



## CITY COUNCIL & PLANNING COMMISSION JOINT WORK SESSION AGENDA

JUNE 01, 2021 AT 6:00 PM

505 EAST 2600 NORTH

NORTH OGDEN, UT 84414

### **PUBLIC CAN ATTEND:**

In person OR

Click the link below to join the webinar: <https://us02web.zoom.us/j/88395609948> Webinar ID: 883 9560 9948

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

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

**Welcome:** Mayor Berube

**Invocation & Pledge of Allegiance:** Council Member Covering

### **CONSENT AGENDA**

1. Call for conflict of interest disclosure

### **ACTIVE AGENDA**

2. Public Comments
3. Land Use Training & Open and Public Meetings Act Training  
Presenter: Craig Call
4. Presentation and discussion on streetscape amendments  
Presenter: Kai Johnsen, Planning Tech
5. Presentation and discussion on Housing Types  
Presenter: Brandon Bell, Associate Planner
6. Discussion on Sensitive Lands Amendments  
Presenter: Jon Call, City Manager/Attorney
7. Public Comments
8. Council/Mayor/Staff Comments
9. 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.
- c. Citizens will be asked to limit their remarks/questions to three (3) minutes each.
- d. The Mayor shall have discretion as to who will respond to a comment/question.
- e. In all cases the criteria for response will be that comments/questions must be pertinent to City business, that there are no argumentative questions and no personal attacks.
- f. Some comments/questions may have to wait for a response until the next Regular Council Meeting.
- g. The Mayor will inform a citizen when he or she has used the allotted time.

***\*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 27<sup>th</sup> day of May, 2021 at North Ogden City Hall, on the City Hall Notice Board, on the Utah State Public Notice Website, and at [www.northogdencity.com](http://www.northogdencity.com). The 2021 meeting schedule was also provided to the Standard Examiner on December 12, 2020. Katie Gerard, City Recorder



# NORTH OGDEN CITY

SETTLED 1851

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## Staff Report to the North Ogden City Planning Commission/City Council

### STREET INFORMATION

Street Name\Number- Monroe and Mountain Road

Right of Way Width (ROW) - 80 ft.

Width (Curb to Curb) Monroe Boulevard - 61 feet, Mountain Road-59 feet

Speed limit- 30 MPH

Bike Lane-Both sides of street, between travel lane and parking

Trails- Monroe Boulevard- 6 foot sidewalk west side of road. Mountain road -north/ east side of road 6 foot asphalt

Sidewalk- 5 foot sidewalk opposite trail side of roads

Zoning-Low density single family residential\ R-1-10, RE-20, HP-1 and HP-2

### ADJACENT LAND USES

Residential \Civic\ Institutional\ Parks and Open Space

### STAFF INFORMATION

Kai Johnsen, Planning Technician

[Kjohnsen@nogden.org](mailto:Kjohnsen@nogden.org)

(801) 782-7211

### APPLICABLE ORDINANCES

North Ogden Zoning Ordinance 11-10-37: STREETScape STANDARDS

North Ogden Public Works Standards Section 20- Streetscape standards

North Ogden Public Works Standards Section 21- Complete Streets Policy

### TYPE OF DECISION

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

### BACKGROUND

In June of 2019 the North Ogden City Council adopted a set of streetscape standards for Washington Boulevard from the southern border of the city to 2650N. Additionally, these standards will be applied to 2700N/2600N from the city's western boundary to approximately 475E. These design standards will be applied as the surrounding properties develop\redevelop.

This is a continuation of the above mentioned project; the specific streetscape of discussion is a continuation of the Monroe Boulevard discussion and introduction of the Mountain Road discussion. The broad discussion will be in regards to the relation of walkability, land use, active transportation and trails. The aim of this discussion is to refine the streetscape design standards for Monroe Boulevard, as well as identify elements of the streetscape that are appropriate for Mountain road

## **ANALYSIS**

Monroe Boulevard when complete will provide another direct connection with Ogden City to the south reducing traffic demand along Washington Blvd. There are several important issues to address regarding this street. Specifically, the topic of Induced demand, timing of development around the street right of way, and the design speed of the street compared to speed limit will need to be addressed. Additionally, there is a desire among North Ogden citizens that this street connection not be completed for a multitude of reasons, including concerns surrounding the safety issues caused by the increased traffic flow.

In contrast to the Washington Blvd. streetscape design program, there are large sections of Monroe Blvd. within North Ogden City that have not been completed, the route completion will primarily be development-driven and is still several years out. Monroe is also a city owned and maintained road. This allows for a much wider discretion by the Planning commission and City Council regarding the design of the street within the right of way.

Mountain road differs in many significant ways from Monroe Blvd.; the construction of the road is driven completely by development, whereas The City is inducing the demand with purchase of right of right of way along the Monroe corridor. However when complete this road will collect a significant amount of traffic from the surrounding neighborhoods. This means that induced demand will still need to be accounted for when considering a design that is safe for all street users.

## **CONFORMANCE TO THE GENERAL PLAN**

The North Ogden General Plan was adopted on September 22, 2015. The General Plan in the Transportation chapter references the desirability of adopting a Complete Streets Policy.

***Goal #4 - Adopt a complete streets policy that will require future improvements to public rights-of-way to accommodate all users (elderly, young, bikers, runners, etc.) and to increase walkability and bikeability***

### ***Strategies***

Modify City ordinances to require new development site plan review to include a review of the Complete Streets Policy.

Establish a public “sidewalk completion program” that matches resident dollars and/or provides other incentives to install adequate sidewalks where sidewalks don’t exist (i.e. 2600 North).

Adopt new cross sections and standards for streets to assure sufficient room for pedestrians, bikes, street trees, and “dark sky” approved lighting fixtures. Increase minimum sidewalk widths to 5 feet. Consider narrowing the asphalt width of local roads to reduce travel speeds and increase pedestrian safety.

Develop an approved street tree list and encourage tree plantings by block. Also create planting guidelines/ordinances to require street trees on new residential and commercial projects and find ways to plant trees on existing streets.

Consider drought friendly landscaped decorative medians on major collector and arterial streets.

Continue to front single family homes where appropriate on major collectors and minor arterials but require alley loading or circular drives or deeper front yards to increase safety and compatibility of such uses.

Adopt the recommended bike lane routes into the transportation master plan.

Engage in low cost “road diets” that preserve vehicular traffic capacity while re-striping the road to accommodate bike lanes. Connect and integrate bike lane routes with public trails. Prioritize key commuting and recreational routes.

#### **SUMMARY OF LAND USE AUTHORITY CONSIDERATIONS**

Are bulb outs an appropriate traffic calming measure for Monroe Boulevard?

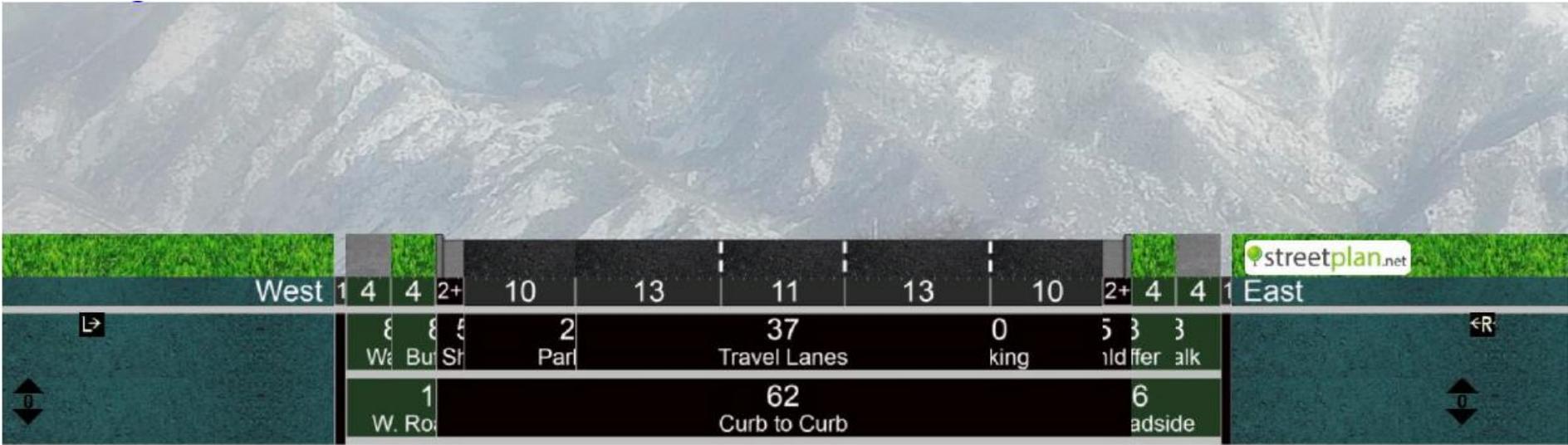
Are planted medians appropriate along mountain road?

Does the “Trees and Park Strips Guide” adequately provide for street trees along these roadways?

