

1 NORTH OGDEN CITY COUNCIL MEETING MINUTES

2
3 March 31, 2015

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5 The North Ogden City Council convened in an open meeting on March 31, 2015 at 5:35 p.m. in
6 the North Ogden City Council Chambers at 505 East 2600 North. Notice of time, place and
7 agenda of the meeting was delivered to each member of the City Council, posted on the bulletin
8 board at the municipal office and posted to the Utah State Website on March 27, 2015. Notice of
9 the annual meeting schedule was published in the Standard-Examiner on December 21, 2014.

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12 PRESENT: Brent Taylor Mayor
13 Kent Bailey Council Member
14 Lynn Satterthwaite Council Member
15 Cheryl Stoker Council Member
16 Phillip Swanson Council Member
17 James Urry Council Member
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19 STAFF PRESENT: Bryan Steele Finance Director/City Administrator
20 Annette Spendlove City Recorder
21 Jon Call City Attorney
22 Brent Chugg Public Works Project Manager
23 Rob Scott City Planner

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25 VISITORS: Charles Crippen Mary Jones Ricky Hatch
26 A. Kent Greenwood Loron Marler Cathy Marler
27 Kaye Wilson Joy Thornock Dale Boatwright
28 Charles Paul Shelley Hancock Judy White
29 Lynn Humphreys Steve Hadley Mark Pontius
30 Steve Rasmussen Jeff Newman Tom Baguley
31 John Hansen Tami Johnson Jill Hardee
32 Rachel Trotter Cheryl Humphreys LoRen Baguley
33 Randy Winn Jim Seely Jessica Jones
34 Randy Bockas Brett Jones Craig Walker
35 Kim White

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37 **5:30 PM**

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39 **1. DISCUSSION AND/OR ACTION TO CONSIDER A CLOSED MEETING TO**
40 **DISCUSS PENDING OR REASONABLY IMMINENT LITIGATION AND A**
41 **STRATEGY SESSION TO DISCUSS THE PURCHASE, EXCHANGE, OR**
42 **LEASE OF REAL PROPERTY ACCORDING TO UTAH CODE 52-4-205**

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44 Council Member Swanson made a motion to convene in a Closed Meeting to discuss
45 pending or reasonably imminent litigation and a strategy session to discuss the purchase,
46 exchange, or lease of real property according to Utah Code 52-4-205. Council Member
47 Satterthwaite seconded the motion.

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Voting on the motion:

- Council Member Bailey aye**
- Council Member Satterthwaite aye**
- Council Member Stoker aye**
- Council Member Swanson aye**
- Council Member Urry aye**

The motion passed unanimously.

The Closed Meeting began at 5:35 p.m. The meeting reconvened at 6:35 p.m.

Mayor Taylor welcomed those in attendance.

Council Member Swanson offered the invocation and led the audience in the Pledge of Allegiance.

WORK SESSION AGENDA

1. PRESENTATION ON ‘VOTE BY MAIL’

Ricki Hatch, Weber County Clerk, used the aid of a PowerPoint presentation to provide the Council with information regarding coordination of a vote by mail election as an option for the North Ogden 2015 Municipal Election. He reviewed the pros and cons of a vote by mail election, after which he noted there are three options available to the City: conduct an entire election by mail, conduct a hybrid election where all registered voters will receive a ballot by mail but will also have the opportunity to cast their vote on a machine at a vote center on election day, or a traditional election. He noted there is a perceived risk of fraud associated with vote by mail elections, but there have been no voter fraud cases in Utah resulting from vote by mail elections. He reviewed the process the Council follows to verify vote by mail ballots are voted by the person they were sent to, after which he concluded the cost per vote for a vote by mail election is much lower than in a traditional election because vote by mail increases voter turnout.

Mayor Taylor referenced the transportation tax recently passed by the State Legislature and asked what would happen if the County does a county-wide local option election via by-mail balloting, but the City opts for a traditional election. Mr. Hatch stated that if the County were to move forward with a county-wide election for the transportation tax, the vote by mail system would be used; if the City opted for a traditional election, voters would receive their County ballot in the mail, but would need to come in person to vote their City ballot. He added that to date, 13 of the 15 municipalities in Weber County have chosen a vote by mail or hybrid option for their municipal election; he feels voters will be confused if they receive a county ballot in the mail, but are told they need to vote their municipal ballot in person.

93 Council Member Bailey stated that it seems there is some hesitation to vote by mail in the area
94 and he asked why that is occurring. Mr. Hatch stated that has been a trend in Davis County, but
95 he is not sure of the reasons for that hesitation; however, half of the cities in Davis County have
96 opted for the vote by mail option for their upcoming municipal elections. Council Member
97 Bailey inquired as to any measures in place to prevent someone from influencing a resident
98 relative to how to cast their vote by mail ballot. Mr. Hatch stated there is no way for the County
99 to control how a resident votes their vote by mail ballot; a husband and wife may discuss their
100 ballots and vote together and there is no way for the County to insert themselves into that
101 process.

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103 Council Member Satterthwaite inquired as to the number of cities in Weber County that have
104 opted for the hybrid option. Mr. Hatch stated he believes all 13 cities have opted for the hybrid
105 option and noted it is less expensive than an all by mail system while still giving residents more
106 voting options. He noted there will be a ballot box at City Hall for the 30 days prior to election
107 day that will allow people to deliver their by mail ballots in person.

108
109 Council Member Bailey noted that Mr. Hatch stated that voting equipment is becoming obsolete,
110 but he cannot envision a time when elections will be conducted entirely by mail. He inquired as
111 to the plan for the future of elections. Mr. Hatch stated that County Clerks across the state have
112 assembled to create an equipment replacement selection committee that is working to provide
113 specifications for a voting equipment request for proposals (RFP). This will be a multi-year
114 process and he is hopeful that new equipment will be available by 2020.

115
116 There was a brief general discussion regarding the final voting option, which is paper balloting
117 that was used prior to the implementation of electronic voting equipment, after which Mayor
118 Taylor noted that the issue will be presented to the Council for a vote in a future meeting. He
119 stated that he would support a hybrid vote by mail option over an election conducted entirely by
120 mail. Council Member Swanson stated he would also support the hybrid option as it gives
121 everyone the opportunity to be fully informed of ballot issues that may be listed on their ballot.

122
123 Mayor Taylor asked if there is a chance that election results may not be available on election
124 night if by mail ballots continue to trickle in after Election Day. Mr. Hatch stated that is a
125 possibility, but it is slim.

126
127 There was then discussion regarding options voters have for getting a new ballot or voting on a
128 voting machine in the event they lose the ballot that was mailed to them, after which discussion
129 continued regarding voter fraud opportunities and preventing voter fraud.

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132 **2. DISCUSSION TO CONSIDER AMENDMENTS TO THE POLITICAL SIGN**
133 **CODE**

134
135 A staff memo from City Planner Scott explained when the City Council is acting in a legislative
136 capacity the Council has wide discretion. Examples of legislative actions are general plan,
137 zoning map, and land use text amendments. Legislative actions require that the Planning
138 Commission give a recommendation to the City Council. Typically the criteria for making a

139 decision, related to a legislative matter, requires compatibility with the general plan and existing
140 codes. Staff has been requested to provide options on amending the political sign provisions of
141 the zoning ordinance. The North Ogden City zoning ordinance is found in 11-22-12 Political and
142 Ideological Signs. The ordinance provides standards for all residential zones in one subsection
143 and the RE-20 zone and commercial and manufacturing zones in another. Typical standards for
144 height, area, aggregate square footage, not allowed to project into the right of way, and a removal
145 standard are included. In addition to signs already permitted, political signs may be located
146 within the following parameters:

