

**SOUTH OGDEN CITY  
PLANNING COMMISSION BRIEFING MEETING MINUTES**

**February 11, 2016  
Council Chambers, City Hall  
5:30 P.M.**

**PLANNING COMMISSION MEMBERS PRESENT**

Chair Todd Heslop, Commissioners Mike Layton, Steve Pruess, Raymond Rounds, Susan Stewart, and John Bradley

**STAFF PRESENT**

City Planner Mark Vlastic and City Recorder Leesa Kapetanov

The briefing meeting began at 5:34 pm. Chair Todd Heslop reviewed the agenda. He also informed those present that Commissioner Hansen had sent a letter of resignation effective immediately. Mr. Heslop then turned the time to City Planner Mark Vlastic.

Mr. Vlastic began by discussing his staff report for the Form Based Code. He said he had reviewed the minutes from the last meeting and tried to answer the key questions put forth by the public. He went through the report with the planning commissioners, explaining in more detail his answers. He said his recommendation was that the general commercial uses be eliminated from the 40<sup>th</sup> Street General Zone. City Recorder Leesa Kapetanov pointed out that as per Mr. Vlastic's recommendation, liquor stores would be removed as a use in the 40<sup>th</sup> Street General Zone, however beer sales would be still be allowed in small retail stores.

City Planner Vlastic then reviewed the changes staff was proposing for the General Plan. They mostly consisted of combining the three existing maps into one map for the sake of ease of use for staff and the public. Some of the language also needed to be updated to clarify and eliminate confusion. He said the whole plan should probably be updated as it had been so long since the last update, however it was very expensive. Combining the maps and adding some clarifying language would be a good stop gap measure until the City could update the whole General Plan.

There was no more discussion. The briefing meeting was concluded.

I hereby certify that the foregoing is a true, accurate and complete record of the South Ogden City Planning Commission Briefing Meeting held Thursday, February 11, 2016.

  
\_\_\_\_\_  
Leesa Kapetanov, City Recorder

\_\_\_\_\_  
March 10, 2016  
Date Approved by the Planning Commission

**MINUTES OF THE  
SOUTH OGDEN CITY PLANNING COMMISSION MEETING**

**Council Chambers, City Hall**

**Thursday, February 11, 2016 – 6:15 p.m.**

**PLANNING COMMISSION MEMBERS PRESENT**

Chair Todd Heslop, Commissioners Mike Layton, Steve Pruess, Raymond Rounds, Susan Stewart and John Bradley

**STAFF PRESENT**

City Manager Matt Dixon, City Planner Mark Vlasic and City Recorder Leesa Kapetanov

**OTHERS PRESENT**

Ramona Kiernan, Dori Clark, Arthur D. Richards, Earl Clark, Paul D. Nelson, Amber Fisher, Reginald Fisher, Jeff Morrell, Mark Taylor, Genevieve Romero, Wesley Stewart, Sharol Dolan, Sandra Ropelato, Shanna Brown, Kyler Weston, Carter Shupe, Porter Mitchell, Jay Sjoberg, Todd Weston, Steve Johnson, Joe Chadburn, Gabe Dwaileebe, Brigham Gold, Michael Bart Brown, Robert Wukenski, Debbie Walker, Angie Davis, Robert Hoggan, Barry Bigler, Charles C. Maxfield, Jerry Cottrell, Walt Bausman, Jennifer Wilson, Kirt Freeland, Nick Branz, Gailen Lundell, Susan Lundell, Amy Halverson, Peggy Muro, Amy Stegen, Kenny Buckway, Jeri Whitehead, Josh Payne, Ben Fuentes, Robert Higgs, Ilona Adams, Aaron Roane, Elida Henriquez, Jaime Henriquez

**I. CALL TO ORDER AND OVERVIEW OF MEETING PROCEDURES**

Chair Todd Heslop began the meeting at 6:16 pm and welcomed those present. He reviewed the agenda, asking that due to the large number of people present, everyone keep their comments to three minutes during the public hearing. Mr. Heslop then entertained a motion to open the meeting.

**Commissioner Bradley moved to convene as the South Ogden City Planning Commission, followed by a second from Commissioner Rounds. Commissioners Layton, Bradley, Stewart, Rounds and Pruess all voted aye.**

Chair Heslop then called for a motion to close the public meeting and open a public hearing.

**Commissioner Rounds moved to enter into a public hearing regarding the Form Based Code. Commissioner Pruess seconded the motion. The voice vote was unanimous to open the public hearing.**

**II. PUBLIC HEARING**

**To Receive and Consider Comments on the following items:**

**A. Adopting the Form Based Code and Amending the Zoning Map**

The Chair turned the time to Planner Vlasic for a presentation on the Form Based Code (see Attachment A). Mr. Vlasic went through the presentation, explaining what the Form Based Code was and reasons the City was proposing adopting it.

Planner Vlasic then read through his staff report (see Attachment B), addressing the most frequently asked questions from the previous meeting. The Chair then invited those who wished to speak to the Form Based Code to come forward, stating their name and address for the record.

**Ilona Adams, 3751 Ogden Ave.** – Ms. Adams said she would like a pet chicken and asked if it had something to do with zoning. Commissioner Pruess said it did have to do with zoning, but today's focus was on the Form Based Code.

Ms. Adams then said she and her neighbors were hoping that more townhomes would be built in their area and wondered if the Form Based Code would encourage it. Planner Vlasic said townhomes would be allowed, but it would be up to a developer to decide what types of permitted uses he wanted to do. There might be a chance that a developer would want to buy large areas of land to develop, and may approach individual home owners in the area to sell. It would be up to each individual to decide if they wanted to stay where they were or sell.

City Manager Dixon asked Chair Heslop if he wanted staff to respond to each question as it was asked, or if they should wait until the public was through commenting and then address the questions at the end. Mr. Heslop said he felt it would be better to record the questions and respond later in the meeting.

**Jeri Whitehead, 330 39th** – Ms. Whitehead said she was concerned with the timeline. Would they have to move?

**Amy Stegen, 815 40th** – asked what a rezoning typically did to property values.

**Robert Higgs, owner of Burch Creek Mercantile, 3920 Washington Blvd. and resident of 3881 Ogden Ave.** – was concerned that a developer would not offer enough money for the properties he had invested a lot of money in.

**Jimmy Luiz, friend of resident living at 36 Sylvia** – asked if the City knew of a big project coming and was rezoning the area in response. Would they also look at making 39<sup>th</sup> and 40<sup>th</sup> a two-way street?

**Sandra Ropelato, 535 40<sup>th</sup>** – Ms. Ropelato pointed out the area between Adams and Porter was already commercial. The new zoning seemed more restrictive and she wondered what the benefit would be. She also asked if there was an alley between Adams and Porter.

**Aaron Roane, Chimes View Drive** – also wondered what the zoning would do to his property value. He also asked when the new zoning would take effect and would it allow his home to become a duplex or four-plex.

**Genevieve Romero, 302 Chimes View, owner of a child care business** – wanted to know how the rezoning would affect her business. Would she be required to add more parking?

**Mark Taylor, owner of business at 422 39<sup>th</sup>** – said it would seem more appropriate to split the project into the 40<sup>th</sup> Street project and the Washington Boulevard project in order to give people more time to address the issues. He also asked if they chose not to sell their businesses if eminent domain would take effect.

**Josh Payne, 3796 Porter** – felt that the requirement of a quarter acre park for a 5 acre development didn't seem large enough to be called a park. He also felt that even though his home was not in the area being proposed for a rezone, it would still affect his family; mixing commercial and residential would cause traffic to increase no matter what. He also asked why this area was designated as the City Center, since it was not in the center of the city but far north. He agreed the area needed to be improved, but he did not want to see his neighborhood ruined.

**Paul Nelson, 3829 Adams** – said he bought his house in South Ogden because he liked the neighborhood. He did not like the type of housing the City was proposing. He wanted a family based community and wondered what would stop the City from expanding the commercial areas further in the future.

**Cindy Taylor, wife of owner of the Service Bureau** – asked if the City developed the area if owners would be given the opportunity to bring their buildings into compliance with the zoning ordinance and who would pay for it? She also wanted to know if someone purchased their property and developed it, if they would have the opportunity to have a space in the new development.

**Michael Bart Brown, 3732 Ogden** – asked what the likelihood was and timeline for someone wanting to purchase his home.

**Ramona Kiernan, 3985 Raymond** – wanted to know if the current homeowners would be expected to change their homes or would they be able to stay the same?

Note: See all written comments submitted for the public hearing under Attachment C.

There were no more comments from the public concerning the Form Based Code. Chair Todd Heslop called for a motion to close the public hearing.

**Commissioner Rounds moved to close the public hearing and return to the Planning Commission Meeting, followed by a second from Commissioner Pruess. The voice vote was unanimous in favor of the motion.**

### III. **ZONING ACTIONS** – Legislative

#### A. **Discussion and Recommendation on Adoption of the Form Based Code**

The chair indicated it was time to answer questions posed by the public. Commissioner Bradley said he would address some of the questions. He began by saying there was no timeline; the City was just trying to adopt a Form Based Code. There were no developers who had approached the City with a proposal, however the Form Based Code would put a standard in place so when a developer did come to the City, the City could say what the development should look like and make sure it fit within the uses defined. Development would happen over a long period of time and according to developer interest.

Commissioner Bradley also pointed out that existing homes and businesses would not be required to adjust their homes or improve their businesses to make it fit within the new zoning ordinance. However, if they made extensive changes (more than 25%), they would have then have to conform to the Form Based Code.

Mr. Bradley then addressed what the benefit of a Form Based Code was. He said the new code was meant to facilitate development, but would also clarify what uses were allowed. There were some drawbacks to the code and the proposed rezoning, and the Commission recognized that. He also pointed out that, like it or not, the population along the Wasatch Front would double by 2040; that meant developers would come,

whether the City was ready or not. The Form Based Code would allow development to happen the way the City wanted it to.

Commissioner Bradley next answered why the city center was at the north end of the city. He said the city center had been in the General Plan since at least 1997 for the reason that this is where the center of the City started, where City Hall had always been and everything in South Ogden developed from here out. Mr. Bradley concluded his comments by saying the city council had also given direction that they wanted the area to be a walkable, usable, neighborhood friendly place and wanted to keep it vibrant and alive.

Commissioner Heslop then answered the question concerning if a developer had approached the City and if that is why they were proposing the zoning changes. He said no one had approached the City but that the planning commission had been discussing the Form Based Code for over a year.

Commissioner Bradley commented that there had been many questions concerning eminent domain. He said theoretically it was a possibility the City could use eminent domain, but the law was very restrictive as to when a city could use it; taking a property to allow another business use was probably not within the allowed parameters.

Commissioner Rounds added that the Form Based Code was developed to deal with developers who come to the city and want to do something. The City was not in the business of buying property, taking people's property or forcing them out of their houses. A developer would have to approach property owners to ask them to sell. The owners had a choice to sell or not sell.

Planner Vlasic agreed with everything that had been said, saying that the Form Based Code was to facilitate better development. He added that the code would also facilitate how development would happen if, for example, if a transit line came up 40<sup>th</sup> Street. The code would facilitate an orderly transformation that was likely to come whether the City adopted the Form Based Code or not. The City was being pro-active in the matter and had sought and received matching funding to develop the Form Based Code.

Mr. Vlasic next addressed the question of property values. He said in general the Form Based Code allowed more latitude on the types of uses allowed, however values would not change overnight. He thought the change would come as development started to take place, which in turn would spark interest for more development.

He then answered the question concerning if someone could turn his home into a duplex or four-plex; the answer was yes, as long as the owner could meet the requirements set out in the Code. As to the observation that a quarter acre park was very small for a 5 acre development, he agreed it was. However, the hope would be that a developer would want to add value to his development by exceeding what the minimum requirement was.

City Manager Dixon commented that the Form Based Code would put the City "in the driver's seat" when it came to development. He pointed out how different Washington Boulevard would have developed had the City had something like the Form Based Code in place 30 or 40 years ago. He emphasized that the Code was a planning document that would be driven by private interest. He also explained that the new Code would require extensive buffering between commercial and residential uses.

Mr. Dixon added that if anyone had further questions, staff was always available and would be happy to meet with them.

Commissioner Rounds informed the public that it would be the City Council that would make the final decision on the adoption of the Form Based Code, however there were some things the Planning Commission should do before they forwarded their recommendation to the Council. First was the removal of some uses along the 40<sup>th</sup> Street corridor and the possible addition of "family oriented" language to the introduction

of the Code if approved by the city attorney. He recommended the Commission table it and get the changes made.

Commissioner Stewart asked if they had looked at every chapter in the Code, as she was new to the Commission and hadn't been there through the whole process.

Commissioner Rounds said they had been looking at it for a year, and felt that they had addressed the main concerns. City Manager Dixon said that the Planning Commission could take as long as they wanted on the Code, and if they wanted to direct staff to address any other points, staff was happy to do so.

Commissioner Rounds suggested they withhold any recommendation to the City Council; it would give the city attorney a chance to vet some of the language and Commissioner Stewart the opportunity to review the Form Based Code more thoroughly.

Commissioner Stewart asked if staff could also look at the excluding of the use of check cashing stores from the neighborhood general. Mr. Vlastic said they would do so.

**Commissioner Rounds moved to table their recommendation until the next month in order to make sure they got everything right. The motion was seconded by Commissioner Layton. Chair Heslop asked if there were further discussion.** Planner Vlastic asked if one of the changes staff should look at was requiring a traffic study. Mr. Rounds said it was. The chair asked if everything had been covered. City Recorder Leesa Kapetanov remarked that if the Commission found other things that needed to be changed next month, they could vote to table it again to get the new changes made. **The chair then called a voice vote which was unanimous in favor of tabling.**

**B. Proposed Amendment to the Zoning Map as Set Out in the Form Based Code**

This item was not discussed seeing as the previous discussion item was tabled.

**IV. SPECIAL ITEMS**

**A. Discussion on Amendments To General Plan**

City Planner Vlastic said it had been difficult to direct the public to one clear map for the General Plan and to clear definitions. The General Plan had been created in 1997, but several updates had occurred since then; however, the updates had not included an updated land use chapter or land use map. Mr. Vlastic said that when considering any land use issues, he had had to refer to 3 separate maps that sometimes contained conflicts; in such cases he had used what the most recent map specified. He proposed that the Land Use Chapter of the 1997 plan be updated and that all three general plan maps be consolidated into one map. This would make it much easier for the public to refer to and understand. He had actually started on the changes a year ago, but due to other pressing items, it had not gone further.

At this point in the meeting, a member of the public came to the podium and said his question as to the timeline of the adoption of the Form Based Code had not been answered. Staff said it could be anywhere between 3 to 6 months.

Mr. Vlastic then reviewed the 4 different maps that had been included in the packet, noting the differences and what he proposed doing with them. The Commission directed Mr. Vlastic to move forward with the changes to the General Plan.

**V. OTHER BUSINESS**

**A. Discussion on Whether to Change Date of March Meeting**

The need to change the meeting date no longer existed, so this item was not discussed.

**VI. APPROVAL OF MINUTES OF PREVIOUS MEETINGS**

**A. Approval of January 14, 2016 Briefing Meeting Minutes**

Chair Heslop called for a motion concerning the minutes.

**Commissioner Rounds moved to approve the January 14, 2016 briefing meeting minutes. Commissioner Layton seconded the motion. All present voted aye.**

**B. Approval of January 14, 2016 Meeting Minutes**

**Commissioner Rounds moved to approve the January 14, 2016 meeting minutes, followed by a second from Commissioner Bradley. The vote was unanimous to approve the minutes.**

**VII. PUBLIC COMMENTS**

The Chair invited those who wanted to come forward and speak to items other than what had been covered by the public hearing to do so.

**Wes Stewart, 3625 Jefferson** – said he had missed the public hearing that evening but wanted to submit some written notes. He also submitted a letter from another resident.

**Ramona Kiernan, 3985 Raymond** – asked what the 40<sup>th</sup> Street project was going to look like. City Manager Dixon reported the engineer was in the process of designing the street, including the upgrading of underground utilities. The plan was to update all the utilities during the upcoming construction season, and look at acquiring the necessary properties and rights-of-way needed to widen the street during the upcoming summer and fall. They wanted to be ready to begin construction in the spring of 2017. He also noted that the process had been delayed a year because of talks with UTA concerning transit options; they did not want to have to come back and widen the street again because of added transit corridors. After all the studies had been looked at, the Council had determined that the width of the right-of-way for 40<sup>th</sup> Street should be 84 feet.

**Wes Stewart, 3625 Jefferson** – was concerned with the General Plan. He asked if the General Plan could be changed. He lived in an area that was listed as a future re-development area, which had been designated as such because of the poor property values. He had done some recent research and had determined that the R-2 homes had increased the most in value in recent years. He did not think it was fair that the residents in his area were “getting the boot” because some people did not like their houses and neighborhoods. He then commented the Affordable Housing Report on the website was out of date, but affordable housing was very important.

Commissioner Layton commented that members of the Planning Commission were residents of the City and impacted by what happened as well. They also felt it was important to adhere to state and local statutes. They did not want to be perceived as uncaring, but it was important that discussion items for a public hearing only be discussed during the public hearing.

**VIII. ADJOURN**

Chair Heslop called for a motion to adjourn.

**Commissioner Rounds moved to adjourn, followed by a second from Commissioner Pruess. All present voted aye.**

The meeting ended at 8:22 pm.

I hereby certify that the foregoing is a true, accurate and complete record of the South Ogden City Planning Commission Meeting held Thursday, February 11, 2016.

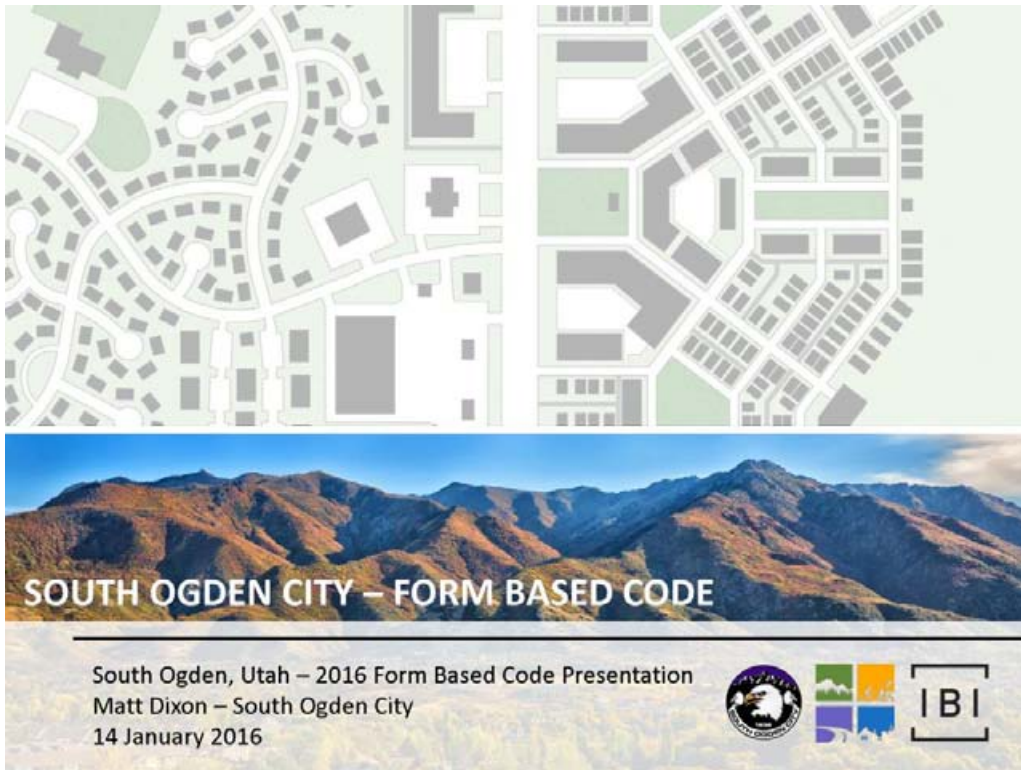
  
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Leesa Kapetanov, City Recorder

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March 10, 2016  
Date Approved by the Planning Commission



## **Attachment A**

Form Based Code Presentation



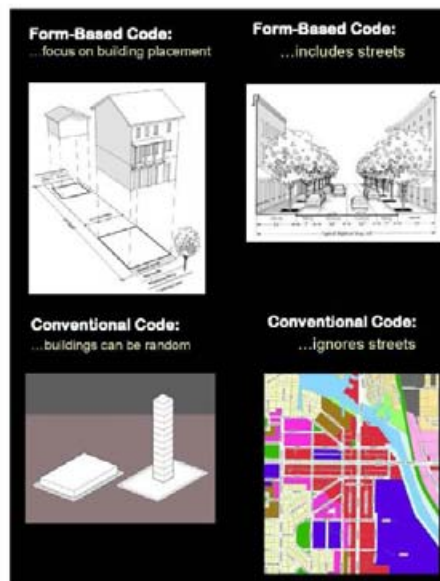
## FORM BASED CODES – *IT'S A MATTER OF PRIORITIES*

### FORM BASED CODES

1. Form
2. Use
3. Management

### EUCLIDEAN ORDINANCE

1. Use
2. Management
3. Form



FORM BASED CODES – *ULTIMATE GOAL*

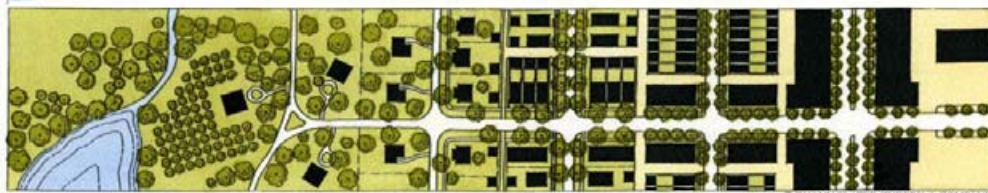
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RATHER THAN

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URBAN/RURAL TRANSECT

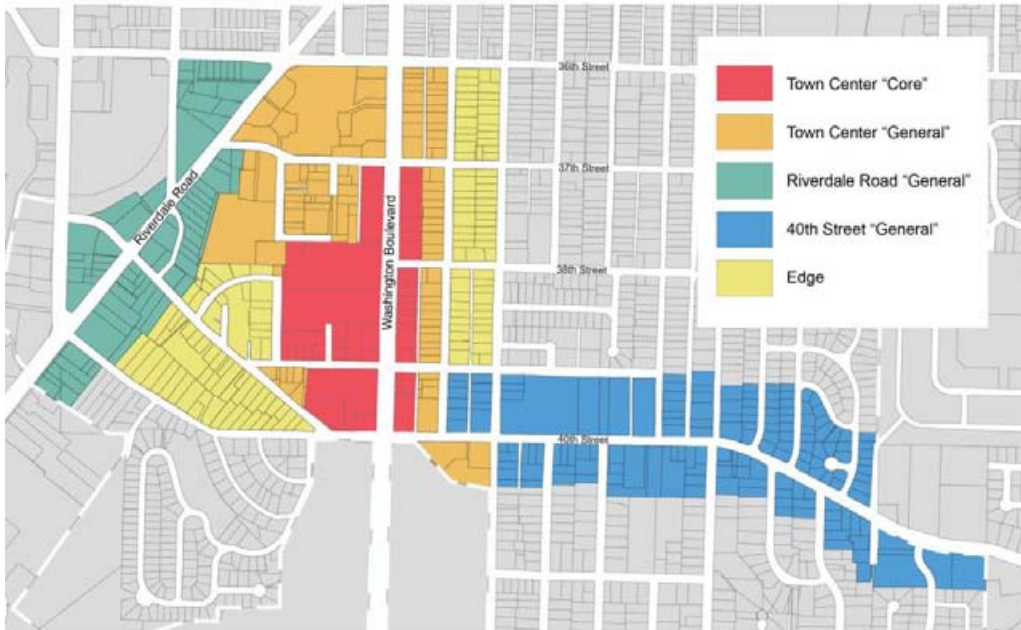


NATURAL | RURAL | LOW-DENSITY | NEIGHBORHOOD | MAIN STREET | DOWNTOWN

## TWO DISTRICTS WITH DIFFERENT CHARACTER



## SOUTH OGDEN SUBDISTRICTS





## Town Center "Core"

Building Types Allowed in Subdistrict



Storefront



### 5 Story Maximum – 2 Story Minimum

The Town Center "Core" constitutes the center of the community and heart of the new town center, and includes the majority of the shops and workplaces within the neighborhood. The storefront building type that comprises this district defines a street wall along the primary streets of the area with storefront glass windows. Upper stories of the storefront building may be utilized for living and working.