#### **EXHIBITS**

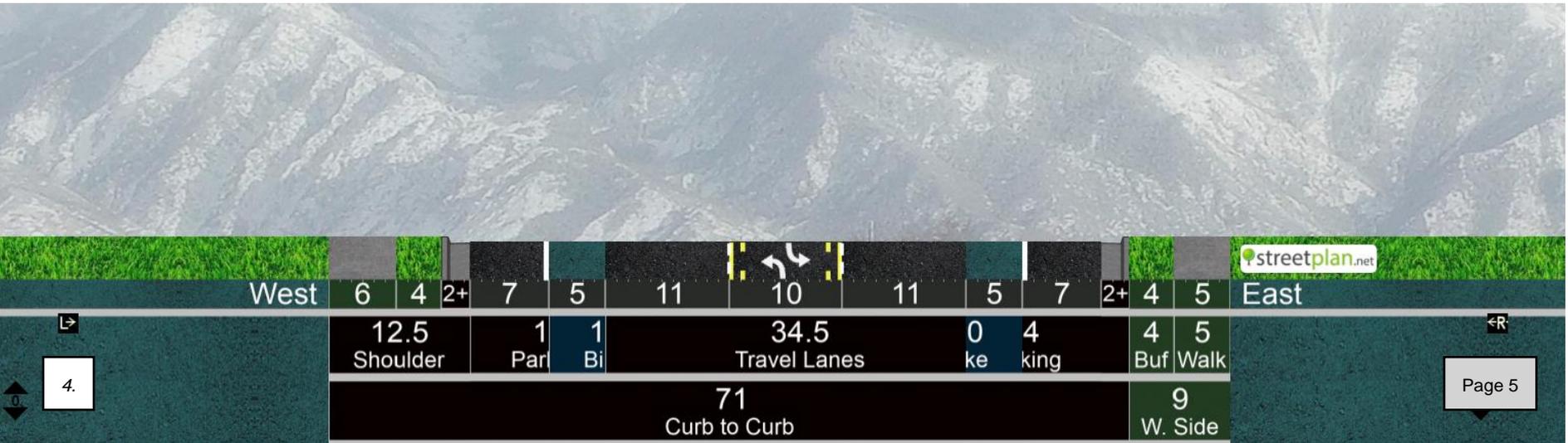
- A. Monroe boulevard/Mountain Road Streetscape presentation

# Monroe Boulevard



Monroe Existing Conditions (above)

Monroe Proposed ( below)





## What are acceptable trees for the parkstrips?

The following tree species, cultivars and varieties are considered to be desirable street trees and may be planted in the parkstrips.

**Hedge Maple** (*Acer campestre*).  
**Amur Maple** (*Acer ginnala*).  
**Bigtooth Maple** (*Acer grandidentatum*).  
**Paperbark Maple** (*Acer griseum*).  
**Trident Maple** (*Acer buergerianum*).  
**Red Buckeye** (*Aesculus pavia*).  
**Eastern Redbud** (*Cercis canadensis*).  
**Washington Hawthorn** (*Crataegus phaenopyrum*).  
**English Hawthorn** (*Crataegus laevigata*).  
**Rose of Sharon Tree Form** (*Hibiscus spp.*).  
**Goldenrain Tree** (*Koeleruteria paniculata*).  
**Spring Snow Flowering Crabapple** (*Malus spp.*).  
**Flowering Plum** (*Prunus cerasifera*).  
**Flowering Cherry** (*Prunus serrulata*).  
**Flowering Chokecherry** (*Prunus virginiana*).  
**Japanese Tree Lilac** (*Syringa reticulata*).  
**Lavalle Hawthorn** (*Crataegus x lavallei*).  
**Silk Tree** (*Albizia julibrissin*).  
**Norway Maple** (*Acer platanoides*).  
**Sycamore Maple** (*Acer pseudoplatanus*).  
**Black Maple** (*Acer nigrum*).  
**Common Hackberry** (*Celtis occidentalis*).  
**Flowering Pear** (*Pyrus calleryana*).  
**Autumn Purple Ash** (*Fraxinus americana*).  
**Ginkgo / Maidenhair Tree** (*Ginkgo biloba*).  
**Honeylocust** (*Gleditsia triacanthos*).  
**Kentucky Coffeetree** (*Gymnocladus dioica*).  
**Fruitless White Mulberry** (*Morus alba*).  
**Japanese Pagoda** (*Sophora japonica*).  
**European Hornbeam** (*Carpinus betulus*).  
**European Beech** (*Fagus sylvatica*).  
**Sweetgum** (*Liquidambar styraciflua*).  
**Autumn Blaze Maple** (*Acer x freemanii*).  
**Mountain Ash** (*Sorbus americana*).  
**European Alder** (*Alnus glutinosa*).  
**Tricolor Beech** (*Fagus sylvatica*).  
**Linden** (*Tilia cordata*).  
**Avalanche Birch** (*Betula x 'Avalanche'*).

## What are unacceptable trees for the Parkstrips?

The following tree species are not acceptable for parkstrips and shall not be planted.

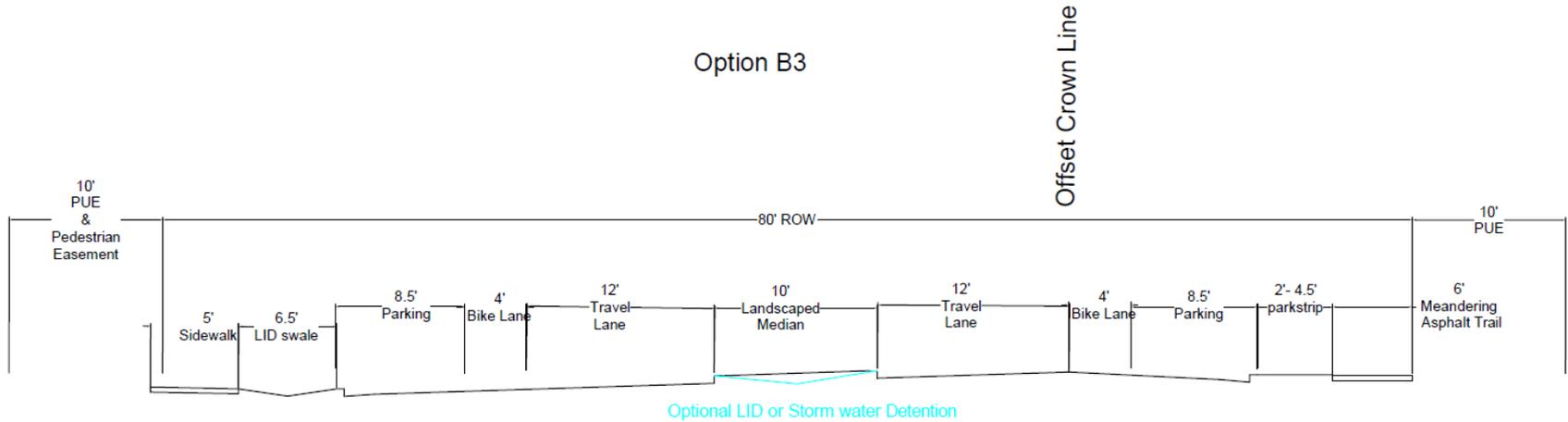
**Silver Maple** (*Acer Saccharinum*) Large surface roots guaranteed to raise or crack concrete.  
**London Plane Tree** (*Platanus*) Large surface roots, tree becomes too large for park strip.  
**Siberian Elm** (*Ulmus Pumilla*) Large surface roots, readily volunteers, messy tree.  
**Cottonwood** (*Populus Fremonti*) Large surface roots, guaranteed to raise or crack concrete.  
**Poplar** (*Populus*) Large surface roots, tree becomes too big for park strip.  
**Russian Olive** (*Elaeagnaceae Angustifolia*) Profuse suckering, messy tree, long sharp thorns.  
**Willow** (*Salix*) Any variety Weak branch structure, falls apart easily.  
**Quaking Aspen** (*Populus Tremloides*) Weak branching, prone to many disease & insect problems.  
**American Elm** (*Ulmus Americana*) Prone to Dutch Elm Disease.  
**Black Locust** (*Robinia Pseudoacaia*) Large seed pods make for messy tree, poor branch structure.  
**Box Elder** (*Acer Negundo*) Large surface roots, suckers profusely.  
**Tree of Heaven** (*Ailanthus*) Large surface roots, suckers profusely.  
**Idaho Locust** (*Robinia x Ambigua*) Prone to borers & other health problems, suckers profusely.  
**Birch** (*Betula*) Any variety Prone to borers, large majority of trees die in our climate.  
**Horse Chestnut** (*Aesculus*) Large Tree, fruits can be a problem.  
**Conifers** - many are listed Evergreens generally get to large in girth for parkstrips. (Colorado Blue Spruce, Austrian Pine, Ponderosa Pine, Pinyon Pine, Mugo Pine, White Fir, Douglas Fir, Sub Alpine Fir, Upright Junipers)