- 147 1. HP-3, HP-2, HP-1, R-1-12.5, R-1-10, R-1-8, R-1-8(A), R-1-8(AG), R-2, R-3 and R-4
148 zoning districts:
 - 149 a. Shall not be over four and one-half feet (4 ½') in height.
 - 150 b. No sign shall exceed six (6) square feet.
 - 151 c. The aggregate square footage of such signs shall not exceed twenty four feet (24') on
152 any lot or parcel.
 - 153 d. Except as otherwise permitted in this title, no such sign or portion of the sign may be
154 located in or project into, a public right of way or an adjoining property.
 - 155 e. Political signs shall be removed within five (5) days after the election or referendum
156 to which they refer. Signs for candidates successful in a primary election, and who
157 must be elected in a general or runoff election are permitted to leave their political
158 signs in place until five (5) days after the general election, or if necessary, runoff
159 election.
- 160 2. RE-20, C-1, CP-1, CP-2, C-2 and MP-1 zoning districts:
 - 161 a. Shall not be over four and one-half feet (4 ½') in height.
 - 162 b. Shall not exceed eight feet (8') in width.
 - 163 c. The aggregate square foot of such signs shall not exceed thirty two feet (32') on any
164 lot or parcel.
 - 165 d. Except as otherwise permitted in this title, no such sign or portion of the sign may be
166 located in or project into, a public right of way or an adjoining property.
 - 167 e. Political signs, not otherwise permitted as commercial signs, shall be removed within
168 five (5) days after said election or referendum to which they refer. Signs for
169 candidates successful in a primary election, and who must be elected in a general or
170 runoff election are permitted to leave their political signs in place until five (5) days
171 after the general election, or if necessary, runoff election.

172 *Adopted by Ord. 2002-05 on 41912002*

173
174 Staff suggests that the City Council discuss the following options to this ordinance. Based upon
175 that direction staff will develop an ordinance and send it to the Planning Commission for a
176 recommendation.

- 177 • The ability to regulate political signs is bound by the free speech amendment. Add a
178 provision stating that free speech is a key component on all sign regulations, e.g., "It
179 is the city's policy to regulate signs in a manner that is consistent with the free speech
180 protections and provisions of the United States Constitution and of the Constitution of
181 the State of Utah by enacting regulations which do not restrict speech on the basis of
182 its content, viewpoint or message; and do not favor one form of speech over another.
- 183 • Establish two categories of political signs, one dealing with elections, e.g., campaign
184 signs, and issue related signs, e.g., political signs.

- 185 • Clarify the display periods for putting up and removal
186 • Provide for a maximum number of signs per property
187 • Site triangle provisions
188 • Clarify whether permits are required
189 • Put the RE-20 provisions with the other residential zones
190

191 The applicable General Plan provision is:

192 Community Aesthetics

193 (3) Implementation Goal: Attractiveness, orderliness, and cleanliness are qualities that establish
194 North Ogden as a place where people care about visual appearances. These qualities should be
195 preserved and required throughout the City.
196

197 The memo offered the following summary of potential City Council considerations:

- 198 • Is the proposed amendment consistent with the North Ogden City General Plan?
199 • Which provisions to the political sign ordinance would the City Council like added?
200

201 The memo concluded staff recommends the Council provide direction on which provisions to
202 add to the political sign ordinance. Staff will draft the ordinance and send it to the Planning
203 Commission for a recommendation.
204

205 Mr. Scott reviewed his staff memo and used the aid of a PowerPoint presentation to provide the
206 Council with information relative to political sign regulations used in other government
207 jurisdictions. He noted he is seeking a recommendation from the Council so that he can work
208 with the Planning Commission to draft an ordinance amending the City's political sign
209 provisions.
210

211 There was a general broad discussion regarding sign regulations recommended by Mr. Scott,
212 such as maximum sign size, the zones in which political signs are allowed, enforceability,
213 simplification and streamlining of regulations, and prohibiting signs in the sight triangle to
214 improve motorist safety throughout the City. City Recorder Spendlove noted the candidate
215 declaration period commences June 1 and it would be beneficial for the Council to make a final
216 decision regarding political sign regulations before that date.
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219 **CONSENT AGENDA**

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221 1. **CONSIDERATION TO APPROVE THE FEBRUARY 24, 2015 CITY COUNCIL**
222 **MINUTES**

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224 2. **CONSIDERATION TO APPROVE THE MARCH 5, 2015 BUDGET RETREAT**
225 **CITY COUNCIL MINUTES**

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227 3. **CONSIDERATION TO APPROVE THE MARCH 10, 2015 CITY COUNCIL**
228 **MINUTES**

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231 **Council Member Bailey motioned to approve the consent agenda. Council Member**
232 **Swanson seconded the motion.**

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234 **Voting on the motion:**

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236 **Council Member Bailey** aye

237 **Council Member Satterthwaite** aye

238 **Council Member Stoker** aye

239 **Council Member Swanson** aye

240 **Council Member Urry** aye

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242 **The motion passed unanimously.**

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245 **ACTIVE AGENDA**

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247 **1. PUBLIC COMMENTS**

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249 Steve Rasmussen, 1092 E. 3250 N., asked for an update regarding the status of a traffic study for
250 a turn signal at 2550 North and Washington Boulevard. Mayor Taylor stated that the Utah
251 Department of Transportation (UDOT) has approved a turn signal and should install the
252 equipment for the signal sometime in April; the ingress/egress point from Smith's will be
253 restriped to accommodate the turn signals. Mr. Rasmussen then stated that residents are using an
254 alleyway behind the old Smith's store as an access to the new store and he asked if that issue will
255 be addressed. Mayor Taylor stated there is something in the works to provide an additional
256 access point to the new Smith's store to address that issue. Mr. Rasmussen stated that is good
257 news as it is unsafe for multiple vehicles to use the alley access behind the old Smith's. He then
258 reported there is a hole in the road on 1050 East above 3100 North; it has been there all winter
259 and is creating a hazard for motorists in the area. Mayor Taylor stated the City has a long list of
260 potholes to be fixed as soon as local asphalt plans reopen for business, which is estimated to be
261 mid-April or early May. The City will continue to fill the holes with dirt until asphalt is
262 available.

263

264 Council Member Bailey asked that the City write a letter to Smith's to ask for an update
265 regarding the redevelopment project and addressing access issues. Mayor Taylor provide a
266 report explaining his understanding of the status of the project, noting he feels that movement
267 will begin within the next month.

268

269 Charles Paul, 3072 N. 100 E., referenced the issue of home occupations in the City and stated
270 after conducting his own research he found the biggest difficulty associated with home
271 occupations is that one Council may approve a home occupation, such as an auto mechanic
272 garage, and a future Council is left to deal with the repercussions of that approval. He stated it
273 seems to him that the biggest issue is that some residents are not welcoming of certain types of
274 businesses within their neighborhoods. He stated that closing Mr. Baguley's business or Mr.
275 Humphries' business will not change the neighborhood or increase curb appeal of the residential
276 properties there. He acknowledged the Council is in a difficult position, but he feels that the City

277 has singled out certain businesses that could potentially be prohibited as home occupations and
278 that is unfair. He feels the Council should, at the very least, grandfather existing businesses that
279 have legally obtained permits to operate as home occupations.
280

281 Steve Hadley, 3083 N. 150 E., expressed his feelings about Mr. Humphries' auto repair business.
282 He stated he lives 20 feet from his shop and in the number of years that his shop has been there,
283 he has never known that he is working unless he walks around his property to see if his lights are
284 on. He stated he has never noticed noise, excessive light, or odors coming from the shop. When
285 Mr. Humphries built the shop he was careful to ensure that it would be compliant with the City's
286 regulations and he feels that the business should be grandfathered in the event that the City
287 adopts a new ordinance regulating home occupations.
288

