining walls are more impacting to downhill neighbors. To minimize perceived and real impacts of retaining walls, the Council and Planning Commission could consider whether or not to develop separate standards for uphill and downhill retaining walls based on who will be most impacted by viewing or living with a tall wall.

CONFORMANCE WITH THE GENERAL PLAN

There is nothing in the General Plan that was determined to pertain to this issue. Planning Department Staff is proposing this text amendment to Title 11 of City Code, at the request of the City Engineer and Building Official.

RECOMMENDATION

As shown, there are a number of potential directions forward. Staff recommends that the City

Council and the Planning Commission discuss options and provide staff with direction to bring ordinance language back to the Council for adoption. Staff's last comment is to reiterate that Land Use decisions that stand on their own merit are typically best, and ordinances that have clarity in administration and enforcement are the most likely to be effective.

EXHIBITS

- A. Retaining Wall Ordinance Amendment
- B. Planning Commission Draft Minutes, September 7, 2022
- C. City Council Staff Report, October 11, 2022

RESOLUTION 2022 -

AN RESOLUTION OF NORTH OGDEN CITY TO ADJUST THE COMMON BOUNDARY WITH PLEASANT VIEW CITY AT THE CITY LIMITS AT APPROXIMATELY 3475 NORTH 98 EAST RELATED TO ROCK POINT ESTATE SUBDIVISION.

WHEREAS: the Utah Interlocal Cooperation Act, title 10, Chapter 2, Section 419 Utah Code Annotated 1953 as amended, permits governmental entities to adjust common boundaries with adjacent municipalities when such an adjustment is in the best interest of residents and best utilizes resources; and

WHEREAS: the Utah State Code requires the governing bodies to adopt a resolution approving their intent to adjust the municipal boundary prior to posting and holding a public hearing; and

WHEREAS: North Ogden City and Pleasant View City have agreed that this minor boundary line adjustment is in the best interest of the public, and provides a clear separation of subdivision lots, provision of public services, and improves land development; and

WHEREAS: North Ogden City and Pleasant View City find that mutual benefit and cost-effective government can be achieved through this boundary line adjustment.

NOW THEREFORE, BE IT RESOLVED by the North Ogden City Council that the existing municipal boundary be updated as shown on Exhibit A, Rock Point Estate Plat. The Council authorizes the Mayor to execute the Boundary Adjustment and authorizes staff to begin the Public Hearing notice posting on behalf of North Ogden City.

PASSED and ADOPTED this th day of 2022.

North Ogden City:

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

CITY COUNCIL VOTE AS RECORDED:

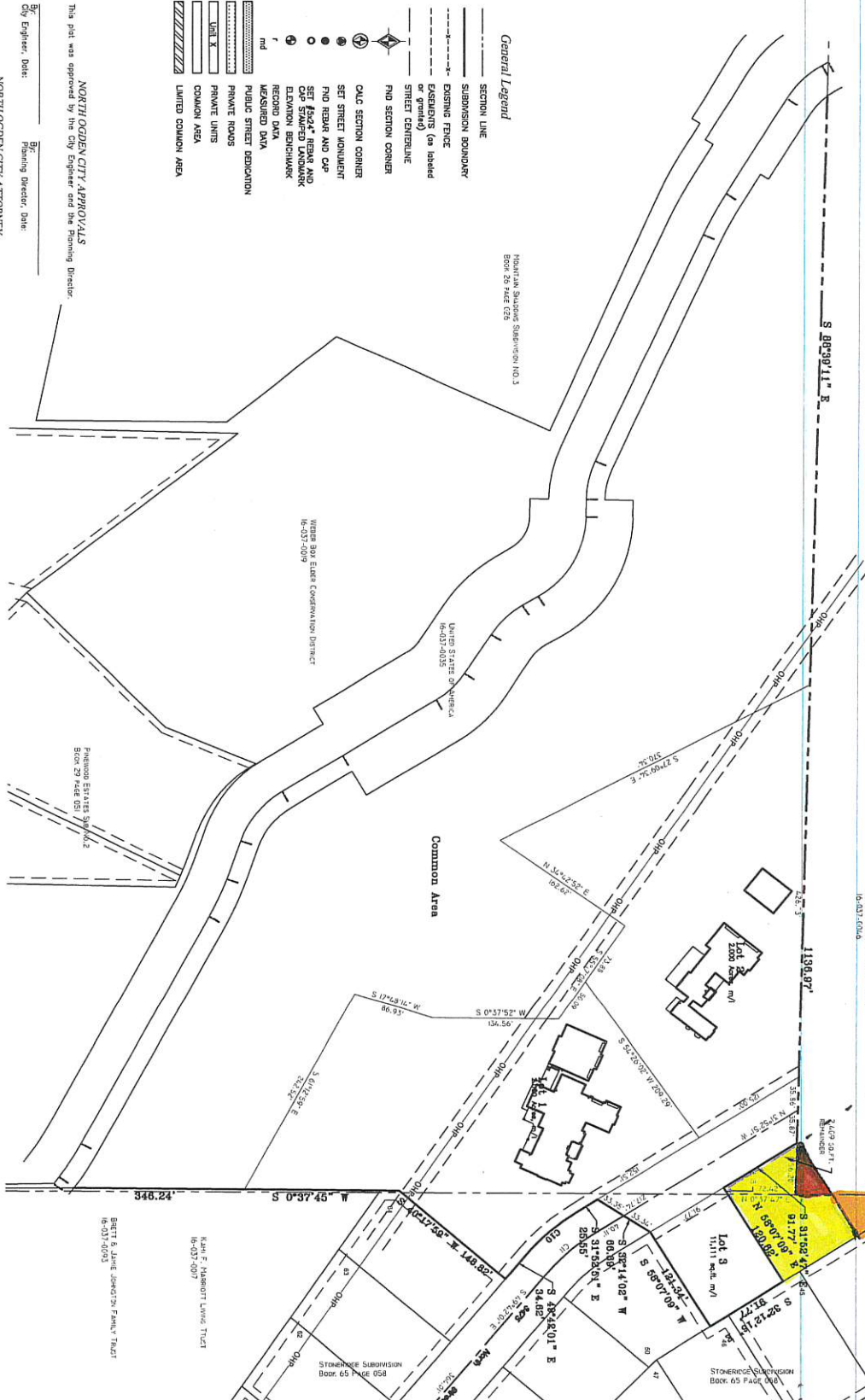
	Aye	Nay
Council Member Barker:	_____	_____
Council Member Cevering:	_____	_____
Council Member Dalpias:	_____	_____
Council Member Ekstrom:	_____	_____
Council Member Swanson:	_____	_____

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

Mayor Berube	_____	_____
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ATTEST:

Susan L. Nance, CMC
City Recorder



Curve Table					
Curve	Betta	Radius	Tangent	Length	Chord Bearing & Distance
C10	17°48'06"	230,000'	36.06'	71.53'	S 40°47'26" E 71.24'
C11	17°48'06"	200,000'	31.35'	62.20'	S 40°47'26" E 61.95'

ORANGE MOVED TO
PLEASANT VIEW
RED MOVED TO
NORTH OGDEN

SURVEYOR'S CERTIFICATE

[illegible]

Landmark Surveying, Inc.
A Complete Land Surveying Service
www.LandmarkSurveying.com
4646 South 3500 West • #2 •
West Haven, UT 84401
801-271-4075

Weber County Recorder
 Entry no. _____

Filed for record and recorded
at _____ day of _____
at _____

in book _____ of official
on page _____
County Recorder: Leann H Kille

By Deputy: _____
Fee paid _____

Staff Report to the North Ogden City Council

SYNOPSIS/APPLICATION INFORMATION

Application Request: Discussion, consideration and action on a legislative amendment to reorganize North Ogden Code Title 11 and Title 12.