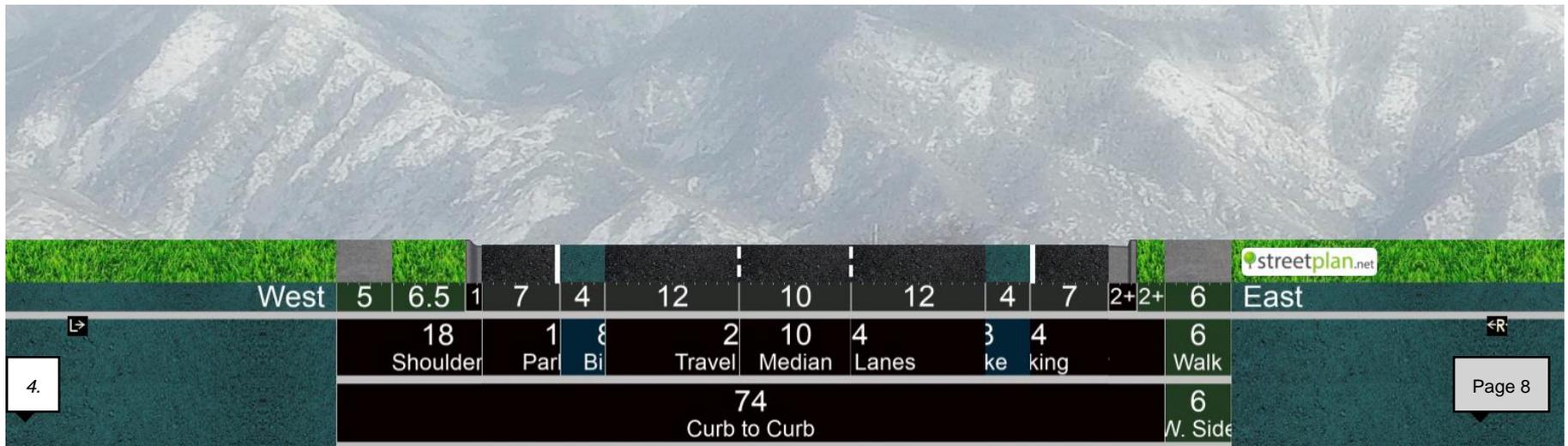
Parks & Recreation 801-737-0587



# Mountain Road



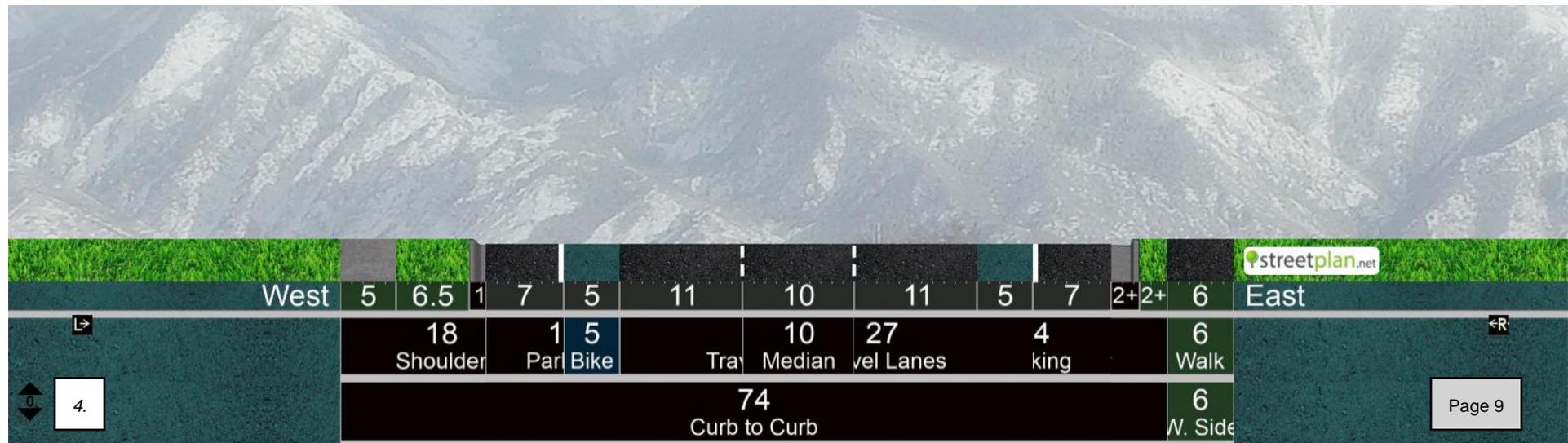
## Mountain Road Recommended 2nd Modified Option