289 Jerry Shaw, 651 E. 3525 N., asked how many of the City Council members have been to the
290 three businesses in questions: Mr. Baguley's, Mr. Humphries', and Mr. Jones' business. Mayor
291 Taylor stated the Council can respond to that question later. Mr. Shaw stated he is trying to
292 determine if the Council has done their due diligence relative to this issue. He stated that he has
293 three points to raise regarding this issue: first is that at the last meeting, Council Member Bailey
294 commented that he was surprised by the number of people that had stood and commented that
295 they had saved money by patronizing Mr. Baguley or Mr. Humphries and that maybe those
296 people should instead be supporting brick and mortar businesses in the community. He stated
297 that when he first visited Mr. Baguley it was for a repair for his daughter's vehicle after the
298 clutch went out. He received a quote of \$3,200 from Volkswagen to repair the damage; Mr.
299 Baguley repaired the vehicle for \$700. He asked the Council what they would have done in that
300 situation, whether they would have spent the money with Volkswagen or if they would have used
301 Mr. Baguley's services. He stated many people have had similar experiences and there is
302 nothing wrong with getting a good service for a fair price and to dismiss that would be negligent
303 on the Council's part. He stated his second point is that some of the Council Members have
304 expressed their feelings that they have spent too many hours on this issue, but he reminded them
305 that the citizens depend on them to carefully consider issues; the Council Members sought to be
306 elected to their positions and they are paid good money for their service. He stated the City
307 needs the Council to spend the appropriate amount of time on the issue. He added his third point
308 is that he was disappointed to hear some of the Council Members suggest that if they had been
309 on the Council when the home occupation permits were applied for they would not have voted
310 for them. He stated he has deep roots in the community and feels the Council does as well and
311 they are tied to this issue; they have an obligation to uphold the decisions that have been made.
312 He stated it may be difficult, but the best thing would be to honor the decisions that have been
313 made.
314

315 Tom Baguley, 3590 N. 570 E., asked for clarification on whether he will have additional time to
316 speak during the time that the Council will consider amendments to the business license
317 ordinance. Mayor Taylor stated the item has not been advertised as a public hearing. Mr.
318 Baguley stated that it has been mentioned in a few meetings that there are no other cities that
319 allow garage based home occupations, such as auto repair shops. He stated he has visited other
320 surrounding cities and has found that is incorrect; Farr West, Pleasant View, and Willard accept
321 garage based businesses. He stated that over the past four years that this issue has been
322 discussed, there have been 45 votes in seven different meetings regarding his permit; all 45 votes

323 have been unanimous in his favor and he hopes that does not change tonight and that he will be
324 allowed to continue operating his business. He stated he has worked with his neighbors to
325 address the concerns they have expressed, but they have not accepted his offers and only ask that
326 he cease operations. He stated that it has been said in the past that a business in a residential area
327 should be invisible, but he argued it is impossible to have an invisible business. He referenced
328 day cares, preschools, musical instrument repair businesses, furniture repair or manufacturing
329 businesses and noted they are occurring in neighborhoods and they are not invisible. He stated
330 the Planning Commission has discussed this issue in the past and they chose not to recommend a
331 change to the ordinance; during those discussions they and staff communicated to existing
332 businesses that they would be grandfathered under the existing ordinance unless the status of
333 their business changes or unless they violate the conditions of their home occupation license. He
334 acknowledged there are personal issues between his family and some of the neighbors and he
335 believes that is what has driven the complaints regarding his business; Mr. Crippen and Mr.
336 Dufrene are behind the letters and complaints that have been lodged with the City. He stated
337 there has never been a complaint that has been verified by the City, State, or private investigative
338 agencies relative to emissions coming from his garage. He stated complaints are typically
339 lodged surrounding the time of his permit renewal rather than throughout the year, which his
340 suspicious to him. He stated that in January the Council held a work session regarding this issue
341 and Building Official Kerr reported that he had visited his property to investigate a complaint
342 about noise, but the Council seemed to disregard that report. He stated code enforcement
343 officers have also investigated complaints about his business and those complaints have been
344 unfounded, with the exception of a time when his son parked his vehicle in a manner that it was
345 blocking the sidewalk. He concluded that he understands the Council is in a difficult position; he
346 is willing to compromise with the City and his neighbors, but he is hopeful he will be allowed to
347 continue to operate from his home for at least a few more years.

348
349 Kim White, 3652 N. 200 E., stated that she has frequented the area surrounding Mr. Humphries'
350 home for several years and would not have known there was a business there. She added she has
351 also been by Mr. Baguley's house and did not know it was an auto repair shop until a time that
352 her son took his vehicle to be repaired there. The property is always very clean. She agrees with
353 Mr. Shaw that Mr. Baguley is very trustworthy and offers good service for a fair price and she
354 noted she has never seen anything on his property that would detract from the curb appeal of the
355 neighborhood; in fact, it is nicer than some other homes in that neighborhood and throughout the
356 City. She added she has noticed other home occupations in the City, such as furniture
357 manufacturing or repair businesses, because of the odors and noises coming from their homes
358 and she is not sure if they are licensed to do business or not. She noted Mr. Baguley and Mr.
359 Humphries followed the process outlined by the City for obtaining a business license and being
360 legal and it is appalling that the City could consider revoking approval of those businesses
361 because of complaints that have been lodged by four people. She concluded she feels the City
362 should grandfather the businesses.

363
364 Shelly Hancock, 2671 N. 200 E., stated that the comments she has heard tonight are in favor of
365 three individual businesses in the City based on whether they detract from the curb appeal of the
366 neighborhood in which they are located. She stated her experience is different; her backyard has
367 total view of a roofing business where train cars and storage containers are used to store items

368 associated with the business and that is very offensive to her and other residents in her
369 neighborhood.

370
371 Judith White, 2674 N. 200 E., stated he has been aware of this situation for over one year; she
372 lives in a residential area that is zoned for one acre lot sizes to allow for semi-rural, quiet
373 properties. On her street there are three businesses, one of which is a large roofing business and
374 the owner has been allowed to increase the size of his storage building that covers the maximum
375 amount of his property allowed by ordinance in order to store his equipment. She stated,
376 however, the equipment is not stored in the building and the neighbors are forced to deal with
377 garbage, the equipment, and other items located outside blocking their view. She stated she is
378 frustrated this has been allowed to occur in a residential area; it is very unattractive. She has
379 nothing against the owners of the businesses on her street except for the fact that the businesses
380 are detracting from the residential character of her neighborhood. She concluded commercial
381 businesses should be located in commercial areas and residences located within residential areas.
382

383 Randy Winn, 2412 Barker Parkway, stated he can appreciate the difficulty the City faces; the
384 City is changing and is becoming more of a bedroom community. He stated he feels compassion
385 for the people that are running their businesses clean and quietly within residential
386 neighborhoods and he feels it may be appropriate to grandfather them. He stated that others may
387 be considered if they are creating negative conditions for their neighbors.
388

389 Tammy Johnson, 3070 W. Harrisville Road, thanked the Council for reading and responding to
390 letters that she sent them regarding this issue. She stated some of the home based businesses are
391 very important to residents, such as her father who was able to work from his home and have a
392 greater interaction with his children. She stated that her father has loyal customers that he would
393 like to continue to serve. She concluded that she understands the Council has a difficult decision
394 to make and she hopes they make the right one.
395

396 Jim Sealy, Mountain Green, stated he has patronized Mr. Humphries' business for 40 years. He
397 commended the Mayor and Council for the job they are doing relative to this issue; there is a
398 balance between neighbors getting along and tolerating one another. He stated that he was
399 employed at Hill Air Force Base (HAFB) and he relayed a story about one complaint a resident
400 made that pilots were throwing beer bottles from their airplanes onto her lawn. He stated that in
401 government it is necessary to adjudicate the validity of a complaint. He stated Mr. Humphries
402 has been told complaints have been lodged against his business, but none have ever been
403 presented to him. He stated if a valid complaint has been lodged, the person that the complaint is
404 against should be able to hear it, face their accuser, and be allowed to correct the problem. He
405 stated some complaints about other businesses may be valid, but he does not think that is the case
406 for Mr. Humphries' business. He concluded he does not patronize Mr. Humphries because he is
407 less expensive, but rather because he can trust him; if the City legislates against certain
408 businesses there will be difficulties such as they will not go away and, instead, they will operate
409 illegally. If a business wants to operate they should be required to meet conditions and if they
410 can no longer meet those conditions, their permit should be revoked.
411

412 Mary Jones, 2288 N. Fruitland Drive, stated she is the owner of a machine shop that has been
413 referenced throughout the discussion regarding the City's home occupation ordinance. She

414 stated her business is not completely invisible, but it does not negatively impact her
415 neighborhood. She stated efforts have been taken to ensure that noise does not come from their
416 accessory building and she feels each business should be considered on a case by case basis. It
417 seems unfair that many businesses will be allowed to continue to operate, but that hers may be
418 prohibited.