Agenda Date: March 22, 2022 (adoption), November 22, 2022 (codification and corrections)

Applicant: North Ogden City

File Number: ZTA 2019-06

PUBLIC NOTICE:

Mailed Notice: None

City Website: March 17, 2022 (adoption), November 18, 2022 (codification and corrections)

STAFF INFORMATION

Scott A. Hess
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(801) 737-9841

APPLICABLE ORDINANCES

North Ogden Zoning Ordinance Title 11 Land Use Code

LEGISLATIVE DECISION

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

BACKGROUND

North Ogden City adopted a revised and updated Title 11 on March 17, 2022. Staff has reviewed this Code, and prepared a clean version for Codification by Municode. Municode discovered a series of minor updates, incorrect references, missing language sections, and other changes as noted in Exhibit A. The approval by Council permitted staff to update the Code in regards to minor corrections and typos. Some of the changes were substantive in nature, and as such, staff is bringing the Code back to the Council for adoption of the official Codified Code located on the official North Ogden City Website here:

<https://northogden.municipalcodeonline.com/book?type=plan#name=11-1: GENERAL PROVISIONS>

The Planning Commission and City Council have previously reviewed and adopted the reorganized Code. Staff has worked extremely hard to bring this Code forward to be used by the

City, Public, and Development Community and is looking forward to finishing this monumental task.

CONFORMANCE WITH THE GENERAL PLAN

The North Ogden General Plan was adopted on September 22, 2015.

Establishing a land development code that reflects the desired future for North Ogden is a key component and one of several tools for implementing the General Plan. The Land Development Code's foundation is the Vision, Goals, Policies, and Strategies found in the General Plan.

The Land Development Code purpose statement will encapsulate the components of this implementation, i.e., safety, vision, and community character.

The following excerpt is from the General Plan Vision statement. The Vision includes statements regarding: ensuring North Ogden remains a beautiful place, the need for quality development, visual quality, transportation, the environment, improving the tax base, having a transparent government, a balanced economy, and a high quality of life:

The Vision for North Ogden

North Ogden City will continue to be a community of beautiful homes and friendly people that capitalizes on the impressive setting beneath the slopes of Ben Lomond peak. North Ogden will strive to:

- Assure that North Ogden remains a beautiful place to live, work, and recreate.
- Create a unique downtown that complements the desires of the community with an improved appearance and public spaces.
- Promote housing variety with a broad spectrum of high-quality housing options along Washington Boulevard, 2700 North, and especially within and adjacent to the Downtown and Southtown.
- Assure improved visual quality for all types of development.
- Improve current and future streets in terms of appearance, connectivity, and by providing additional city-wide choices for travel in addition to Washington Boulevard and 2700 North.
- Continue to provide a variety of parks, trails with connections to the mountains and within the community, and open spaces for the community to enjoy.
- Recognize that the proximity to the mountains also results in many environmental issues that need to be proactively addressed through community policies, incentives, and ordinances.
- Engage and connect with the community through active governmental transparency, public WIFI systems, and places for people to gather.
- Strive to create a more balanced community that results in a better, more sustainable tax base; which anticipates and reflects the diversity of housing and services necessitated by changing population life cycles, norms and preferences.
- Preserve the essential characteristics of a family friendly community that assures an enduring legacy, small town feel, and high quality of life in North Ogden.

A key Strategy is found in the Housing Goals, “Proactively evaluate current ordinances and policies to determine whether there are obstacles that can be removed or modified to achieve the community’s housing goals. This is an important issue that our Land Development Code affects the City’s ability to address. This Strategy will be further addressed in the Moderate Income Housing update agenda item.

SUMMARY OF LAND USE AUTHORITY CONSIDERATIONS

- Is the Land Use Code reorganization an appropriate, beneficial update and does it make sense for the entire City?
- Are there additional adjustments that are appropriate for this ordinance?
- Is the Land Use Code reorganization consistent with the General Plan?

STAFF RECOMMENDATION

Staff is requesting the City Council to review the codified Code at the link below:

<https://northogden.municipalcodeonline.com/book?type=plan#name=11-1: GENERAL PROVISIONS>

Staff is requesting that the City Council adopt and approve those changes highlighted in Exhibit A.

EXHIBITS

A. Overview of Key Changes - Code Reorganization

Exhibit A

Old Section	New Section	Comments/Questions	Comments from Review
	Ex, 11-7*	List order is not uniform. Can we keep them uniform and fix internal references to match?	Yes, fix these.
	Ex. 11-10B-2	Several places have questionable punctuation and it varies throughout. Would you like us to go through and correct those?	Yes, fix these.
	Sections 3 and 4	These sections both have 11-22, would you like to renumber the second 11-22 and everything after it?	Renumbered, but will double check on this.
		Do you want to remove sections in the table of contents?	Yes
11-1-12	11-1-10*	2,a Is the (c) supposed to be there?	Remove
	11-2-19*	C, should it be 1-7 outdented or add a colon before the indent?	
	11-5, Table of Contents	NONCONCOMPLYING has been changed to NONCOMPLYING	
	11-6-1*	Is there content missing in this section?	
	11-7, LAND USE APPLICATION	has (b), no (a). Should (b) be (iii)?	add an a at the start, uppcase the definition below.
	11-7*	FYI - We took out bullet points at Screen and put in Ordered list to match the rest of this section. at ADULT BOOKSTORE through SPECIFIED SEXUAL ACTIVITIES, added into ordered list.	
	11-9A-2	Is the ordered list correct 4a-d? What should it be? Compare to 11-9B-2, which way do you prefer, let's keep it uniform.	
	11-9A-3, table	After F,2,a, list order is i, ii, i. Should the second i be removed? (That would match the others [11-9B-4, 11-9J-3, 11-12-6] with this same content in SECTION 2.)	Change to (1)
	11-9B-4	Do the paragraphs in F need list items on them?	
	11-9J-3	E in table, Buildings that meet... should this be numbered in the ordered list?	
	11-12-6*	E in table, Buildings that meet... should this be numbered in the ordered list?	
	11-9C-4, table, F,3	Second column, 20, should it be 20'?	Yes
	11-9F-2, A,4	says, ... 11-9M-1411. Should it say, ... 11-9M-14?	Change to -13 and check all references in this.... Check other permitted uses sections.
	11-9H-3	Should at Under Roof be listed with a 1., in the ordered list?	
11-9J-5	11-9J-4, A,6; A,7	A,6, at end says, ... 4' in 12'. A,7, at end says, ... utilizing the from facade materials. Is there missing content?	
	11-9L-5	Is there supposed to be something after B,3?	
11-9M-16	11-9M-15	F,2, Is the a. a list item?	
	11-10B-2, A	After the table, should CANNIBAS PRODUCTION ESTABLISHMENTS be here twice?	Add this as it's own section.
	11-10B-2	Is there missing content at the end of paragraph 17?	
	11-19-3, A, 5	says, Parking of shall ... Is there missing content?	
	11-19-3, table	Are there headers missing?	
	11-20-2, B	At the end of B says, Commercial and Manufacturing Development. Should this be brought down? Or is there missing content?	
	11-21-1, B,2	FYI - Cod at the end changed to Code.	
	11-21-6, C,1,d(4)	(4), should sign structure go before 26 feet?	Will look into this.
	11-22-1* Grading	Superscripts in Table, where are the references?	
	11-23-6*	Note on PDF, asking if A-1 through 3 can be eliminated or changed? It is still on word document, does it need to be taken out or changed?	