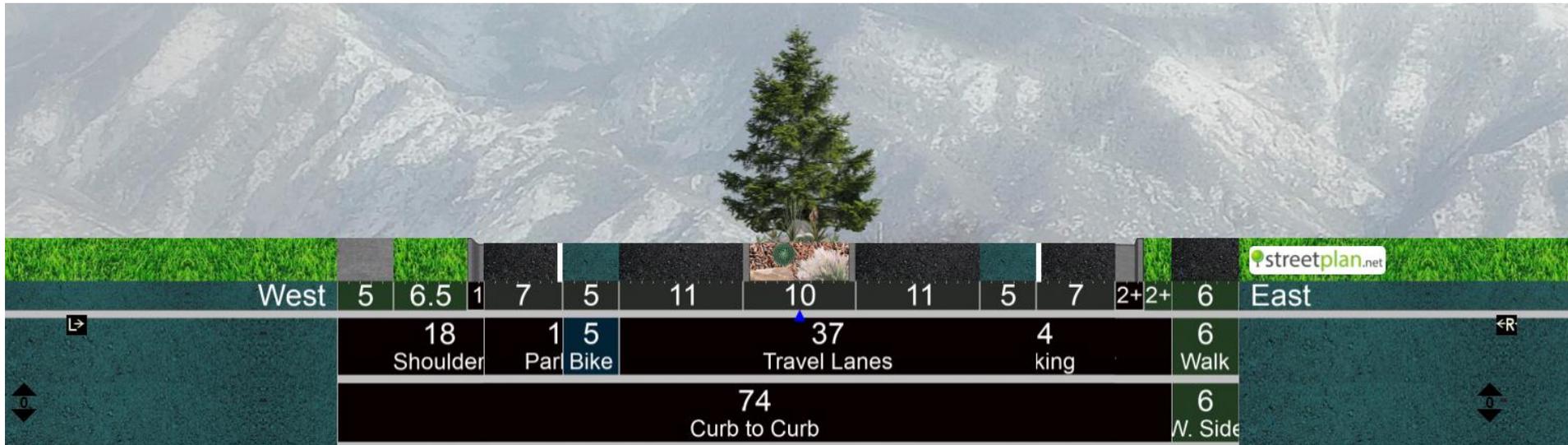


Example of trail meander

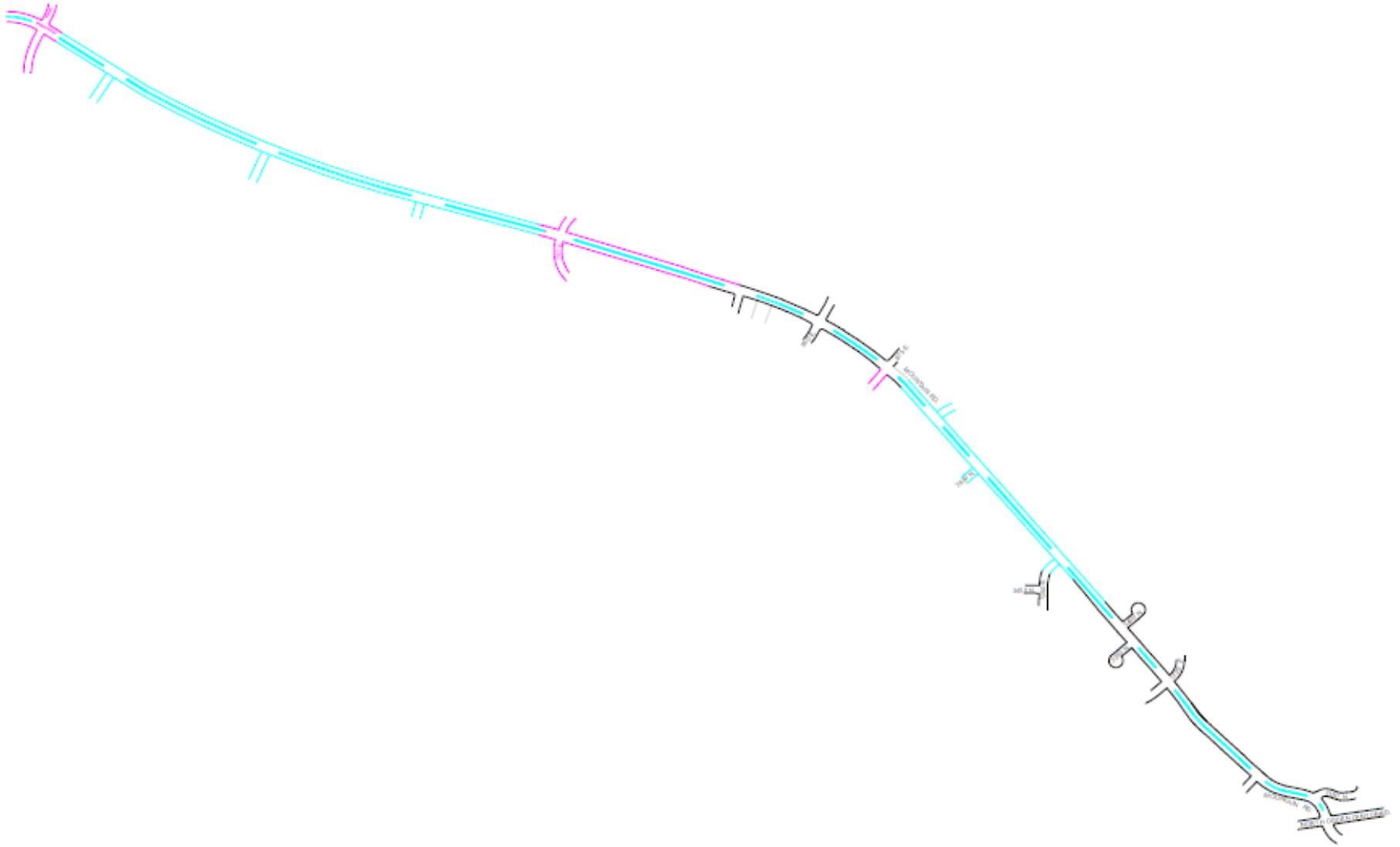
Mountain road 5 ft. bike lanes



# Landscaped Medians



A 10' wide Landscaped Median on a 20' center section is approximately 3X the cost of the standard roadway section. The main reasons for the cost increases are the Curb and Gutter costs and added Landscaping.



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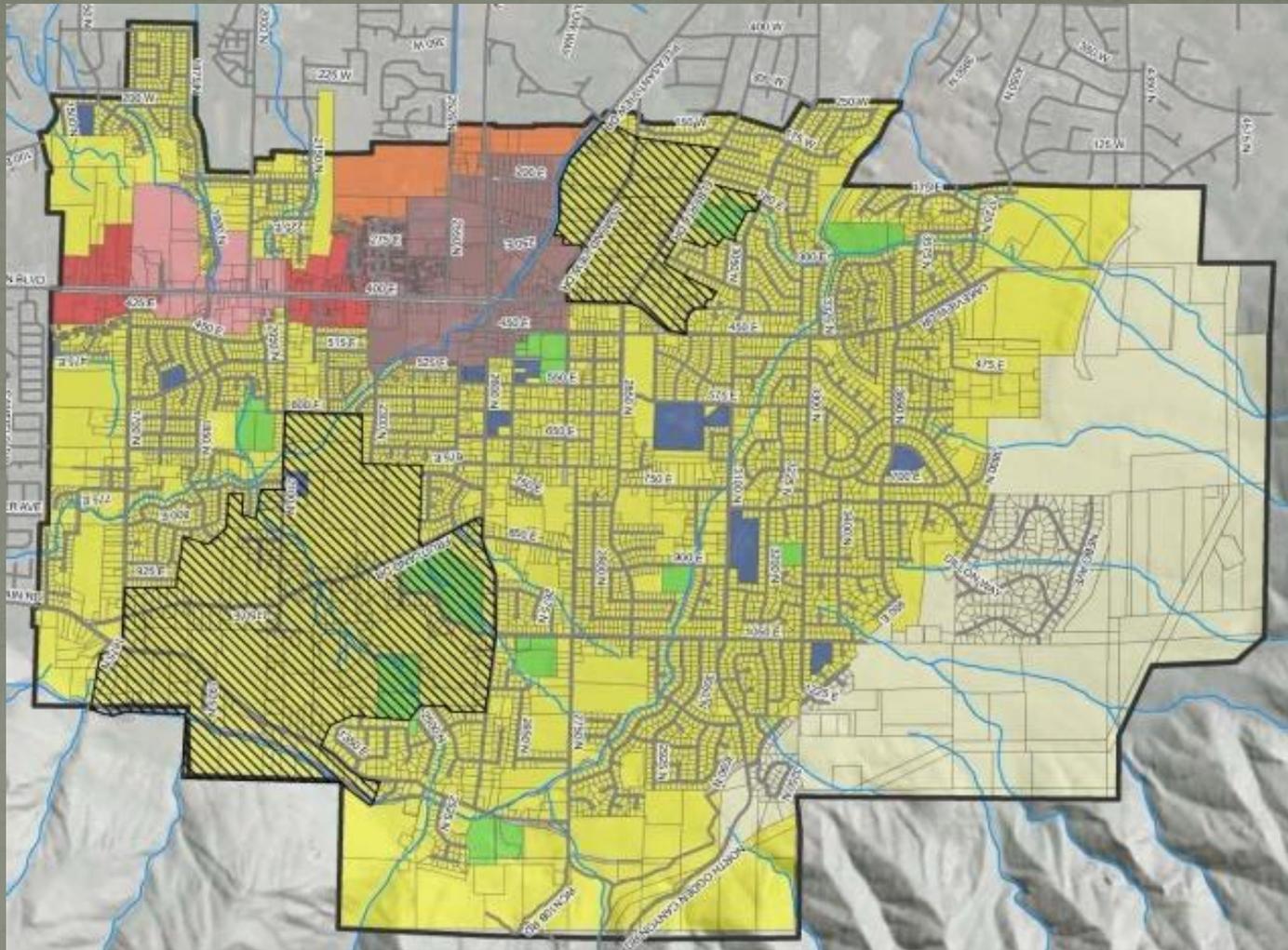


Parks & Recreation 801-737-0587



# HOUSING TYPES

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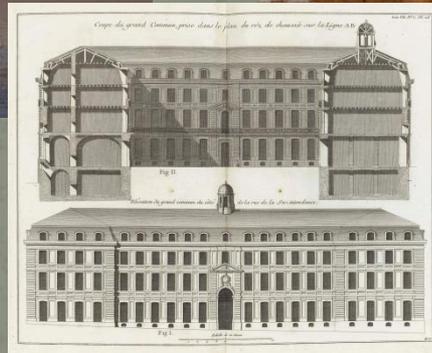
**FUTURE LAND USE MAP**

Potential Conservation Areas	Residential Medium Density
Streets	Parks
North Ogden Potential Boundary	Down Town Mixed Use - See Downtown Map
Streams/Canals	South Town Mixed Use - See Southtown Map
<b>Future Land Use</b>	Mixed-Use/Multi-family/Commercial
Residential Hillside	Civic/Institutional
Residential Low Density	

**NORTH OGDEN CITY**  
— SETTLED 1851 —  
**GENERAL PLAN UPDATE**  
Date: 9/30/2015

One end of the spectrum...

# The Palace at Versailles



- “the Palace contains 2,300 rooms
- spread over 63,154 m2.”

- [Source: http://en.chateauversailles.fr/discover/estate/palace](http://en.chateauversailles.fr/discover/estate/palace)

...to the other end of the spectrum:  
**Tiny Homes**



Ian Pratt Photography



- <https://www.countryliving.com/home-design/house-tours/g108/tiny-heirloom-homes/>
- <https://www.tinyheirloom.com/>

# Accessory Dwelling Units

**Lot size range (feet):** For each dwelling, about 18' wide x 8'0 deep up to about 30' wide x 120' deep.

- **Height:** 2 to 3.5 stories.
- **Resultant density range:** About 15 to 30 dwelling units per acre (variations are higher).
- **Building type:** A dwelling unit that is secondary to the primary building.
- **Height:** One to two stories.
- **Resultant density range:** About 15 dwelling units per acre for the average
- 5,000-square foot lot, including the primary structure. This will vary largely based on the size of the single-family lot. The density information is provided but typically an ADU is not counted toward the density maximum.

**Variations:**

- **Detached ADU:** A structure completely separate from the primary building,
- including detached garage conversions or additions.
- **Attached ADU:** An addition to the primary building outside of the original
- building's footprint.
- **Internal ADU:** Conversion of a part of the primary building to an ADU