## Town Center "General"

Building Types Allowed in Subdistrict



Storefront



General Stoop



Row Building



Civic Building

5 Story Maximum – 1 Story Minimum

The Town Center "General" District serves as the interstitial fabric of the city, separate from the defined center or core and the edges. This area is primarily comprised by both the storefront building, and the more generic stoop building which have lower minimum transparency levels dominates, mainly occupied by office and residential uses at a variety of scales.



-  Town Center "Core"
-  Town Center "General"
-  Riverdale Road "General"
-  40th Street "General"
-  Edge



## Riverdale Road "General"

Building Types Allowed in Subdistrict



Storefront



General Stoop



Row Building



Limited Bay



- Town Center "Core"
- Town Center "General"
- Riverdale Road "General"
- 40th Street "General"
- Edge

### 5 Story Maximum

The Riverdale Road "General" Subdistrict serves as the interstitial fabric of the city, separate from the defined center or core and the edges. This area is primarily comprised by both the storefront building, and the more generic stoop building which have lower minimum transparency levels dominates, mainly occupied by office and residential uses at a variety of scales. This Subdistrict also allows the limited bay building type to allow more flexibility for auto-oriented uses.





## 40<sup>th</sup> Street "General"

Building Types Allowed in Subdistrict



Storefront



General Stoop



Row Building



Civic Building



- Town Center "Core"
- Town Center "General"
- Riverdale Road "General"
- 40th Street "General"
- Edge

### 3.5 Story Maximum

The 40th Street "General" Subdistrict combines the storefront building and stoop building to create a corridor that supports a future transit line along 40th Street. Development along this corridor will be at a smaller scale and finer grain, in relation to the town center.





## Edge

Building Types Allowed in Subdistrict



Yard Building



Civic Building



Row Building

3.5 Story Maximum

The Edge Subdistricts are made up of smaller scale residential buildings, which provide a buffer between single family neighborhoods and the Core and General Subdistricts.



- Town Center "Core"
- Town Center "General"
- Riverdale Road "General"
- 40th Street "General"
- Edge



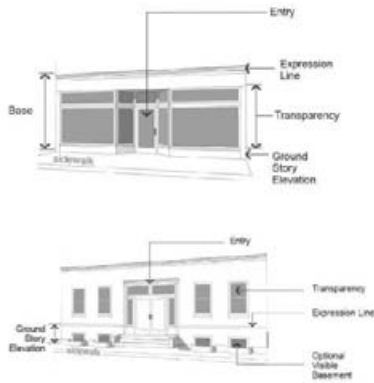
# USES PER SUBDISTRICT

Uses	Subdistricts				
	Neon Center "Core"	Neon Center "General"	Riverdale Road "General"	42nd Street "General"	Edge
<b>Residential &amp; Lodging</b>					
Residential	●	●	●	●	●
Hotel & Inn	●	●	●	●	●
Residential Care	●	●	●	●	●
<b>Civic</b>					
Assembly	●	●	●	●	●
Transit Station	●	●	●	●	●
Hospital & Clinic	●	●	●	●	●
Library/Museum/Post Office (no distribution)	●	●	●	●	○
Police & Fire	○	○	○	○	○
School	●	●	●	●	●
<b>Retail</b>					
Neighborhood Retail	●	●	●	●	●
General Retail	○	○	○	○	○
Outdoor Sales Lot	○	○	○	○	○
<b>Service</b>					
Neighborhood Service	●	●	●	●	●
General Service	○	○	○	○	○
Vehicle Service	○	○	○	○	○
<b>Office &amp; Industrial</b>					
Office	●	●	●	●	●
Craftman Industrial	●	●	●	●	●
<b>Infrastructure</b>					
Parking Lot	●	●	●	●	●
Parking Structure	●	●	●	●	●
Utility & Infrastructure	○	○	○	○	○
Open Space	●	●	●	●	●
<b>Accessory Uses</b>					
Home Occupation	●	●	●	●	●
Outdoor Storage of Goods	●	●	●	●	●
Parking Lot	●	●	●	●	●
Parking Structure	●	●	●	●	●

- KEY**
- Permitted
  - Permitted in Upper Stories Only
  - Permitted with Development Standards
  - Requires a Conditional Use Permit

# BUILDING DESIGN GUIDELINES

## Entrance Types



## Materials

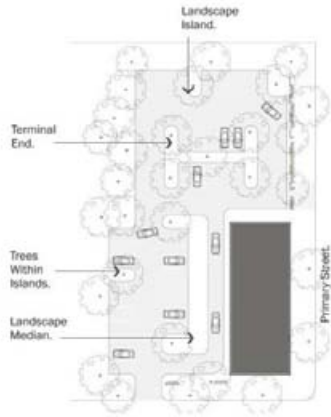


## Balconies

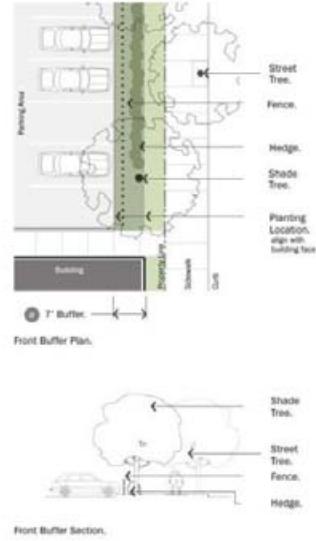


# LANDSCAPE REQUIREMENTS

## Interior Parking Lot Landscape



## Frontage Buffer Landscape



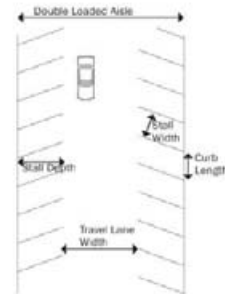
# PARKING REQUIREMENTS

## Required Off-Street Vehicular Parking

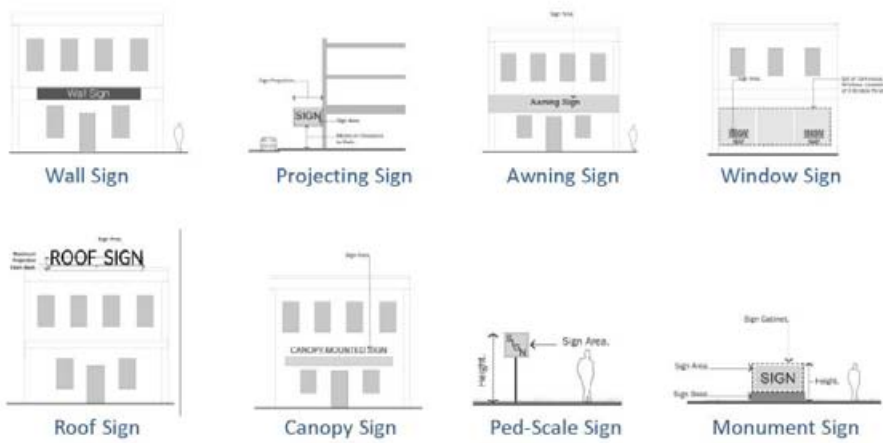
Use	Required Vehicle Space
<b>Residential</b>	
Single Family, all sizes, or Multifamily, 1 Bedroom	1.5 / Dwelling Unit
Multifamily, 2 Bedrooms	2 / Dwelling Unit
Multifamily, 3 or 3+ Bedrooms	2 / Dwelling Unit
Hotel & Inn	1 / Room & 1 / 200 sq. ft. Office and Dining Room
Residential Care	23 / Unit & 66 / Employee
<b>City/Institutional</b>	
Assembly	1 / 10 Seats
Transit Station	Per Zoning Administrator
Hospital	20 / Bed & 20 / Employee
Library / Museum / Post Office (no distribution)	1 / 800 sq. ft.
Police & Fire	Per Zoning Administrator
Post Office (distribution)	1 / 400 sq. ft.
School - Pre K to Jr. High	1 / Classroom & 1 / 200 sq. ft. Office
School - High School, Higher Education	1 / Classroom, 1 / 200 sq. ft. Office, & 1 / 100 Student
<b>Retail</b>	
Neighborhood Retail	1 / 200 sq. ft.
General Retail	1 / 200 sq. ft.
Outdoor Sales Lot	1 / 200 sq. ft. of Sales Area, with 1 / 10 Vehicle Display
<b>Services</b>	
Neighborhood Service	1 / 250 sq. ft.
General Service	1 / 250 sq. ft.
Eating & Drinking Establishments	1.5 / 10 seats & 10 number of employees
Vehicle Services	2 / Service Bay & 1 / 200 sq. ft. of area
<b>Office &amp; Industrial</b>	
Neighborhood, General Office	1 / 200 sq. ft.
Craftsman Industrial	1 / 1,000 sq. ft. of Production Space & 1 / 200 sq. ft. of Retail Space
<b>Open Space &amp; Recreation</b>	
Open Space & Recreation	Per Zoning Administrator

Use	Vehicle Spaces
Multifamily	Minimum 2 spaces or 25 sq. ft. per bedroom, whichever is greater
City/Institutional	Minimum 2 spaces, 1 / additional 10,000 sq. ft.
Retail	Minimum 2 spaces, 1 / additional 5,000 sq. ft.
Services	Minimum 2 spaces, 1 / additional 5,000 sq. ft.
Office	Minimum 2 spaces, 1 / additional 10,000 sq. ft.
Open Space	Per Zoning Administrator

## Parking Lot Layout

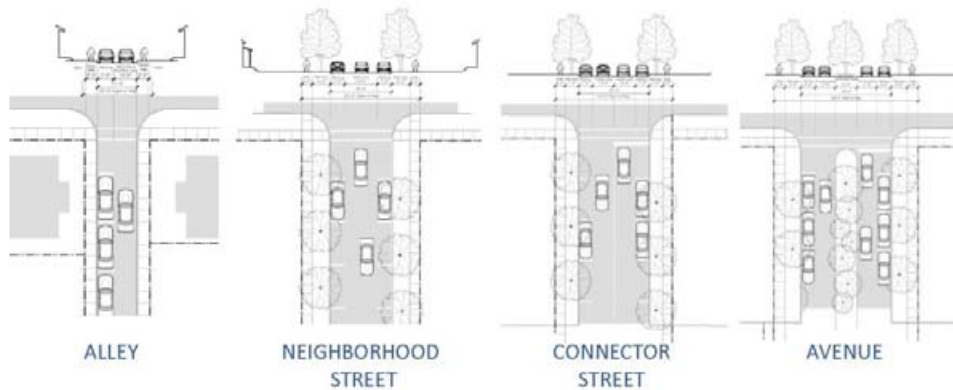


## SIGN REQUIREMENTS



## STREET TYPES PER SUBDISTRICT

- All street types are allowed in all subdistricts as applicable



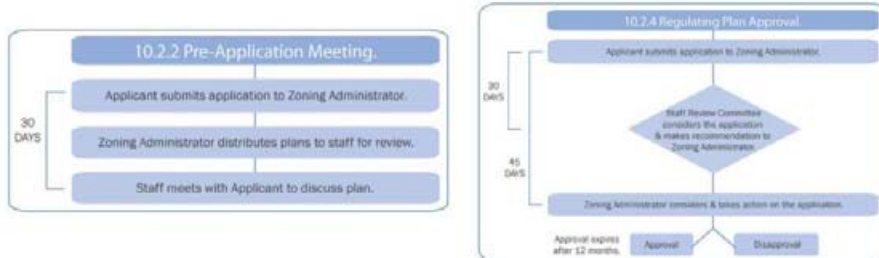
## OPEN SPACE TYPES PER SUBDISTRICT

- Open Space types allowed in FBC, but vary by subdistricts as applicable



## ADMINISTRATION

- An Administration Section will also be added.
- We will be working with staff to calibrate the Form Based Code Administration Section to current South Ogden administration procedures.



## **Attachment B**

Planner Staff Report



# Planning Commission Report



**Subject:** Adopting the Form-Based Code and Amending the Zoning Map (Continuation of Public Hearing held January 14, 2016)

**Author:** Mark Vlasic

**Department:** Planning & Zoning

**Date:** February 11, 2015

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## **Background**

A form-based code has been under development for the City Center/40<sup>th</sup> Street area for more than a year now. The new code was prepared by IBI Group, a Salt Lake City multi-disciplinary planning and architecture firm, and funded through a matching grant from the Wasatch Front Regional Council. The new code was developed with the participation of city staff and input and review by the planning commission and city council during two joint public meetings and through informal briefings. It is supported by the 2008 Update of the General Plan, which calls for the area to redevelop into a mixed-use City Center.

The proposed form-based code was presented to the Planning Commission during a Public hearing on January 14, 2016. The staff report prepared by the City Planner recommended that the Planning Commission forward the code to the City Council for adoption, with minor modifications to three chapters dealing with Street Types, Landscape and Sign Types.

During the Public Comment portion of the public hearing, several members of the public expressed concern with the proposed code. As a result, the Planning Commission voted to extend the public hearing for a month, during which time neighbors would be formally notified and additional public input could be provided at tonight's meeting and through the submission of written comments. The city planner has since spoken to three residents and received one written comment, which has been added to the record.

The Planning Commission directed staff to review the uses permitted in the 40<sup>th</sup> Street Subdistrict, which is the basis for this report. However, since several other questions and concerns were raised during the previous planning commission meeting, staff has decided to provide a more comprehensive response, identifying the key questions and concerns raised and addressing them below.

## **Discussion, Response and Recommendations**

1. If the development along 40th Street does not happen on its own, will the city take properties through eminent domain?

Staff cannot answer that question, as only the city council can make such decisions. However, it should be clear that this is a proposal for a new zoning ordinance, not a development proposal. That said, the use of eminent domain would not be supported by staff to achieve redevelopment goals anywhere in the city, since it is a highly unpopular, divisive and litigious tool.

**2. Will redevelopment grants be available for those wanting to redevelop their properties?**

This is a proposal for a new zoning ordinance and not a development proposal. No grants or similar development incentives are proposed at present to assist with development in the area.

**3. What will prevent commercial areas from creeping into the residential areas?**

The proposed form-based code allows new residential and commercial development in existing residential areas located along 40th Street, Chimes View Drive and Adams Street. If approved, no expansions beyond the mapped areas are envisioned or supported.

**4. The permitted building heights in the 40th Street and Edge sub-districts are up to four stories; this seems to be too high.**

The maximum heights are difficult to achieve without including structured parking, which is highly unlikely due to the expense of constructing such facilities. Nevertheless, staff recommends no changes.

**5. The code indicates that any modification of existing buildings in excess of 25% would need to be brought into conformance with the new code. This seems to be an excessive limitation.**

The 25% modification standard is consistent with existing requirements contained in the City Code, and has worked well to date. Staff believes that modifications exceeding the limit would not be affected through this re-zone, as nearly all existing uses are permitted in the new zones. Staff sees no reason to change this requirement at present.

**6. How will the city deal with the increased traffic caused by this change?**

Increased traffic may or may not occur in the area, depending on how the area changes. Staff recommends that a traffic impact study requirement for projects greater than 1/2 acres in extent be added to the code (NB: Chapter 10-2 Administration/Development Review Procedures is probably the best location for such language).

**7. The following uses seem out of character in the 40th Street Subdistrict:**

- Alcohol and liquor sales
- Wine and liquor shop
- Pawn shop



- Smoke shop
- Microbrewery
- Tattoo/piercing parlor

It should be noted that most of these uses are already permitted in the existing commercially-zoned areas of the proposed sub district.

The intent of the 40th Street Sub-district is to support a future transit line along 40th Street, which will be a significant change. New development should therefore encourage a mix of smaller scale and finer grained residential and commercial uses when compared to the City Center, which will help create a good transition with adjacent and nearby residential uses.

Nevertheless, staff agrees that such uses may not be in keeping with the establishment of a unique mixed use corridor, and therefore recommends that the following changes be made to help ensure the zone fits with the surrounding neighborhood:

- Removal of wine and liquor shop, pawn shop, smoke shop and tattoo/piercing parlor from the Neighborhood Retail and Neighborhood Service uses;
- Addition wine and liquor shop, pawn shop, smoke shop and tattoo/piercing parlor to the General Retail List (microbreweries are already contained in this list);
- Removal of General Retail from the matrix of permitted uses in the 40th Street Subdistrict.

**8. Why is City Park included in the 40th Street Subdistrict?**

ANSWER: Parks are a permitted use in all of the subdistricts. There is no conflict including it in the proposed zone.

**9. The Street Types illustrated in the Form-based Code deviate from existing city standards, and appear to be too small.**

ANSWER: The Street Types have been reviewed by the South Ogden Engineer, who recommends that a distinction be made between Private and Public Streets. The role of the Public Streets is to provide access to other parts of the city as well as to new internal streets which may be developed. Key Public Streets include Washington Boulevard, Riverdale Road, 36th, 40th, Wall and Chimes View; all of which should continue to utilize established city standards and be maintained by the City or UDOT.

The City Engineer noted that he does not object to the street sections contained in the Form-based Code, as long as they are limited to privately-owned and operated internal roadways. The responsibility for developing and maintaining new internal streets will be the private developer and owner, not the city.

10. The depth of the zone in the 40th Street Subdistrict appears to be excessively deep, impacting several residential properties. How was the depth determined, and should these changes be focused on the existing commercial corners instead?

ANSWER: The depth was established to provide sufficient space to support and encourage redevelopment along the corridor (see map below). Limiting the new zone to the Madison Avenue corner site does not adequately address the fact that the roadway will be widened and access will be difficult for small, narrow lots. Staff has carefully reviewed the proposed subdistrict to determine whether a smaller area could be considered. Staff does not recommend any changes or modifications at this time.

11. A written comment has been received that recommends language be added to clarify the family-friendly intent of the City Center and 40<sup>th</sup> Street Corridor, similar to the following:

*"The City Center and 40th Street Corridor are envisioned to be a family-friendly environment where residences and compatible businesses can co-exist. As such, businesses that normally or legally cannot have minor customers should not be permitted".*

ANSWER: Similar language describing the intent of the zone is contained in Chapter 1.1 - Introduction. However, the existing language does not specify that the area should be family-friendly or discuss specific use limitations.

Staff does not object to the inclusion of the suggested language. However, staff is somewhat concerned by the second sentence, and whether such a limitation is consistent with the City Code. It is therefore recommended that the city review the proposed language, and if the response is positive, staff recommends that it be incorporated into the new ordinance. Staff further recommends that the *2008 Update of the South Ogden City General Plan* be modified to include the same language, since that document is the basis for the language contained in Chapter 1.1.

**Attachment C**

Written Comments Submitted for Public Hearing

Please accept this document as a part of public comments concerning form based code in South Ogden.

My recommendation is that the City consider creating a unique zone for mixed use in the 36th to 40th Street redevelopment area:

Have a vision! I have said this multiple times. My neighbors and I have been uncomfortable at times with what the City was doing because they seem to operate in a "just trust us" mode. But it is incumbent upon leaders to inform those being led as to where they are going... and to receive public input as to where they should be going!

The City envisions this and can't understand why anyone would object:



It is possible that the City would get a neighborhood like the above. But a cursory glance at the list of conditionally permitted uses the City is entertaining gives me a vision of this... which happens to be Bourbon Street in New Orleans:



Note the "mixed use" of ground-level shops and businesses with residences on the upper floors... exactly what the City is advocating. But I believe the residents are telling you they don't want to see their neighborhood transformed into Bourbon Street. I don't want to see that happen either. I encourage the City to provide visionary guidelines somewhat like, "We envision this zone to be a family-friendly environment where residences and compatible businesses can co-exist."

What would an incompatible businesses be? If you will recall, residents expressed concerns about bars, tattoo parlors, smoke shops, etc. Clearly, in their opinion (and mine) these are incompatible with a family-friendly environment; and it occurred to me that the City could allay the fears and concerns of residents by simply stating that businesses that legally cannot or normally would not have minors as customers would not be welcome in this zone. That would take care of bars, tattoo parlors, smoke shops, adult bookstores, strip parlors, payday loan offices, etc.