	11-26-2*	Should this section be a different ordered list? I believe it should be A on 1st level and then 1, 2 on second level?	
	11-27-2, B	Should there be some revision of the content at the end of B? (After Chapter 8)	
	11-27-2*	Should B (C on document) really be B,1 (B,1 online) because of the colon at the end?	
NEW:			
11-2-12	11-2-12*	After D,3, should the first part of E be 4? And E start with, The Planning Department ... ??	
11-10B-3	11-10B-3	FYI - After K,6, Moved L through O to 7 through 10	
List item references questions			
Sec. 11-5 but says 11-15-10*	11-5-8*	11-15-6 This is not a section in this code. Could this be 11-5-6 from the misprint of section numbers in section 11-5?	
11-7	11-7	Lot Line, Adjustment says 10-9a-608. Should we add UCA?	
11-7	11-7	Portable Storage - 11-10-31 This is not a section in this code	
11-7	11-7	Subdivision B,10 says subsection 65?	
11-9D-2	11-9D-2	A.4 says 11-9L-14. This section is not in the code.	
11-9D-2	11-9D-2	A.9 says 11-10-20. This section is not in the code.	
11-9E-2	11-9E-2	A.11 says 11-9L-20. This section is not in the code.	
11-9K-2	11-9K-2	A.8 says section 3 and 4 below?	
11-9M-10	11-9M-9	N.6.c(5) says 11-7A,B and J. These are not in the code. Maybe section 11-9?	
11-9M-21	11-9M-20	A.1.e says subsection A2. There is no A.2 in this section.	
11-10A-3	11-10A-3	G says 11-7K-5. Could it be 11-9K-5?	
11-10A-3	11-10A-3	H.1.c not sure about these ref.	
11-10B-5	11-10B-5	says 11-20-8 This is not a section.	
11-10E-2	11-10E-2	A says 11-8C-4. Maybe it is 11-9C?	
11-10E-2	11-10E-2	E says 11-10-39. This is not a section in the code.	
11-13-5*	11-13-5*	C.5 says 11-13-6 (i). What is the (i) referencing?	
11-14-4*	11-14-4*	B says 11-16-3(H). What is this referring to?	
11-19-7*	11-19-7*	C says 11-8B-5. There is no section 11-8B.	
11-20-5*	11-20-4*	B.3 says 11-7-8. This section is not in the code.	
		B says 11-14e. There is no 11-14E. D says 11-22-2. Not sure which 11-22 this is referring to. F says 11-21-12 but this section is not in the code. S says 11-22-8D this section isn't in the code.	
11-21-3*	11-21-3*		
11-21-3*	11-21-3*	W.1 and 3. What is subsection (1) referring to?	
11-21-5*	11-21-5*	A.1 says 11-22-12 but this section is not in the code	
11-21-8*	11-21-8*	C has two bad references. 11-22-11F is not in the code.	
11-24-4*	11-25-4*	Not sure what 11-25-2 is referring to.	

ORDINANCE 2022-__

AN ORDINANCE OF NORTH OGDEN CITY AMENDING THE ZONING ORDINANCE OF NORTH OGDEN CITY, TITLE 11 LAND USE CODE

WHEREAS; The City is tasked with created the zoning code; and

WHEREAS; All issues related to zoning and subdivision of land have been combined and addressed in Title 11, Land Use Code of the North Ogden City Code;

WHEREAS; Title 11, Land Use Code has been updated, shortened, and clarified from the previous Title 11 and Title 12 sections;

WHEREAS; Errors, omissions, and references have corrected through a process of carefully auditing and reading the Code, as indicated in Exhibit A;

WHEREAS; Title 11, Land Use Code has been codified by Municode for the use of North Ogden City Staff, the public, and the development community;

NOW THEREFORE, BE IT ORDAINED by the North Ogden City Council that the North Ogden City Code Title 11 Land Use Code be amended, as follows:

SECTION 1: Text to be amended:

See Exhibit A, reference list of updates and amendments

SECTION 2: This ordinance shall take effect upon adoption.

PASSED and ADOPTED this th day of 2022.

North Ogden City:

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

CITY COUNCIL VOTE AS RECORDED:

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

ATTEST:

Susan L. Nance, CMC
City Recorder

ORDINANCE 2022-__

AN ORDINANCE OF NORTH OGDEN CITY AMENDING THE NORTH OGDEN CITY GENERAL PLAN TO UPDATE THE MODERATE INCOME HOUSING PLAN:

WHEREAS; The City has an adopted General Plan that was adopted in 2015, and

WHEREAS; The City is required to Adopt a General Plan with certain required components, and

WHEREAS; The General Plan amendment is hereby amended to update the Moderate Income Housing Plan, and

WHEREAS; The General Plan addresses the required elements in Utah State Code § 10-9a-403(2)(a), i.e., Land Use, Transportation and Traffic Circulation, Moderate Income Housing, Water Use and Preservation, and an Official Map

WHEREAS; HB 462 made significant revisions to the moderate income housing element in the state code

WHEREAS; North Ogden was required to formulate and implement an updated Moderate Income Housing Plan by the state

WHEREAS; North Ogden formulated and submitted a moderate income housing plan to the state

WHEREAS; The Planning Commission held a public hearing on August 17, 2022 regarding the adoption of the 2022 General Plan Amendment and recommended the City Council adopt the 2022 General Plan Amendment.

NOW THEREFORE, BE IT ORDAINED by the North Ogden City Council that the North Ogden City General Plan from 2015 be amended as provided in Attachment A to include the “Moderate Income Housing Update 2022” which amends and updates the plan as required by Utah State Code.

SECTION 1: Text to be amended:
See Attachment A – Moderate Income Housing Update 2022

SECTION 2: This ordinance shall take effect upon adoption.

PASSED and ADOPTED this th day of 2022.

North Ogden City:

S. Neal Berube
North Ogden City Mayor

CITY COUNCIL VOTE AS RECORDED:

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

ATTEST:

Susan L. Nance, CMC
City Recorder

MODERATE INCOME HOUSING UPDATE 2022



NORTH OGDEN CITY

— SETTLED 1851 —

2022 MODERATE INCOME HOUSING UPDATE

As of December 2021, North Ogden City had just over 6,665 residential units, the majority of which are single family units. We have seen an increase in the number of single family home permits pulled in the past several years. The City currently also has 951 connected units in the City based on City and County records. Attached dwelling units are more affordable than single family units, though it is not always the case; this pattern, however, seems to be the general trend for the North Ogden Area based on the data provided by the Department of Workforce Services. The majority of these attached dwelling units are 4-plexes and duplexes, but some are townhomes or other similar types of dwelling units. Additionally, there are 558 apartments across two different projects, 365 townhomes, and 68 independent living units which have been approved and vested in North Ogden City, which are anticipated to be under construction in the next few years. In all, the City expects the number of total dwelling units to increase to over 7,250 residential units by 2025 with approximately 1,942 of those units being connected units. This means approximately 26.8% of North Ogden City's housing stock will be some sort of attached family unit by 2025. The number of approved connected units continues to represent a higher percentage of total growth for the city compared to single-family units. This will ultimately assist in providing affordable housing options for residents.

The State Code outlines several required components of the Moderate Income Housing Plan. The following sections are intended to satisfy the requirements articulated in 10-9a-103. The Data provided comes from the Utah Department of Workforce Services.

Section 6: Monthly housing costs in North Ogden city

Table B25088 Table B25064	2009 American Community Survey	2017 American Community Survey	Annual Growth Rate (Slope)	2026 Projection	Difference between 2017 and 2026
Total owner-occupied housing unit costs (ACS Table B25088)	\$1,312	\$1,210	-\$18	\$1,054	\$ (156)
Units with a mortgage (ACS Table B25088)	\$1,465	\$1,418	-\$10	\$1,334	\$ (84)
Units without a mortgage (ACS Table B25088)	\$352	\$413	\$8	\$470	\$ 57
Median gross rent (ACS Table B25064)	\$831	\$1,026	\$30	\$1,272	\$ 246

*Source 1: U.S. Census Bureau. Table B25088: Median selected monthly owner costs (Dollars) by mortgage status. American Community Survey.