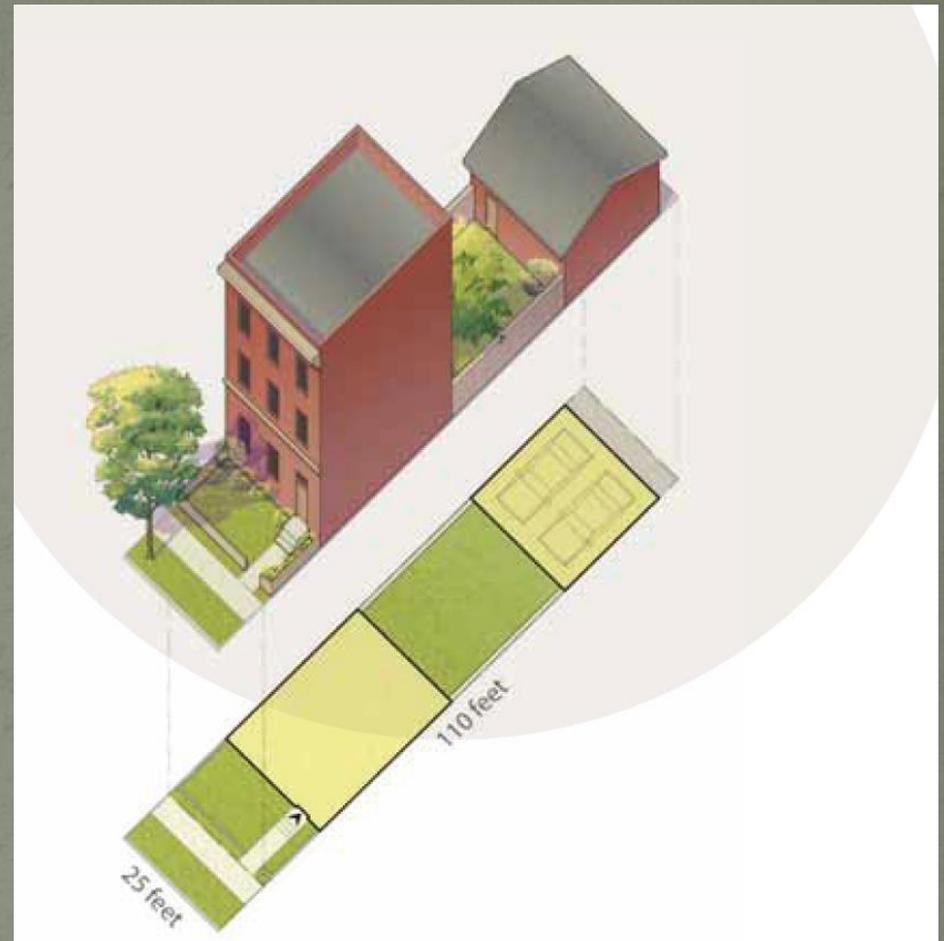
# Accessory Dwelling Units

Housing Types



# Townhouse / Rowhouse

- ❖ **Building type:** An attached dwelling within an array of up to 10 total dwellings that appear as one building. Each dwelling is a walk-up unit with no other unit above, built without side setbacks, with a small dooryard at the sidewalk and a small rear yard with an attached or detached garage.
- ❖ **Lot size range (feet):** For each dwelling, about 18 wide x 80 deep up to about 30 wide x 120 deep.
- ❖ **Height:** 2 to 3.5 stories.
- ❖ **Resultant density range:** About 15 to 30 dwelling units per acre (variations are higher).



**Source: Diversifying Housing Options with Smaller Lots and Smaller Homes,  
National Association of Home Builders**

# Townhouses



# Townhouses

## Housing Types



# Townhouses

## Housing Types



# Small House on a Small Lot

- **Building type:** A detached building with one dwelling on a lot that is smaller than the typical single-family lot. The house is also smaller than the typical single-family houses and has a dooryard porch providing entry to the unit from the street or a shared garden. The building has a small rear yard with uncovered parking, or an attached or detached garage accessed by a side drive or an alley.
- **Lot size range (feet):** About 35 wide x 80 deep up to about 50 wide x 90 deep.
- **Height:** 1.5 to 2.5 stories.
- **Resultant density range:** About 10 to 15 dwelling units per acre (variations are higher).



**Source: Diversifying Housing Options with Smaller Lots and Smaller Homes, National Association of Home Builders**

# Small House on a Small Lot

Housing Types



# Cottage Court

## Housing Types

- **Building type:** One lot with a group of 3 to about 10 detached buildings, each with one single-story dwelling. Each cottage fronts the shared court and has a dooryard, stoop, or porch providing entry to the unit. Cottages share side yards and usually do not have a rear yard. Each cottage has open or covered parking in an attached or detached garage accessed by a side drive or an alley.
- **Lot size range (feet):** About 100 wide x 120 deep up to about 200 wide x 250 deep.
- **Shared court:** The court is usually a garden and typically about 20-feet clear in any direction to give the garden an open feeling.
- **Height:** 1.5 stories\*.
- **Resultant density range:** About 15 to 35 dwelling units per acre (variations are higher).

**Mixed-types:** A few of the cottages are expanded to duplexes or triplexes, keeping the small building footprint and scale while increasing the total units on the lot.



# Cottage Court

Housing Types



# Attached Units

Housing Types



# Small Multi-Unit Buildings (Duplex to Sixplex)

Housing Types



# Mansion Home Apartments

Housing Types

- Looks like a single family home
- Usually one visible entrance
- Approximately 3-6 units.



# Mansion Home Apartments

Housing Types



5.



## Staff Report to the North Ogden City Council

### SYNOPSIS/APPLICATION INFORMATION

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

Agenda Date: June 1, 2021

Applicant: North Ogden City

File Number: ZTA 2018-03

### PUBLIC NOTICE:

Mailed Notice: March 5, 2021

Newspaper: March 6-7, 2021

City Website: May 7, 2021

### STAFF INFORMATION

Robert O. Scott, AICP  
[rscott@nogden.org](mailto:rscott@nogden.org)  
(801) 737-9841

### APPLICABLE ORDINANCES

North Ogden Zoning Ordinance Title 11-1-4 (Changes and Amendments)

North Ogden Zoning Ordinance Title 11-25 (Development Constraints)

North Ogden Zoning Ordinance Title 11-2 (Definitions)

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

### LEGISLATIVE DECISION

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

### BACKGROUND

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

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

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

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

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

#### Planning Commission Edits

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

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

#### Staff Edits

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

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

#### Amendment Summary

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

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

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

#### 11-2: DEFINITIONS

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

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

space definition.

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

There are two new definitions natural trail and trail heads.

#### 11-27 SENSITIVE LANDS OVERLAY

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

##### 11-27-1: PURPOSE AND INTENT

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

##### 11-27-2: SCOPE AND APPLICATION

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

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

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

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

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

Impervious materials coverage standards are given.

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

A buildable area definition standard is given.

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

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

##### 11-27-4: DEVELOPMENT STANDARDS

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

##### 11-27-5: REVIEW AND APPROVAL PROCEDURE

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

##### 11-27-6: ISSUANCE OF BUILDING PERMITS

There is a separate provision for building permit issuance.

##### 11-27-7: APPENDIX A

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

### **CONFORMANCE WITH THE GENERAL PLAN**

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

## **Environmental**

### Goals

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

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

##### ***Strategies***

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

## **Housing**

#### **Goal #1 – Increase Housing Quality and Variety**

- Establish and adhere to high quality building and design standards for all housing types so that development enhances the community character.

##### ***Strategies***

- Proactively evaluate current ordinances and policies to determine whether there are obstacles that can be removed or modified to achieve the community's housing goals.
- Create design standards to improve the overall quality of North Ogden's housing.

#### **SUMMARY OF LAND USE AUTHORITY CONSIDERATIONS**

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

**PLANNING COMMISSION RECOMMENDATION**

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

**EXHIBITS**

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

Date: 12/9/2020

## Potential Sensitive Lands Overlay Zone



0 0.75 1.5 3 Miles

Kai Johnsen  
Basemap-Aerial Imagery  
Data Source- Utah AGRC

**ORDINANCE 2021-**

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

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

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

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

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

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

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

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

**SECTION 1:** Language to be amended:

**11-25 DEVELOPMENT CONSTRAINTS**

**A. PURPOSE AND INTENT:**

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

**B. APPLICABILITY:**

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

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

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

~~1. Determinations: The studies shall make the following determinations:~~

- ~~a. Whether the site has constraints to development that are too hazardous to be developed and therefore should not be developed.~~
- ~~b. What areas of the site can be developed if mitigating measures are taken and the identification of the mitigation measures.~~
- ~~c. What areas of the site have no hazards to development.~~

~~2. Sensitive Areas: Development in the sensitive areas shall take place only after the developer's engineer certifies and the city accepts the developer's engineer's conclusion, that development in such areas is safe. However, if the city believes it is appropriate, the city may still conduct an independent review of the property. By submitting plans and specifications to the city, the developer agrees to allow the city engineer, surveyor or other agents onto the property to conduct further reviews.~~

~~3. Minimum Building Area Without Development Constraints:~~

- ~~a. There shall be a minimum of ten thousand (10,000) square feet of buildable area on each lot or parcel.~~
- ~~b. The entire building area shall be free of any development constraints. None of the development building area shall be located in an area where development hazards are identified, without mitigating measures, as proposed, designed and certified by the developer's engineer, taking place that will overcome or protect the area from the identified hazards.~~
- ~~c. Each development area must be a contiguous area not less than eighty feet (80') continuously in width and one hundred feet (100') continuously in depth.~~
- ~~d. If the development area is not adjacent to the public street, it shall be accessible to the public street with an accessway that is a minimum of thirty feet (30') wide from the public street to the development area. The accessway shall be developed in conformance with the grading standards specified in this chapter.~~

~~4. Development on natural slopes steeper than 20% shall be prohibited without a request for and approval of a variance submitted to the City including engineering recommendations from a certified and licensed engineer and~~

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

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

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

**SECTION 2:** Language to be added:

**11-2: DEFINITIONS**

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

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

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

S = Average slope in percent.

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

A = Total number acres in the parcel.