Members of the Planning Commission have an opportunity to show the public that they can be guardians of the quality of life in South Ogden. I hope you will each rise to the occasion with common-sense restrictions on redevelopment.

Respectfully submitted,

Jerry Cottrell  
5765 S 1075 E  
Ogden, UT 84405





RECEIVED

By



February 9, 2016

**To:** Mayor James F. Minster, Councilwoman Sallee Orr, Councilman Bryan Benard, Councilman Russell Porter, Councilman Brent Strate, Councilman Adam Hensley, the Planning and Zoning Commissioners, and any and all who need this written notice in the South Ogden City Leadership.

**From:** Earl R. Clark

I am writing to state that I am against the adoption of the proposed zoning map amendment in conjunction with, and the proposed adoption of the Form Based Code. My in laws received in the mail, on Wednesday, February 3, 2016, notice that their property located at 3880 Ogden Ave. was targeted for change in the above mentioned zoning and definition of what that zone is proposed to be. I currently live with them, taking care of them, as they are ailing in health.


This is the only notification that has been given in regards to the proposed and nearly adopted changes to their personal property zoning! Only one week and a day prior to the scheduled Planning Commission Meeting for Thursday, February 11, 2016. I realize that is most likely done by design, so as to not allow any real efforts to organize the obvious numerous objections that will come as a result of this proposed change in the Form Based Code and Zoning of the properties.

How long has this been in the works, without notification to the property owners? And how long has **their personal property** had a TARGET on it? How is it possible to suggest and implement such a drastic change to South Ogden City Residents' lives and personal investments without any of them knowing until only one week before the proposed adoption of such a plan? Was there any thought to what this would do to those residents?

I have been a citizen of South Ogden City for nearly 30 years. I have rented and owned property in the city as well. The particular property at 3880 Ogden Ave. has been the home for my wife's family members for over 60 years! I love South Ogden City and the safe, quiet community that I have lived in. I see this change as a real threat to my home and that safe, quiet community!

I urgently request that you give strong consideration to all of the effects that the proposed changes will make to your faithful, longstanding residents of South Ogden, as well as to the future of the city as a whole. Please leave our neighborhoods alone! The property at which I live would be in the proposed rezoning area of the Edge Subdistrict, the "buffer" between busy business chaos and the peaceful, quiet neighborhood behind me that I thought my wife and I would be living in until we died. **I do not want city business literally on my doorstep and next door! I strongly oppose this change and request that you reconsider the city's options.** Take care of what you have already, fill it up, beautify it and please do not take away personal property and quality of life from the citizens who will be affected by this proposed change.

Sincerely, from a long time citizen,



Earl R. Clark



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RECEIVED

By 

February 9, 2016

**To:** Mayor James F. Minster, Councilwoman Sallee Orr, Councilman Bryan Benard, Councilman Russell Porter, Councilman Brent Strate, Councilman Adam Hensley, the Planning and Zoning Commissioners, and any and all who need this written notice in the South Ogden City Leadership.

**From:** Florence D. Clark, a 30+ year citizen of this great city; better known as Dori by some of you.

**I am writing to state that I am against the adoption of the proposed zoning map amendment in conjunction with, and the proposed adoption of the Form Based Code.** My parents received in the mail, on Wednesday, February 3, 2016, notice that their property located at 3880 Ogden Ave. was targeted for change in the above mentioned zoning and definition of what that zone is proposed to be. I currently live with them, taking care of them, as they are ailing in health.

This is the only notification that has been given in regards to the proposed and nearly adopted changes to their personal property zoning! Only one week and a day prior to the scheduled Planning Commission Meeting for Thursday, February 11, 2016. I realize that is most likely done by design, so as to not allow any real efforts to organize the obvious numerous objections that will come as a result of this proposed change in the Form Based Code and Zoning of the properties.

Truly, how long has this been in the works, without notification to the property owners? And how long has **their personal property** had a TARGET on it? How is it possible to suggest and implement such a drastic change to South Ogden City Residents' lives and personal investments without any of them knowing until only one week before the proposed adoption of such a plan? Was there any thought to what this would do to those residents?

I have been a citizen of South Ogden City for more than 32 years. I have rented and owned property in the city as well. The particular property at 3880 Ogden Ave. has been the home for my family members for over 60 years! I love South Ogden City and the safe, quiet community that I have lived in. I see this change as a real threat to that safe, quiet community! **I do not want city business literally on my doorstep and next door!** When this notification came it got me thinking about all of the changes I have seen in the city over the last 30 + years. Most of it has been good but other

changes have been at the expense of good, longtime residents like me and my family. I think of the residents and the loss of their property down in the area where Macey's, Chuck O' Rama and the other business strip mall area is now. I have fear that this is a *preemptive plan* to have the same thing happen in my residential community now.

I understand the need for growth, beautification and development in our city. As a citizen I value that too! However, I ask you, why do you need to establish a *larger zone* for the City center core and city center general, when the *existing "city center"* has not been fully developed and what exists there now is NOT fully occupied? Many of our current locations in our city area stand empty and underdeveloped and have done so for many years! A lot of our city is not kept up to "standard" or current code either. Why take on more when you cannot fill up and take care of what you have?

I urgently request that you give strong consideration to all of the effects that the proposed changes will make to your faithful, longstanding residents of South Ogden, as well as to the future of the city as a whole. I realize that some of you sincerely believe that this is the best change for the city. I know that commercial real estate and business licenses bring a tax based revenue that is valuable. However, tax paying citizens who are happy also have immeasurable value and have built and will continue to build the character of our great city! Please consider developing what you already have established in our fine city! I see great potential in that! Please leave our neighborhoods alone! The property at which I live would be in the proposed rezoning area of the Edge Subdistrict, the "buffer" between busy business chaos and the peaceful, quiet neighborhood behind me that I thought I would be living in until I died. **I do not want city business literally on my doorstep and next door! I strongly oppose this change and request that you reconsider the city's options.** Take care of what you have already, fill it up, beautify it and please do not take away personal property and quality of life from the citizens who will be affected by this proposed change.

Make my vote for you count, consider my request.

Sincerely,

A handwritten signature in cursive script that reads "Florence D. Clark (Dori)" followed by a small smiley face.

Florence (Dori) D. Clark

South Ogden City  
3950 Adams Ave  
South Ogden, Utah 84403

February 5, 2016

Ref: To whom it may concern, letter not dated (Feb 2016)

I agree with most of the proposals of the Form Base Code and see a possibility of increasing the additional income for the city. However:

It seems excessive to block off such a large amount of areas on the 40<sup>th</sup> Street Corridor (general) when a smaller section on the North and South side would establish the feasibility of the Form Base Code. To me this would minimize the effect to home owners in these areas. If in the future the Corridor proves to meet the cities expectation the corridor can be expanded to its current size.

I am concerned that the recession will not generate the expected Tax basis revue for the 40<sup>th</sup> street corridor for several years making this code change an exercise in futility.

The old service station on Madison Ave& 40<sup>th</sup> street has been vacant for over 10 years. There is property above Gramercy Ave that has been available for all most the same period of time. No one has built in these areas. What makes the 40<sup>th</sup> Street corridor more appealing than these areas? I wish the odds were better than a roll of the dice to see what comes up. If you get snake eyes or seven or eleven you lose.

In whole the Form Base Code is ambiguous. And a dream, what looks pretty and appealing is not always what is good. You can put any kind of façade to cover the unpleasant atmosphere behind the façade. I am concerned our foresight is being seen through rose colored lenses.

George E Froerer  
3950 Evelyn Road  
South Ogden, Utah



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**Leesa Kapetanov**

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**From:** Wes Stewart <wesleyj3625@gmail.com>  
**Sent:** Wednesday, February 10, 2016 6:03 PM  
**To:** Leesa Kapetanov  
**Cc:** Matt Dixon; Mark Vlastic  
**Subject:** Re: Form Based Code - Comments

I understand, that the primary discussion you would like is to focus on the form based code, but in regards to the new zoning connected to the form based code (proposed zoning areas), there is an area in the new form based code called, "40th street general" (see page 18 of the Draft January 2016 FBC. Is this no longer a part of the form based code or will the 136 homes not be a part of the new form based code area? My concern related to form based code along 40th street is where will the cars park street side or behind the stores and what can be done to ensure elementary kids who may be crossing this road are kept safe (safer for kids if no businesses at all are allowed along 40th street)? More businesses allowed in the name of "form based code" along 40th street makes it more unsafe for the school children due to increased traffic and different uses being used together. Also I'm confused as to what the street sections would be for Ogden Avenue and Adams Avenue as well. Would it be one of the street sections shown in the form based code? Who will maintain the street since it will start out primarily residential and may end up being half commercial and half residential down the road? Is there the infrastructure to support what ever number of possible future residents that may come online along Ogden Avenue with the potential for a five story building height being proposed? Also city center and town center are not used consistently (there is switching between the terms). Also can our fire department support rescuing someone from a five story building? Will there be a public hearing to gather residents input later in regards to FBC and 40th street widening? If not, why not? Please forward my questions on to planning commission. Thanks.

On Wed, Feb 10, 2016 at 2:02 PM, Leesa Kapetanov <[lkapetanov@southogdencity.com](mailto:lkapetanov@southogdencity.com)> wrote:

Wes,

There will be nothing there concerning the widening of 40<sup>th</sup> Street, including its street section. Not only has the street section not been determined for 40<sup>th</sup> Street, but this public hearing is not about the widening of 40<sup>th</sup> Street, and we do not want to confuse the issue.

The notices sent to affected property owners instructed them where they could view a copy of the Form Based Code online; it also informed them that they could come to City Hall anytime to view it here. They were also given the numbers of Mark Vlastic and myself if they wanted to call; staff has fielded many calls and answered the questions of those who have asked. We are here anytime if anyone, including yourself, has questions.



Leesa Kapetanov,CMC



Of the 6,747 dwelling unit stock in South Ogden City, 3,505 - 2,481 owner occupied and 1,024 rental - were built between 1940 and 1980. Very few of these units have been demolished or converted to other uses. They make up the majority of the affordable housing.

2. Because a high percentage of housing (45.7%), - 3,088 of the 6,747 units - are valued at less than \$138,600, South Ogden City needs only to preserve the existing stock.

It has been and remains the City practice to provide for a diversified housing stock. Of the remaining population projected to the City build-out, it is expected that a fair percentage of moderately priced dwellings will be constructed.

3. The City zoning is diversified and allows good flexibility of housing types within the residential zones. The zoning ordinance contains provisions for cluster housing and planned unit developments in every zone. Of the 2,208 acres in the City, 2,030 are zoned for residential use. There are 1,380 acres, or 68%, single-family zones in densities of 4.35, 5.44 and 7.26 units per acre. Two-family dwellings are allowed in 400 acres, or 20%, of the City in densities of 10.25 units per acre. Generally, these zones have been developed primarily as single dwellings on separate lots and densities are less than allowed by 25% to 40%. This is typical of the development pattern in most cities built in the post World War 2 era. However, because of the flexibility allowed in the zoning ordinance, cluster and planned unit development projects have been scattered throughout the area, reflecting demand and supply of the times.

Multiple family zones ranging in densities between 12 and 20 units per acre are designated for 250 acres, or 12%, of the 2,030 acres of residential zones. Some vacant lots and parcels that have been passed over for various reasons during development of the City will be in-filled. Because of the price, demand and location, these lots and parcels will be developed near to or at maximum density.

4. Zoning densities don't necessarily reflect the price of housing. The most important factor is the cost of land per unit. Nevertheless, as densities increase, the amount of public infrastructure needed to serve each unit decreases, which contributes to lower housing costs. Because of the flexibility of housing types and densities in South Ogden City regulations, there is opportunity for a variety of moderate-income housing.
5. South Ogden City has provided for a diversity of housing types. The mix of housing types and range of prices are very good in the City. Protection of existing housing stock is important to provide the diversity of price yet protect the quality of life. Curb, gutter, and sidewalks are being placed or replaced to stabilize the value of existing residential neighborhoods.

Annual budgets and community development block grant funds have been the primary sources of revenue. In addition to infrastructure maintenance, the City may need to evaluate the condition of existing housing and, if necessary, participate in housing rehabilitation programs.

#### METHODOLOGY

Selected data is referenced from the 2010 census. Housing values are from the Weber County Assessor's office. South Ogden City has a population of 16,532. In this report building permit records of South Ogden City and projections of the General Plan are used. The Weber County Assessor provided market values of housing for each dwelling in 2000, 2005, and 2010. These sources provide data that explains and illustrates existing housing. The analysis of the data tells whether the housing is affordable now and whether it is reasonable to expect housing to be affordable to moderate-income households in the future.

Household income levels considered in this report are 80% of the area's median income. Median income is \$53,650 and 80% is \$42,920. Thirty percent used for housing is \$1,073 per month. In 1990 that was \$832 and \$936 in 2000. Housing costs considered affordable for owner and rental housing is included. The housing inventory and market prices are categorized in \$25,000 increments. Rental housing prices were collected from management companies and owners. The breakout of rental unit sizes - studio, one-bedroom, two-bedroom, etc. was not done. The cost of two-bedroom units is used as this is the most common configuration. The cost of utilities varies widely. No attempt was made to apply these costs to the buying capacity of households. Because all debt is considered by lending institutions to qualify a buyer, using debt in this study would be too complicated and beyond the general purpose. Twenty five percent of income is used for the cost of housing. Five percent of income is used to pay taxes, insurance, and utilities for a total of 30% of income for housing. Current loan practices generally require some down payment and a minimum of \$5,000 is applied to the loan value of 2010.

Where statistics differ between the 2010 census and those kept by South Ogden City, City statistics are used. For example, rental units were counted and verified in a 1993 housing study. Rental units built since then have been added to the total. In the 2010 census, rental units included houses and condominiums that are not included in the South Ogden City rental count. Houses and condominiums are taken on and off of the market for various reasons unlike dwellings that are built for rental use. These are not perfect counts but leaving the single-family houses and condominiums out of the rental count is more accurate for the purpose of this study than leaving them in.

The number of households in South Ogden City is 6,747 in 2010. These figures were determined by adding the 5,201 owner-occupied dwelling units as recorded and 1,546 multi-family rental units counted by South Ogden City records. (There is a difference of 118 dwellings units between the 2010 census information and City counts or 1.7%.)

A local management company with units in the area said the average rent for a 2-bedroom unit was \$375 in 1990. Rent for the same unit in 2000 was \$460. Other property owners that were contacted said a 2-bedroom unit in the area rented for \$500 to \$525 in 2000. For 2011 the range in rent is reported to be between \$480 and \$790 a month.

A 2-bedroom unit is the most common configuration and for general purposes the only configuration used in the study.

#### UPDATE OF HOUSING UNITS BUILT IN SOUTH OGDEN CITY SINCE 2008.

Since November 15, 2007 and November 16, 2011, there have been 35 dwelling units built in the City and no multi-family units. The housing values data is from the latest county assessors evaluation completed for the City in October 2011.

#### AFFORDABLE HOUSING PLAN FOR 2010 AND BEYOND

The City is comfortable with the housing mix and range of value. The plan to maintain the City housing stock is to continue to improve the infrastructure by investing approximately \$100,000 per year in new, or replacement, curb, gutter, sidewalk, water, and sewer. The City will also establish a low-interest revolving fund to update and remodel existing affordable housing. The funds will come from the CDBG funds applied for by the City and from redevelopment revenue in keeping with the commitment to maintain the existing housing stock. The amount will be determined yearly by the South Ogden City Redevelopment Board.

DRAFT

WASATCH FRONT REGIONAL COUNCIL



South Ogden -- Commercial Form-Based Code





The form based code being advocated from the Wasatch Regional Council comes from

I realize our city had been given a \$15,000 grant/award from the Wasatch Regional Council. How much of that amount has been spent by our city to date?

The original FBC plan involved Washington Blvd (downtown area). Why did it grow to include residential areas along Adams, Ogden, 37<sup>th</sup>, 38<sup>th</sup>, 39<sup>th</sup> Street portions and Evelyn and 40<sup>th</sup> Street residents?

**Farr Associates**  
53 West Jackson Boulevard, Suite 650 Chicago, Illinois (312) 408-1661  
www.farrside.com  
Leslie Oberholzer, Project Director

An Oakland California firm "Reconnecting America" was also involved in the writing of our template - no snow there.

<http://www.envisionutah.org/images/wc2040/fbc/FormBasedCodeIntro.pdf>

How many hours have been spent by South Ogden City Staff rewriting our zoning code to conform to Form Based Code?

How many hours have been spent on Form Based Code?

How many hours have been spent on other citizen requested items?

Why are citizens being ignored or put off by our city staff? (Has Form Based Code been given a priority even though many residents don't approve of it, who understand it. (Many don't even know this exists.)

Has the city researched how much it would cost existing businesses if they were to bring their existing buildings and parking lots to the new required standards of Form Based Code?

How much more can consumers expect to pay for goods and services from buildings who are required to conform to new Form Based Code?

Will new businesses be able to compete seeing as how their initial investment for their building and parking lot will cost more than their existing competitors?

If not, than how will this create more commercial stores as the city's master plan is desiring in the current R-2 residential zone (which is zoned for residential use and not commercial use)?

For residents who purchased their home in a residential neighborhood, will the South Ogden City be purchasing homes at fair market value for those who do not wish to live in a commercial neighborhood with increased traffic and asphalt in the neighborhood?

If not, why not seeing as how South Ogden City is proposing the zoning change which residents have not been asked for whether they approve or disapprove of the proposed changes?

From the South Ogden City Recorder's minutes on November 25, 2014

<http://www.utah.gov/pmn/files/134825.pdf>

**"Discussion Facilitated by Ray Whitchurch, IBI Group With the Intent of Receiving Direction from 53 the Council and Planning Commission on Commercial Form Based Zoning for South Ogden City**

54 Mr. Dixon introduced Julia Collins and Vedad Lelo from Wasatch Front Regional Council. Ms. 55 Collins gave a short presentation (See Attachment A) on Wasatch Choice for 2040, stating it was a

56 vision for how the region should grow, pointing out the Wasatch Front was the fastest growing

57 region in the country. The Wasatch Front Regional Council had been given a grant in 2011 to 58 develop tools and resources for communities to meet the vision. The grant given to South Ogden

59 City was part of the resources provided to cities to help them grow. Ms. Collins then introduced

60 Ray Whitchurch from IBI, who had been selected to help the city develop its form based code.

*A minimum possible typical fire truck access is 26 feet. Will city staff please verify that this public safety standard is maintained? (Especially in regards to our snowy climate where extra width is required where snow is pushed in the gutters).*

61 Mr. Whitchurch gave a presentation (see Attachment B) on what form based zoning was and how it

62 worked. Form based zoning placed an emphasis on form rather than land use and more and more

63 cities were utilizing this type of zoning. *Which nearby cities?* Mr. Whitchurch introduced the idea of transects.

64 Transects were represented by the terms T1, T2, etc. He said the goal that evening was to 65 determine what type of city South Ogden wanted to become in terms of transects (T1-T6).

City

66 Manager Dixon reminded everyone present that the form based code was only applicable to the

67 commercial zones, not the residential zones."

*When did this direction change to include our current R-2 zones? Would City Council or planning commissioners bought into this plan upfront, knowing that residential homes might be affected?*

*"Council Member Porter remarked that Washington Boulevard and 40<sup>th</sup> 83*

*84 Street should be more pedestrian friendly; Riverdale Road, however, was different. He also*

*85 thought two to three story mixed use structures would work well. Others present remarked they*

*86 thought T3 or T4 was appropriate for the city center."*

*Why is the current proposed zoning allowing buildings on Ogden Avenue (that is currently and primarily a residential zoned R-2 district) as commercial use up to 5 stories (possibly 70 feet tall in height) when council member Porter suggest two to three stories? If the goal is to run residents out of their homes, this may do just that. And many other good long standing residents of South Ogden City.*

*"Mr. Whitchurch pointed out that the city was building for the millennial generation.*

*112 They did not think the same or want the same things as the baby boomer generation wanted.*

*113 They preferred urban environments where they could live, work and play."*

*A recent standard examiner article stated that urban millennials want to have additional healthy choices such as allowing hens which is done in many other cities. How will the new*



form based code accommodate such urban millennials so their desires can be accommodated?

See <http://www.standard.net/Environment/2015/06/01/Millennials>

In a recent planning commission meeting, after planning commissioners approved allowing a few liens if residents desired, the city manager asked, "How will this be enforced?" Not perhaps realizing that many urban cities allow liens even with Form Based Code restrictions. If he cared about millennials he probably would not have made this statement. Most other cities simply allow residents to do activities that are within the basic laws of the land, such as the noise ordinance. Other cities don't fine and enforce, like our city does to fund its budget.

If Form Based Code is so good, why did Vance Tyrrell, from IBI Group use deceptive photos in many of his presentation in Appendix B from the From the South Ogden City Recorder's minutes on November 25, 2014 to compare traditional zoning to form based code? See p. 13, 15, & 21 for <http://www.utah.gov/pmn/files/134825.pdf>

Will residents along Ogden Avenue have to give up their driveway access as shown in the presentation on Form Based Code, or will they keep them as they currently have?

Doesn't form based code in a residential neighborhood make more sense for a city that is just getting developed (instead of a city like ours that is 95% built out and primarily zoned for residential zoning)?

We currently already have the Mixed Use Neighborhood with the corner gas station store along Adams Ave. Has city Staff asked the next door residential neighbors to these stores how they enjoy their commercial neighbors? And for Ogden Avenue are we seriously jumping from primarily R-2 to T-5 Mixed Use (up to 70-feet in height)? I sure wouldn't want a 70' tall building overshadowing my lot and home. Would any of you like this situation?



## Form Based Zoning

### Reasons for FBC's

- Prescriptive instead of proscriptive (what you want instead of what you don't want)
- Creates a more predictable design
- Fosters Public Participation
- Regulate development at specific scales
- Facilitates more complete communities
- Produces greater land-use diversity
- Enhances market flexibility
- Promotes land-use efficiency
- Streamlines the approval process

### FBC Challenges

- Resistance to changing the current pattern of development
- Non-traditional approach to current zoning
- New definitions to learn and understand
- Requires basic understanding of urban design
- More complicated to regulate

How will South Ogden City regulate when we as a city (according to City Manager Matt Dixon) are already short on staff and enforcement? Will this be regulated solely by the City Manager and planning commissioners?