*Source 2: U.S. Census Bureau. Table B25064: Median gross rent (Dollars). American Community Survey.

Section 7: Median household income in North Ogden city

Table B25119	2009 American Community Survey	2017 American Community Survey	Annual Growth Rate (Slope)	2026 Projection	Difference between 2017 and 2026
Median household income (ACS Table B25119)	\$74,384	\$78,926	\$544	\$81,519	\$ 2,593
Owner-occupied income (ACS Table B25119)	\$76,799	\$83,138	\$659	\$86,068	\$ 2,930
Renter-occupied income (ACS Table B25119)	\$43,867	\$59,583	\$3,036	\$82,986	\$ 23,403

*Source 1: U.S. Census Bureau. Table B25119: Median household income that past 12 months by tenure. American Community Survey.

(a) an estimate of the existing supply of moderate income housing located within the municipality;

Calculate the municipality's housing gap for the current year by entering the number of moderate-income renter households, affordable and available rental units from TABLE 1 below:

2020 Shortage	Renter Households	Affordable Rental Units	Available Rental Units	Affordable Units - Renter Households	Available Units - Renter Households
≤ 80% HAMFI	370	810	370	440	0
≤ 50% HAMFI	165	285	105	120	-60
≤ 30% HAMFI	50	60	15	10	-35

Calculate the municipality's housing gap for the previous annual by entering the number of moderate-income renter households, affordable and available rental units from TABLE 2 below:

2016 Shortage	Renter Households	Affordable Rental Units	Available Rental Units	Affordable Units - Renter Households	Available Units - Renter Households
≤ 80% HAMFI	410	725	369	315	-41
≤ 50% HAMFI	165	225	119	60	-46
≤ 30% HAMFI	75	65	15	-10	-60

Subtract Table 2 from Table 1 to estimate progress in providing moderate-income housing

PROGRESS	Renter Households	Affordable Rental Units	Available Rental Units	Affordable Units - Renter Households	Available Units - Renter Households
≤ 80% HAMFI	-40	85	1	125	41
≤ 50% HAMFI	0	60	-14	60	-14
≤ 30% HAMFI	-25	-5	0	20	25

According to the information provided by Utah Department of Workforce Services, the City has increased the number of affordable housing units from 2016 to 2020 in all income categories, and only lags behind in the 50% Household Area Median Income (HAMI) category.

This data is based on Census and American Communities Survey information. The reality for the Wasatch Front is that household costs for ownership and rentals have increased dramatically in the past 12-18 months. The data is essentially lagging. In response to what the city is seeing on the ground with true prices, there is a continued push to increase the number of affordable options for residents in the city.

In the 2019 Moderate Income Housing Plan, it was estimated that there were at least 700 and possibly as many as 1051 households with less than 80% AMI who are currently paying over 30% of their income for their monthly housing costs. Since there were 2637 households in the 80% AMI or lower range, this is significant; this data indicates that roughly 27-40% of the existing households under the 80% AMI are paying over 30% of their monthly income towards housing expenses. The city expects this to still be the case today.

(b) an estimate of the need for moderate income housing in the municipality for the next five years;

Approximate Housing Cost Burden Ratio at HUD's 80%, 50%, and 30% Income Limits based on a 4-Person Family Household

Table B25088 Table B19019	2009 American Community Survey	2017 American Community Survey	2026 Projection
Ratio of median rent in the municipality to 100% of the median income of a family of 4 in the county	16.1%	15.6%	16.6%
Ratio of median rent in the municipality to 80% of the median income of a family of 4 in the county	20.1%	19.5%	20.8%
Ratio of median rent in the municipality to 50% of the median income of a family of 4 in the county	32.1%	31.2%	33.2%
Ratio of median rent in the municipality to 30% of the median income of a family of 4 in the county	53.5%	52.0%	55.4%

*Ratios greater than 30% indicate that the average 4-person family household in the county would be burdened by the typical housing costs in the municipality. Ratios greater than 50%

indicate that the average 4-person family household in the county would be severely burdened by the typical housing costs in the municipality.

The City is constrained by the ability of the Planning Department and Building Department to approve and develop property within the City. Over the past several years the City has seen a significant up-tick in the number of housing units permitted and constructed. Using this historical information with the number of units increasing dramatically in the past several years the City estimates to be permitting 200 residential units to 250 units per year for the next five years. The City's overall estimate is that 1250 housing units will be created in the next five years.

According to the data provided by the Utah Department of Workforce Services, the 2026 projection of cost burden ratios remain under 30% for the 100% HAMI and 80% HAMI. However, the city will need to provide additional units affordable for the 50% HAMI and the 30% HAMI levels. In order for the city to provide these units, some form of subsidized housing or an increase in accessory dwelling units will be necessary to meet housing needs for those income levels.

(c) a survey of total residential land use; (City Numbers) 6665+ total units, 951 connected units

According to the City's records, there are the following numbers of total housing units in the City:

- 6665 Total Housing Units
- 951 Connected Housing Units
- 5714 Single Family Residential Units
- There are an additional number of connected and single family units in various stages of construction as of November 1, 2021.

*Source City Building Permit Records / City Utility Connection Records

(d) an evaluation of how existing land uses and zones affect opportunities for moderate income housing; and

This topic is addressed, but not specifically identified in the City's Goals below for ways to promote, encourage, and maintain the current levels of Moderate Income Housing and to add additional units of Moderate Income Housing.

(e) a description of the municipality's program to encourage an adequate supply of moderate income housing.

This topic is addressed below in the City's Moderate Income Housing Goals

CITY'S MODERATE INCOME HOUSING GOALS

A. Rezone for densities necessary to facilitate the production of Moderate Income Housing.

The City is experiencing growth pressures and requests from the development community for increased densities and housing types. In response, the City has reviewed areas of the General Plan Future Land Use Map where increased density makes the most sense. The Future Land Use Map has been adopted, and the General Plan document and language is in process of being updated. The City has been responsive to requests for rezones in the areas approved in the General Plan Future Land Use Map and during the summer of 2022 rezoned two properties to R-4 (the most intense multi-family zone).

Implementation Measure	Time - Months
General Plan Future Land Use Map Adoption	Complete
General Plan Written Text and Document Update	12
Market driven rezone requests - Evaluate developer's response to increased density areas to provide new moderate income housing options	24-36

E. Create or allow for, and reduce regulations related to, internal or detached accessory dwelling units in residential zones.

Interest in ADUs is growing, and the Planning Department regularly responds to residents looking for information about ADU regulations. Staff is hopeful that over the next 5 years the City could add 5 to 10 ADUs per year to help meet the goals of moderate income housing. Though no formal study has been completed, the hope is that because of reduced building and infrastructure requirements for ADUs that property owners will be able to participate in the ADU program at a much lower cost allowing more flexibility in rental rates to recoup their investment. The addition of ADUs in these neighborhoods, where streets and other utility main lines are already in place, is a primary tool hoped to leverage these existing resources to enable lower cost for construction of affordable housing, without overburdening the demand.

Implementation Measure	Time - Months
Ordinance passed allowing Internal ADU's in all single-family residential zones	Complete
City encourage and communicate to homeowners the possibility to construct ADUs to provide affordable housing	12
Process building permits: 5-10 ADU's per year is a realistic number of expected new ADUs in North Ogden annually	12

G. Amend land use regulations to allow for higher density or new moderate income residential development in commercial or mixed-use zones near major transit investment corridors.

The North Ogden City General Plan adopted in 2015 has a focus on the concentration of medium density housing in close proximity to UTA bus routes along Washington Blvd. The majority of the City's current higher density units are along the Washington Blvd. corridor and within ¼ mile of a UTA bus stop. Though these bus routes do not qualify as "transit investment corridors" they are the largest public transit investment by the state into our community and the City feels that access to bus routes is vital to the successful creation of MIH.