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

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

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

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

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

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

**IMPERVIOUS MATERIALS:** Materials that are impenetrable by moisture.

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

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

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

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

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

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

**SECTION 3:** Language to be amended:

**11-2: DEFINITIONS**

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

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

**SECTION 4:** Language to be added:

**11-27 SENSITIVE AREA OVERLAY ZONE SA**

**11-27-1: PURPOSE AND INTENT**

**11-27-2: SCOPE AND APPLICATION**

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

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

**11-27-1: PURPOSE AND INTENT**

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

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

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

**11-27-2: SCOPE AND APPLICATION**

- A. Creation: There is hereby created a Sensitive Area Overlay Zone consisting of those areas shaded on the zoning map of the City.
  
- B. Jurisdiction Of Sensitive Area Overlay Zone: The provisions of this Chapter shall apply to all lands in the City which lie within the area designated on the Zoning Map as identified as the North Ogden City Sensitive Area Overlay Zone. No building or structure may be erected or reconstructed on land which is designated on the Zoning Maps of the City as sensitive area, nor shall such land be subdivided, graded or otherwise disturbed for purposes of development or subdivision, unless such construction, subdivision or disturbance is undertaken in accordance with this Chapter.
  
- C. Effect Of Provisions: The regulations of this Chapter shall be supplemental to, and not in lieu of, the applicable zoning provisions of the use district in which the land is located and/or general provisions applicable to all zones. However, in the event of conflict between such additional provisions and the provisions of this Chapter, the more restrictive provisions shall apply.
  
- D. Application To Previous Development: The provisions of this Chapter shall have no application to any development or other construction project which has been granted preliminary approval prior to the effective date hereof.

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

A. Single-Family Dwelling Units:

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

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

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

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

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

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

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

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

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

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

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

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

**11- 27- 4:DEVELOPMENT STANDARDS**

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

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

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

Q = CIA in which

Q = Runoff in cubic feet per second (CFS)

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

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

A = Drainage area in acres

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

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

B. Vegetation And Revegetation:

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

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

C. Fire Protection:

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

D. Geology:

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

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

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

E. Grading, Cuts And Fill:

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

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

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

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

**G. Open Space Plan:**

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

**H. Parks Plan**

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

**I. Trails Plan**

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

**J. Building Design:**

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

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

## **11- 27-5:REVIEW AND APPROVAL PROCEDURE**

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

### **1. Submittal For Concept Approval:**

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

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

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

### **1. Written Documents:**

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

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

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

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

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

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

#### **11-27-6: ISSUANCE OF BUILDING PERMITS**

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

#### **11-27-7: APPENDIX A**

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

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

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

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

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

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

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

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

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

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

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

**SECTION 5:** Language to be amended.

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

**11-9-4: SUBMISSION AND REVIEW PROCESS**

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

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

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

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

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

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

~~C. Preliminary Plat Review Process:~~

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

~~D. Development Plan Review Process:~~

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

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

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

**SECTION 6:** This ordinance shall take effect upon adoption.

**PASSED and ADOPTED this 11<sup>th</sup> day of May, 2021.**

**North Ogden City:**

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

**CITY COUNCIL VOTE AS RECORDED:**

	<b>Aye</b>	<b>Nay</b>
<b>Council Member Barker:</b>	_____	_____
<b>Council Member Cevering:</b>	_____	_____
<b>Council Member Ekstrom:</b>	_____	_____
<b>Council Member Stoker:</b>	_____	_____
<b>Council Member Swanson:</b>	_____	_____
<b>(In event of a tie vote of the Council):</b>		
<b>Mayor Berube</b>	_____	_____

**ATTEST:**

\_\_\_\_\_  
**Katie Gerard**  
**City Recorder**



## Memorandum

**To:** North Ogden Planning Commission

**From:** Jory Wahlen, PE  
Wasatch Civil Consulting Engineering

**Date:** March 16, 2021

**Subject:** Sensitive Lands Amendment Comments

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

1. The proposed amendment prohibits the development of lots on slopes greater than 20% (11-27-3-A-1).  
*The City should consider allowing residential lots on slopes exceeding 20%. Buildable slopes should vary based on geological conditions and geographical location. Qualified professionals can determine safe buildable slope to avoid the potential unintended consequence condemning property based on a randomly assigned maximum slope.*
2. The proposed amendment states Low Impact Design standards must comply with the North Ogden City Public Works Standards chapter 19, and on-site retention of 80% is required (11-27-4-A-3-b).  
*The wording for the requirement is confusing. If taken literally, it could be understood as a requirement that exceeds the state General Storm Water Discharge Permit, which states that development shall prevent the off-site discharge of the precipitation from the 80<sup>th</sup> percentile rainfall event. The 80<sup>th</sup> percentile rainfall event differs from 80% of all stormwater generated. Additionally, the State Permit states that these measures apply to the Maximum Extent Practicable. From our experience, this area contains many areas where it is not practicable to implement these Low Impact Design standards.*
3. The proposed amendment states that streets may cross areas over 20% slope when the slope over 20% does not exceed 200 feet (11-27-4-F-1).  
*The City should consider not limiting the length of streets crossing over 20% slope area. When appropriately designed, streets can cross slopes over 20% for much longer distances.*

**Planning and  
Development  
Services**

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pds@utahplanning.com

April 19, 2021

North Ogden City Planning Commission Members  
c/o North Ogden City  
505 East 2600 North  
North Ogden, UT 84414

Re: Ordinance 2021-xx, An Ordinance of North Ogden City amending the Zoning Ordinance of North Ogden City Title 11-25 Development Constraints, adding a New Chapter 11-27 Sensitive Lands, and amending 11-2 Definitions with added and amended Definitions

Dear North Ogden City Planning Commission Members,

The Planning Commission is considering a recommendation to the City Council for Ordinance 2021-xx that amends Title 11-25 Development Constraints and adds a New Chapter 11-27 Sensitive Lands. For reference, the proposed Ordinance is referred to as “Ordinance 2021-xx” (the Ordinance remains unnumbered). The following materials are offered in the spirit of providing information to the Planning Commission designed to enhance the application and management efficiencies of Ordinance 2021-xx.

Last Thursday, representatives of Westside Investments, LC met with North Ogden Planning and Engineering Staff members and the City Manager to discuss Ordinance 2021-xx. This meeting was beneficial to our understanding of Ordinance 2021-xx. We thank them for their courtesies in meeting with us and for the information provided. What was clear was the purposes of Ordinance 2021-xx were primarily directed to achieving public and personal safety and achieving development quality. Following that meeting, we are now providing these materials for Planning Commission consideration. On behalf of Westside Investments, LC, we have considered Ordinance 2021-xx as drafted, which is now before the Planning Commission.

Among other things, Ordinance 2021-xx affects Title 11-25 Development Constraints and provides a new Chapter for Sensitive Lands (Chapter 11-27). The proposed amendments to Title 11-25 have a singular purpose, “to establish minimum standards for grading and drainage to protect the health, safety, and welfare of citizens and property owners” (Ordinance 2021-xx, §11-25A).

*Ordinance 2021-xx is Unnecessarily Expansive.* The Zoning Ordinance amendments proposed by Ordinance 2021-xx affect every property in North Ogden City (Ordinance 2021-xx, §11-25B). Ordinance 2021-xx requires

“studios” (shouldn’t it be studies?) for every proposed development or grading activity anywhere in the City. A developer or landowner is required to provide site-specific studies addressing (1) geomorphology, (2) geology, (3) faults, (4) hydrology, (6) slopes, (7) soils, (8) (water) recharge, (9) vegetation, (10) wildlife, (11) fire, and (12) utility and parks constraints. “No development shall take place in any area where development hazards are identified, without mitigating measures” (Ordinance 2021-xx, §11-25C).

Independent of location, it is a property owner or developer’s responsibility to first provide “site-specific studies for the twelve (12) items required and, if found to exist then to propose “mitigating measures.” Ordinance 2021-xx provides no guidance related to the extent of the required twelve (12) studies and no review standards for the City Engineer to rely on to determine study approval or disapproval. As drafted, Ordinance 2021-xx is unnecessarily overly broad and vague.

**Recommendation:** A solution exists. At a minimum, Ordinance 2021-xx must provide:

1. Clarity on the extensiveness of the required twelve (12) site-specific studies; and
2. City Engineer review and decision-making standards.

*Required Studies.* It is difficult for a property owner or developer to accept the expenditure of thousands, if not hundreds of thousands of dollars, on the twelve (12) required site-specific studies without any indication that the issue being studied is even likely to exist.

**Recommendation:** To promote Ordinance 202-xx efficiencies, site-specific studies will be required if evidence and/or documentation is available from a Federal or State agency, with authority, demonstrating the likelihood that a study item exists. Further, a study will not be required to cover the entirety of the property. Studies will initially focus on the areas identified by a Federal or State Agency with authority. However, if a study calls for additional locations to be investigated, these areas shall be included. These two recommendations alone will add various levels of specificity, certainty, and efficiency currently missing from Ordinance 2021-xx.