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420

421 **2. DISCUSSION AND/OR ACTION TO CONSIDER AN ORDINANCE AMENDING**
422 **ORDINANCE 11-16, HOME OCCUPATION, TO CLARIFY THE STANDARDS**
423 **FOR THE ALLOWANCE OF ACCESSORY BUILDINGS, GARAGES**
424

425 City Planner Scott used the aid of a PowerPoint presentation to provide a summary of the City's
426 regulations relative to home occupations as follows:

427 11-16 Home Occupations

428 A. Residents of Premises: Only persons who are bona fide residents of the premises shall
429 be engaged in the occupation.

430 B. Residential Character Retained: The home occupation will not physically change the
431 dwelling to the extent that it would alter the residential character of the dwelling or the
432 residential atmosphere of the neighborhood in which it is located. Furthermore, it shall
433 not disturb the peace and quiet, including radio and television reception, of the
434 neighborhood by reason of color, design, materials, construction, lighting, sounds, noises
435 or vibrations.

436 C. Maximum Area of Use: If a home occupation is conducted within the living quarters
437 of a unit, the home occupation shall not occupy more than twenty five percent (25%) of
438 the main floor area, up to a maximum of three hundred (300) square feet.

439 D. Conducted Within Living Quarters, Exception: Home occupations may be permitted
440 in the garage of a house by conditional use permit only. Any conditional uses approved
441 for a garage shall have minimal environmental impact on the character of the
442 neighborhood. Anything beyond minimal intrusion in the neighborhood will require
443 mitigation to be shown as part of the conditional use permit. The land use authority, at
444 their discretion, can increase the level of mitigation beyond that recommended by the
445 applicant.

446 H. Parking: The addition of off street parking facilities on the premises of the home
447 occupation beyond that normally required for residential uses is prohibited. Parking of
448 automobiles generated by the home occupation will be confined to existing residential
449 parking.

450 M. Use Outside Main Building: The home occupation shall not use any accessory
451 buildings, yard or space outside of the main dwelling not normally associated with the
452 residential uses permitted within the zone where in the dwelling is located.

453

454 He reviewed the five existing home occupations contained within a garage:

- 455 • Auto Shop – 3088 N 100 E (approved 1/2008)/R-1-10 zone/.25 acres (10,890 square
456 feet)/interior lot / detached 550 square foot double car garage for the auto shop/has
457 separate attached parking for the house

- 458 • De-humidifier for gun safes – 3551 N 700 E (approved 7/2011)/R-1-10 zone/.35 acres
459 (15,246 square feet)/corner lot/attached 3 car garage 1,010 square feet/parking is
460 combined for home occupation and house/additional pad next to garage
- 461 • Small repair and tool shop – 2288 N Fruitland Drive (approved 3/2011)/RE-20 zone/.67
462 acres (29,185 square feet)/corner lot with side frontage on private road/2 car carport with
463 attached accessory building
- 464 • Guitar repair/manufacturing – 3481 N 900 E (approved 3/2007)/R-1-10 zone/.26 acres
465 (11,325 square feet)/interior lot/attached garage 529 square feet/parking combined for
466 home occupation and house/an additional pad next to garage
- 467 • Auto Shop – 3590 N 575 E (approved 2010)/R-1-10 zone/25 acres (10,890 square
468 feet)/interior lot/3 car attached garage 1,150 square feet/parking combined for home
469 occupation and house

470
471 He summarized the City Council considerations and direction to date:

- 472 • Establish a purpose statement provision.
- 473 • Makes all home occupations permitted uses.
- 474 • Establishes a list of permitted and prohibited home occupations.
- 475 • Prohibited home occupations will have an amortization period based upon an
476 amortization schedule.
- 477 • Clearly identifies home occupations as accessory to the dwelling.
- 478 • Home occupations will be allowed in garages as long as provisions for this chapter are
479 complied with.
- 480 • Eliminate the garage size restriction for home occupations using a garage.
- 481 • Parking for home occupations using a garage must maintain the required two car parking
482 spaces per current parking standards.
- 483 • The ordinance establishes a limit of 5 vehicular round trips per day.

484
485 He then reviewed the proposed ordinance amendments that he has made according to the
486 direction that has been provided by the City Council:

487 11-16-1 PURPOSE STATEMENT

- 488 • The purpose and intent of this chapter is to permit persons residing in dwellings in
489 residential zones to provide a service, operate certain kinds of small business, or maintain
490 a professional or business office provided that the home occupation does not change the
491 character of the neighborhood.

492 PERMITTED HOME OCCUPATIONS:

- 493 • Computer Repairs
- 494 • Dance and Musical Instruction
- 495 • Internet Sales phone order or mail order services.
- 496 • Fine Repairs of Musical Instruments
- 497 • Hair Salons: Provided that no more than one hair stylist works at any given time
- 498 • Home Office
- 499 • Medical Billing
- 500 • Any home occupation which is considered by the City Planner to fall under one of the
501 permitted uses shall be authorized under that use.

- Any uses to be proposed to be added to this section which do not fall under one of the above categories must be authorized by an amendment to this code.

PROHIBITED HOME OCCUPATIONS:

- Auto repairs.
- Bottling plant.
- Commercial bakery.
- Deliveries.
- Furniture manufacturing
- Industrial assembly.
- Kennels.
- Laboratory, medical, dental, optical.
- Laboratory testing.
- Large appliance/electronics or equipment repair or service (washers, dryers, refrigerators and other appliances or equipment that are too large to be carried in 1 individual's arms.
- Power sports equipment repairs, including but not limited to motorcycles, water craft, ATV's, scooters, and other engine propelled transport systems.
- Repair or modification of construction equipment, excavation equipment, earth moving equipment, heavy equipment, fork lifts, scissor lifts, or machinery used for commercial purposes.
- Retail sales locations
- Truck hauling.
- Tanning salons.
- Tattoo parlors.
- Welding shops or machine shops.
- Any occupation which is offensive or noxious by reason of the emission of odor, smoke, gas, dust, vibration, magnetic, or electrical interference, noise, or other similar impacts extending beyond the property line of the lot where the occupation is located is prohibited, and
- Any occupation which is not specifically permitted is considered prohibited unless properly categorized by the City Planner under a permitted use.

11-2 DEFINITIONS

- HOME OCCUPATION: An income producing use of residential property, which is incidental, secondary, and accessory to the primary use of the dwelling for living purposes, and compatible to the residential uses permitted by the zone within which the property lies; provided, that each of the conditions of chapter 16 of this title are complied with.

11-16-3 DEVELOPMENT STANDARDS OF ALL HOME OCCUPATIONS

- C. Maximum Area of Use: If a home occupation is conducted within the living quarters of a dwelling unit, the home occupation shall not occupy more than the equivalent of twenty five percent (25%) of the main floor area, up to a maximum of three hundred (300) square feet.
- D. Conducted Within Living Quarters; Exception: Home occupations may be permitted in the garage as long as the provisions of chapter 16 of this title are complied with. Any home occupation approved for a garage shall have minimal environmental impact on the character of the neighborhood as described in 11-16-

- 547 5 related to public nuisances, and other relevant provisions of the municipal code.
548 Existing prohibited home occupations will be given an amortization time period
549 to continue to operate according to the attached Amortization Schedule.
- 550 G. Traffic: The home occupation shall not generate more than five (5) vehicular
551 roundtrips a day.
- 552 H. Parking: The addition of off street parking facilities on the premises of the home
553 occupation beyond that normally required for residential uses is prohibited.
554 Parking of automobiles generated by the home occupation will be confined to
555 existing residential parking.
556 There shall be no storage or parking on the premises or on the adjacent streets in
557 the vicinity of the premises of tractor trailers, semi-trucks, or other heavy
558 equipment used in an off-premise business for which the dwelling is being used as
559 a home occupation office except that not more than one truck of one-ton capacity
560 or less may be parked on premise during off work hours at night. A work trailer
561 up to 22 feet in length may be parked at night as part of the home occupation
562 business. All trucks and trailers used as part of the home occupation business shall
563 be licensed and registered, and parked in accordance with Title 11 Chapter 17
564 Section 3 (Design and Location of Parking Spaces) of this code.
565 Home occupations within garages shall maintain the required two car parking
566 spaces in accordance with Title 11 Chapter 17 Section 3 (Design and Location of
567 Parking Spaces) of this code.
- 568 N. Product Sales: Sales of specialty products such as kitchenware, candles,
569 cosmetics, merchandise made by the seller or similarly branded item intended
570 primarily for home sales are permitted if sales are made at the buyer's home or
571 ordered by catalog or internet or at sales parties. As with all businesses, sales
572 exceeding five hundred dollars (\$500.00) annually requires a business license.
573 (Ord. 2011-09, 5-10-2011)

574
575 Mr. Scott concluded his presentation by reviewing an optional asset amortization schedule for
576 rescinded home occupations.