Implementation Measure	Time - Months
General Plan language to focus on medium density housing in close proximity to UTA routes	Complete
Process building permits: 600 entitled units expected to file for building permits in the next 12-36 months	12-36
Half of all new units to be located within ¼ mile of major bus routes and all within ½ mile of the bus line.	12-24

J. Implement zoning incentives for moderate income units in new developments

The City will explore regulations associated with zoning incentives for low to moderate income units to include:

- Deed restrictions for density incentives
- Density bonus programs
- Increasing density across all zones
- Adding small lot subdivisions
- Adding additional housing types
- Shortening development approval timeline for densities greater than 6 per acre
- Encouraging mixed use in commercial zones

Implementation Measure	Time - Months
Staff will develop Code language to permit zoning incentives for low to moderate income units – Including density trade off for open space preservation	6-12
Staff will develop Code language to permit shortened development approval timeline for densities greater than 6 units per acre	6-12

L. Reduce, waive, or eliminate impact fees related to moderate income housing

The City has limited ability to reduce impact fees without making up the lost revenue. There is more flexibility in reducing the standard building permit fees for those projects which have a beneficial impact on moderate income housing. The City needs to meet with the development community to discuss strategies for bringing subsidized units into future projects. These subsidies can be used to make up the reduction in revenue that impact fees bring in to cover essential services.

Implementation Measure	Time - Months
Review Consolidated Fee Schedule for standard building fees to look for potential reductions for MIH	12
Meet with development community to talk about options for subsidized housing in single and multi-family projects	6



Staff Report to the North Ogden City Council

SYNOPSIS

Description: The Council was approached about allowing a group of residents to be more involved in the budget process. This will be a discussion about who those residents are and what are the parameters for this new group

Date: November 16, 2022

STAFF INFORMATION

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

QUESTION FOR COUNCIL

What is the role of this new committee and how best can they benefit the Council during the budget process?

BACKGROUND

Several residents approached the Council with concerns about how the budget process occurs and how it is approved. The city has a long history of residents with these concerns. There have always been questions about how the city allocates resources and who should be the decision makers. I would recommend the Council determine what are the needs and purposes behind this committee to help facilitate the process in making them a meaningful part of the process.

Some important questions will be:

- What is the question or goal this committee with answer or accomplish?
- What level do you want them involved at?
- What resources do you want to dedicate to this committee?

Another question that needs to be asked is whether or not you want this group to be an official committee that is recorded on youtube and has minutes and agendas like other official committees, or whether this would be a subcommittee bringing recommendations to the Council or Audit committee. Making this an official committee will put some additional burdens on the recorders office and those employees who will need to attend to provide information to the group.

RECOMMENDATION

Staff recommends that this be an informal subcommittee with clearly stated goals and expectations. If the committee is more formal then it would be helpful to give them some authority over the budget to make it easier for those preparing the budget to not present the same information twice, but once things are approved to have summaries presented to other city committees and groups.



Staff Report to the North Ogden City Council

SYNOPSIS

Description: We have selected the playground we would like to install at Wadman but had some discussions about making it more accessible to all children. We are looking for some additional funding to add features to make it more of an all-abilities playground.

Date: November 17, 2022

STAFF INFORMATION

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

QUESTION FOR COUNCIL

Can we have some additional funding with a focus specifically on creating an all-abilities playground?

BACKGROUND

We are replacing Wadman Park playground which currently utilizes a solid surface matting. The new design also includes the same solid surface matting which provides an opportunity to get some additional features for use by children in wheel chairs along with other interesting components. We plan to have an updated quote for the Council but are asking for 40k in additional funding for these components for a total of \$140,000. This will allow us to create an engaging space for all kids in our community, despite the small footprint area.

RECOMMENDATION

Staff recommends the Council approve additional funds of at least 40k to make the Wadman playground an all abilities playground.