One of the reasons stated above for "Form Based Code" is that it supposedly "Fosters Public Participation." To date, though, South Ogden City has not solicited input from its residents as to how residents would like the form of the code to take. Why have residents not been asked, whether they want "Form Based Code" and if they want it, what kind of participation they can have in where it is located or the forms allowed or the uses? It seems to have only been asked to a selected few elected officials and not to the residents where the Form Based Code is to be implemented? Why???

What are other reasons residents or commercial businesses may be opposed to "Form Based Code"?

What is South Ogden City out other than a year's worth of planning if, at this time, it decides to not implement "Form Based Code"?

What are the potential cost savings to businesses and start-up businesses that may not otherwise be able to afford the "Form Based Code" building requirements?

Do we have a potential for more smaller "start-up" businesses or larger millionaire "start-up" businesses from the residents who live in our South Ogden City community?

Who is thinking that Ogden Avenue has a commercial potential and why? Has there been any supporting research to base this decision upon? How have stores one block east of Washington in Ogden Area done historically? Are they economically viable or failing businesses or primarily residential units?

How does Ogden Compare with commercial stores available for purchase or lease compared to South Ogden City? How does this compare population wise? (Do we have more available commercial properties or about the same as the much larger neighbor of ours - Ogden)?

## Form Based Zoning

### Advantages

- Better at Illustrating Community Plans and Vision
- Building and Street Design are Coordinated
- Urban Form is more Predictable
- A more Gradual Transition between Adjacent Areas with Different Development Intensities is Easier to Achieve
- Can Specify the Tapering of Height, Bulk, Massing and Lot Coverage of Building Toward Residential and/or Natural Edges
- High Density Design is more Carefully Designed, Attractive and Compatible

vs

### Pitfalls

- Cities must Consider what Approving Bodies will Administer the Code and Whether Current Review Processes and Review Bodies will be Adequate; Rarely is a Form-Based Code able to be Administered Without some Modification
- Some Cities have Legal Restrictions Against Using Illustrations to set Development Standards; in these Cases the Illustrations are used to Augment Text and Numerical Standards but are not Legally Binding
- Trained Staff
- Flexibility = Ambiguity = Challenge

How will our city train staff if "Form Based Code" is to become the new commercial code, or mixed residential and commercial? What about areas to the south like Harrison and south along Washington Blvd? Why should they be held to a different standard than the "downtown" area of South Ogden City? To be fair, planning for future growth in these areas is just as important as in northern South Ogden city.

What approving bodies will administer the form based code for South Ogden City? Will the current review process and reviewing bodies be adequate? Will the proposed reviewing bodies be adequate (or should city council members still be a part of the review process while the new form based code gets off the ground (or crashes in the dust)?

Does our city have legal restrictions against using illustrations to set development standards? I found the illustrations helpful in the new form based code, but if text is more legally binding, then maybe more text needs to be added to adequately describe what the intent of the illustrations are showing.

From appendix C from IBI presentation,

## WHAT IS A FORM-BASED CODE?

Unlike traditional zoning codes, Form-Based Codes focus on the **form and design** of a place rather than the necessary **use** of a place. This in turn creates vibrant community spaces, commercial centers and pedestrian friendly streets that include sidewalks, bike lanes, street trees, facades and other street ornaments that make places more walkable and visually appealing. In traditional zoning, the focus is mainly on the land uses of the building and the uses are typically separated into residential, commercial or industrial places. With Form-Based Codes, it is the form and appearance of buildings that are the priorities which are taken into consideration first. This allows for a greater mix of uses, and greater flexibility in development and land use types.

"Based on the last sentence, why not allow this form based code all over our city? Let us cryplace where there are existing residential homes next to businesses be considered "the edge" zone, and require all businesses to be in compliance with the form based code? Then every 10 to 20 years, re-evaluate whether additional expansion of edge zones and "town center general" areas should be expanded based on supply and demand of commercial sites. This would be fair for all of South Ogden City residents and not just make the residents in the R-2 zone feel like this new form based code is just being imposed upon them (which it currently is as currently being proposed). It should be the whole city if this really is a very good thing (or not at all - if it has the potential to be a "not so good" thing for our community). - My vote is not at all. I think City Council should be just to all residents living in South Ogden City (not just vote for something where the people who designed the code don't live in our city and the people voting for the new zoning (City Council) don't live as residents in the affected residential zones). If you allow this all over our city, then developers will pick their preferred locations where they feel they can achieve the maximum profits for their businesses endeavors. If they are successful, then South Ogden City gets a cut in tax revenue, so it can be a win-win (except for the residents who may not want commercial development nearer to their primary residential dwellings--their home).

How are the existing residential homes being considered in form based code? Do residents desire the proposed uses and forms which form based code may bring right into the middle of their street (and not just on a corner)? Has South Ogden City asked the local community what they would like to be built (if anything) along Ogden Avenue and Adams Avenue, Evelyn, 37<sup>th</sup>, 38<sup>th</sup>, and 39<sup>th</sup> Streets? Do residents want an expanded city center here in the north part of town?

The primary locations where businesses along Harrison and Washington Blvd have occurred have been along the primary travel routes. Many of the stores along Washington are not much older than the residents' homes living to the east in the R-2 zone. As homes develop in the South, commercial development should also occur in the South part of our city. What does South Ogden City value more--happy, friendly residents or possible tax revenue from commercial properties (assuming more commercial businesses want to expand here to South Ogden City)? See success rate of the Civic along 40<sup>th</sup> Street PRUD for prime example--2 of 10 units have sold.

Are there businesses knocking on the Mayor's door asking him to make more business areas available for development (since the corner locations at busy intersections such as 40<sup>th</sup> and Washington are not prominent main traffic locations)? Bank of Utah came and went after a few years in business, plus a few of their neighbors to the north. Also Jiffy Lube has recently changed ownership as well, after many years in business at 40<sup>th</sup> and Washington location. A precursor to the current "form based code" is the South Ogden City General Plan from 2008.

#### "Public Involvement

Public involvement was extensively used to identify issues regarding Land Use, Transportation and Market/Economic Conditions. This public input was gathered through meetings with a Citizens Advisory Committee, public open house meetings, and through responses from a community-wide survey."

When were public open house meetings held to involve the public in the general plan and what means were used to let the residents know of these public open house meetings? How many residents attended the open house meetings? It is my understanding 50 residents attended. (How many were from "Old Town" South Ogden? How were these residents informed of the meeting? Was it the same as Form Based Code is being informed to residents? Did South Ogden City feel like the number of persons at the meeting was sufficient to get the general opinions of what all South Ogden City residents wanted most? Please explain further as needed. Can we have a citizens' advisory committee and public open house (informal meeting) to freely talk and discuss back and forth?

#### "Public Open Houses

In addition to guidance received through the Citizens Advisory Committee, a Public Open House meeting was held in early August. Approximately 50 citizens attended, providing a range of input and helping to refine the preferred plan direction. A public open house will also be held to review the draft final."

Did you take inventory of where the citizens were located who attended the public open house? Is this information publically available? How many residents north of 40<sup>th</sup> street were a part of the open house? When was the public open house held to review the draft final as stated above? (I don't see record of that occurring in the 2008 General Plan).

#### "Household Size

As illustrated in Table 1-4, South Ogden households have an average size of 2.73 persons, below Weber County's average size of 2.95 and the Utah's average of 3.13 persons." In regards to the proposed locations of rezoning and Form Based Code, has South Ogden City considered that many of the homes they have identified as desiring to encourage redevelopment have been previously owned by the parents of the "baby boom" generation. They and some of the baby boomers which also own a large percentage of the homes over the last 20-30 years are able to do less home and yard maintenance on their properties as they age. With an average household size of less than 3 persons, there is essentially no growth expected. The existing properties should be enough for the current population as long as homes are not destroyed by commercial development. Agree?

"\* "Low but tight" character. Buildings should be "low," generally not exceeding two to three stories in height, in order to maintain a pedestrian-friendly scale and to fit in with the existing context. Density can instead be increased by placing buildings close together in "tight" formations. Pedestrian alleyways can be located between buildings to maintain access to other buildings and parking in the rear, further maximizing the limited space

available."

The new form based code has drifted away from this along residential lots which are along Ogden Ave. Five stories is much taller than most store heights currently along Washington Blvd and currently proposed along the west side of Ogden Ave.

"\* *Functional, yet architecturally interesting store fronts.* Primary entries to buildings should be located along the main, pedestrian-oriented routes. Facades along such routes should be varied and interesting in order to provide a visually interesting pedestrian experience."

Does the form based code still achieve this as well as previous more varied zoning may allow?

#### "Design Considerations: 40<sup>th</sup> Street

40<sup>th</sup> Street is an important east/west corridor through South Ogden that connects Harrison and Washington Boulevards, and ultimately, the popular commercial corridor of Riverdale Road to South Ogden City General Plan Update Land Use & Neighborhood Design 2-43 the west and Weber State University to the east. Existing and future traffic volumes are shown in the table below.

#### Table 2-4

#### Existing and Future Traffic Volumes for 40<sup>th</sup> Street

##### Traffic Volume

2007 Average Daily Traffic 19,700

2030 Projected Average Daily Traffic 19,600

Traffic volumes are from the Wasatch Front Regional Council's travel demand model."

"Since no growth is projected for the next 15 years along 40<sup>th</sup> street, can alternatives be considered to alleviate the peak congestion periods as opposed to widening the street out? The least intrusive solution and most environmentally friendly with the best cost savings to our city should be considered first.

-Comment received at the first public open house indicated that there was a problem on 40<sup>th</sup> Street, primarily at the point where the four lanes dropped to two lanes. However, city staff is concerned that widening the road will divide the city with a physical barrier that is difficult to cross either on foot or in a vehicle.

#### Recommended Direction/Action

\* *Alleviate "bottleneck" locations while avoiding widening the road.* Given that traffic volumes on the road are not expected to increase in the next couple of decades and that the city has legitimate concerns regarding the character of a widened road, South Ogden City should explore alternative ways to accommodate existing and future traffic and/or alleviate "bottleneck" locations. This might include providing turn lanes at key intersections or providing two lanes of traffic in each direction within the current pavement width." I agree with the city and staff's original statements here. What was the motivation to change this plan? Was it available funding from other sources? What will the current proposed updates to 40<sup>th</sup> street cost taxpayers? Where can the public find online the latest proposed 40<sup>th</sup> street updates so they can know what is being planned for our city?

"Not surprisingly, commercial development is clustered around the points of highest traffic counts at both the north and south ends of the City, and along Washington Blvd. ..."  
What are traffic counts along Ogden Avenue? Does it make sound business sense to allow commercial expansion along Ogden Avenue when there is no traffic here (except local

residents)? Can't someone who wants to put in a commercial business currently do so under our current zoning rules?

Has South Ogden City considered charging "fair market value taxes" for the type of businesses that sit vacant for year after year? Giving commercial property owners a very low tax rate does not motivate them to sell or develop their land into a beneficial commercial use.

Will residents along Ogden or Adams Avenue be able to keep their R-2 zoning status on their homes (until they or their family decide to sell as commercial use – if they think they can sell for more than as a residential lot)? How will the tax rates be kept fair for residents who choose to stay in their homes in the Form Based Code zoning?

"Retail Locations. There are two main commercial locations in South Ogden City – one located at the north end of the City, and the other at the south end. Analysis of these two locations, Figure 3-11 and Tables 3-9 and 3-10, shows considerably more population, and therefore more buying power, associated with the northern location. The northern location is surrounded by higher density, more urban-type development, while the southern location is more suburban in nature. Commercial development in the northern portion of the City is old, with much of it in need of redevelopment. Therefore, a location in the northern part of the City could be an ideal site for pedestrian-oriented, walkable commercial development that can become a community center and for lifestyle-center type development." I don't agree with the above as being sound logic. More population = more buying power? I thought higher incomes = more buying power. The area to the north has been stated as being where moderate to low income families live. How do existing, long-standing businesses along 40<sup>th</sup> and Washington Blvd. respond to Form Based Code? Existing businesses have remained as they have been, more or less, for the last decades of years in business. Shouldn't business competition eliminate old stores if they can be more competitive by having a certain form than say having government dictate how businesses should look in order to put out a sign that says "open for business"?

In the event that form based code is adopted by our city? Can it be fairly implemented everywhere within our city? Can it be monitored in any way to evaluate its effectiveness in creating new businesses? What can be considered to eliminate it and put code back the way it was prior – if this new "form based code" is not embraced by business owners? Can there be a sunset date put upon it, say in year 2025, to evaluate and consider the impacts to residents and businesses and to our South Ogden City tax revenue and weigh all factors against one another to see if there have been any winners with the new code?

Also, how will new sidewalks and existing streets be constructed in regards to the new Form Based Code areas? Will this essentially only apply to the designated areas and remaining residential areas will be same code as what they currently have? Will the city continue to do road maintenance for the residents?

Follow up to the above. Will the city be having two zoning codes? What additional safeguards can be provided to residents who get stuck in the middle so that their basic rights are protected and so that they don't have to spend exorbitant amounts of their time in protecting their basic rights to live in a quiet, safe, residential neighborhood?

How will other existing ordinances such as the noise ordinance affect residents and businesses sharing the same lot lines? Residents will be affected.

In the event of an apparent conflict, what assurances do residents have that their basic rights to live in a quiet neighborhood are not dissolved by commercial development in their neighborhoods?

There are expectations that an average residential lot will actually be worth more as nearby commercial lots develop and some residents will no longer be able to afford to pay taxes. How will this be addressed for the elderly and disabled?

As opposed to more commercial development, can all residents just pay their share of more taxes? Over the last 7 years the taxes and fees we pay have gone up substantially while residents in the south have paid less as their property values have decreased. Or ask South Ogden City to spend less of our paid taxes (use our taxes more frugally) so maybe more city employees do multiple jobs that are needing to be done in our city. It seems the northern part of South Ogden City is once again absorbing all the redevelopment city officials seem to think is needed for our city. (Previously, in 2003, residents in the north had a nice city park to enjoy – it is currently about half of the size it was back in 2003). Can't other areas also be selected for better locations of businesses that businesses would actually consider as choice locations to open up their doors for business?

## "Appendix A: South Ogden Community Survey Summary

(from 2008 General Plan)

### Demographics and Concerns

o 73 percent of all respondents are 45 years of age and older; 12 percent are 35-44 years, 13 percent are 25-34 years and only 2 percent fall between 18-24 years of age. Clearly, the survey is heavily skewed to older individuals. Only 36 percent of the population is 45 years or older." So what age group will be forced by the proposed new zoning (Form Based Code) out of their homes along Ogden Avenue and Adams Avenue? It appears to me to be more elderly individuals. These people have been long-time South Ogden residents. This is not what they desire to happen in their residential neighborhoods in their senior years.

o 99 percent of respondents own a home with only one percent reporting they rent. However, according to the 2000 Census, 77 percent of the population owned their home with the remaining 23 percent of the population renting. It is apparent that the majority of renters who received this survey, did not return it. This suggests that those who rent in South Ogden may lack a sense of investment in the City." Who will primarily be residents of our city in mixed use buildings? I would expect renters who "lack a sense of investment in the city." How will this help our area? It will not.

### "Neighborhood Analysis

o Generally speaking, residents in the southeast portion of the City wish there were more shopping opportunities in their neighborhood. However, residents in the central and northern parts of the City (mean score of 2.8 and 3.1 respectively on a scale of 1 to 5, with 1 meaning *strongly disagree* and 5 meaning *strongly agree*) do not feel as strongly



about the need for more shopping opportunities.” Pretty much a neutral answer expressed by all (averaging 3), with residents in the South wanting more shopping opportunities slightly. So why not have Form Based Code and have a new development area designated for such in the south part of our city? Do an experiment to see if new/old or old into new works better for the proposed new “form based code”? People living in the South part of our city don’t like the way the north part of our city looks, but people in the north part of our city are more content with how our part of the city looks. Why are others trying to change others to match what they want? Can’t we all just be tolerant?

o When asked if there is enough availability of affordable housing in their neighborhood, respondents in the north end of the City are the most likely to feel there is enough affordable housing (mean score of 3.6). Conversely, residents in the southeast portion of the City are the least likely to think there is enough affordable housing in their neighborhoods (mean score of 3.1).<sup>24</sup> Residents in the north did not say, “Tear down our existing affordable neighborhoods.” How is this going to help residents in the south have more affordable housing near them? Why not require Form Based Code everywhere in our small city to plan for future population, if that is the goal?

o Residents in the northeast part of South Ogden have the least sense of community (mean score of 3.1) and those with the most sense of community reside in the central part of the city (mean score of 3.8).<sup>25</sup> May be due to the fact that there are more rentals where residents move in and move out within a couple of months or years. We also have less sidewalks and more elderly people who can’t get out as easily. As younger families move into older homes, the older homes should get upgraded over time as the younger families may be able to afford. Has the city tried to track the efforts in the R-2 zones and when most homes are rented, as younger families move into the homes of the former elderly residents? What could be accomplished in R-2 neighborhoods by simply adding sidewalks? Can residents get a schedule of when their streets might get sidewalk upgrades within the next 10 years? If we can’t even afford to put in basic sidewalks for residents who have none, remind me again why we are putting in dog parks, recreation facility and football restrooms for residents who could afford to pay for these improvements by donations from within their community? Residents in the south can have all the publicly funded RAMP park improvements, just let us residents in the north keep our homes located in the R-2 zone (without commercial development) and the half of 40<sup>th</sup> street park that we have left near our neighborhood. Is that too much to ask?

Residents living in their residential zone should have the majority of the say as to whether a commercial business is allowed to move into their residential neighborhood. Their homes are the single biggest investment they have made. Should that business use for whatever reason change over the years or desire usage, residents should once again be notified to give their approval or disapproval of the change in business use in their community. Use matters more than form when it comes down to what is allowed in your neighborhood, if a person cares about their spouse, children, and neighbors (or grandparents, as the case may be, for many). I have no idea how hard it is to run a city on a limited budget, but maybe less is more, if funds are limited. I believe residents in general prefer less government rather than more outside the basic services of police, fire, and roadway maintenance. Secondary items should not take priority over the

basic necessities. Form Based Code is definitely a secondary item. I would rather see city funds go into putting in a few more blocks of sidewalk somewhere than in paying someone to research something that citizens and businesses may not be able to afford where they are being proposed to be mandated as the new code, and residents don’t want.

What about existing business owners? After explaining to them what they can no longer do under current zoning, and what they must do with new Form Based Code zoning, what percentage of existing businesses want this?

Does the proposed commercial fill-in for the middle of existing residential homes fit in where one could have a five-story, brand-new building constructed next to homes that were constructed between World War I and World War II?

How is this “senseless” as 2008 General Plan discussed?

What if existing older homes are damaged due to the contractors’ construction operations (or other construction efforts)? How will residents be protected from these unforeseen incidents that may be difficult to prove who caused after the fact? Will resident have to video document the condition of their homes – not knowing where a crack or other failure may occur during reconstruction of a neighboring property?

There are multiple various ways to alleviate congestion on 40<sup>th</sup> street that could be considered to extend the current usable life of the pavement. At some point in the not too distant future, 40<sup>th</sup> street will need to be expanded. The majority of the traffic going along 40<sup>th</sup> street is primarily commuter traffic in the form of students from the nearby cities commuting along 40<sup>th</sup> street to Weber State University. There is a similar traffic amount going along 36<sup>th</sup> street, which has no turn median. I have timed how long it takes me to make a left onto 36<sup>th</sup> street compared to 40<sup>th</sup> street and it takes about 2 minutes to turn onto 40<sup>th</sup> street compared to five minutes for a left onto 36<sup>th</sup> street. What no-cost solutions to public infrastructure have first been explored (seeing as how the pavement along 40<sup>th</sup> street still has some years of life available). Have signal timing light solutions been evaluated and adjusted so that there is more green time or less green time to delay students from leaving all at the same time (UDOT uses a similar green light on ramp – traffic flow congestion prevention method – as one is trying to get onto I-15 during busy peak travel times). Another solution which would take some class rescheduling from the university, but could be accomplished would be to have classes get out at different times (so that students are not all rushing out from the University at the same time). Simply having classes start and end at various 15 minute hour durations would have the potential of reducing the Weber State University peak traffic flow by 75% less at any given hour. It is kind of like when we have the Lindquist sponsored fireworks or a sporting event at the university. Having a controlled flow of traffic (in these large events by police officers) helps move the traffic faster. Traffic light timing can also help alleviate congestion along 40<sup>th</sup> street and keep it where it was designed to be along Harrison Blvd (three lanes for travel along this street). Have all of these options been explored prior to redoing 40<sup>th</sup> street? When is the open public hearing for 40<sup>th</sup> street planned improvements to take place and what is our city doing to let residents know so they can give any input for the planned street improvements in their community? Is there a preliminary plan for the proposed improvements, which houses will be affected etc. that residents can review?

I think we need to do an assessment of where we are currently with meeting the desires of the citizens in South Ogden City. Have affected residents been informed (by their city) of what



changes are being proposed upon their homes and neighborhoods which will directly affect them? If this is such a good thing for all residents in our city, why is only the bare minimum allowed by law being implemented to inform residents regarding this "Great new change" about to affect them in the not too distant future?

If the citizens and residents of our community don't really want this change in our community (which to my knowledge South Ogden City Staff has not directly asked residents living here), then why is the city tax payer dollars being used on proposed zoning changes that current residents and most current businesses do not desire at large or can afford?

Under the agenda from Jan. 14, background, 2015 Chapter 2 -- Street Types, the second bullet point states,

"It was also felt that the ordinance should note which streets are public. In the areas where the FBC applies, these include Washington Boulevard, Riverdale Road, 36th, 40th, Wall and Chimes View. The role of these public roads is to provide public access to the internal streets, which are private. The City Engineer noted that he does not have problems with the street sections indicated in the FBC, as long as they are private."