577
578 Mayor Taylor then shared his thoughts about the issue; the Council and Planning Commission
579 has spent more time on this than any other issue that has been considered in the past, but that has
580 not been said in a negative manner. He provided a brief history of the issue, noting the Council
581 directed staff and the Planning Commission to review the City's home occupation ordinance and
582 consider amendments in response to complaints received regarding one particular home
583 occupation in the City. He discussed the concept of grandfathering an existing business, but
584 noted that the two auto repair businesses that have been discussed did not actually obtain a
585 permit from the onset and only applied for a conditional use permit once the City became aware
586 the businesses were operating. He noted that may be one reason that the Council is considering
587 sunseting the business licenses rather than grandfathering them. He shared information
588 regarding a complaint that he received from one of Mr. Baguley's neighbors, an elderly resident
589 who has said that Mr. Baguley's business is negatively impacting his and his wife's quality of
590 life. The issue has turned very ugly for the resident and other residents in the neighborhood and
591 it is disgusting to him. He stated the Council is considering amendments to the ordinance to
592 protect all residents of the City and no one business is being singled out in the process. There is

593 another neighborhood where a resident has built a large accessory building that the neighbors
594 believe will be used for commercial activity; it has obstructed the view from all other homes in
595 the neighborhood where residents have saved their entire lives to be able to move and retire
596 there. He then reviewed results of a general plan survey sent to residents, which included two
597 questions regarding home occupations; there were 750 responses to the survey and a large
598 number of those respondents (approximately 75 percent) opposed or strongly opposed more
599 intensive types of businesses located in residential neighborhoods. He concluded he has visited
600 the two auto repair shops that have been discussed this evening and invited the Council to engage
601 in a discussion or debate regarding the issue at hand.

602
603 Council Member Bailey indicated Section 10-99-511 allows municipalities to provide for an
604 amortization schedule that will allow newly disallowed businesses to recoup the costs invested in
605 their businesses. He reviewed how the amortization schedule could be determined by asking
606 each business 20 questions to establish the value of the business assets and income.

607
608 Council Member Swanson responded to comments made during the public comment portion of
609 the period noting that the Council has taken a significant amount of time to study all issues at
610 hand in order to make the best decision for the entire City. Council Member Bailey agreed and
611 stated this has been a principled discussion that has not been focused on individuals or specific
612 businesses; the main issue is whose rights should prevail and it is his personal opinion that the
613 rights of a resident to enjoy the residential character of their neighborhood should trump the right
614 of anyone to run a business in that neighborhood. He stated it is disturbing to him that those that
615 have complained about home occupations have been attacked or made to feel that their feelings
616 are not valid. He concluded he strongly supports the ordinance as it is currently drafted and
617 would like to add a mechanism to use an amortization schedule for a method of fairly dealing
618 with businesses who find themselves caught up in the issue inadvertently.

619
620 Council Member Swanson thanked Mr. Baguley and Mr. Humphries for being so
621 accommodating to him during his visit to their homes.

622
623 Council Member Stoker stated the issue is not simple and the Council has carefully considered it;
624 she visited Mr. Baguley's business and spoke to Ms. Jones. She did not visit Mr. Humphries'
625 business because there were no complaints about it. She stated that everyone has a right to
626 express their opinion, but some that have expressed their opinion about the issue have not been
627 given the courtesy they deserved and that was very disappointing to her. She concluded no
628 business has been singled out.

629
630 Council Member Satterthwaite stated that as things change it is necessary for everyone to work
631 together to adjust to those changes. He provided a personal experience relative to home
632 occupations in the City in the past when it was much more rural and noted that the City is now
633 densely populated and in order to maintain some control over how the City develops it is
634 necessary to create zones; residential zones are intended to accommodate residential uses. He
635 stated that he also visited Mr. Baguley and Ms. Jones, but he did not visit Mr. Humphries; he has
636 compassion for all three business owners, but feels it is paramount for the Council to consider
637 what is best for the entire City. He feels the amortization schedule is an appropriate way to deal
638 with the issue and be equitable and fair in making a needed transition.

639 Council Member Urry stated that he feels the home occupation ordinance was intended to
640 provide businesses an opportunity to start a business with plans to ultimately transition to a
641 commercial zone. He feels that much misinformation has been shared about this issue,
642 particularly in local media outlets. He stated he has always been very careful to focus on what is
643 legal for the City to do, but it is his understanding that there is no such thing as grandfathering a
644 business because Councils cannot make binding decisions for future Councils. He stated he has
645 been very torn about this issue and previously he made a comment that it may be best to show
646 mercy, but Council Member Swanson asked which party should be shown mercy: the business
647 owner or the residents that have complained about the business. He stated Mr. Shaw indicated it
648 is necessary for residents to have access to good service for a fair price and he agrees with that,
649 but his personal experience is that people will be able to find good deals in commercial settings
650 if they are willing to look for them. He concluded he supports the ordinance as it is written along
651 with Council Member Bailey's recommendation to implement an amortization schedule.
652

653 **Council Member Bailey motioned to adopt Ordinance 2015-02 amending Ordinance 11-6,**
654 **home occupation, to clarify the standards for the allowance of accessory buildings, garages.**
655 **Council Member Satterthwaite seconded the motion.**
656

657 **Voting on the motion:**
658

659 **Council Member Bailey** aye
660 **Council Member Satterthwaite** aye
661 **Council Member Stoker** aye
662 **Council Member Swanson** aye
663 **Council Member Urry** aye
664

665 **The motion passed unanimously.**
666

667 Mayor Taylor relayed a story about a family that tried to stop the construction of 2700 North to
668 Interstate 15 and the City ultimately won a fight in court to take the property via imminent
669 domain in order to facilitate the project. He asked that those that will be impacted by the newly
670 adopted ordinance will look at how it will benefit the entire City and move forward for the good
671 of the City.
672

673 ****The Council took a five minute recess at 9:36 p.m. The meeting reconvened at 9:49 p.m.****
674
675

676 **3. PUBLIC HEARING TO RECEIVE COMMENTS ON PROPOSED**
677 **AMENDMENTS TO ORDINANCE 11-7C-3, LEGACY PLANNED**
678 **RESIDENTIAL UNIT DEVELOPMENT ZONE (PRUD), SITE DEVELOPMENT**
679 **STANDARDS, TO REDUCE THE REAR SETBACK FROM 20 FEET TO 18**
680 **FEET**
681

682 A staff memo from City Planner Scott explained when the City Council is acting in a legislative
683 capacity they have wide discretion. Examples of legislative actions are general plan, zoning map,
684 and land use text amendments. Legislative actions require that the Planning Commission give a