Proposal for North Ogden City

Prepared by



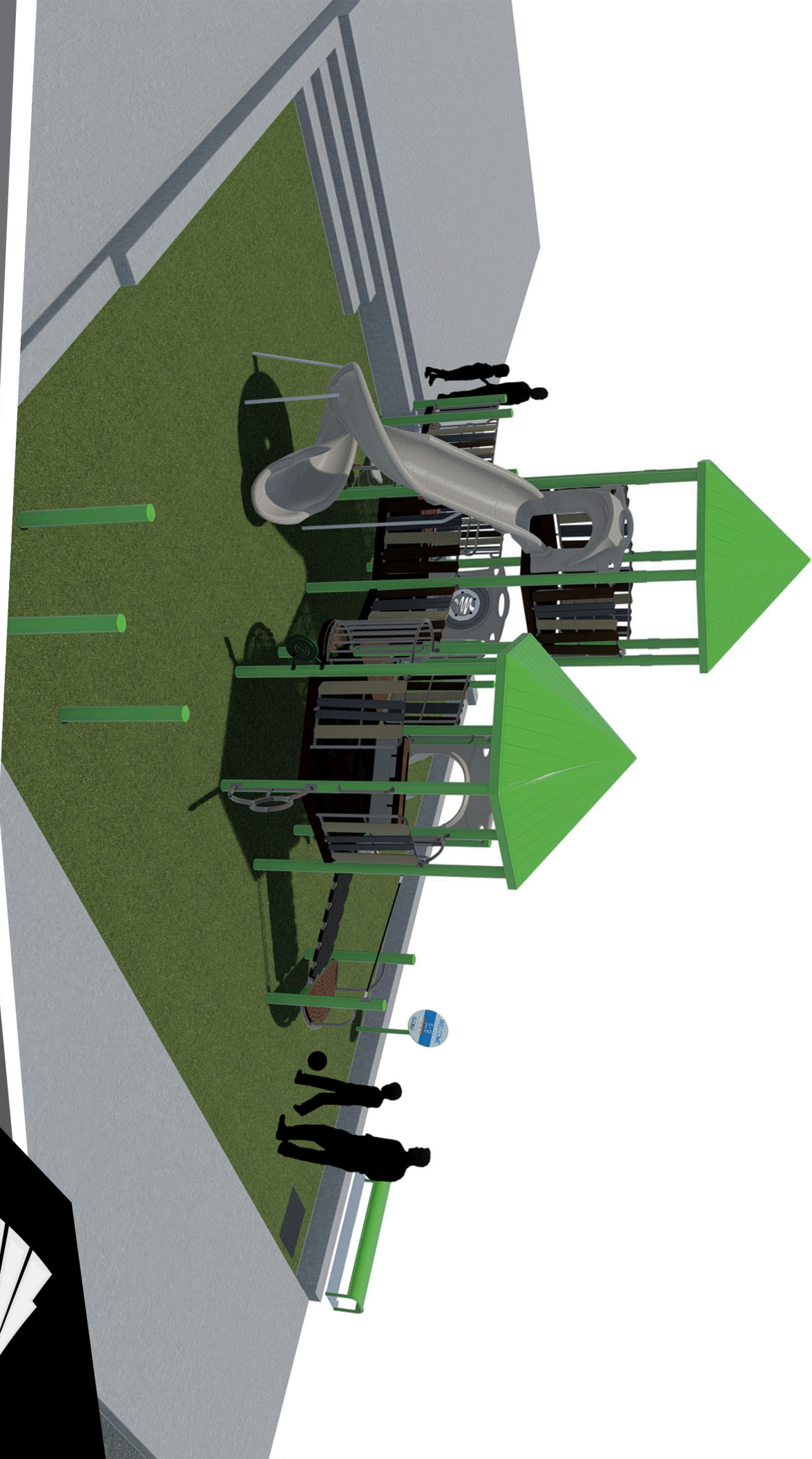
10-03-2022
Job # 107671-01

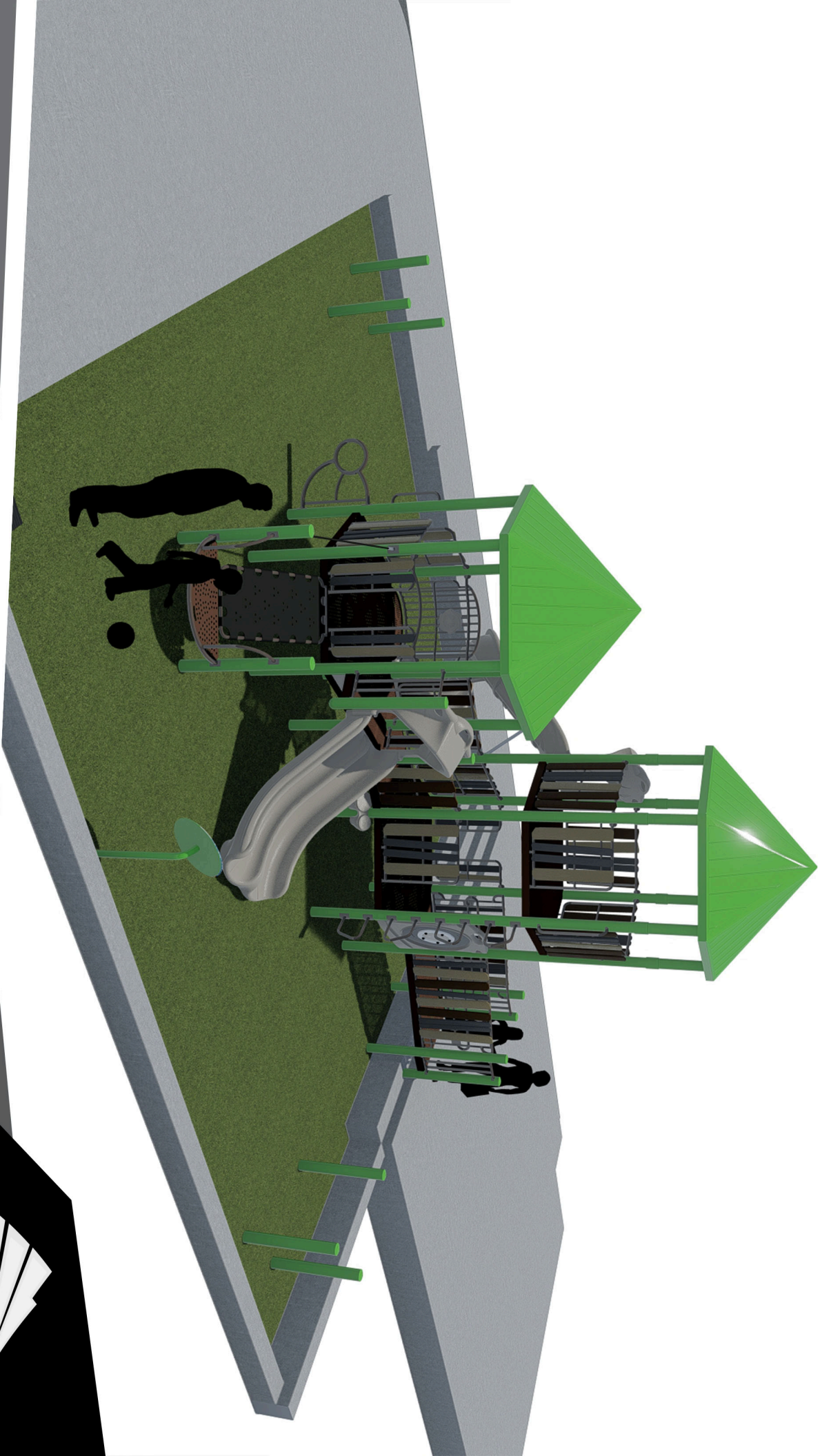
Wadman Park - Playground

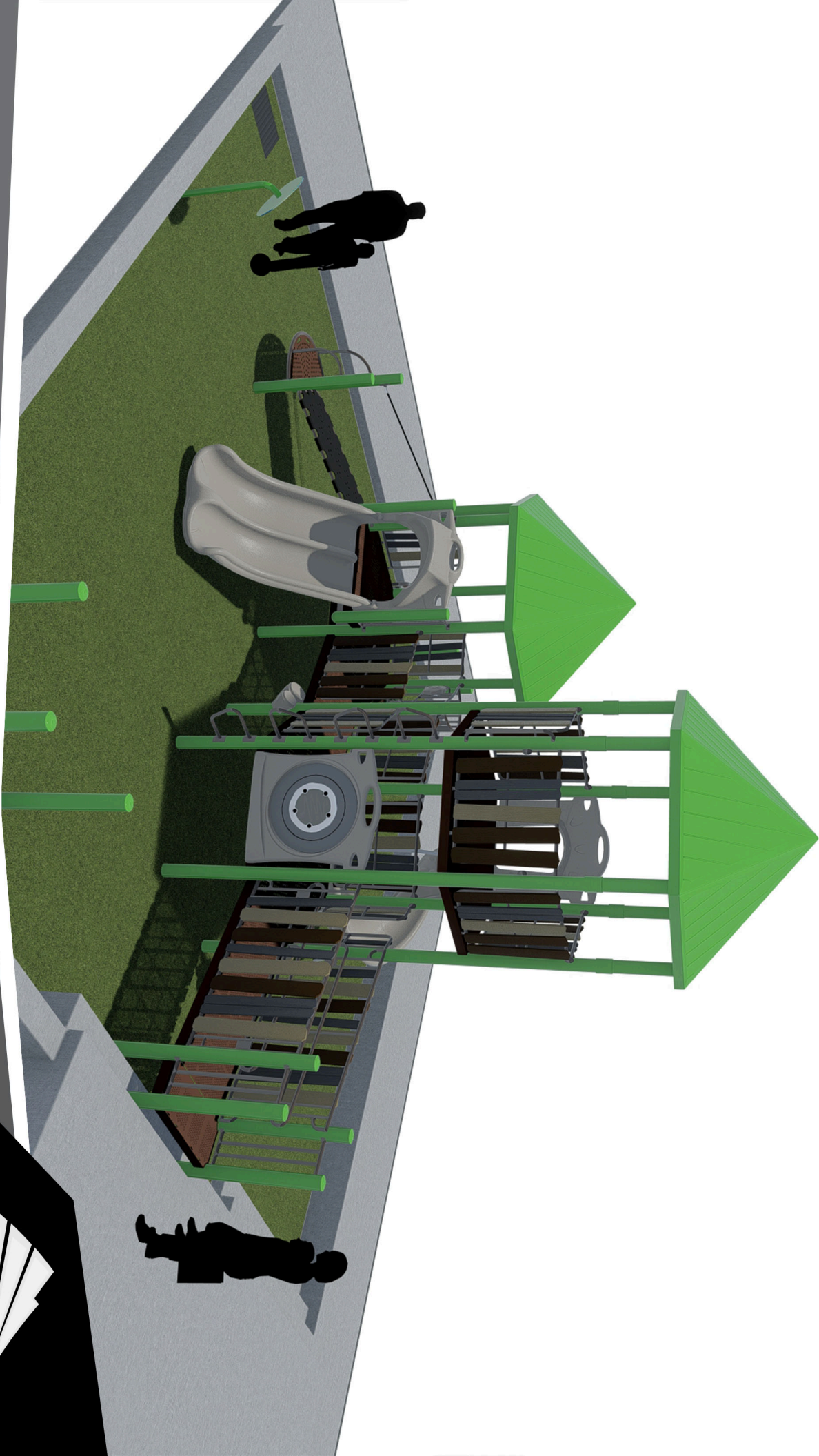


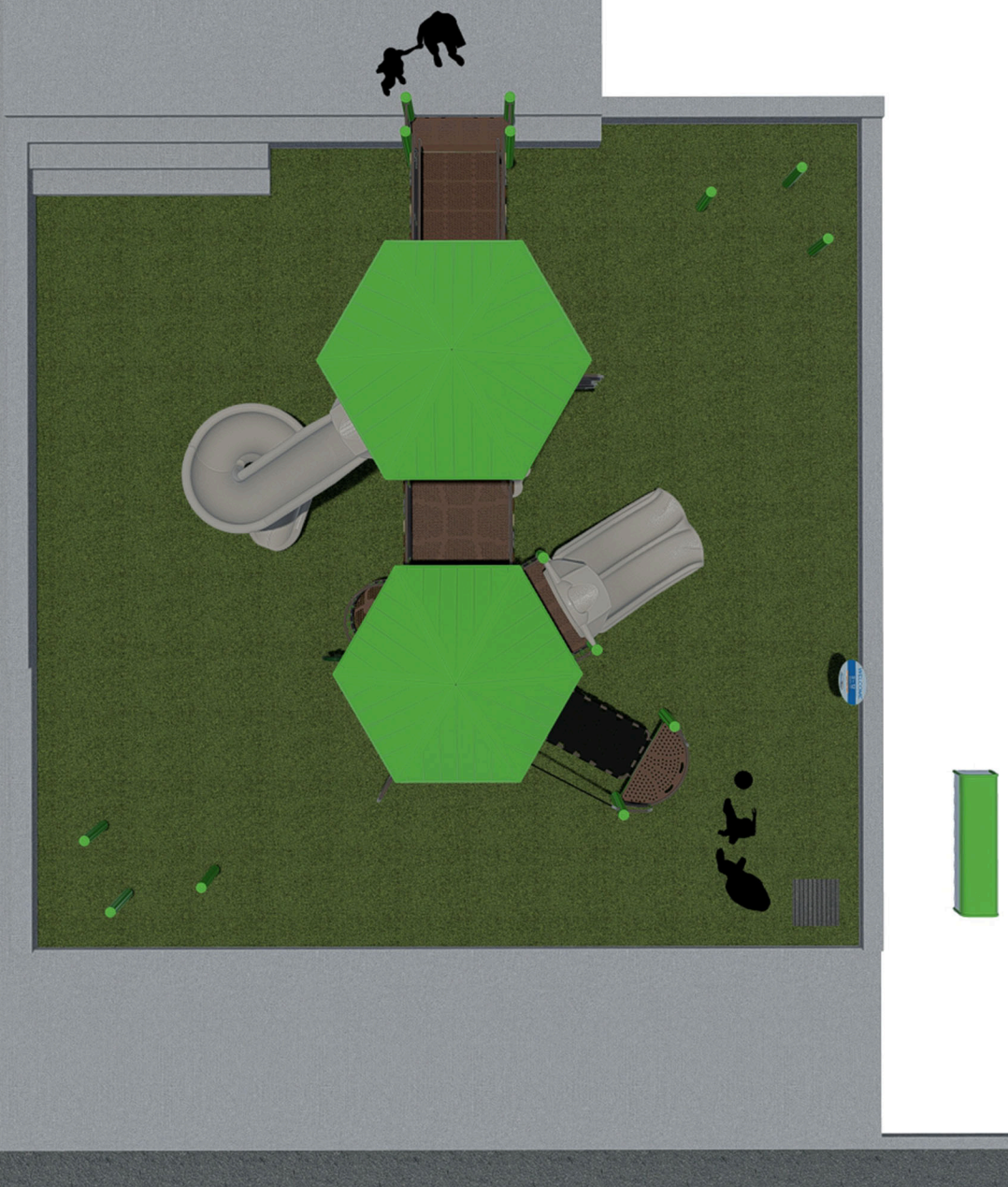
800.235.2440 | gwpark.com











PRIMARY PALETTES

Allegiance



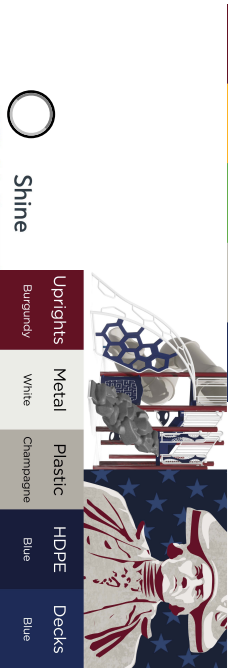
Cum Drop



Jovial



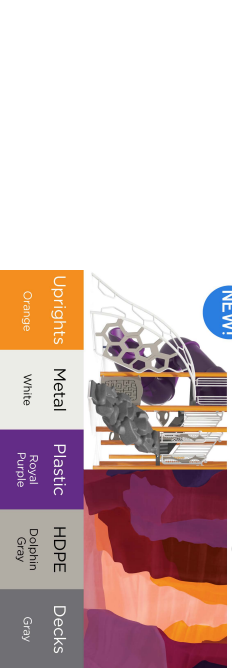
Patriot



Shine

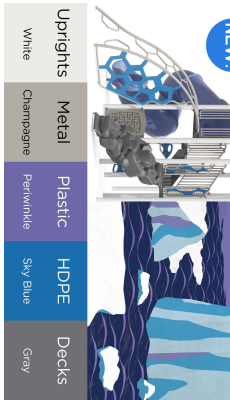


Sunrise

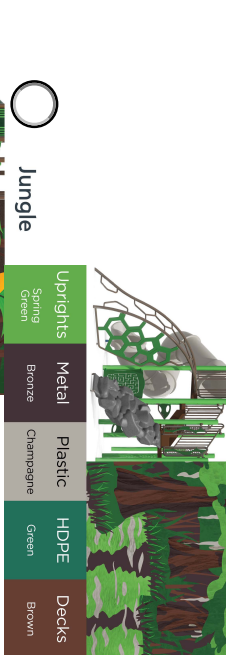


NATURAL PALETTES

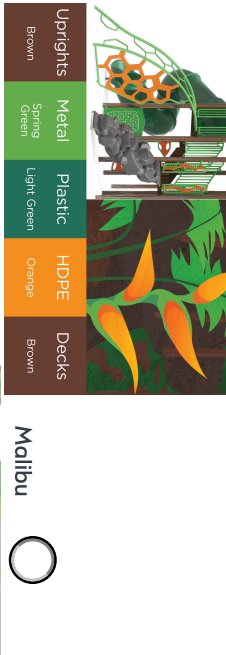
Arctic



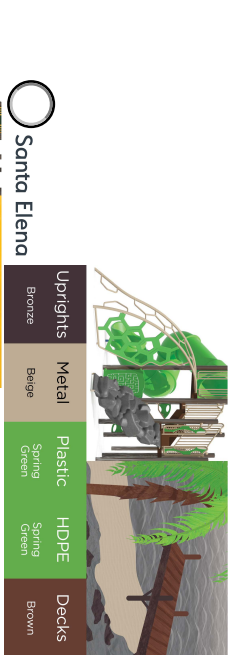
Bayou



Jungle



Malibu



Santa Elena

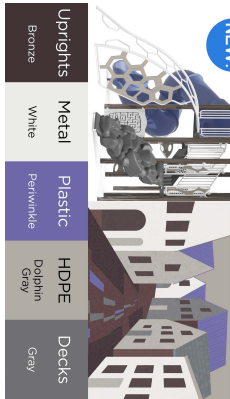


Spring Bloom

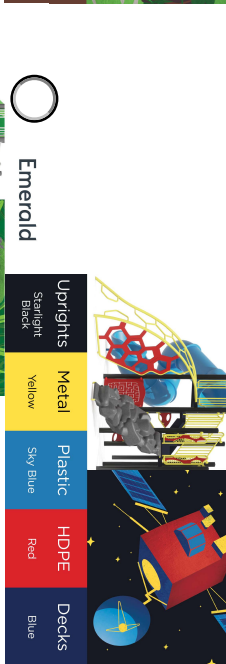


CONTEMPORARY PALETTES

Avalon



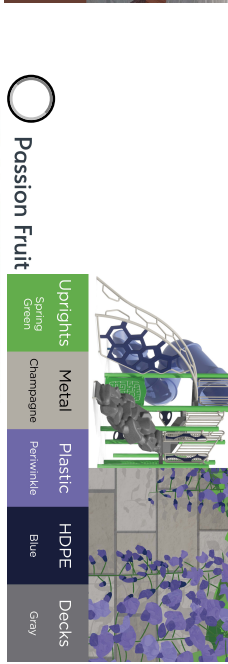
Deep Space



Emerald



Honeysuckle



Passion Fruit



Whimsy





Drawn By:
LP/QL

Date:
09/28/2022

Drawing Name:
107671-01-OPT1



GameTime C/O Great Western Recreation
P.O. Box 680121
Fort Payne, AL 35967
Office: 435-245-5055 Fax: 435-245-5057
www.gwpark.com

10/03/2022
Quote #
107671-01-01

Wadman Park - Playground

North Ogden City
Attn: Sara Lansing
505 East 2600 North
North Ogden, UT 84414
Phone: 801-399-8229

Ship to Zip 84414

Quantity	Part #	Description	Unit Price	Amount
1	RDU	GameTime - Custom 5-12 Playground Equipment- Reference Drawing #107671-01-OPT1	\$78,570.00	\$78,570.00
1	5179	GameTime - Welcome Sign (5-12)	\$561.00	\$561.00
1	UF4756	GT-Site - 6' Seat - Surface Mount	\$1,456.00	\$1,456.00
1181	Turf	GT-Impax - Turf- 1,181 sf, CP PL921 Turf with Envirofill 10' CFH (Buffings) Includes 140 lf nailers at the perimeter No Design, No TTA pads Based on good job access Regular Wages Installing over existing concrete, to existing concrete borders Security / Fencing BY OTHERS	\$31.96	\$37,744.76
1	INSTALL	Install - Installation of Playground and Turf- Non-Prevailing Wages	\$10,500.00	\$10,500.00
			Sub Total	\$128,831.76
			Discount	(\$37,847.94)
			Material Surcharge	\$11,181.45
			Freight	\$8,030.47
			Total	\$110,195.74



GameTime C/O Great Western Recreation
P.O. Box 680121
Fort Payne, AL 35967
Office: 435-245-5055 Fax: 435-245-5057
www.gwpark.com

10/03/2022
Quote #
107671-01-01

Wadman Park - Playground

Comments

Your Sales Rep is Lewis Painter. Please reach out to Lewis at 435-760-2416 if you should have any questions regarding this quote.

Due to the volatility of freight costs, the freight pricing is subject to change at the time of order.

***Pricing is based on 2022 pricing. Orders MUST be placed before November 1, 2022, and MUST be shipped by December 31, 2022 to qualify. Any orders placed after November 1, 2022 will be subject to 2023 pricing.

***OPTIONAL-To include a Payment and Performance Bond, please add \$1,685 plus tax if applicable.

Material Surcharge reflects raw material price increase