To my knowledge, we still don't have a city engineer who supports the proposed street sections that are to be public (which I believe the majority of the streets will remain or should remain public such as 40<sup>th</sup> Street, Ogden Ave., and Adams Ave.). The city engineer has said as long as the street sections indicated in the FBC are private than he approves because the city is no longer responsible for maintenance or for any liability in the form of accidents that may occur with the more narrow designs being proposed. How does this affect Ogden Avenue (directly above Washington Avenue)? Will their street be considered private, when for so many years residents have lived here and paid their taxes? At what point does the street get re-done as commercial entities desire to move into residential neighborhoods (assuming that developers see an "opportunity" to do so). Is there a transition point?

Is this our city's new long-term roadway maintenance plan for the north--to do nothing and simply change all our streets to FBC starting with Ogden Avenue and then expand to the east? I would like to know when residents' streets will be repaired. This is the reason we allow government to take care of jobs we can't do for ourselves. Not to invite contractors into our neighborhoods to re-make everything.

The new "Form Based Code" has attempted to define a transition zone from a residential lot on 40<sup>th</sup> street to a commercial property "40<sup>th</sup> Street General" see Figure 5.2 (5). (Figure should have the word "rear" deleted, since you are proposing that both the side and rear setback minimum should be 20'). Is 20' enough? How much would a resident's yard be shaded by an adjacent two story building located 20' from their property line?

Under 5.2.(4)(a) it says, "a) Transitions from ~~should say, from~~ Single Family Homes. A 20-foot setback is required from the property line adjacent to a single family detached home. At 20 feet, 25-foot building height is permitted in between the property line and 30 feet. After 30 feet, every 2 feet in additional horizontal distance from the property line permits 1 foot of additional vertical building height. See figure 5.2 (5).

Section 5.3 has different setback requirements shown for all zones. It does make reference to if a commercial building is to be built next to a residential home. Can it be more clearly stated

that the residential home interest is to be preserved over the commercial developer? I am concerned that a commercial developer may think they can build 0' from a lot line and 5' from a rear yard.

Can city planner provide a worst-case plan view sketch of what a commercial building along Ogden Avenue would look like adjacent to a resident living on the east side of Ogden Avenue and for a neighbor who lived north or south of the new commercial development. How will it work to have a parking lot 7 feet away from a neighboring property owner's back yard? Children do play, like in sand boxes, which may be located near property lines.

Seeing as how many of the homes zoned for commercial development are also located where moderately affordable housing exists, what guarantees will people have that new residential units will be required? Also what guarantees for low-income, affordable housing?

Where will residents go who can no longer afford to live in their homes in a Form Based Code area?

Why are not parks listed as a permitted use under 4.2.2. Residents who live in the north place more of a value on this wide open space than residents perhaps who live in the south that have other open spaces available to them. Is there an economic spending or lack of spending for parks in the north (maybe inadvertently) being implemented on our South Ogden City's fiscal spending for outdoor recreation and parks? I would ask you as city planning commissioners, city council members, and Mayor to reconsider spending dollars to improve our city center in the north (not just city offices where publically elected officials work). We do appreciate the work you do on our behalf that we are not aware of and are extremely grateful for the fire and police that are available within literally a few minutes of our existing homes. South Ogden City police are without question some of the finest around! I just feel a more balance approach is needed for redeveloping our neighborhood and on a smaller scale where it is needed for an economic return to our city.

1. My understanding of the original Form Based Code zoning locations is that it was intended to be implemented in city center areas (not the current residential areas)? My first, initial concern with the proposed Form Based Code was that it was not publicized by South Ogden City to the residents -- other than the bare minimum required by law. Many residents and families currently living in the R-2 zone and will be permanently affected if this code becomes the new zoning code where residents chose to purchase their residential home. What does the city value more, the stability of families (which include the elderly and young children), or the opportunities for commercial development that may bring in additional tax revenue for our city (if, and only if, successful)?
2. Zion's Bank did an economic feasibility review. It should be noted that Zion's Bank is not a "not for profit" business. I have looked into banking with them and choose not to due to their high fees they charge, and I could make more money on savings in other financial institutions. My question is have you sought a second or third opinion? Since this involves residents' properties,

this second and third opinion should be done transparently, in the presence of the residents being affected.

3. Have a handful of financial institutions been asked regarding whether they are willing to invest loans to "Form Based Code" construction? It seems the likelihood of failure is increased for those who invest in this due to the fact it will cost more to start up your business and you will be forced to compete against those who have existing businesses operating under grandfathered store set up. The existing businesses can compete at a lower price than what the new businesses would be able to compete against.
4. Who gets the property in the event that the business venture does go under (say after one to five years)? What is the average life expectancy of existing businesses in South Ogden City? When the business goes under, who typically inherits the property? My understanding is that it would be the lending institution which can turn around and sell or lease the property as it is (and not inherit the cost which the person developing spent trying to set up a business). So if the bank is the one who comes out the winner on the deal, how does this help individual residents or the person wanting to start a business? Who will maintain properties that are snatched up by investors and not maintained by these investors as has recently been done along 40<sup>th</sup> street near our city offices?
5. Has Zion's Bank been able to review the latest planned Form Based Code isolated locations in the more impoverished neighborhoods and given their approval of the plan and willingness to lend money to developers wanting to redevelop?
6. The 2008 General Plan addressed improving public parks. Why were no improvement listed for the 40<sup>th</sup> street "City General" described in "Form Based Code"? If this is the "heart" of our city, than why are all the RAMP funds being proposed almost exclusively (especially from a dollar amount standpoint), south of 42<sup>nd</sup> street? Please provide for residents living in South Ogden City an accounting of what taxpayer RAMP dollars have been both proposed and approved for the city core general area (which includes 40<sup>th</sup> street park), compared to the remaining South Ogden City Parks. Central Park was put into New York City prior to that area becoming a desirable place to live in New York City. What is our city doing in the north part of our city to create desirable places for residents to live? Please provide evidence that our South Ogden City has been trying other methods of improving land & parks for citizens living nearest to the proposed "Form Based Code" areas. Our local city government spending less in the north makes our area more "blighted" which could be reversed if our government spent as much as they do in other areas of our city.
7. In the 2008 general plan it proposed that there could be established the following on p. 2-21:

*"Neighborhood Mini-Parks. Pocket or mini-parks can be introduced into neighborhoods which do not have nearby park facilities. Ideally, such mini-parks would be located on underutilized properties that are visually prominent and centrally located, such as corner lots where streets intersect."* Why has the city not purchased available corner lots in the north part of South Ogden City, and made them into local neighborhood parks? It seems like this would fit into the general plan and improve neighborhoods and may be a necessity if the city is seriously considering allowing 5 story (70 foot high buildings along Ogden Avenue). More local parks would help increase property values in the impoverished areas, plus give children who may end up living in a 5 story building, somewhere where they can safely play near their homes. Maybe this could be a precluding requirement to help ensure there is a green and safe area in the "Form

Based Code" street is that there is a property bought up (near the center of the street), that would be available as a "neighborhood mini-park" or the developer would have to purchase a minimum of the same size or park space as the total finish floor area of the proposed building. This may provide an opportunity for city council members to provide/restore park spaces for residents living in the north part of South Ogden City, which were shrunk and never replaced when the city offices were expanded into our city park space and help ensure an ample amount of green and open spaces and not just the potential for a five story high wall to wall commercial unit near one's home.

1. The majority of RAMP funded dollars being proposed are in fact almost exclusively or have been exclusively proposed for areas in the south part of South Ogden City, how is it just that people living in the south part of South Ogden City have 100% of the say as to what is going to happen to residents living in the north who have had little to no RAMP dollars spent on their parks and green spaces (which typically increase property values and make neighborhoods more desirable to live in)? How much more would our property values be increased if more money were spent on beautification for the 40<sup>th</sup> street park? Please let residents living near the affected areas have say as to what they want most for the area where they live – wouldn't all people desire the same for where they live?
2. Regarding "Form Based Code", explain whether it will be required that all floors above the main floor will have residential housing above them? If the reason for allowing mixed use is to ensure there will be more available housing for the lower income people living within our northern part of South Ogden City, what requirements will be placed on developers to ensure that this actually happens so affordable or new homes are provided? (As a reminder, our city is 95% built out and as I understand, the reason this mixed use is being allowed is to ensure there will be more housing for the projected population growth in 2040 to our city). If our city is going to be fair and just to all in putting out a new "Form Based Code", why not zone areas in the south part of our city as well? This would be just and appropriate for future development growth here as well I would think. Where ever brand new stores are built, they should be held to this same standard so it is fair to all who are trying to compete in business (or better yet don't have at all so business owners can create what they think will be most profitable for their own businesses). We do still live in America right where residents have freedoms and choices they can make? Let's expand freedoms, not curtail them.
3. Will it be such that a private business can come into the middle of an existing residential community and develop their business (of any of the approved uses) and not provide affordable residential housing of at least the rate that was removed?
4. Follow up question, how will it be enforced that they provide affordable housing or any housing at all for that matter it does not say in the code that it is required? If affordable housing is not required, than this doesn't guarantee any more available housing for our "built out" city. I can see that they may provide a home at the top of a five story building and say they met the requirement, and yet the home may never be lived in due to the expensive price.
5. Currently there are abandoned businesses all up and down 40<sup>th</sup> street. When it snows, no removal of the snow on city sidewalks occur. Who is responsible for these businesses? Since our South Ogden City is spearheading the "Form Based Code", will our city be willing to take responsibility for removing snow from vacant businesses properties and weed maintenance that citizens should not have to report to get things cleaned up? Currently snow is being pushed

onto the residents sidewalks that live along 40<sup>th</sup> street. Where are they to put the snow so that sidewalks can remain safe and passible? What guarantees do people have that our city will enforce the removal of snow from businesses where FBC is proposed to exist? They don't enforce or remove snow now as required by the current zoning laws. Why will things get any better for snow removal under FBC? Where will the snow be pushed to and by whom – if the businesses and residents don't clear their walks? It only takes one person not removing snow, and there would be an impassible barrier for a person in a wheel chair, forcing them to have to make other arrangement (or use a less safe street route that may be plowed), where the cars travel. I have seen this occurring many times along 40<sup>th</sup> street. What makes the city think that failed or abandoned businesses snow removal will be any different under the proposed "form based code".

6. Regarding the proposed bike paths along 40<sup>th</sup> street. It has come to my attention that where Ogden City has bike paths in the down town area west of the temple, that these bike paths are not plowed and maintained in the winter time (at least not given any high priority). As such, they are not accessible to the snow plows because of the safety curbing (which curbing is a good idea for the safety of the bikers). Seeing as how these routes are not currently being utilized by the majority of citizens living in our snowy community, wouldn't it make more sense to have these bike routes be located adjacent to the pedestrian sidewalk areas? I think this that off from main streets is a safer location and more people would prefer to use these routes if it was safer. Also this would be safer for elementary kid students who may end up using these bike paths on their way to school. It would be easier to maintain as well for the city in that they could simply have a four wheeler with a snow blade attached and push the snow into the adjoining park strip (or truck it off as they desired). They can still be striped with paint as a designated bike route. May want to have some biker pedestrian bike stalls out front along the park strips as well.
7. If bike paths are to be left in the road, maybe the WFRC should conduct a study to see what percentage of people who use bikes to commute around town actually use their bikes in the winter months? I would expect more safety and accident issues during slippery, cold wet periods, and that may be the reason (other than it being extremely miserable) to ride a bike out in the cold weather. Maybe cities should have the right to close down bike lanes adjacent to roads when there is a certain amount of un-melted snow/fall accumulation (if the percentage of regular bicycle users actually significantly drops).
8. I like the idea of smaller local roads, public transportation, and bike paths. I have seen first hand how smaller roads and form based code work when I lived over in Germany for two years. Germany has little snow, and a large population base that has access to public transportation and so less than half of the people even have cars. They don't have far to travel generally speaking to get what they need in terms of groceries, etc. The places where these systems seem to work well are based on some basic prevailing social and environmental conditions. No. 1 they live in regions that have a very high population density and little available land (at least 100,000 people living in the city boundaries), and the second key to success is that they don't have an extreme amount of cold weather. They drive small cars because of the extreme cost of gasoline (if they have a car at all) – not large SUVs or larger vehicles which are common in our part of Utah. In the western areas of the U.S. where land has been historically available for development and the winter weather is often cold, the waiting outside and using public

transportation has not taken off like it has in other areas. We also have further distances we need to cover when going from place to place making a car practically a necessity. Why does South Ogden City think that more people want to live in a "form based code" development when current trend South Ogden City trends are not showing that people are wanting to live in such types of developments here in our city? Look at amount of people living in "The Cove on 40<sup>th</sup> street" as a prime example. The reason for the lack of occupancy is in my opinion primarily due to location or the high price being asked (maybe a combination of the two). It is interesting to note that the 10 available units have an actual occupied occupancy level equal to the maximum allowed under R-2 (two residential units). Does that seem odd or out of place to planning staff or city council? It seems worthy of questioning why is this the case? Are the units that ugly, unfinished or what? Maybe "form based code" will fix this in the future, and then again, maybe it will not. Allowing PRUD's and development in the R-2 zone was governments way of trying to shape up our area in the R-2 zone and meet state law requirements to allow and provide for "affordable housing". Nobody seems to either want them or be able to afford them. They are not the desired "American Dream" of home ownership. I would like to point out that there are many homes which residents have made efforts on keeping up in the R-2 neighborhoods.

I have been concerned about a home located on the southeast corner of Porter Avenue. This home was not in compliant with many laws of our city and the last episode that was extremely disturbing was a gang related shooting into the walls of this home (maybe occurred three to five years ago). A summer or two ago, there was a few Hispanic men there painting and fixing up the home, and I have nothing but good to say about the form. Also there have been many other homes over the recent years that have been fixed up from their prior state. The landlord who owns two properties next to me had new windows and new insulation and siding put on his two homes that he rents out. Visit the Singleton residence and see how immaculately they keep their home (both inside and out), located on Adams Avenue. Also see the home of Robert Higgs (the owner of Burch Creek Mercantile), his home is located in the redevelopment area on Ogden Avenue. Has South Ogden City made any effort to contact these residents to let them know of the proposed "Form Based Code" and how they feel it will improve their homes? I realize that a few of the properties along streets have not been properly maintained, but this can be expected in any residential neighborhood – right? Have all other options on the table been exhausted prior to inviting "Form Based Code" zoning changes into an existing residential neighborhood as a means of getting a part of our town more cleaned up? Has the city kept tabs of properties that citizens have renovated on their own accord? I am concerned with the "want instant results" desires that many people in our current society have. Some changes take simply time. The home across the street from where I live has been in disrepair for many years (primarily due to the lady living there having financial, and maybe emotional needs) She was a single lady who adopted and raised under tough circumstances her only daughter. For the record, I have never cast a stone at here in the form or reporting her (even though my first inclination may have been to do so). Sometimes there are sorrows and pains people are suffering from that are evidenced in how they may not upkeep their property. Has South Ogden City considered hiring a social worker to look into seeing if there may be a need on a deeper level that some assistance may be able to be provided so that the citizen can get their social issues resolved and then fix up



their own residences? It seems like this may be a better wide reaching result that has had a track record of good results.

What track record does "Form Based Code" have in our northern Wasatch front communities? Seeing as how South Ogden City has historically been a city to hold off and wait and see how things work out for other communities, why are we not holding off on implementing this code until most of the bugs get worked out in other communities who choose to adopt FBC. Some of these could be costly mistakes, and I don't know that South Ogden City can afford costly mistakes when our basic roads that we travel on are falling apart. It is my experience that fixing existing roads is costly. Why are we entertaining changing zoning codes that could prove more costly for both the city and residents living directly near the proposed zoning changes (Form Based code in current residential neighborhoods)? Lets see if developers want to develop in other nearby older city neighborhoods and see what the results look like. Are the sensitively put in or do they look out of place with the surrounding community? Are there overall more commercial stores and increased commercial revenue, or more commercial businesses hanging up their signs and going out of business?

9. As a resident living in the R-2 zone, if asked whether I would prefer to live near a busy city or live in a quiet old style residential neighborhood, which I can afford the cost of housing, I would choose the older neighborhood simply from an affordability viewpoint (it helps me to meet my financial goals). Why take away our city's most affordable housing choice away from residents? Our houses have actually increased more in value than most homes on the south part of our city if you compare back over the last 7 years when redevelopment was being proposed for our area. I think any citizen living in any residential development would prefer a house over an apartment or condo, that is why we all live where we do in South Ogden City – right?
10. By building code, elevators for two story buildings will be required by our codes. Elevators will make costs go up not down for residents living in two story or greater buildings.
11. Does anyone truly believe that the proposed "Form Based Code" as it is currently being proposed for only the Northern portion of South Ogden City and affecting many of the current R-2 residents in our neighborhoods meets the pledge that we state at the first of every public meeting in South Ogden City? "I pledge allegiance to the flag of the United States of America... one Nation under God indivisible with liberty and justice for all." I find that the way this code is being implemented it is not "justice for all", and actually has the potential to further divide our great South Ogden City (making it not so great if you happen to be a resident living on the north part of our city). Since it has the potential to be so divisive, why is it even being considered?
12. How will young children be protected who live along Ogden and Adams avenue? There are young children who live along these streets and walk to nearby churches in the affected areas. More traffic as a result of commercial development in our residential neighborhoods increases the likelihood of a child being hit and potentially killed by an unaware motorist. The proposed expansion of commercial development (in the name of Form Based Code), should be kept out of areas that are primarily residential areas (just like city council and Mayors neighborhoods who live in the central and southern parts of South Ogden City). Also introducing open beverage businesses will increase the likelihood of any S. Ogden City resident being hit and killed by a drunk driver. This will be an even greater likelihood for the families living near this area.

13. Imagine for a moment that you were a commercial developer looking for a place to build your next profitable development. Where would you choose to put that development if you could choose any S. Ogden City location? Would it be along a main busy street or an off the beaten path street that is in the middle of a residential neighborhood? What about near a well traveled main street by a golf course road along Washington Blvd. or at Friendship park if you wanted to sell hotdogs and hamburgers to sport patrons? These could be untapped revenue generators for our city that wouldn't require the displacement of existing residents (that will occur sooner or later) due to when property values increase and run existing low income residents out of our city.
14. Does the proposed form based code zoning changes affect one race more than another as far as who is currently living in the R-2 affected homes with the proposed zoning modifications? Is this a form of segregation either racially or economically?
15. There is a reason why we have a separation between commercial zoning and residential zoning. What makes city planner or city manager think that any South Ogden City residents want to live closer to commercial zoning?
16. Why is new commercial zoning areas (only in the north part of South Ogden City) being introduced with the initial startup of "Form Based Code"? Is this just and fair?
17. Has the city taken inventory of how many available commercial units are available in South Ogden City and in which areas of the City? If there are many vacancies, why do we need more commercial units that may also quickly become vacant?
18. What has been the historic success rate of businesses who have set up shop north of 40<sup>th</sup> street? How does that compare if you compare Washington Blvd. businesses versus the other regions along 40<sup>th</sup> street and Ogden Avenue (where proposed commercial expansion has been proposed)? I have not observed many existing more than one generation.
19. Have residents and businesses been directly asked by City Council, City Planning Commissioners, or city manager or city planner as to whether they approve of the proposed "Form Based Code"? Does the average citizen or current business owner even understand what this is or how it may impact them should their street be chosen as the next street to be redeveloped under this new code? Shouldn't they be told by our city and not have to find out for themselves after this has been passed into law? (I feel strongly they should have opportunity to find out and be heard, not just have things quickly rushed through behind their backs).
20. Where is the nearest location that residents or city council and planning commission members can go to observe the transition of an area to "Form based code" where there would be an older street that contains both older properties and new form based code mixed use buildings and "Edge" properties as is being proposed with the new form based code? I emailed the city manager this question over two weeks ago and have not yet gotten a response regarding. Does this mean they don't yet exist? Are we to be the experimental FBC test area of mixing old residential buildings with new form based code uses? I think there needs to be a sunset date that if this is not catching on by developers after five years, that the area should be reverted back to the R-2 zoning and the idea of expanding further into residential neighborhoods be completely scrapped from our city's general plan. Is this a possibility?
21. Has the city done a cost analysis of how much it would cost a business to rebuild their property to conform to new "Form based code" should they desire to expand or redo more than 25% of their current building? Are there work arounds for businesses so that they can expand 24% over

a four year period and not have to totally tear down their existing businesses (if they so desire)? What are the time limitations for those business owners to make additional renovations should they desire later after they have made the most allowed without having to conform to FBC new building requirements?

22. Do businesses support "Form Based Code"? If they have not been asked this or been informed of the proposed changes that South Ogden City is proposing to adopt – Why haven't they been asked? Have all existing businesses been made aware and residents living within 500' of the proposed new zoning areas? They should be notified as has typically been done in past zoning changes by our city. They should be made aware of potentially new construction and uses and traffic that will affect them directly for the rest of their lives if they choose to remain where they currently live.
23. If businesses have been informed and asked, can you document which ones are on board with the new form based code and its associated rezoning and which ones oppose it due to additional costs which may restrict them from otherwise making improvements to the existing businesses?
24. True or False. If a business wishes to expand their building by more than 25%, than the whole building may have to be moved closer to the street and parking lot redesigned to be in the back of the building according to the proposed "Form Based Code"?
25. True or False. Form based code could be proposed by South Ogden City anywhere within our city? What would determine where FBC and its zoning may end up in the future? Simply city planning commissioners and city council members who vote on it? Why were not other T zoning zones created for residential areas where existing residents currently live? Is that the basic plan to inch this into our city little by little? I have noticed that city manager and city planner has introduced many zoning changes to comply with the desires in this "form based code" and the premise that it will be approved. Why??? What if our residents don't want? Do we have to vote our current elected officials out of office to get this changed? Many of us don't want to, but we also do not want to lose our existing homes.
26. True or False. Form based code is currently being proposed in only the R-2 zones?
27. True or False. The R-2 residential zones are where the historically most affordable homes are located which a person can purchase.
28. True or False? The existing R-2 zoned residential homes have generally gone up in value over the last seven years along with their fees and property taxes. True or False? The larger more expensive homes in our city have dropped in value over the last seven years as have their property taxes.
29. True or False. South Ogden City has an affordable housing plan designed to protect affordable housing for moderate-income families.
30. True or False. House Bill 295 of the 1996 Utah Legislature requires cities and counties to propose a plan for affordable housing as part of the planning process. Affordable housing is defined as housing occupied by households with a gross income equal to or less than 80 percent of the median gross income of the metropolitan statistical area for households of the same size.
31. True or False? The affordable housing plan can be found in an easy to find location on the city's website?