685 recommendation to the City Council. Typically the criteria for making a legislative decision
686 requires compatibility with the general plan and existing codes. The Planning Commission held a
687 hearing on February 4, 2015 to consider amending the rear setback standards for the Legacy
688 North PRUD zone. The applicant withdrew his application after residents in the Legacy North
689 PRUD objected. A comment made at the hearing that if the rear setback reduction did not apply
690 to lots adjacent to Legacy Phases 1 and 2 that the amendment would be acceptable. Based upon
691 that comment the application has amended this application to only apply to lots in Phase 4 that
692 are not adjacent to the previous phases of the Legacy North PRUD. The Planning Commission
693 held a subsequent public hearing on March 4, 2015 to consider the amended application. City
694 Legal Counsel is recommending a different approach; grant an exception to reduce the rear
695 setback by 10% for the main use or home provided that the combined distance between adjoining
696 rear property structures remains 40 feet or greater. This language will have the same effect as the
697 applicant's amendment. The likely properties where this exception would apply will be the
698 Senior Center and the Smith's Marketplace. The setback difference will not impact the Smith's
699 development or the Senior Center. The rezone is in anticipation of submitting a subdivision
700 application that will be the last phase of the Legacy North project. The City in the past has
701 adopted PRUD zoning for specific projects; this is no longer the case. In this instance the Legacy
702 Planned Resident Unit Development zone applies to this specific project. Title 11-11-1 contains
703 the purpose statement of Planned Residential Unit Developments. The purpose statement gives
704 guidance when considering this request; Staff has underlined some of the pertinent language:

- 705 A. The purpose of the planned residential unit development (PRUD) is to encourage
706 better utilization of land, to develop a sense of community and to ensure compatibility
707 with the surrounding neighborhoods. This is accomplished by allowing flexibility in
708 the placement and design of buildings and infrastructure not ordinarily allowed in
709 conventional zoning regulations. It allows flexibility in development standards for
710 creative design and yet provides specific requirements to ensure surrounding
711 properties and natural features are protected.
- 712 B. A planned residential unit development is a residential development planned as a
713 whole, single complex. It incorporates a definite development theme which includes
714 the elements of usable open space, diversity of lot design, residential use and
715 amenities, a well-planned circulation system, and attractive entrances as part of the
716 design. The incorporation of one or two (2) of these elements into a development
717 does not make a PRUD. The combination of all of these elements is necessary for the
718 development of a PRUD.
- 719 C. An increase in housing density in order to make a project more economically
720 profitable, is not an objective of a PRUD. The developer must calculate in his or her
721 pro forma the viability of a proposed PRUD project given the regulatory structure
722 required by this chapter. Reductions in lot sizes may be granted, as provided herein,
723 but only when the reduction and/or more creative configuration of the lots results in
724 better use of the land. The creation of usable common activity areas and improved
725 aesthetics. These benefits should reasonably promise to enhance the enjoyment of life
726 within the PRUD to a degree that would not otherwise be achievable without the lot
727 size concessions. The Legacy Park North project has an established design theme and
728 has met a specific market. It is a successful project. The applicant believes increasing
729 the buildable area will further enhance the projects viability. Staff has researched

730 whether or not there has been a reduced setback for any other PRUDs in North
731 Ogden. The Lewis Peak PRUD has a reduced rear setback of 18 feet.

732
733 The General Plan calls for "All development in the community should be built on land suitable
734 for the intended use."

735
736 Zoning Ordinance

737 Suggested improvements for the city of North Ogden Zoning Ordinance include the following:

738 (2) Update the Zoning Ordinance to allow for a variety of current housing types.

739 a. Housing

740 i. A variety of housing opportunities should be available to the citizens
741 of the City. Quality residential development will be measured by
742 design, maintenance, preservation of community resources, and open
743 space.

744 (3) Implementation Goal: Housing for the aging population of the city should be
745 encouraged through city incentives and senior citizen programs to attract
746 retirement living facilities.

747 (4) Implementation goal: Divers housing alternative should be available for the
748 present and future residents of the city.

749
750 The General Plan map calls for this property to be developed as single family residential,
751 medium density. Planned Unit Developments are allowed in this designation.

752
753 The memo offered the following summary of potential City Council considerations:

- 754 • Is the proposal consistent with the General Plan?
- 755 • Does the proposal meet the North Ogden Zoning ordinance standards?
- 756 • Is the Legacy Planned Residential Unit Development amendment to provide an
757 exception to reduce the rear setback appropriate for this neighborhood? Will it
758 impact adjoining properties?
- 759 • Is the flexibility of design sought by the applicant appropriate?

760
761 The memo concluded this is a policy decision; the General Plan calls for a diversity of housing
762 types while maintaining quality development. The Planning Commission found that the
763 amendment is appropriate to provide an exception for the rear setback of 10% where the
764 combined distance between main buildings is 40 feet in the Legacy Planned Residential Unit
765 zone; the Planning Commission is recommending approval of the amendment.

766
767 Mr. Scott reviewed the staff memo and used the aid of an aerial photograph to orient the Council
768 to the location of the subject property.

769
770 Applicant John Hansen approached and stated the reason he is seeking this exception is that he
771 will be building homes without basements in the next phase of the project and the additional two
772 feet that could be gained by reducing the setback requirement equals an additional 100 square
773 feet inside the home; people desire larger great rooms within their homes and this will help to
774 achieve that goal.

775

776 Council Member Urry inquired as to the average lot size in the next phase of the project. Mr.
777 Hansen stated the backyards will be 18 feet deep and 60 feet wide; homes will only be 49 to 50
778 feet wide.

779
780 Mayor Taylor opened the public hearing at 10:01 p.m. There were no visitors present wishing to
781 make public comments.

782
783 **Council Member Swanson motioned to close the public hearing at 10:01 p.m. Council**
784 **Member Stoker seconded the motion.**

785
786 **Voting on the motion:**

787
788 **Council Member Bailey** aye
789 **Council Member Satterthwaite** aye
790 **Council Member Stoker** aye
791 **Council Member Swanson** aye
792 **Council Member Urry** aye

793
794 **The motion passed unanimously.**

795
796
797 **4. DISCUSSION AND/OR ACTION TO CONSIDER AMENDMENTS TO**
798 **ORDINANCE 11-7C-3, LEGACY PLANNED RESIDENTIAL UNIT**
799 **DEVELOPMENT ZONE (PRUD), SITE DEVELOPMENT STANDARDS, TO**
800 **REDUCE THE REAR SETBACK FROM 20 FEET TO 18 FEET**

801
802
803 **Council Member Swanson motioned to adopt Ordinance 2015-3 amending Ordinance 11-**
804 **7C-3, Legacy Planned Residential Unit Development Zone (PRUD), site development**
805 **standards, to reduce the rear setback from 20 feet to 18 feet. Council Member**
806 **seconded the motion.**

807
808 **Voting on the motion:**

809
810 **Council Member Bailey** aye
811 **Council Member Satterthwaite** aye
812 **Council Member Stoker** aye
813 **Council Member Swanson** aye
814 **Council Member Urry** aye

815
816 **The motion passed unanimously.**

817
818
819

820 5. **PUBLIC HEARING TO RECEIVE COMMENTS ON PROPOSED**
821 **AMENDMENTS TO ORDINANCE 11-11-5A 2, FRONT YARD SETBACK**
822 **STANDARDS FOR PLANNED RESIDENTIAL UNIT DEVELOPMENTS**
823

824 A staff memo from City Planner Scott explained when the City Council is acting in a legislative
825 capacity they have wide discretion. Examples of legislative actions are general plan, zoning map,
826 and land use text amendments. Legislative actions require that the Planning Commission give a
827 recommendation to the City Council. Typically the criteria for making a legislative decision
828 requires compatibility with the general plan and existing codes. The Planning Commission
829 conducted a public hearing on this amendment on March 4, 2015. Chapter 11 in the City Zoning
830 ordinance is devoted to planned residential unit developments The applicant is requesting that
831 flexibility for front yard setback requirements be granted if specific design features are included
832 in the development.

833
834 11-11-1 Purpose

835 The purpose statement for planned residential unit developments identifies that "flexibility in
836 development standards for creative design" along with "specific requirements to ensure
837 surrounding properties and natural features are protected."

838 A. The purpose of the planned residential unit development (PRUD) is to encourage
839 better utilization of land, to develop a sense of community and to ensure compatibility
840 with the surrounding neighborhoods. This is accomplished by allowing flexibility in
841 the placement and design of buildings and infrastructure not ordinarily allowed in
842 conventional zoning regulations. It allows flexibility in development standards for
843 creative design and yet provides specific requirements to ensure surrounding
844 properties and natural features are protected.