*Definitions, §11-2.* A definition for “Average Slope” is provided. Average slope is calculated using the provided formula and requires the total area of the parcel to be used. This is overly broad with the potential of including areas that are not affected by slopes unnecessarily. Further, Ordinance 2021-xx should clarify that slope determination shall only apply to naturally occurring slopes.

**Recommendation.** A more applicable slope determination formula is available. Slope should be determined by vertical rise over horizontal run. Vertical rise is known (from contour mapping). The question then, what should be the horizontal standard? While variations exist, many Utah municipalities use a horizontal distance of 100 feet. Using a slope determination calculation of vertical rise over a horizontal distance of 100 feet focuses on the critical slope areas, avoids unnecessarily including other areas, and provides a basis for slope stability studies.

*Section 11-27-2: Establishing a North Ogden City Sensitive Area Overlay Zone.* This Ordinance creates a new overlay district, the Sensitive Area Overlay Zone. The Sensitive Lands

Map identifies the location of this zone, including properties on the northern and eastern sides of the City.

In addition to the twelve (12) investigative studies required by §11-25, additional requirements affect all properties located in the mapped Sensitive Areas Overlay Zone. However, Ordinance 2021-xx provides no information, data, or other bases upon which the Sensitive Areas Overlay Zone boundaries were determined. Lacking such information, the potential exists that properties may have been unnecessarily and unintentionally included in the Sensitive Areas Overlay Zone. Property owners deserve to know why their properties were included.

**Recommendation.** A solution exists. If a Federal or State agency with authority determines the potential of a sensitive land condition, that determination will trigger the required studies for the area(s) identified by the Federal or State agency. These agencies possess the expertise necessary for making such determinations. This approach is focused, uses credible and accepted data, and is not heavy-handed. Using available Federal or State agency information avoids a property owner or developer engaging in the “wild goose chase” to determine the existence of any sensitive areas. That responsibility rests with those possessing the required expertise and authority.

*Section 11-27-1 “Special Care.”* At §11-27-1, Ordinance 2021-xx asks that “special care” be taken with all sensitive land areas. This is a reasonable and responsible standard. However, Ordinance 2021-xx then proceeds to establish “standards, guidelines, and criteria” for sensitive areas. Section 11-27-3 et. seq., has the real potential of imposing unnecessary impacts on achieving a development designed with “special care.” These potential negative impacts are embedded in §11-27-3(A)3, §11-27-3(A)5, and §11-27-3(A)6. Section 11-27(3)(J) imposes specific construction standards. Ordinance 2021-xx also discusses “hillside and canyon areas” but fails to define or identify these areas.

Buildings are limited to 1½ stories. Why? No reasoning is offered. This is a building design standard, construction, and property rights impact embedded in sensitive land provisions. Multiple Utah examples exist that do not impose such a requirement and do so without compromising a sensitive land standard. Establishing a definitive standard often works against achieving “special care.”

*Section 11-27-4(D) et. seq.* This section requires that lands located within the Sensitive Areas Map provide various geological reports, identify active landslides, hazard rockfall zones, landslides, debris flow, and avalanche zones. Who determines such areas, and on what basis?

**Recommendation:** If a Federal or State agency, with authority, determines the potential of a sensitive land condition, that determination triggers the required reports and studies. Section 11-27-5(B)(2)(i) moves towards that direction, requiring that the “location of known hazards” be identified. What is recommended here is that “know” be established by a recognized Federal or State agency, as applicable.

*Section 11-27-6: Issuance of Building Permits.*

**Recommendation.** Check conformity with §10-9a-604.5, Utah Code, as amended.

*Section 11-27-7 Appendix A.* This provision provides minimum standards for the required sensitive land areas investigative reports. These standards are detailed and in-depth. Again, what is lacking is clarity for a property owner or developer on where to start. Requiring sensitive lands studies for the entire development site for every report is impractical and unrealistic.

**Recommendation.** All studies required by §11-27 et. seq. should be based on preliminary information provided by a Federal or State agency, with authority, and as applicable. This information provides the necessary starting point for all studies and reports.

*Ordinance 2021-xx requires other studies.* These include “special studies” that may include economic feasibility studies or market analysis studies.

**Recommendation.** It is impossible to consider such studies as achieving any purpose of Ordinance 2021-xx. Eliminate all discretionary studies that have no place in a Sensitive Area Overlay Zone.

*Other Items.* In addition to the foregoing, we do have comments directed to Ordinance design and construction standards. Most are technical corrections or civil engineering related. Our comments seek to achieve the standards of “special care” desired by Ordinance 2021-xx and by responsible property owners and developers.

**Recommendation.** It would be appropriate to discuss our comments with the City’s professional planners, engineers, and others at a time mutually convenient. Our comments can be characterized as promoting the City’s desire to achieve a *special care* standard, unfettered by unnecessary regulatory impacts.

On behalf of Westside Investments LC, thank you for your consideration of the comments presented. All are intended to enhance the viability and implementation of Ordinance 2021-xx.

Respectfully Submitted,

*Bruce W. Parker*

Bruce W. Parker, aicp  
Principal, Planning and Development Services, LLC

cc. Robert Scott, North Ogden City, Lorin Gardner, North Ogden City, Jon Call, North Ogden City, Kami Marriott, Westside Investments, Matt Murdock, Wasatch Civil, John Bjerregaard, Wasatch Civil, File.

# North Ogden Sensitive Lands Ordinance

## 2021 (Proposed)

### Comments / Concerns

#### Section 1

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

#### Section 4

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

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

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

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

Not every project needs a public access point to the mountain. This would be chaotic and uncomfortable for the owners of subject property.

Buildable Areas should match what the terrain and surrounding area will sustain.

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

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

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

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

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

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

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

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

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

Building Design should never be a community process. Building styles, colors and heights should be

derived from the highest and best use of the property itself. Taking all of the requirements from each of the different city zones and cherry picking the most restrictive of them all lends itself to more of a taking than a sensitive lands issue.

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

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

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

Thank You for your consideration in this matter,

Carson Jones

Blackburn Jones Real Estate Inc.

carson.jones@bbjrei.com

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

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

Our points of contention with this proposal include:

- The designation that homes can be built to a maximum of 1 1/2 stories or 25 feet. This is on par with one of the city's most restrictive zones and should not apply the lands in question. It lessens the value of the developed lots and is inconsistent with many adjacent developments/phases.
  
- The numerous new requirements that must be met in order for development to be approved, which add significant time and cost for the developers. These include; the minimization of development work for 6 1/2 months related to vegetation protection, revegetation, the need to cover exposed soils during the winter months, and the undefined Special Studies as required by the Planning Commission identified during the conceptual approval phase.
  
- The definitions are confusing and open to interpretation of the individual. For example:
  - NATURAL OPEN SPACE is defined as areas that contain SAGEBRUSH or NATURAL VEGETATION.
  - NATURAL VEGETATION is defined as areas that include ORCHARDS.
  - OPEN SPACE is defined as areas that include NATURAL OPEN SPACE.
  - A PARK includes the definition as PRIVATE parcel of land designed to function and used for NATURAL OPEN SPACE.
  - Therefore: any land that has SAGEBRUSH or an ORCHARD could be defined as OPEN SPACE or a PARK!
  
- Throughout this entire document it speaks about the preservation of open space and natural vegetation regardless of the geology or topography of the land. This document seems mainly focused on the determent of future development with no respect to the land owners' rights. We believe this to be illegal and highly recommend that the planning commission vote no on this ordinance.

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

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

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

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

Best Regards

Cherie Hall Ensminger  
Richard Hall



## Staff Report to the North Ogden City Planning Commission

### Addendum

#### SYNOPSIS/APPLICATION INFORMATION

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

Agenda Date: April 21, 2021

Applicant: North Ogden City

File Number: ZTA 2018-03

#### BACKGROUND

##### Wasatch Civil Comments

Comments from Wasatch Civil Consulting Engineering were received and presented at the March 17, 2021 Planning Commission meeting. There were three comments in the memorandum. The first was a concern about the provision limiting development to properties under 20% slope. This standard is not new to the sensitive lands amendment; this is an existing standard. Further there may be some isolated slopes above 20% but very few.

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

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

##### Planning and Development Services Memorandum

Staff met with Kami Marriott, Wasatch Civil, and Bruce Parker on April 15, 2021. A memorandum with various comments was received on April 19, 2021 from Planning and Development Services. (See Exhibit D).

Staff has summarized the memorandum comments with staff responses.

**Memorandum Comment:** Studios as a typo is referenced.

Staff Response: This may be from an earlier draft.

##### **Memorandum Comments:**

No guidance is provided to the extent of the site specific 12 studies with no review standards for the City Engineer.

A second comment asks the question who determines the extent of the various studies.

A third comment references that, Requiring sensitive lands studies for the entire development site for every report is impractical and unrealistic.

Staff Response: 11-27-5 Review and Approval Procedure specifies that the required studies be

identified as part of the conceptual review by the Planning Commission. Prior to being placed upon the Planning Commission agenda a Technical Review Committee meeting is held. The recommended studies are identified in the Technical Review meeting and incorporated into the staff report.

The required studies are based upon the applicants submittal, previous neighboring property studies, staff knowledge, and the North Ogden Hillside Protection Study. North Ogden also relies upon any available state and federal studies.