32. True or False? The following is where the most current version of the affordable housing plan is found:  
[http://www.southogdencity.com/images/uploads/documents/planning/Affordable\\_Housing\\_Plan.pdf](http://www.southogdencity.com/images/uploads/documents/planning/Affordable_Housing_Plan.pdf)
33. True or False? South Ogden City has only a draft version of the above mentioned affordable housing plan.
34. True or False? Form based code will most likely afford residents more affordable housing, not less. "look up Wikipedia economically blighted" and see their definition which states otherwise. May have to look at other attached links.
35. Storm water detention is typically on the downhill side of a lot. New form based code says the building front should be near the street. This makes it more difficult and expensive to construct a storm water basin down stream of one's site, or may require a pump to pump that water back up hill to detain. Pumps are expensive and can break and not desired to the extent possible. We have many areas of our city which are on a hill, making this not a preferred solution for flood prevention on detaining storm waters. How will this work for the properties along Washington Blvd.?

- I read on a previous South Ogden City blog website the following:

#### "Adopted the South Ogden Housing Program

In order to address the need of housing rehabilitation in our city we have set up a housing program. We have the general idea in place, but now we need to fund it. The funding will come from RDA monies on our RDA projects. It will be a couple of years before we have any money, but once we do it will give home owners on a lower income a chance to upgrade their homes." What ever happened to this as an alternative to improving homes on the north part of South Ogden City? I am seeing much in the name of requested funds from RAMP – taxpayer funded dollars for Parks being requested by our City for the Southern Residents. What if any funds for parks has ever been requested from South Ogden City for the 40<sup>th</sup> Street Park for residents who live in the more impoverished areas of South Ogden City? Has the city made efforts (if so please list) projects and number of residents homes that have been improved as opposed to a complete annihilation of the existing homes which is basically what "Form Based Code" will accomplish.

<http://southogdencityblog.blogspot.com/search?updated-min=2008-01-01T00:00:00-07:00&updated-max=2009-01-01T00:00:00-07:00&max-results=46>



- 36.
37. In the draft affordable housing plan that is available online, it says, "Since November 15, 2007 and November 16, 2011, there have been 35 dwelling units built in the City and no multi-family units. The housing values data is from the latest county assessors evaluation completed for the City in October 2011." Please provide the selling price of these dwelling units and an update to 2015 (or most recent available data). Out of the units available on the market, how many days have these units been listed on the market for sale? How many of the available dwelling units have sold?
38. Please explain in your opinion why available moderate housing units, such as "The Cove at 40<sup>th</sup> Street" have not sold (Only 2 of 10 units have sold). Please also state what the asking and selling prices are regarding for "affordable housing". How will FBC help our city to meet this ordinance adopted by our city?
39. What are the average home selling price increases vs. decreases for the R-2 zone in comparison to other S. Ogden City homes located in the central and southern areas of our city?
40. Has the new proposed form based code and proposed zoning changes taken into account the cost of affordable housing increased cost to residents who may currently live in the R-2 zone? If not, why not? When will this analysis take place? The WRC has stated that this would be the case (which is the authority being trusted by city staff to implement "Form Based Code".
41. What economic safeguards will be put in place to ensure that moderate affordable homes to not become wiped out by developers who are seeking to make a profit?
42. Does it make sense for a developer or business entrepreneur to build a new business or housing project in a less desirable financially impoverished neighborhood? Isn't this exactly what South Ogden City is hoping will somehow happen?
43. Who is responsible for the upkeep of South Ogden City's web pages and why hasn't the latest approved affordable housing plan been posted for the link (now that it is four years later)? See latest approved plan in a rather hard to find location. Can it be posted?
44. Why is the meeting minutes from the November 2014 joint planning commission and city council meeting posted under a 2011 dated folder when the meeting was held at the end of 2014? Is our city staff making that many inform the public mistakes or is someone trying to keep information hidden in places where residents will not think to look?  
[http://www.southogden-city.com/images/uploads/documents/recorder/ordinances/Ordinance\\_12-01\\_-\\_Amend\\_General\\_Plan\\_-\\_Add\\_Affordable\\_Housing\\_Plan\\_-\\_WITH\\_ATTACH\\_-\\_03\\_Jan\\_12.pdf](http://www.southogden-city.com/images/uploads/documents/recorder/ordinances/Ordinance_12-01_-_Amend_General_Plan_-_Add_Affordable_Housing_Plan_-_WITH_ATTACH_-_03_Jan_12.pdf)
45. Who is the primary supporter of "Form Based Code" plan and why is it being supported as such? Have they asked if the residents of South Ogden want this or are they just assuming that this is what they think residents would want?
46. Why is Ogden Avenue being chosen for new commercial development when the public opinion polls done by South Ogden City have indicated residents living in the south part of the city would like more commercial development and restaurants nearby where they live? (Residents in the northern part of South Ogden City were satisfied with the availability near them).
47. The most recent general plan for South Ogden City can be found by going to the South Ogden City's website, departments, planning and zoning, general and capital facilities plan,  
[http://www.southogden-city.com/images/uploads/documents/RGeneral\\_Plan\\_All.pdf](http://www.southogden-city.com/images/uploads/documents/RGeneral_Plan_All.pdf)

is this still the plan that South Ogden City sees as viable for keeping moderate affordable housing available to its residents? Or does this plan need to be updated?

48. Please provide proof that private/commercial development in the R-2 zone will provide more affordable housing?
49. How will it be ensured that lots purchased in any area are properly used? I believe I read something in the form based code that said that if the purchase owning the property didn't do anything with it than it had to be sold (or they needed to provide proof that they were actively trying to sell it) on a yearly basis. I like the idea of properties not sitting vacant and unmaintained by those owning it (who may not even be residents in our city – simply venture capitalists). There ought to be something to protect residents who live here from such exploits on our land where investors sit on property waiting for a good time to sell it and do not maintain or use the property, they just want to flip it for a profit.
50. Has a cost analysis been done of simply implementing some of the good ideas from form based code and leaving the current zoning as it currently is?
51. If city feels that it needs an area where high rise apartments are allowed for residential or more commercial development cannot that be accomplished in the downtown district (and not in current residential areas)?
52. How about for areas in the south part of South Ogden, say for young millennials. The public opinion survey said that residents living in the south didn't think there was much available affordable housing in their areas. What provisions is South Ogden City making to provide for moderate income housing to be available for residents who desire to live in the south part of South Ogden City? There are some land parcels still available in these areas. Can land be set aside for a future high rise apartment complex so moderate income folks can live in the south part of our city (should they desire)?

How will it be implemented when one business decides to purchase one lot? Explain how parking will take place in a residential neighborhood? How will noise be controlled? Will parking lots be constructed in neighbors' yards (if so, how will businesses be screened out from residential lots)? Can you provide a sketch of what this would look like in plan view, and a view of how it would look from a neighbor looking across the street with the maximum allowed building heights being proposed for commercial mixed use buildings in the currently zoned R-2 residential zone?

True or False? The city has based a lot of what actions it is currently doing based off of previous public opinion surveys.

True or False? If you ask residents if they are aware that South Ogden City is proposing to adopt a new form based zoning code, they would know what was being asked?

Why hasn't South Ogden City residents being affected been asked more what they think about what is going on prior to proceeding with FBC proposed rezoning in residential neighborhoods? Does South Ogden City manager or our city recorder think that just publishing on a website, and city office buildings and a newspaper that are not that frequently used or read by citizens adequate for informing residents of potential life altering changes that will be occurring in their neighborhoods?

What more can be done (by South Ogden City) than what has been done in the past by our city to get the local residents to come attend a public meeting to inform them regarding planned zoning changes to their communities and neighborhoods?

Put yourself in the residents' shoes who are living on Ogden Street. Would you personally go along with the proposed changes to the zoning and feel like this was "Justice for All" as we state in the pledge of allegiance if any of you happened to have chosen your home along this street? Whose best interests are being protected (residents or commercial developers)? Please Explain. Has the city made a conscious effort to ask residents and businesses what they think of the proposed form based code to find out if it is in line with what they actually want? Which do citizens value more: How a building looks "Form" or What the building is used for "Function" when they are going to spend their money in our local economy? Has the city taken a public opinion survey to see if residents value form or allowed uses most? (I value allowed uses more than form). Why haven't residents been asked (especially those living in the R-2 zone)?

Do the citizens and businesses in South Ogden City know what "Form Based Code" is? Is form based code to affect all areas of South Ogden at some time or is it specifically targeted to be implemented on the R-2 zones?

From what I have seen in earlier published 2008 documents, about 75% of the R-2 Zone fell in the bullseye of redevelopment goals for our city. Have residents living in the R-2 Zone been asked how they felt concerning this plan? Why not? Does our city not care about its older communities who helped found the city we have today? I consider myself pretty well informed and was unaware of redevelopment in my neighborhood even being discussed prior to recently having found out. The new proposed form based code areas have been proposed for 40<sup>th</sup> street and Ogden Avenue, and some down town areas. How do these areas chosen make more affordable housing based on previous development in our areas?

The current R-2 zone has the highest percentage of Hispanic and many low income families. Is the city concerned about a possible discrimination lawsuit? Or are they just hoping that residents here cannot afford lawyers to defend them and their basic rights?

Explain how Ogden Avenue street section will look (under new "Form Based Code"). How will the new street system be integrated into the existing Ogden Avenue? Will the city pay for the whole street to be brought up to the new code? Will tax payer dollars fund? Will streets be wider or more narrow under "Form Based Code" and who will provide maintenance and upkeep for the streets? Will it simply be prorated in that commercial owners pay their percentage of the frontage they have to the street?

What about those who have driveways (or those who want driveways to park their vehicle in garage facing their street access)? Will current residents get to keep their driveways, but new residents and buildings have to have an access with parking in the back or next to the sides of their homes based on "Form Based Code"? If so, isn't this in reality creating more black asphalt surfaces and not being as environmentally friendly as current residential zoning consisting of putting in landscaping in the back yards? (A traditional residential backyard would have landscaping - not a parking lot).

Many local streets in the R-2 Zone are somewhat super-elevated (sloping from east to west as the terrain drops). As I have looked though the proposed new "Form Based Code" street cross sections, they appear to be more narrow (which works just fine in the east and west coast climates) that receive little amounts of snowfall. But how would this work in our northern Utah

winter climates? Residential streets are typically the last streets to be plowed. In the winter our current streets get icy and cars tend to slide. A little extra room is nice for snow storage and for extra maneuverability when one does not have as much control of one's vehicle due to ice and snow on the roads.

Is city manager or city planner considering one directional streets (or more narrow streets)? Residents, City Planning Commissioners, and City Council should know what is being approved prior to approving something that may or may not work later. If more narrow streets are to be the new code in the FBC part of our town, will parking only be allowed on the uphill side of the streets? If both sides, what about cars parked on the down hill side of the street? During cold icy road conditions, cars parked on streets will have a greater chance of getting hit by a passing vehicle. If we are staying with the same street sections and allowed driveways and garages, remind me again of what the benefit is for residents living in the current R-2 zone to have their dwellings zoned commercial/mixed use? In our It is not clear to me where a "Lane" street will be used and when a "Neighborhood" street section would be used.

Two typical street sections are shown. Which will be chosen for Ogden Avenue? Who chooses which street section (From Form Based Code, Section 2, Figure 2.6 (1) and Figure 2.6 (2) Alternate? Is this based on current right of way widths of 50' or 60'? Is it possible that the public right of way may be adjusted so that residents have less land (or will they keep what is currently in place)?

The street section being shown in Figure 2.6 (1) is not practical for an intersection entrance/exit scenario. More room is needed to safely maneuver and avoid a head on collision with someone turning off of 40<sup>th</sup> or 36<sup>th</sup> street and turning onto a local road. Cars coming off of these main streets are traveling at a high speed when turning and will require more stopping sight distance to avoid hitting a car coming out of the local street in the proposed "yield lane".

A connector street is shown for figure 2.7 (1) and alternate is also listed as figure 2.7 (1). What are examples of streets of where these street sections will be implemented? Why not put the bike lane (shown within traffic), and move it adjacent to the sidewalk and extend the park strip where the bike lane width was removed. This would keep the bicycle traffic more safe from vehicles (could also reduce the sidewalk width to 4' (for an effective 9' bike/pedestrian travel width)?

It is the understanding for South Ogden City elected officials that "Form Based Code" is being directed from the Wasatch Regional Council (WRC). Can you confirm that this is where the latest version of the code has come from?

Does anyone who is on the Wasatch Regional Council (WRC) actually live in a "form based code" neighborhood that they are promoting (if so how many and what cities do they live in)? Do they drive their vehicle in the winter time on such a street?

I have heard the people who live in South Jordan City have formed based codes and the residents don't like it saying that there are more traffic accidents. The authors of the WFRC form based code are not from our area (authors of the template used by our city appears to be the WFRC template that was written by two firms - one from Oakland CA, and the other from Chicago IL). Also it should be noted that city planner and city manager who are in charge of this code are not residents of South Ogden City. Why do they have more say than us residents living here?

I can see that more vehicle accidents can occur if the proposed FBC neighborhood street sections (narrow yield lane access intersections) are constructed. Many motorists are not aware of the narrowing of the streets which are typically wider built and they are taken off guard should they enter a FBC street section that is more narrow. Do other cities have modified versions of this document (or is the intent to have it be the same document everywhere along the Wasatch front)?

Does the city manager or city planner desire a "form based code" and are advocating for such in your current neighborhood? If not, why? I can see how city planner who lives in SLC may live in this kind of area, but I doubt that he does.

What about fire hydrant locations and other utilities. Will these all need to be relocated under new FBC street section widths (how is this a cost savings for an existing neighborhood)? I can see maybe for a brand new residential development, but not an older neighborhood. How will this fit in for existing neighborhoods? I can see using this code perhaps for new neighborhoods (with modifications of section widths) for our snowy climate, but not for existing neighborhoods. The IBI presentation which introduced "Form Based Code" to South Ogden City indicated that cars parked along the street was preferred to a bunch of resident driveways along a main street. If there are no longer to be driveways, how will residents access their garages, and remove their vehicles so that the roads can be plowed for safe travel passage for residents? Also consideration needs to be given for save intersection access onto a main roadway (such as 36<sup>th</sup> street). If it can't be designed safely for all weather conditions, it shouldn't be designed at all.

What guarantees do current R-2 residents have (who will now live in a new building use zone), what guarantees do they have that their taxes won't go up to levels that they can no longer afford if those residents desire to stay where they currently live and not get forced out of their homes by their land value appreciating now that it is zoned for commercial building use?

There are currently streets such as Glassmanway that are way overdesigned for the level of traffic on them. Instead of adopting FBC at this time, can the street widths be reduced along these street (and more property be given to the property owners) along the frontage of these streets? This would provide a larger green belt here more beautiful. There is also a large painted median area that could be considered for a landscape island beautification region (if desired). If a street like Glassmanway was to be redone (so it is more environmentally friendly). Explain what will be better with "Form Based Code" for residential neighborhoods compared to what residents have right now. Who will pay for any and all "Form Based Code" upgrades?

Residents living in the R-2 zone have been paying taxes historically longer than any other residents in South Ogden City. Please provide us with an expected capital improvement program for our streets (whether form based code becomes the law of the land or not). It is nice to talk about ideas to make our city better, but a plan of action that can be followed through on is preferred by us residents living here.

Is there a reason why the public at large is not allowed to vote on whether "Form Based Code" should be the new approved zoning for our city? Can't this be decided by the vote of all the residents living in our city seeing as how R-2 residents will have no say otherwise in something

so fundamental as where they currently live? If city planning commissioners are going to vote down, than the sooner they and city council do this the better for the affected residents in the R-2 zone, so we can get back to our normal lives, if they are not, than I would prefer this becomes an election item on the public ballots this November. I don't think this is just - no one is proposing that other members of our community have commercial development extensively and exclusively in their residential neighborhoods. Is there "Justice for all"? Please show it by getting rid of this from our residential zones ASAP!

Are there ways to pick and choose out elements from the proposed form based code and implement into our current zoning codes and general city plan to beautify all areas of South Ogden without adopting FBC in its entirety?

As a residents who has trusted our city council and planning commissioners to make correct choices for our city (like many of our residents have), I have noticed a disturbing trend of using available tax dollars in areas that already look pretty nice, and areas where improvements are needed are being slated for redevelopment (at private developers expense) with fewer resident supplied tax dollars being spent north of 40<sup>th</sup> street comparatively. Is this "justice for all"? R-2 residents actually currently as of 2015 contribute as much tax revenue as the other current residential zones. Does this mean we are no longer considered economically blighted? Can we be removed from the destroy residents homes gestapo plan our city has for us R-2 residents? What would the results be if one goes back historically to when our homes were originally built? The residents here have probably contributed more with dollars adjusted according to inflation than many other of the more well to do neighborhoods. I would be more than willing to take any city council member or planning commissioner (or city Staff member) who thinks that R-2 homes are dilapidated to a bunch of homes in the R-2 area that may rival residents' home in any other residential zones, especially for recent increases shown on the Weber County's Recorder Office tax records for our properties.

I am not as opposed to FBC if it is strictly implemented in current commercial areas (assuming that the majority of current businesses residing in South Ogden are in favor of it). I just don't see compelling reasons to adopt it for a city that is 95% built out. And economically it will be pricy for businesses and hard for them to compete with existing businesses.

I would also like to know the following information:

1. Would it be possible to have city staff post online a summary of how we got from public opinion poll number 1 to adding commercial development along 40<sup>th</sup> street?
2. How will this improve the goal of the 40<sup>th</sup> street improvements to alleviate congestion along this street, if the economic goals are to encourage development along this street?
3. How will the 40<sup>th</sup> Street Park be preserved for residents in the northern part of the city to enjoy? This is the only available park in the north where residents have already sacrificed almost half of their green and open spaces in the park for the current city offices. Why is this currently being shown with a blue shadow over our park? Can it not remain in the R-2 zone as parks were intended to be for the residents in that building zone to enjoy?



4. Can the city post online, (so design is transparent to residents) a compilation of the latest and greatest redevelopment/proposed zoning/40<sup>th</sup> street improvements so that residents can see what the proposed plans are for our city?
5. What opportunities will there be for residents to sit around the table and look at the proposed plans for our city for the current plans, and future plans the South Ogden City Staff has envisioned for our city?
6. What opportunities will residents have to discuss 40<sup>th</sup> street improvements with South Ogden City Staff and UDOT? Can we have a citizen work session (not so formal), where citizens who are not accustomed to speaking at public meetings can get questions answered and give feedback of what they would like to see?
7. Did the 40<sup>th</sup> street development plan include the new Birch Creek Elementary School (combining Marlon Hills and Club Heights Elementary School)? If so, how will children (like my own) who have to pass across 40<sup>th</sup> street be safely protected. My kids, I have been told are to be bussed, but there will be times when the kids still walk 1 mile home. Other children will walk along and across 40<sup>th</sup> street. How will safe crossings be established? I am confident that Councilwoman Ore will put children's safety ahead of public and private development based on her previous public comments.
8. If larger building heights are allowed in our traditional residential neighborhoods, can the maximum height of allowed buildings be adjusted from 5 stories high (as it currently is proposed) to a typical 2 story dwelling which is commonly found in a residential or business park for our area? How would a new 5 story building fit into an older neighborhood and impact the residents surrounding views? Earlier 2008 General Plan said, that redevelopment should be "sensitive" to surrounding residents. What is currently being proposed is not at all sensitive and in conformance with that plan. 70 foot tall commercial buildings (or any wide scale housing or commercial development in the middle of where residents live and have lived for the majority of their lives) – Seriously is this the best our city's staff can come up with for the residents living here? Has mayor considered hiring a second consulting firm to give a second more resident friendly opinion of a better suitable design and plan? Or ask us residents how best to help our city. We are a wealth of free knowledge of what works around us and what does not.
9. Any FBC business or multi housing units in a primarily single family residential zone (zoned for R-2 max), is not a benefit to the existing residents. But if forced up the residents, can a new zone type be added that would be more family friendly that would be family and children appropriate for allowed commercial uses? All approved uses should be approved through city council. Would any normal resident trust a commercial set up near your priceless children? There is a reason that we raise our families away from strangers, why make R-2 residents children be more unsafe in their neighborhoods? How about only allowing small office businesses? I really don't even like this in that there will be days where office patrons will park and interfere with normal resident life along our streets.
10. Store Hours for stores and businesses adjacent to residential neighborhoods should be limited to 8:00 a.m. to 5:00 p.m.
11. The expansion of commercial properties where they have not historically been along 40<sup>th</sup> street will affect residents' homes nearby with store patrons parking in front of their homes.
12. Also 40<sup>th</sup> street has had many failed businesses (maybe due to the folks on the north not having enough economic buying power to keep afloat), or due to the traffic along 40<sup>th</sup> street is primarily

- related to those attending WSU. During the recession, the university students noted the decrease in traffic counts for 40<sup>th</sup> street. Would be interesting to get the number of out of Ogden city residents enrolled at WSU to compare with traffic counts. How much of our traffic stems from WSU? What are they doing to help fix our street congestion problems?
13. I don't think it hurts to plan for future business opportunities by perhaps creating storm water detention facilities that stores and businesses can purchase storm water storage when it is desirable for them to build along 40<sup>th</sup> street. There are currently many available commercial spaces along 40<sup>th</sup> street. Let these empty vacant businesses get established and occupied before creating more.
  14. If planning commissioners, city council, and Mayor really want more stores along 40<sup>th</sup> street, the street section will need to be the width of downtown Washington Blvd. Three lanes of travel will be needed if traffic speeds are to be decreased to get people to see available shops. If speeds are slower, there will be more congestion.
  15. Concerns with Hospital Emergency Vehicle routes to the New McKay Hospital need to also be addressed. Their representatives along with UDOT should be consulted for further input. Emergency vehicles would not be able to drive through beautiful landscape islands (islands would be nice, but may come at the cost of lives, which no one wants).
  16. In regards to hospital routes (which Councilman Porter has also raised concerns over), it should be noted that what some may desire along Washington Blvd for South Ogden City (which does not contain a hospital), and has side streets is not the same as what we have along 40<sup>th</sup> street which does contain a very nice hospital, but no parallel streets running east and west that connect to the hospital (for emergency personal).
  17. It has been said that residents will not be forced from their homes by our city exercising immanent domain. How about in the form of what residents are required to pay for their property values? How will residents be safeguarded that their property will not be taxed at a higher commercial rate? On the flipside, since their streets are now being shown for allowed commercial use, how are residents who may want to sell their home being safeguarded that their residential property won't be less in value (if people no longer want to live near the new businesses)?
  18. From my engineering perspective, slopes look like they will present some challenges (which they currently do with ice and snow). In SLC, SLC takes care of snow removal on sidewalks adjacent to businesses. Wouldn't it be more cost effective for our city to do the same to ensure school children have a safe place to walk along 40<sup>th</sup> street (whether business goes in or not). With current 40<sup>th</sup> street design and maintenance, no snow removal happens along 40<sup>th</sup> street. One may say it is the residents' responsibility, but I don't think with the amount of snow pushed onto the frontage of their lots that this should be the case. Also what about the elderly and ADA persons living along 40<sup>th</sup> street. Can city persons help shovel their walks so that they have safe access along current sidewalks that are provided and not being maintained?
  19. Finally with traffic flow along 40<sup>th</sup> street. It is like moving water in a pipe. The current single lane in each direction with center painted median has about 1.5 times the congestion on Riverdale Road and we currently have one lane with no on street parking. Parallel parking along store fronts as depicted in the FBC draft Jan 2016 manual, would significantly decrease traffic flow as a person tried to maneuver in and out of a stall along 40<sup>th</sup> street as would parking on an angle along with increasing the chances for accidents on the steep grades which require a

greater stopping distance for motorists. Also the less accesses the better from a UDOT perspective (they will prefer only having at main block intersections). If you want a better level of service than what we have now, than we add one lane of traffic and leave portions of the median with no further commercial development. If commercial development along 40<sup>th</sup> street is still desirable by people living in the South Part of South Ogden City, than three lanes plus the center median will need to be added, which will come at a significant initial cost and then have long term maintenance costs for our city (if I understand correctly that we maintain and provide snow removal for the road).