845 B. A planned residential unit development is a residential development planned as a
846 whole, single complex. It incorporates a definite development theme which includes
847 the elements of usable open space, diversity of lot design, residential use and
848 amenities, a well-planned circulation system, and attractive entrances as part of the
849 design. The incorporation of one or two (2) of these elements into a development
850 does not make a PRUD. The combination of all of these elements is necessary for the
851 development of a PRUD.

852
853 11-11-5: MINIMUM DEVELOPMENT REQUIREMENTS

854 A. General Regulations:

855 2. The minimum setback for all buildings (excluding fences) and parking in the
856 periphery of the development shall be the front setback of the zone at those
857 locations where the development abuts a street and a thirty foot (30') setback at
858 those locations where development abuts other parcels of land. Notwithstanding
859 the above provision, if the development has subdivided single family lots, which
860 abut other parcels of land, the specific zone regulations shall apply for rear yard
861 setbacks and accessory uses of the subdivided lots. The required setback area
862 shall be landscaped. The PRUD chapter identifies specific requirements for rear
863 yard setbacks to adjacent properties in order to provide a sufficient buffer to those
864 uses. It would seem logical that design standards within the project would be able
865 to have some flexibility; however, this is not the case. The front setback standards

866 are to be maintained according to the underlying zone. In the case of the R-1, R-2,
867 RCC, R-3, and R-4 zones front setbacks are required to be 30 feet. Front setbacks
868 are 30 feet for interior lots; corner lots are allowed to have a 20 foot setback on
869 one frontage as long as 30 feet is maintained on the other frontage. This sets up a
870 circumstance where there are varying setbacks along most streets. The request is
871 to provide flexibility to allow 20 foot setbacks for the interior lots if the
872 development provides upgraded design features, e.g., the building fronts face the
873 street, the building fronts have the main entrance features toward the street, e.g.,
874 the front door, walk way to the Sidewalk, porch, windows, shutters, etc., the
875 building materials are brick and stucco with no aluminum or vinyl siding. With
876 the buildings at 20 feet, the idea is to also make the development pedestrian
877 friendly. The development should also have a landscape design that includes
878 unique pedestrian lights and walking trails.
879

880 The following language incorporates these ideas:

881 11-11-5(A)2

- 882 2. Front setbacks may be reduced by the planning commission if the project can
883 demonstrate an upgraded design to include:
- 884 a. The building fronts face the street.
 - 885 b. The building fronts have the main entrance features toward the street, e.g., the
886 front door, walk way to the sidewalk, porch, windows, shutters, etc.
 - 887 c. Acceptable building materials are brick, rock, hardie board, and or stucco or other
888 material approved by the planning commission; notwithstanding aluminum or
889 vinyl siding are not allowed.
 - 890 d. The park strip and front yard have a landscape theme.
 - 891 e. The project is pedestrian friendly. In addition to the normal sidewalk design a
892 walking trail system is included that has public access. The trail system and
893 sidewalks may include pedestrian lights.
894

895 The applicant has submitted an e-mail with the justification for this request.
896

897 The General Plan calls for "All development in the community should be built on land suitable
898 for the intended use." Additionally, Zoning Ordinance Suggested improvements for the city of
899 North Ogden Zoning Ordinance include the following:

- 900 (1) Update the Zoning Ordinance to allow for a variety of current housing types.
901 Housing

902 A variety of housing opportunities should be available to the citizens of the City. Quality
903 residential development will be measured by design, maintenance, preservation of
904 community resources, and open space.

- 905 (3) Implementation goal: Divers housing alternative should be available for the present
906 and future residents of the city.
907

908 The memo summarized the following potential City Council considerations:
909

- 910 • Is the proposal consistent with the General Plan?
- 911 • Does the proposal meet the North Ogden Zoning ordinance standards?

912 • Is the flexibility of design for reduced front setbacks in planned unit developments with
913 upgraded design features appropriate?
914

915 The memo concluded this is a policy decision; the General Plan calls for a diversity of housing
916 types while maintaining quality development. If the Planning Commission determines that the
917 amendment is appropriate to reduce the front setback from 30 feet to 20 feet in Planned
918 Residential Unit Development projects if appropriate design standards are met; the Commission
919 can find that the application is consistent with the North Ogden General Plan and recommend
920 approval to the City Council.

921
922 Mr. Scott reviewed his staff memo.
923

924 Council Member Urry asked if this ordinance deals with a different development than the
925 previous ordinance. Mr. Scott answered yes, but noted this ordinance is not specific to a certain
926 development and would, instead, apply to any PRUD in the City.
927

928 Mayor Taylor provided a brief summary of the reasoning for the proposed ordinance and
929 indicated he supports the amendment as it will ensure quality projects and good aesthetics while
930 providing flexibility to a developer. Mr. Scott agreed and added that the City Council will have
931 the opportunity to review PRUD applications before they receive final approval from the
932 Planning Commission.
933

934 Council Member Urry inquired as to the location of the subject property where Mr. Hansen will
935 build his next development. Mr. Hansen stated it is located on Tom Chambers' property near the
936 aquatic center. He reviewed a map to identify the location of the subject property. He also
937 reviewed the site plan for the development, after which there was a discussion about the
938 standards that will be implemented for the development.
939

940 Council Member Bailey asked if the homes in the development will have public streets, to which
941 Mayor Taylor answered yes. There was then a brief discussion regarding the orientation of the
942 buildings within the development, with Mayor Taylor noting that the building materials that will
943 be required within the development will ensure that the project is a quality development.
944 Council Member Bailey stated he is comfortable with the changes in this specific situation, but
945 he is not sure he is comfortable making a change that would apply to all future PRUD's in the
946 City. Mr. Scott stated that the Planning Commission will need to study whether the changes are
947 appropriate for all future developments and the deviation that is being requested will not be
948 automatic. General discussion focused on the layout of the proposed development then ensued;
949 the Council reviewed street layouts and traffic orientation as well as the three ingress/egress
950 points in the project.
951

952 Mayor Taylor opened the public hearing at 10:31 p.m.
953

954 Steve Rasmussen, 1092 E. 3250 N., stated there was mention of bike paths to be included in Mr.
955 Hansen's proposed development and he asked where they would be located. Mr. Hansen stated
956 they will be public bike trails located around the eastern edge of the development.
957

958 There were no additional persons appearing to be heard.

959

960 **Council Member Bailey motioned to close the public hearing at 10:33 p.m. Council**

961 **Member Swanson seconded the motion.**

962

963 **Voting on the motion:**

964

965 **Council Member Bailey aye**

966 **Council Member Satterthwaite aye**

967 **Council Member Stoker aye**

968 **Council Member Swanson aye**

969 **Council Member Urry aye**

970

971 **The motion passed unanimously.**

972

973

974 **6. DISCUSSION AND/OR ACTION TO CONSIDER AN ORDINANCE AMENDING**
975 **ORDINANCE 11-11-5A 2, FRONT YARD SETBACK STANDARDS FOR**
976 **PLANNED RESIDENTIAL UNIT DEVELOPMENTS**

977

978 The Council continued to review the site plan for Mr. Hansen's development with a focus on
979 open space located within the development.

980

981 Council Member Urry worried that a reduced setback may create more of a hazard for children
982 living in the development. Mayor Taylor stated that he does not share that same concern because
983 the roads in the development will be wide enough to reduce the hazards referenced by Council
984 Member Urry.

985

986 Mr. Scott again reviewed the approval process for site plans for PRUD's, noting the City Council
987 will have the opportunity to comment on the application, but the Planning Commission will have
988 final approval authority.