Shipping to Site:
2700 N 1050 E
North Ogden, UT 84414

*Freight charges are based on listed zip code and are subject to change if shipping information changes.

*Deposit may be required.

Non-Prevailing Wages

Remit Payment to:

GameTime
P.O. Box 680121
Fort Payne, AL 35968

Taxes:

All applicable taxes will be added at time of invoicing unless otherwise included or a tax-exempt certificate is provided. If sales tax exempt, you must provide a copy of certificate to be considered exempt.

Prices:

FOB Factory.

Orders:

All orders shall be in writing by purchase order, contract, or similar document made out to PlayCore Wisconsin Inc., dba GameTime. Standard GameTime equipment orders over \$100,000 may require a deposit of 25% at the time of order and an additional 25% at or before order ships. Standard orders with equipment, installation and surfacing are requested to be split billed. Equipment, Taxes & Freight as noted above. Installation and Surfacing billed as completed and Due Upon Receipt.

Terms:

Cash With Order Discount (CWO): Orders for GameTime equipment paid in full at time of order via check, Electronic Funds Transfer (ACH or wire) are eligible for a three percent (3%) cash with order discount.

Payment via credit card: If you elect to pay by credit card, GameTime charges a 2.50% processing fee that is assessed on the amount of your payment. This fee is shown as a separate line item and included in the total amount charged to your credit card. You have the option to pay by check, ACH or Wire without any additional fees.

Credit terms are Net 30 days, subject to approval by the GameTime Credit Manager. A completed credit application must be submitted and approved prior to the order being received. Please allow at minimum 2 days for the credit review process. GameTime may also require:

Completed Project Information Sheet (if applicable)

Copies of Payment and Performance Bonds (if applicable)

A 1.5% per month finance charge will be imposed on all past due invoices.

Retainage not accepted.

Orders under \$5,000 require payment with order.





GameTime C/O Great Western Recreation
P.O. Box 680121
Fort Payne, AL 35967
Office: 435-245-5055 Fax: 435-245-5057
www.gwpark.com

10/03/2022
Quote #
107671-01-01

Wadman Park - Playground

INSTALLATION CONDITIONS:

- **ACCESS:** Site should be clear, level and allow for unrestricted access of trucks and machinery.
- **STORAGE:** Customer is responsible for providing a secure location to off-load and store the equipment during the installation process. Once equipment has delivered to the site, the owner is responsible should theft or vandalism occur unless other arrangements are made and noted on the quotation.