20. In regards to bike paths proposed with Form Based Code, it is safer for the bikers if the location of the bike route is outside of the traffic maneuvering locations. First preference would be to have it be located along the sidewalk edge of the park strip. Second location would be directly next to the curb & gutter. Maneuvering across cars pulling in and out to park would be very dangerous resulting in an accident or death.
21. As I read through the results of what South Ogden City Residents wanted, residents in the north part of the city were satisfied with amount of businesses and residents while residents in the south part of the city desired more near them. What areas will Form Based Code development be implemented to help the residents in the southern part of South Ogden City have more stores and restaurants near them?
22. Is there an overall master plan for our city for short term and long term development that can be posted proudly on the South Ogden City's website? If it is already available, where can residents go online to find?
23. If the South Ogden City Center & 40<sup>th</sup> Street Corridor are so important to all residents of South Ogden City, important enough to create a new "Form Based Code" for the area; please explain why over \$300,000 for RAMP funded grants that would go towards school athletic venue restrooms and athletic facilities and dog parks located in the south part of our city and \$0.00 of RAMP grants is being requested for the 40<sup>th</sup> street park which many residents would like to remain a part of our City Center? The items being requested seem more special interest motivated than for helping all South Ogden City Residents. Funds allocated for a park in the center of our city or for the City Center & 40<sup>th</sup> street seems like it would be more inline with looking after all citizens interest in our city. Do you agree? If not, please explain to the public why taxpayer dollars which residents in the north voted for as well for RAMP sponsored activities and park improvements are not being proportionally distributed for these residents where they live? Can city council and planning commissioners see how neglecting an area with publicly funded tax revenue (that our zone helped pay), can make an area of town appear more "blighted"? How would our area look with brand new roads, and sidewalk where none currently exist? Many of the homes here are quite nice, especially on the inside, where residents have invested much to make a nice dwelling place for their families. How did the areas get chosen as redevelopment areas? I would like to see these areas be re-evaluated by an independent person from another small city (such as Brigham city). Many of our homes are very well built, no settlement cracking, etc. Bricks are not cracked on the outside and in quite good shape along Adams Avenue.
24. It is no wonder that the north part of town is falling apart when very little financially is being even considered for improvement within our area in my opinion. Does city manager or city planner agree that if dollars are not spent on public infrastructure than that area will be less

desirable to live in and become more run down looking? And if you agree, what can be done from a fiscal management policy to change this? Also what if anything can be done so that residents who do not have elected city council members (or perhaps planning commission members), who make decisions for the city at large, can still have a say in what gets planned for them in the part of the city where they reside? With no voice for these people, can the city perhaps send out a mailer to all residents living in the R-2 zones and schedule at least two or three non formal public hearings where the residents can ask their questions get answers, let city staff know of concerns that they may have and see hard copy documents of the proposed master plans (short term and long term for our city both past and future) and other proposed form based code documents? It is vital that people with no say have a say in their government, otherwise this feels like a dictatorship to those people, which I don't think is the type of government South Ogden City wants to be perceived as. Proposed zoning changes should be addressed to the satisfaction of residents and business owners). That is the whole purpose of the open public input period, is to get the proposed policies to be able to either work with what residents find would be appropriate or to come up with a better plan, or get rid of the plan all together. If this FBC is not good for South Ogden City and not what the residents in our community want, than no further action is needed at this time and the city can save money on changing its zoning codes.

25. In the past, when zoning changes have been proposed affecting the south part of the city, there has been strong opposition from residents. When asked where residents were asked in a public opinion poll (conducted by South Ogden City) to state where they considered the city center to be, there was no clearly defined region. Some residents in the south thought it was near them between Adams Avenue Parkway and Harrison Blvd. Residents in the North thought by Washington Blvd and South Ogden City Offices (where they live). Why are none of the existing commercial areas (or potential land areas for new development) located south of 40<sup>th</sup> street not having their zoning changed to "Form Based Code"? Is this really intended to be "Justice for all" or simply a redevelopment tool where someone prefers brick structures and large windows over wood structures and older homes? We like the fact that most of are homes are uniquely different in the R-2 zone and affordable. We don't like the look of fees associated with HOA establishments. If we liked and could afford, than we would be living elsewhere. We do for the most part like it here in South Ogden City (except for when FBC wants to invade our neighborhoods).
26. Why only 40<sup>th</sup> street park in blue "general" zone (I realize that it states 40<sup>th</sup> street general). Why not develop Friendship park commercial opportunities where there could be a great demand for hamburgers, hotdog shops and taco stands? Why limit it to just 40<sup>th</sup> street if this new code is so good for South Ogden City, shouldn't all residents in our city get to have this FBC across our city? (I don't think residents in the south will like it any more than the residents in the north, but if you are that confident it is good, expand it to areas adjacent to residents in the south and see if you get similar results with residents opposing and commercial businesses).
27. Is city council and city staff concerned with the possible repercussions the proposed redevelopment areas shown for the 2008 South Ogden City plan may in actuality lead to more residents who would otherwise want to stay and live in the R-2 Zone and be a part of our city, actually turn them to want to leave our city in that is has been slated for "redevelopment"?



28. What research has the city done to ensure that properties that have been redeveloped provide more affordable housing to residents than properties that have not been redeveloped? I have read that city staff feels that more density should equate to cheaper overall housing (since there is less infrastructure required), but what to actual results show in comparison to the existing available housing for sale in the R-2 zone?
29. What will be the permitted land uses to residents in the new "form based code" areas? Will they be the same as other residents living in the R-2 Zone?
30. I have noticed that many of the homes slated as undesirable by whoever evaluated the north part of South Ogden City, chose primarily homes that did not have brick on the outer portions of the homes. Wood homes actually stand up better in an earthquake than brick or cement constructed homes (depending upon the construction of course). And we do live along a major fault line. Will wood home construction of homes still be allowed under Form Based Code? Wood homes stand up better under an earthquake than a brick home does. What will govern individual resident home building requirements within this Form Based Code zoned area?
31. The new code requires much open glass viewing areas along store fronts. In affluent areas where there are commercial entities that have the capitol to pay for this highly expensive glass, this isn't such a big deal. The cost for the glass can be passed on with the products that they sell to the public. But what about in our small city of South Ogden? What about store owners concerned about smash and grab crimes? There is a real crime concern in the greater Ogden Area and right here in South Ogden City. I like the look of glass as well, but wonder if requiring glass has a detrimental result on some businesses wanting to do business in our city? Can a less restrictive code be allowed for those who may have such concerns, and maybe a more affordable code for first time business owners wanting to start up a business? Will there be grants available if the code is too cost prohibitive for potential new business owners? What will the average cost be for such commercial building changes compared to the current zoning requirements? If we don't know, it may be a good thing to find out. We do not have the same economic factors driving our community as SLC or Park City has (No Hollywood stars are wanting to live in South Ogden City that I'm aware).
32. Where did the template South Ogden City is adopting as our cities Form Based Code originate from? When South Ogden City was considering PRUD ordinance, they copied Ogden's and modified it and ended up with going to Multiple buildings on a single lot. Where did we copy this code from and are we modifying it to fit our local needs? Can residents compare the two codes (WFRC template if used and our current FBC) to see what was included and what was left out? If not, why will our city not come clean on where they copied from? There are laws against plagiarism. Credit needs to be given where credit is due.
33. Under section 5.0 building types, it stated states that the minimum height shall be 14' and the maximum first story height could be 20'. The maximum upper stories height can be 14'. So  $20' + 14' + 14' + 14' + 14' =$  maximum allowed height along Ogden Avenue would be 70' (taller than the 4 story McKay Dee Hospital or two stories taller than the building south of the former Flying J main building on 40<sup>th</sup> street. That would potentially cast a pretty high shadow over any neighbors living to the east and change the skyline and view of the Great Salt Lake sunsets for residents in the area.
34. Why not allow shorter building heights (8'-10') in that they would be more environmentally friendly in both construction and less space required to heat and cool? Also limit buildings in

- residential areas to two stories (that would be most sensitive and fit into the area better – if FBC is allowed).
35. Does a resident in the current R-2 Zone have to abide by any of the commercial zoning codes or which zoning would they be subject to (Use Ogden Avenue as an example)?
36. What is the basic differences between our traditional zoning and form based code zoning?
37. How many current commercial buildings would meet the proposed "Form Based Code"?
38. I am aware of one business that has large windows and a nice stone front along 40<sup>th</sup> street that is currently empty (was a former barber shop), and an electronic shop prior to that. It is currently across from a new beauty salon business. If this building basically meets many of the Form Based Code goals, yet is not renting out, what makes South Ogden City staff, mayor and city council members think that adopting this code will make more commercial opportunities for out city and create tax revenue when existing commercial buildings having this design form are vacant?
39. Have business dynamics changed since the original general redevelopment plan was adopted for South Ogden City in 2008? In light of the recession, and there being many businesses available for lease or purchase, why would having more businesses help the current market which is struggling? It should be noted that R-2 home prices have gone up in value to their highest levels on record (common gains are \$10k in value), yet many larger more expensive homes have severe losses from what they had been valued at 7 years ago. Common losses are \$10k to \$25k in value. As a result, we are carrying more of our cities tax burden – isn't that good for the wealthier residents living on the south, why should they pay more taxes by wiping out our homes?
40. There are three rules to real estate – location, location, location. Why does South Ogden City believe businesses will want to put themselves on a non-busy street along Ogden Avenue in a generally more impoverished part of out city?
41. Is the city aware of developers who are looking to buy land in these areas and develop? Who are the financial experts who are supporting this rezoning into a traditionally residential area?
42. Have the residents living along this street been educated by South Ogden city that there is a potential for a 70-foot tall building to be across from their homes? Does South Ogden City Staff think this is appropriate for a residential neighborhood or is this an oversight and perhaps three or less stories should be considered for Ogden Avenue as was proposed for 40<sup>th</sup> street where residents will be living next to future commercial development (assuming South Ogden City Council approves this).
43. What if a developer decides to buy up a commercial lot on the east side of Washington Blvd. and then a residential lot on the west side of Ogden Avenue and make one large lot connecting the two streets. Will they be required to have a building on both the east and west faces of their properties a certain setback from both main streets of Ogden Ave. and Washington Blvd?
44. Young Chevrolet is currently purchasing Big 5 Sporting goods to expand their car lot on Riverdale road. Under form based code, they would have to put their new building closer to the street and not be able to display their cars for sale from the street (assuming they chose to expand the existing store more than 25%) – is that correct? How would that benefit a car dealership whose business it to have the cars be on display (not the Form Based Code building)? This is a business or city has partnered with recently. Will FBC be changed to meet car dealerships desires? What if other business desire the same? Will we have justice for all, or injustices equally for all?

45. What motivation is there or incentive for a store owner to want to have anything to do with Form Based Code if they can avoid it in that it requires them to do costly reconstruction costs to their businesses? Won't this in reality tie the hands of business owners so that only the extremely well to do businesses can be in compliance with "Form Based Code"?
46. Do we have the public infrastructure currently installed to handle a 5 story building built to the full capacity it could allow along Ogden Avenue?
47. What size and capacity of water lines and sewer lines would need to be upgraded to allow for the expansion in order to ensure that current residents do not experience unacceptable impacts to their services (such as sewer blockages or decreased culinary water pressure in their water services)?
48. The city engineer who reviewed the Form based code said he thought it may work for a private street section (in other words one that the city did not take any responsibility for and makes no representation that it would work for a public street – owned by South Ogden City). Why?
49. If a minimum acceptable standard won't work for the city, than why would a private developer (who generally want a higher level of quality than the city), why would they want something that is less functional for the patrons who will be supporting their business? Can developer's build wider streets like they do now, if they so desire for a higher quality, safer end product (or will that not be allowed)? Does this logic make sense? Sure there could be some reduction in asphalt, but the cost of pavement verses landscape is about the same for commercial development. Landscaping take more time and effort to maintain over the years (it can be beautiful if well maintained), but may not be well maintained. And then there is the additional cost for the form based code building that requires a minimum of a 14' high building and expensive store front windows (assuming one buys the shatterproof) ones. What is going to stop vandalism from happening on the new store front windows or buildings to protect anyone who can afford such a nice building to be built in our old broken down part of town. We do have real problems with vandalism in the north part of our city.
50. Have any of the proposed street sections been evaluated for how a firetruck would be able to access a resident's (or commercial site's) lot in the event of a fire. The current minimum access for a fire truck is 26' wide.
51. Has our city researched to see if there are cities along the Wasatch Front who are not adopting "Form Based Code"? Why are some other cities not adopting this code? Has our city looked into which cities have chosen not to adopt and why?
52. The consultant team that prepared the Template Form-Based Code for Centers & Corridors along the Wasatch Front has three firms listed as providing content as follows: Farr Associates (located in Chicago, Illinois and Reconnecting America located in Oakland, California). The portion of the workbook entitled "Legal Considerations" were contributed by Adrienne J. Bell Attorney from Stoel Rives LLP, located in SLC., so just the legal consideration part of the Form Based Code was actually on the primary consultant teams. The funding was provided by the Department of Housing & Urban Development, U.S. EPA, and the U.S. Department of Transportation. Are there UDOT reports available for the final draft version of the "Form Based Code" to see how they approve or disapprove of what is being proposed on 40<sup>th</sup> street? Their advice and recommendations should be sought for as well regarding the proposed Ogden Avenue conversion to Form based code street sections so that any future entrances onto 40<sup>th</sup> street and 36<sup>th</sup> street (which have major traffic flows), can be properly engineered for safety of

- those using these approaches onto and off of Ogden Avenue. When will a meeting be scheduled when residents being affected can discuss any of their concerns with UDOT (and help ensure that they get a good final product in their neighborhood)?
53. There is also a "Consortium Advisory Committee" listed which does include a large handful of Utah cities and organizations. But it should be noted that the only city selected north of Salt Lake city listed was Layton City. No other cities north of Salt Lake City were listed. Richard Brockmyer from UTA was listed (as Project Manager) and John Janson from the American Planning Association Utah (as Project Manager). It should be noted that UDOT (the authority on local traffic requirements and traffic safety) was not included for the WFRC template. Does that not seem odd? UDOT does have public roads that run through Urban Cities. Why were they not included? Were they intentionally left off the advisory committee for some reason? Or was this a mere oversight to have had forgotten to invite them to give some common engineering traffic safety sense that may be in conflict with the proposed "Form Based Code" that is being proposed on UDOT streets and accesses. Also it would be good for city council and residents to know what sections have been modified by city staff and why they have made modifications.
  54. Is our fire department equipped to handle putting out a fire on a 70-foot tall five story building? Currently there are not very many five story buildings in South Ogden.
  55. What about limiting FBC to the West side of Washington (away from where residents have lived)? It seems that large buildings set along Riverdale road would not impact the view of as many residents as large buildings along Ogden Avenue or Washington Blvd. would do.
  56. What of the current law that states residents within 500' of a rezoned area need to be notified? Will this curtesy still be given to existing resident living within the affected area should South Ogden City adopt form based code, or will this no longer be the law of the land where a new code is being adopted? I spoke with two resident on the east side of the road on Adams avenue and they had not been notified by our city. One of which wrote a letter to our city regarding to be included for public comment. The other one said he would like to come to the meeting and was grateful that I had let him know concerning.
  57. What would be a non-permitted use along Ogden Avenue? Are there other businesses that may not have been listed such as sexually oriented businesses that would be allowed? What would be in place to safeguard against?
  58. Earlier versions identifying a city center showed two city centers. However only one has been selected for Form Based Code implementation. How is this fair to less well to do business owners or residents in the north part of our city who maybe wanting to start or remodel their existing business? If the code is good for one part of our city's commercial area, why not apply as a global standard? What could the city possibly be concerned with for possible outcomes if they did implement this both on the north and south city centers of our city?
  59. With the late realization that our city has grown out of space, and maybe the desire as well for more commercial areas within our city to generate more tax revenue; What is being done with the remaining 5% of undeveloped land in our South Ogden City?
  60. Shouldn't places like golf courses be considered for redevelopment of high density residential units, prior to existing homes? Many of the residents in the R-2 zone don't have the means to step foot on a golf course and would prefer this option over their homes and neighborhoods being revamped by our proposed South Ogden City's "Form Based Code" proposed zoning areas in our residential communities. These locations are more desirable business locations as well.

61. If the Mayor and South Ogden City Staff, city council and planning commissioners think this is such a great idea, why not propose and allow it all over the city (since there wasn't a clear city center) or at least in the south part of the city. Why would you want it in a location as far away as possible if it is going to be such a great thing?
62. If a developer has to choose between developing a piece of ground under the old code or an existing piece of ground under the new code, what would developers choose (assuming the price of ground and the interest in one's product that they were marketing was equal for both locations)? Can we have a neutral body put out a public opinion survey and see actual preferences? (Residents should be involved to confirm that questions being asked are genuinely neutral and so should city council representatives be included to confirm neutral questions seeing as how they were elected by the voice of the people.)
63. Does the Wasatch Front Regional Council recommend changing currently zoned residential communities and allowing commercial use in neighborhoods or is this our own city's great plan?
64. Why has not South Ogden City asked all residents all over our city whether they felt it was appropriate to allow mixed commercial use in their current residential zones?
65. Next ask residents a follow up question such as given the option of raising property taxes or allowing a mixed commercial/residential use in all zones, which do you prefer raising property taxes or changing the zoning to allow for more commercial development (with the hope of more available tax dollars).
66. Another question that should be asked, "If form based code is allowed, which uses does any reasonable person feel would be appropriate in a residential community (or within 500 feet of your current residence)." Then list five of the most conservative uses and five of the most extreme uses, which are not currently allowed in residential neighborhoods.
67. As a middle ground question, ask "Would you be opposed to any of the following typical office space uses in your neighborhood?" Then list typical office retail uses such as law firm, engineering firm, dentist, and other business that operate 8 to 5 hours. Answer if you strongly oppose, neutral or are in favor (1 to 5 ranking as was done previously would work).
68. I feel the citizens should have first say on whether or not form based code is allowed for our city, given the large scale potential use or misuse of this code. Has city staff, city council, or Mayor considered allowing the citizens to vote on whether this code should be implemented?
69. Citizens and Residents being affected by the proposed use changes that are not currently allowed in our R-2 zone should have the most voice of anyone as to what is allowed in their current R-2 zones. Will citizens be able to give input on appropriate uses they feel are acceptable for their community? If in the future, this is going to change, maybe citizens at large should have more of a say so that this doesn't come up each time city Staff recommends expanding the core city center into residential neighborhoods.
70. Just an idea, as opposed to expanding the city, why not allow for 10 story high mixed/ commercial development and high rise parking places within our existing down town areas. This would meet the desires of all involved in that it provides for more commercial centers and would not need to affect traditional residential neighborhoods.
71. If the need is on our doorsteps for provide high rise residential buildings, why isolate it to areas where land is simply cheapest? This is not fair in that it targets the R-2 zone specifically. Why not leave it open to basic economic principles (and leave out government intervention)?