Study requirements are part of the Planning Commission conceptual approval.

**Memorandum Comment:** Average Slope definition should be revised.

Staff Response:

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

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

S = Average slope in percent.

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

A = Total number acres in the parcel.

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

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

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

**Memorandum Comment:** How were the boundaries created for the Sensitive Lands Overlay.

Staff Response: The Planning Commission reviewed the proposed map after considering where undeveloped lands were located on the bench areas of North Ogden. It was determined that properties generally to the North and East of Mountain Road would be included in the overlay.

**Memorandum Comment:** Consider the potential for negative impacts of the standards found in 11-27-3 Density, Lot Size, Width and Characteristics.

Staff Response: These standards reflect that steeper slopes generally require a lower density. A table gives three thresholds. Properties lower than 10% slope are allowed the same underlying density. Properties from 10 to 20% require a minimum 15,000 square foot lot unless the property is the HP-3 zone which requires a 2 acre minimum. Properties above 20% are not permitted but are allowed to be incorporated into buildable parcels.

Provisions similar to the existing Development Constraints chapter have been incorporated with standards for impervious coverage, buildable areas, and flag lot provisions.

**Memorandum Comment:** What is the reasoning behind the building design standards, e.g., the limitation on building heights to 1 ½ stories or 25 feet.

Staff Response: 11-27-4 J Building Design was discussed several times by the Commission and staff is awaiting a final determination on this standard. The basis for the standard is to provide reasonable views. Purpose statement, 9. states: The encouragement of a variety of development designs and concepts that are compatible with the natural terrain of the sensitive areas and will preserve open space and natural landscape.

**Memorandum Comment:** Issuance of Building Permits is requested to reference state code.

Staff Response: This provision identifies a standard for the required plot plan to accompany the building permit application. This assists the City Engineer in the review of the required grading plans.

**Memorandum Comment:** A concern that an economic or market analysis may be required.

Staff Response: Staff agrees that it is unlikely that an economic study or market analysis and this can be removed.

#### **SUMMARY OF LAND USE AUTHORITY CONSIDERATIONS**

- Should the City create standards for development on sensitive lands?
- Should definitions be amended regarding open space and trails?
- Is the amendment consistent with the General Plan?
- Are there further amendments desired by the Planning Commission?

#### **RECOMMENDATION**

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

#### **EXHIBITS**

- A. Amendment
- B. Wasatch Civil Memorandum March 16, 2021
- C. Planning Commission minutes, March 17, 2021
- D. Planning and Development Services Memorandum April 20, 2021

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

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

**COMMISSIONERS:**

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

**STAFF:**

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

**VISITORS:**

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

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

1. **ROLL CALL**

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

2. **MINUTES CONSIDERATION**

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

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

Voting on the motion:

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

3. **OPENING MEETING STATEMENT**

Vice Chairman Mason read the open meeting statement.

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

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

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

There were no public comments.

**CONSENT AGENDA:**

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

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

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

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

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

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

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

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

**CONFORMANCE TO THE GENERAL PLAN**

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

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

**Zoning and Land-Use Policy**

The following policy consists of general statements to be used as guidelines. Such guidelines may on occasion conflict, when several are compared. In such cases, the Planning Commission will prioritize the guidelines as they pertain to the specific parameters of the issue which is pending. All zoning requests should first be evaluated for their compliance with the General Plan.

**General Guidelines:**

- A definite edge should be established between types of uses to protect the integrity of each use, except where the mixing of uses is recommended in the General Plan.  
**Staff Comment:** The General Plan map calls for this property to be developed as residential low density; properties to the east and south have a mixed-use designation. Across 2000 North to the south are storage units with MP-1 zoning. This area is a blend of commercial, manufacturing, and residential uses.  
This is a policy decision. The question before the Planning Commission and City Council is where should the transition be established between the mix of uses within this neighborhood and commercial district occur?
- Zoning should reflect the existing use of property to the greatest extent possible, unless the area is in transition or is in conflict with the General Plan.  
**Staff Comment:** This property is transitioning to a new use and the zoning will determine the range of uses.
- Where possible, properties which face each other, across a local street, should be the same or a similar zone. Collector and arterial roads may be sufficient buffers to warrant different zones.  
**Staff Comment:** 2000 North is a collector street. Having a commercial use across from the Manufacturing zone with storage units would be appropriate.
- Zoning boundaries should not cut across individual lots or developments (i.e., placing the lot in two separate zones). Illogical boundaries should be redrawn to follow property or established geographical lines.  
**Staff Comment:** The parcel will be entirely within one zone.
- The Planning Commission may choose to use mixed use, multiple family, or professional office zoning as a buffer between commercial and residential uses.  
**Staff Comment:** This policy reflects the need to determine the relationship between this mix of uses.
- Any non-residential zone abutting residential zones should be a mixed use, or planned zone (e.g., CP-2, MP- 1) to help minimize the impacts on residential zones. Transitions between uses should be carefully thought through.  
**Staff Comment:** The proposal is for this property should be weighed against the zoning standards for buffering, etc. The potential exists to identify and address buffering provisions and incorporate them into a development agreement.

**Commercial Guidelines:**

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

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

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

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

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

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

- Consider development agreements to assure higher quality development.

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

- Promote mixed use developments.

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

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

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

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

Mr. Scott reviewed his staff memo.

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

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

Chairman Thomas invited input from the applicant.

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

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

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

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

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

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

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

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

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

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

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

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

**Voting on the original motion:**

<b>Chairman Thomas</b>	<b>aye</b>
<b>Vice Chairman Mason</b>	<b>aye</b>
<b>Commissioner Arner</b>	<b>aye</b>
<b>Commissioner Barker</b>	<b>aye</b>
<b>Commissioner Lunt</b>	<b>aye</b>
<b>Commissioner Nancarrow</b>	<b>aye</b>
<b>Commissioner Webb</b>	<b>absent</b>

**The motion carried.**

**LEGISLATIVE ITEMS:**

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

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

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

## **BACKGROUND**

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

### Wasatch Civil Comments

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

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

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

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

### Amendment Summary

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

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

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

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

### 11-2: DEFINITIONS

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

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

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

There are two new definitions natural trail and trail heads.

#### 11-27 SENSITIVE LANDS OVERLAY

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

##### 11-27-1: PURPOSE AND INTENT

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

##### 11-27-2: SCOPE AND APPLICATION

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

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

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

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

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

Impervious materials coverage standards are given.

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

A buildable area definition standard is given.

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

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

##### 11-27-4: DEVELOPMENT STANDARDS

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

##### 11-27-5: REVIEW AND APPROVAL PROCEDURE

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

#### 11-27-6: ISSUANCE OF BUILDING PERMITS

There is a separate provision for building permit issuance.

#### 11-27-7: APPENDIX A

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

### **CONFORMANCE WITH THE GENERAL PLAN**

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

#### **Environmental**

##### **Goals**

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

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

##### ***Strategies***

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

#### **Housing**

##### **Goal #1 – Increase Housing Quality and Variety**

- Establish and adhere to high quality building and design standards for all housing types so that development enhances the community character.

##### ***Strategies***

- Proactively evaluate current ordinances and policies to determine whether there are obstacles that can be removed or modified to achieve the community's housing goals.
- Create design standards to improve the overall quality of North Ogden's housing.

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

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

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

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

Chairman Thomas invited public input.

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

There were no additional persons appearing to be heard.

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

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

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

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

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

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

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

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

**Voting on the original motion:**

<b>Chairman Thomas</b>	<b>aye</b>
<b>Vice Chairman Mason</b>	<b>aye</b>
<b>Commissioner Arner</b>	<b>aye</b>
<b>Commissioner Barker</b>	<b>aye</b>
<b>Commissioner Lunt</b>	<b>aye</b>
<b>Commissioner Nancarrow</b>	<b>aye</b>
<b>Commissioner Webb</b>	<b>absent</b>

**The motion carried.**

**9. REMARKS FROM PLANNING COMMISSIONERS:**

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

**10. REPORT FROM PLANNING DIRECTOR:**

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

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

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

12. **ADJOURNMENT:**

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

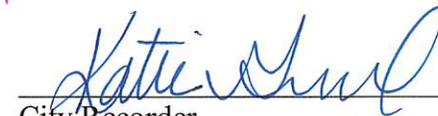
**Voting on the motion:**

<b>Chairman Thomas</b>	<b>aye</b>
<b>Vice Chairman Mason</b>	<b>aye</b>
<b>Commissioner Arner</b>	<b>aye</b>
<b>Commissioner Barker</b>	<b>aye</b>
<b>Commissioner Lunt</b>	<b>aye</b>
<b>Commissioner Nancarrow</b>	<b>aye</b>
<b>Commissioner Webb</b>	<b>excused</b>

**The motion carried.**

**The meeting adjourned at 8:46 p.m.**

 *Brandon Thomas* **VICE-CHAIR**  
\_\_\_\_\_  
Planning Commission Chair

  
\_\_\_\_\_  
City Recorder

*5/5/21*  
\_\_\_\_\_  
Date approved