- **FOOTER EXCAVATION:** Installation pricing is based on footer excavation through earth/soil only. Customer shall be responsible for unknown conditions such as buried utilities (public & private), tree stumps, rock, or any concealed materials or conditions that may result in additional labor or materials cost.
- **UTILITIES:** Owner is responsible for locating any private utilities.
- **ADDITIONAL COSTS:** Pricing is based on a single mobilization for installation unless otherwise noted. Price includes ONLY what is stated in this quotation. If additional site work or specialized equipment is required, pricing is subject to change.

ACCEPTANCE OF QUOTATION:

Acceptance of this proposal indicates your agreement to the terms and conditions stated herein.

Accepted By (printed): _____ Title: _____

Purchase Amount: **\$110,195.74** Date: _____

Customer Signature

Please fill out this **ORDER FORM**, this is required to process the order.



Staff Report to the North Ogden City Council

SYNOPSIS

Description: The City Manager requesting that the Council authorize the hiring of an internal candidate for the Assistant City Manager position. This individual would take responsibility for several areas of the management of the city, while still doing much of their existing positions so that as the city grows, we can determine the best way to share responsibility for the management of the city and other tasks.

Date: November 17, 2022

STAFF INFORMATION

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

QUESTION FOR COUNCIL

Can we begin the hiring process for an internal candidate for assistant city manager?

BACKGROUND

North Ogden City has grown to a point where job sharing, and other strategies are starting to leave gaps in coverage for all the needs of the city. I am proposing that the council authorize the promotion of an internal candidate to the title of Assistant City Manager so that we can share responsibility, provide for a professional development path, for department heads and others, and provide better service to the Council and those who work for the city.

I anticipate the position would be posted with a range of \$97,500 to \$119,000. Depending on the individual hired this increase could be from \$10,000 to \$25,000 with associated benefits. The money for this position would be budgeted out of cost savings for salaries in other departments with the current plan of not replacing some employees who have taken other jobs.

RECOMMENDATION

I would recommend the Council consider the proposal and we post the position anticipating that an internal candidate would be selected by myself and the Council and put in place at the beginning of January 2023.