989

990 **Council Member Bailey motioned to adopt Ordinance 2015-4 amending Ordinance 11-11-**

991 **5A-2, front yard setback standards for planned residential unit developments. Council**

992 **Member Satterthwaite seconded the motion.**

993

994 **Voting on the motion:**

995

996 **Council Member Bailey aye**

997 **Council Member Satterthwaite aye**

998 **Council Member Stoker aye**

999 **Council Member Swanson aye**

1000 **Council Member Urry nay**

1001

1002 **The motion passed on a four to one vote.**

1003

1004 Council Member Bailey stated he is somewhat concerned about the unintended consequences of
1005 the implications of the ordinance, such as reduced setbacks being approved on longer stretches of
1006 roads where motorists would have the opportunity to pick up speed. Mr. Scott stated that staff
1007 and the Planning Commission are working on a complete street plan to address those situations.
1008 City Attorney Call stated the City will have discretion to approve reduced setbacks on a case-by-
1009 case basis dependent upon several factors. Mr. Scott stated he will pass on the Council's
1010 concerns to the Planning Commission relative to reduced setbacks on longer lengths of road.

1011
1012

1013 **7. DISCUSSION AND/OR ACTION TO CONSIDER THE SANITARY SEWER**
1014 **MANAGEMENT PLAN**

1015
1016 A staff memo from City Administrator/Finance Director Steele explained Jones & Associates has
1017 been helping the City complete and compile this report. Here is the information they have sent
1018 over regarding it:

1019 "This plan is part of a state program called the Utah Sewer Management Program that
1020 encourages improved management of public sanitary sewer collection systems. The program is
1021 authorized under state rule R317-80 I. As part of the rule it states that "The SSMP must be
1022 publicly noticed by the permittee and approved by the permittee's governing body at a public
1023 meeting".

1024
1025 Staff has reviewed the plan with Trent Wilkins, the City's Sewer Superintendent, and he will be
1026 the one in charge of implementing and maintaining the plan. The sewer department is already
1027 doing most of the requirements that are listed in the plan so not too much will change from their
1028 operations standpoint. The completion deadline for this plan set by the State is March 31, 2015.
1029 There is also a System Evaluation and Capacity Assurance Plan (SECAP) that will need to be
1030 completed as part of this program but that isn't due until March 31, 2016."

1031
1032 Mr. Steele reviewed his staff memo. The Council had a brief discussion regarding the
1033 requirement for the City to have a SSMP in place, with Council Member Urry inquiring as to
1034 who is responsible to implement and oversee the plan. Mr. Steele stated the Public Works
1035 Director and Sanitary Sewer Manager are responsible for implementation.

1036
1037 Council Member Satterthwaite asked if it is necessary for an engineering firm to write the SSMP
1038 or if City staff could have completed the plan in-house. Mr. Steele stated that it was helpful for
1039 the City's engineering firm to draft the plan, but future amendments can likely be handled in-
1040 house by City staff.

1041
1042 **Council Member Satterthwaite motioned to approve the Sanitary Sewer Master Plan as**
1043 **presented. Council Member Urry seconded the motion.**

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1050 **Voting on the motion:**

1051

1052 **Council Member Bailey** aye

1053 **Council Member Satterthwaite** aye

1054 **Council Member Stoker** aye

1055 **Council Member Swanson** aye

1056 **Council Member Urry** aye

1057

1058 **The motion passed unanimously.**

1059

1060

1061 Mayor Taylor reported there is a good applicant pool for the Public Works Director position and
1062 he provided an overview of the screening and interview process that will be used to select the
1063 successful candidate.

1064

1065

1066 **8. DISCUSSION AND/OR ACTION TO CONSIDER A RESOLUTION...WEBER**
1067 **COUNTY LIBRARY**

1068

1069 Mayor Taylor reported this item has been pulled from the agenda and will be presented to the
1070 Council during an April Council meeting.

1071

1072

1073 **9. PUBLIC COMMENTS**

1074

1075 Kimberly Johnson, no name or address given, stated she is with Design West Architects and her
1076 firm has been tracking the library renovation project because they are interested in bidding on the
1077 design portion of the project. Mayor Taylor stated the Council Library Board and County
1078 Commission will handle the bid selection process.

1079

1080

1081 **10. COUNCIL/MAYOR/STAFF COMMENTS**

1082

1083 Council Member Swanson stated he enjoys the working relationship among the City Council.

1084

1085 Council Member Urry reported he was contacted by a citizen that lives on 450 East that was
1086 looking for information regarding the Washington Boulevard road widening project. Mayor
1087 Taylor stated the land acquisition process for the project will not begin until next summer and
1088 actual construction of the project may not occur for up to 10 years unless funding is available
1089 sooner. Council Member Urry then stated it was very cumbersome to read three sets of minutes
1090 to approve during tonight's meeting and he asked if those meetings can be provided to the
1091 Council sooner to allow more time for review. City Recorder Spendlove noted minutes are
1092 provided and posted on the website as soon as the draft version is available. Council Member
1093 Urry then thanked Council Member Bailey for the work he did to develop an amortization
1094 schedule for the home occupation ordinance.

1095

1096 Council Member Satterthwaite echoed Council Member Urry's comments regarding Council
1097 Member Bailey's work on the amortization schedule. He then reported he was approached by a
1098 resident who suggested the installation of flashing stop signs at the intersection of 1050 East and
1099 2600 North. He asked if staff could investigate the suggestion and see if it would be appropriate.
1100

1101 Council Member Stoker stated she appreciated the work and collaborative discussion among the
1102 Council regarding the home occupation ordinance; she feels the conclusion was good. She also
1103 thanked Mayor Taylor for the position he has taken to set the record straight regarding multiple
1104 issues and defend the City Council and staff when appropriate.
1105

1106 Council Member Bailey echoed Council Member Stoker's comments regarding the efforts the
1107 Mayor takes to engage in meaningful dialogue with residents. The Council and staff then
1108 engaged in a discussion regarding how the newly adopted home occupation ordinance will be
1109 implemented and carried out by staff. Council Member Bailey then stated that he wants to have
1110 further discussions regarding street standards and requirements placed on contractors relative to
1111 repairing any cut they make in a City roadway. Mayor Taylor stated he will work with City staff
1112 to ensure appropriate measures are in place to provide for adequate road repairs following utility
1113 work. Council Member Bailey stated there is a new home being built on 700 East north of 2600
1114 North and they have made one-foot cuts into the City street and he asked that staff inspect the
1115 issue. Council Member Satterthwaite stated he also wants to ensure that the City is following its
1116 own street standards when repairing road cuts.
1117

1118 Council Member Urry asked if a decision has been made to sell top soil to City residents. Mayor
1119 Taylor stated that it may be appropriate to set a schedule that residents can rely upon to purchase
1120 top soil because it is not feasible to allow for top soil sales at all hours of the day. He stated
1121 there are still some questions relative to liability relative to loading top soil into private vehicles.
1122 He stated that he will work with staff to draft policies pertaining to top soil sales and add an item
1123 to a future agenda for continued discussion regarding the issue.
1124

1125 Ms. Spendlove reminded the Council of the upcoming Utah League of Cities and Towns (ULCT)
1126 Conference in April. She also reported on an upcoming electronic recycling event scheduled for
1127 April 23 and 24.
1128

1129 Mayor Taylor provided a brief update regarding the status of the Public Works Facility project
1130 and noted he will provide more detail at an upcoming budget retreat. He added he and Mr.
1131 Steele have also been working to develop a City clean-up program with events held twice a year
1132 where dumpsters would be available to residents throughout the City. He noted he will provide
1133 more information about the proposed program at an upcoming budget retreat meeting. Council
1134 Member Urry stated in the past the City recognized outstanding yards in the City and it may be
1135 appropriate to resurrect that program as well.
1136

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1142 **11. ADJOURNMENT**

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1144

1145 **Council Member Swanson motioned to adjourn. Council Member Satterthwaite seconded**
1146 **the motion.**

1147

1148 **Voting on the motion:**

1149

1150 **Council Member Bailey aye**

1151 **Council Member Satterthwaite aye**

1152 **Council Member Stoker aye**

1153 **Council Member Swanson aye**

1154 **Council Member Urry aye**

1155

1156 **The motion passed unanimously.**

1157

1158

1159 **The meeting adjourned at 11:33 p.m.**

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1164 _____
Brent Taylor, Mayor

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1166

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1168 _____
S. Annette Spendlove, MMC

1169 City Recorder

1170

1171

1172 _____
Date Approved