- Especially in light of there being no one who has final say on this matter living in the affected areas being proposed for "Form Based Code"? The fact of the matter is that developers will propose buildings whether commercial or residential in areas where they feel they can make a profit. Supply and demand is what shapes the prices for homes. It can be expected that since there are no more available houses, in South Ogden City that home prices everwhere will increase at a faster rate than they have historically. Also the city does not need to specifically say a certain region is only allowed for Form Based Code. Let normal economic principles govern. If 1 person sees a cheaper priced lot in the R-2 zone, than if they want to try and make a profit with it let him. Likewise if a person living next to the mayor or any city council member wants to develop a home into a five story high rise next to them, let them (if Form Based Code is to be implemented fairly) within our city. If one truly believes that the lower cost of land in the R-2 zone will be the facilitator of "Form Based Code" working to improve this area, than it will occur naturally without isolating a few city streets for this to occur within. Also you need not fear that your neighbor's property will be developed into a five story (70 foot tall building) in that your property costs more than a developer would want to pay. My point is allow it fairly in all parts of our city or don't allow it unfairly in just one part of our city. How a place looks is in the eye of the beholder and purely subjective. If city council and mayor are convinced by their hired City Manager & City Planner (who are not residents of our city), that this code is good to be implemented in R-2 zones, would you be willing to allow it in your neighborhoods (or even in the south part of town which is also zoned commercial)?
72. If city council member's can not in good conscious allow form based code also in the voting precincts where their neighbors live (which is the current proposed form of the form based code), than how can you justify allowing it all if your own neighbors would oppose it? This in my opinion is a political nightmare waiting on the door steps should any city council member vote in favor of this code (seeing as how you cannot confidently go to your own neighborhoods and want this code to be implemented). Please provide current proof to the contrary if there be any. Form based code will not make your areas look any worse would it? Public opinion changes on things after a recent recession.
  73. The way form based code is being implemented is a form of economic segregation. I am concerned that it is dividing our community, not unifying us as a city. Time and funds are being spend on an item that may not really be that needed in our small city and could be better directed for improving existing facilities, instead of throwing out a "hail Mary" that some developer might see this as an "opportunity" to build under more extreme building requirements in a low to moderate income area with the hopes of higher than normal market share returns. Does this add up for investors? If it doesn't, at best, little will occur without residents being involved.
  74. If city Staff were to drive around the R-2 zone and compare the existing older buildings that were here 10 to 15 years ago and to how it is currently, they will see that the majority of existing upgrades and upkeep to current properties have been accomplished through the existing private residents efforts (and not through PRUD ordinances or multiple buildings on a single lot ordinances). What has the city done to specifically invite R-2 residents to give their input on how to improve the community where they live? Can a neighborhood meeting be facilitated to get their input prior to implementing another government zoning change that may also prove to



- fall flat on its face? If desired improvements are sought, it must 100% come from the affected residents to be effective (it has to be our ideas), it won't be effective on a wider scale.
75. Has South Ogden City done inventory to see what percentage of rental properties are in what condition compared to the primary residential owned units? My concern as a resident living in the R-2 zone is that many of the troubles we currently have in our community is due to the lack of upkeep from the homes being rented. This occurs in the forms of weeds and the upkeep of the properties in general. How about making a rule that if repairs and upkeep is not done on a regular basis (having a preset monitoring schedule by a city inspector), then the landlord would be fined or required to sell their property. Have the inspection schedule and fines increase monthly so that the penalty becomes severe enough to warrant an intended result. Have each rental property be required to pay this property inspector's fee. Have measurable items that can be evaluated such as flaking off paint, falling apart roofs, weed control, broken windows repaired, etc. There seems to be enough people making some money off of rental properties to warrant this almost as a full time job to someone within our city.
  76. With the fines and payments accumulated, spend any amounts accumulated on improving residents who may have financial, physical (ADA or elderly disabled), or emotional needs (or a combination thereof).
  77. Maybe outreach to church groups and allow for them to receive money for home improvements to such people in need or recommend persons in their congregation's who could be chosen to anonymously receive a home make over (as accumulated fees would permit)? (There are some people who will never ask for help no matter what their circumstances, so this would provide a means to help all people not matter their circumstances). Have all available options been considered for neighborhood improvements prior to implementing "form based code" to change our city? If this is something that has not been implemented, could it or could it be done in a more effective manner? Maybe there needs to be an anonymous tip line where back yard negligence can also be reported and fixed should maintenance not be properly done on rental properties. The main financial benefiter to the renter property is the landlord.
  78. I heard a saying that I think applies to residents living in the R-2 zone. The question was once asked how do you fix a bent nail? One doesn't give it a whack on the head (which is what was attempted with the PRUD and multiple building on a single lot aimed at facilitating redevelopment in the R-2 zone). Now the proposed solution to fixing the "bent nail" is to hit it over the head with a sledge hammer in the form of "Form Based Code". The answer to how do you fix a bent nail fixed is simple, by gentle pats on the back. This is what residents in the R-2 zone need, not major reconstruction of our area. Have all efforts including allowing time for changes to occur been exhausted prior to implementing "Form Based Code" to change how the R-2 zone looks? Or how about awarding R-2 residents who make an effort to upkeep their properties in a pristine manner? Maybe even something for all residents who try somewhat (to encourage better behavior). It works for kids, why not adults?
  79. Why does city council, any planning commissioners or mayor care how it looks in the R-2 zone anyway? They don't live here and only come here on a minimal amount as required for monthly meetings.
  80. What does mayor, city manager, city planner, planning commissioners, and city council think normally happens to a person's home as they grow to become elderly? When people age, they are not able to take care of their properties as they once did when they were fit and able.

- During this time which could be anywhere from one to 30 or so years, if a person hasn't adequately planned financially, they will not be able to afford to pay for outside help. Family members often can help out and neighbors in our community, but what if they don't? Say a home and yard is not maintained for several years, the person eventually dies, and say a young family with kids purchase the home. This your person has a full time job and children and a spouse that also wants their time and say also has limited resources with their new job right out of high school or college. It may be until the kids are gone that this person actually has time or money to renovate their home as desired for their retirement years (let's say 30 more years), so by the time anyone who is 30 or younger sees this home, it may take 60 years before it is properly upgraded, but the upgrades do happen on homes where it belongs to a primary resident. It is one of the risk factors that those of us who have purchased a home in the R-2 old part of town have consciously (for the most part) accepted as a possible consequence of purchasing a home where we have. If we wanted to guarantee that we would be living in a nice brand new neighborhood with young families and kids, we would have purchased a more expensive home in a newer residential development. There are tradeoffs of cost to get one's home paid off and they type of neighbors and their properties we have chosen. But it was our choice to live in this type of residential neighborhood. The key is residential neighborhood. The changes being proposed with "Form Based Code" do not keep R-2 homes as a residential neighborhood and makes our homes within the R-2 area the next target for commercial development expansion in the future which we residents do not appreciate. My question is how much time does the city feel should elapse prior to implementing new code changes in light of there being a transition period with older resident occupied homes and newer families. It should be noted that not all new families wait to do upgrades, many do them as quickly as they possibly can (much of the work being done by their own two hands).
81. People living in the R-2 zone like living in a place where the homes are affordable, that is why we live here. I am concerned with the affordability of living here changing with "Form Based Code". How many residential homes and commercial buildings would be affected by the proposed form based code? How many currently exist that would be in compliance with the new form based code?
  82. There are two primary reasons why I purchased a home in the R-2 zone. Family history of relatives who have lived in our home, and based on council from a revered leader, Gordon B. Hinckley said, "... I recognize that it may be necessary to borrow to get a home, of course. But let us buy a home that we can afford and thus ease the payments which will constantly hang over our heads without mercy or respite for as long as 30 years. . . . . If you have paid your debts, if you have a reserve, even though it be small, then should storms howl about your head, you will have shelter for your wives and children and peace in your hearts. . . ." <https://www.lds.org/general-conference/1998/10/to-the-boys-and-to-the-men?lang=eng>
  83. How would the vote occur on form based code being implemented along Ogden Avenue if it were voted on purely by residents living along Ogden Avenue who owned a primary residence?
  84. How will the implementation of form based code in an area which is much impoverished and where we have a mix of poorer people and residents help those residents to have more affordable housing?



85. We are not so far out of the recent economic recession and there could be still more of an effect now that the U.S. government is spending less on federal funding for infrastructure projects. Is this a concern that a more stagnant economy may still be looming on the horizon? How will form based code possibly help current business in such a case or for small start up business in South Ogden City by local residents (which might be our most likely chance of having business opportunities)? A respected community leader with more than eight decades of life experience, made some statements (prior to our recent economic recession) which I feel could apply to many of the residents living in the R-2 northern part of our city. He was speaking in regards to the pioneers, but many people living here are facing similar circumstances as the pioneers in their lack for the basic necessities of life such as food and decent shelter

Speaking of the pioneers he said, "*They had very little money. . . What a dismal station we have reached in this nation where we have borrowed and spent and failed to repay. At the close of 1994, every man, woman, and child in the United States owed as his or her part of the national debt \$17,805.64. Think of it. It is a disgrace. It affects all of our monetary policies and all of our commerce. It burdens us with taxes from which there is little or no relief.*"

*Our pioneer forebears had as their motto:*

*Use it up,  
Wear it out,  
Make it do,  
Or do without.*

*That statement of frugality and thrift served them well. We could learn a lesson from their example." [https://speeches.byu.edu/talks/gordon-b-hinckley\\_noble-pioneers/](https://speeches.byu.edu/talks/gordon-b-hinckley_noble-pioneers/)*

Keeping older homes does make economic sense for South Ogden City. How does form based code which would basically require the tearing down of homes adhere to that pioneer motto? Are there developers knocking on South Ogden City's doors asking for more commercial land to expand their businesses? Has South Ogden City asked any local business developers whether they are in favor of the proposed code? What do they anticipate that their additional building expenses will be? How do planning commissioners, city council and city staff anticipate that the added expenses will be paid for? (Consumers will ultimately have to pay for, or the businesses will go under like many have in the past and will continue to do regardless of code or zoning).

How are we doing with that old pioneer motto? Residents living here would like to, "Use it up, Wear it out, Make it do, - in regards to our homes and do without South Ogden City wanting to make our beloved homes go away with new FBC zoning policies in our longstanding residential neighborhoods. What residents are hearing from South Ogden City is "do without." In regards to our quiet currently zoned R-2 neighborhoods. And we are left asking the question why? Why after so many years of residents loyally paying taxes to our city to help it expand and grow within our neighbor hood and city park, why is the city now turning on residents and asking them (actually I don't think the city ever has to date asked residents), or should be asking residents how they fell about them wanting to rezone their property into commercial/mixed use zoning? Does it even matter to city council or mayors how residents or anyone else feels about the proposed zoning changes in the name of "Form Based Code" part of a broader Wasatch Council plan or our communities? I would venture that even residents in the south part of our city would emphasize and support residents who are opposed to this new zoning ordinance. Why has the city not asked the public if it is on PAR with the survey questions that they have asked to come up with their vision for the city (Making sure that all residents can have easy access to the new Form Based Code)?

What of residents who still value this motto in regards to their homes? Why can't others who don't live in our R-2 zone or South Ogden City Staff who are not residents of our city respect that some of us are quite attached to our homes and relatively quiet neighborhoods and do not desire east of Washington Boulevard to become the next commercial zone of our city?

86. If some of the poorer people who currently live in the R-2 zone (many rent), don't live here in an affordable home in South Ogden City, where would South Ogden City Staff, city council and our Mayor prefer they live?
87. I see no evidence of new development = affordable homes, I am seeing quite the opposite evidenced by home prices on new PRUD developments that no one can afford to buy on 40<sup>th</sup> street, except 2 people out of 10 available units. R2 homes are up in Value more than any other South Ogden City Residential zone (measured from 2008 date of South Ogden City's latest general city plan that is posed under the planning and zoning website).
88. What about the old pioneer saying of wear it out, fix it up, make it do or do with out? Does that not apply to residents homes living in the R-2 zone?
89. Why does South Ogden City have Form Based Code currently posted on its city website under Parks? Shouldn't there be a flashing bright colored link right on the main webpage instead of obscurely hidden in a remote location? I am glad to see it finally being posted though -- at least somewhere where residents can have a chance to read over it.

From an April 11, 2013 Planning commission meeting:

**Discussion on Appropriate Zoning for Mount Benedict Monastery Located at 6000 S 1075 E**

...  
**Commissioner Heslop moved to have a public neighborhood meeting, presenting a list of acceptable uses the commission is considering, and those it will not consider; and allow input from neighbors. Commissioner Sebahar seconded the motion.** Commissioner Gurr asked when and how the neighborhood meeting would take place. They discussed sending notices out to people within 500 feet or within a natural boundary of the neighborhood. It was also suggested that the meeting be held at city hall. The commissioners discussed having the meeting be informal. They then agreed the meeting should be held on May 16, 2013.

**Commissioners Gurr, Heslop, Pruess, and Sebahar all voted aye.**  
Has a similar course of a public meeting been held for this proposed Form Based Code which will affect many residents? Can the affected residents be mailed a notice and given directions as to how to find the proposed form based code affecting them in their neighborhood? It seems that by current existing laws of our city, this should be done prior to changing the zoning on the people who are currently living in the R2 zone. This was done for a small scale proposed re-zoning, why not do this for a large scale rezoning affecting so many residents in our city?

April 1, 2014

<http://www.utah.gov/pmn/sitemap/notice/204017.html>

**Event End Date & Time:** April 1, 2014 7:00 PM

**Description/Agenda:**

**NOTICE OF PUBLIC HEARING**

On Proposed Roadway Improvements for  
UDOT Project No. F-R199(70);  
40th Street; Washington Blvd to Gramercy Ave in South Ogden City, UT

An Environmental Study has been prepared and is available for public comment. To learn more about the Environmental Study contact Nicole at 385-244-0799 or [sogden40thstreet@gmail.com](mailto:sogden40thstreet@gmail.com). Copies of the environmental document will be available for review at the Public Hearing. Written comments should be sent to Horrocks Engineers, 2162 West Grove Pkwy, Suite 400, Pleasant Grove, UT 84062, postmarked by midnight, April 16, 2014.

Why are we not using more locally available forms to help out our local economy? They would have more local experience and be better suited to performing environmental work here locally? Did they consider owls and many of the raptors that live in our trees? Has an environment study been completed along Ogden & Adams avenue? Many trees here are used by raptors which are a protected.

June 11, 2015 Planning commission minutes

<http://www.utah.gov/pmn/files/168097.pdf>  
(read more what was discussed)

July 21, 2015

[http://www.southogdencity.com/images/uploads/documents/record/Resolution\\_15-32\\_-\\_Approving\\_An\\_Agreement\\_with\\_UDOT\\_for\\_Exchange\\_of\\_Federal\\_Money\\_-\\_WITH\\_ATTACH\\_-\\_21\\_Jul\\_15.doc.pdf](http://www.southogdencity.com/images/uploads/documents/record/Resolution_15-32_-_Approving_An_Agreement_with_UDOT_for_Exchange_of_Federal_Money_-_WITH_ATTACH_-_21_Jul_15.doc.pdf)  
Request for Federal Funding from UDOT

August 13, 2015 - Wasatch Front Regional Council

[http://www.wfrc.org/new\\_wfrc/minutes/rge/2015/Aug20/RGC%20FullPacket%2020Aug2015.pdf](http://www.wfrc.org/new_wfrc/minutes/rge/2015/Aug20/RGC%20FullPacket%2020Aug2015.pdf)

**Spotlight on South Ogden**

As South Ogden City continues to develop within its downtown commercial district, leaders want to ensure that the city code allows for the greatest flexibility but still produces the type of vibrant center the city desires. Form-Based Code is a zoning technique that emphasizes the physical characteristics and design of a particular place, making it a more pleasant place to live, work and play. In 2014, South Ogden City was awarded program assistance to calibrate a Form-Based Code, modeled after the [Wasatch Choice for 2040 template](#) for their downtown commercial core. South Ogden City will discuss lessons learned from this project at the RGC meeting.

**RECOMMENDATION:**

This item is for information only.

**CONTACT PERSON:**

Local Planning Resource Program: Julia Collins (WFRC) (801) 383-4250 ext. 1126,  
[julia@wfrc.org](mailto:julia@wfrc.org)

Just wanted to comment on the above that this was given by WFRC for Washington Blvd and 40<sup>th</sup> street (not certain if our city staff even talked with the school district regarding the new Birch Creek Elementary school to go in 3 blocks south of 40<sup>th</sup> street. Residential neighborhoods were not a part of the original design, so why add them in at the last hour and put us all on high alert to protect our dwellings?

August 20, 2015

[http://www.wfrc.org/new\\_wfrc/minutes/rge/2015/Aug20/RGC%20Minutes-August%202015%20approved.pdf](http://www.wfrc.org/new_wfrc/minutes/rge/2015/Aug20/RGC%20Minutes-August%202015%20approved.pdf)

RGA UDOT -- Jeffery Harris and Cory Pope  
Only other three northern Utah Cities represented (besides ours):  
Mark Allen Mayor, Washington Terrace City  
Don Carroll Mayor, Fruit Heights  
Logan Wilde Councilman, Morgan County

Mentioned in the meeting as a resource:

The Community Development Block Grant (CDBG) Program—LaNiece Davenport and Sam Klemm, Program Managers. The CDBG program funds a variety of housing and community development projects that principally benefit low and moderate income persons in Morgan, Tooele, and Weber Counties and cities within (excluding entitlement cities).

Find out if existing affordable housing is being potentially illuminated with proposed mixed use form based code zoning.

The Surface Transportation Program (STP) Surface Transportation Program (STP)—Ben Wuthrich, Program Manager. The STP provides funding that may be used for projects on any Federal-aid highway, bridge projects or any public road, transit capital projects and improvements, and active transportation projects.

Contact to see if South Ogden City has informed them of their form based code desires and what traffic congestion effects can be expected with proposed expanded commercial development.

• Congestion Mitigation Air Quality (CMAQ)—Ben Wuthrich, Program Manager. CMAQ funds are intended to fund transportation projects that improve air quality, with the exception that they are not eligible for major road widening.

The Transportation Alternatives Program (TAP)—Ben Wuthrich, Program Manager. The TAP funds support the construction and planning of bicycle and pedestrian facilities.

Can a more bicycle safe sidewalk bike location path be considered adjacent to a public sidewalk and park strip (instead of on the street)?

**Information: Local Planning Resource Program spotlight on South Ogden**

In 2014, South Ogden City was awarded Local Planning Resource program assistance to calibrate a Form-Based Code, modeled after the Wasatch Choice for 2040 template, for their downtown commercial core. Form-Based Code is a zoning technique that emphasizes the physical characteristics and design of a particular place, making it a more pleasant place to live, work and play.

Matt Dixon, South Ogden City Manager, and Ray Whitchurch, IBI Group, discussed the objectives, challenges and lessons learned of the project. They also talked about some of the grant program benefits which included:

- The project will lead to better, smarter development that will benefit the surrounding communities.
- Form-Based Code will be expanded to include other areas of the city.
- Form-Based Code will help insure the types of development will be in harmony with the City's desire future vision.
- The grant program allowed South Ogden the financial ability to accomplish this project.

November 24<sup>th</sup>, 2015 "Form based Code was introduced to South Ogden City Council with a biased presentation comparing formal zoning and "form based code" Not certain why this was publically filed back three years in the minutes folder (makes it kind of hard to find to say the least).

[http://www.southogdencity.com/images/uploads/documents/recorder/2011\\_minutes/11\\_November\\_25\\_2014\\_CC\\_PC\\_Combined\\_Min.pdf](http://www.southogdencity.com/images/uploads/documents/recorder/2011_minutes/11_November_25_2014_CC_PC_Combined_Min.pdf)

December 1, 2015 Multiple Buildings on a single lot ordinance (in preparation for proposed form based code implementation for Northern Part of South Ogden City).

[http://www.sterlingcodifiers.com/codebook/getBookData.php?id=&pending\\_id=20622&keywords=](http://www.sterlingcodifiers.com/codebook/getBookData.php?id=&pending_id=20622&keywords=)

South Ogden City does finally have the latest form based code draft 2016 version appearing now on its website. One would expect to find it under:

[http://www.southogdencity.com/planning\\_zoning](http://www.southogdencity.com/planning_zoning) or [http://www.southogdencity.com/planning\\_zoning/planning\\_commission\\_agenda\\_minutes/](http://www.southogdencity.com/planning_zoning/planning_commission_agenda_minutes/)

Where the last meeting minutes were posted, but the place it has been located as of (January 29<sup>th</sup>, 2016 is hidden under parks - for whatever reason).

<http://www.southogdencity.com/parks>

Page 15 shows possible street sections (which do not include on street parking currently), which may be implemented along 40<sup>th</sup> street.

Page 18 shows the proposed zoning changes along 40<sup>th</sup> street and 36<sup>th</sup> street.

[http://www.southogdencity.com/images/uploads/documents/planning/2016\\_01\\_08\\_South\\_Ogden\\_FBC\\_Draft\\_LR.PDF](http://www.southogdencity.com/images/uploads/documents/planning/2016_01_08_South_Ogden_FBC_Draft_LR.PDF)

North Ogden City Form Based Code: (Does not currently have)

[http://wfr.org/new\\_wfr/programs/LocalPlanningResourceProgram/2015/North%20Ogden%20Form%20Based%20Code.pdf](http://wfr.org/new_wfr/programs/LocalPlanningResourceProgram/2015/North%20Ogden%20Form%20Based%20Code.pdf)

Form Based Code - Proposed South Ogden City updates along 40th Street and Ogden Avenue which connects to 36th and 40th street. Has UDOT reviewed recent proposed amended zoning changes and proposed street sections and use along 40th street and Ogden Ave. The most recent proposed changes included making commercially zoned lots all up and down 40th street which will slow traffic flow as being proposed. I would also like to know if and when a public meeting

will be scheduled regarding the most recent commercial uses being proposed by our city along this street. I am not opposed to the widening of the street, but adding commercial congestion where homes currently reside is my concern. I am of the opinion that if they want to have on street parking than the minimum number of lanes in each direction they will need is 3 (so that 2 lanes can handle the traffic flows and the outside lane be for cars parking along the store front). I am wondering if an additional public meeting should be held where a well versed UDOT representative can be in attendance to help facilitate a good solution that can be functional for all involved. My other big concern is that South Ogden City has done little to announce the proposed updates to residents (or to UDOT I'm of the belief) and feel that public input is highly warranted in that the proposed new zoning changes will be affecting so many of the local residents. From what I could find online, there was a public meeting held back in 2014 for adding one lane of traffic to widen 40th street. The latest planned zoning changes definitely will affect traffic flow (Zion's bank has proposed speed slowing devices and large areas of commercial spaces for economic viability, which doesn't = better traffic flow along 40th street). The Form Based Code appears to come from climates that have little snowfall and maybe don't need fire truck emergency vehicle access along their streets in that the proposed street sections are quite narrow.

The lack of transparency with the proposed form based code is what concerns me the most and not letting the affected residents know what the city has planned for them.

If you search for the form based code on the South Ogden City Website, it is not easily found under directories (and was not found at all prior to the last planning commission meeting when citizens voiced their disapproval regarding). South Ogden City does finally have the latest form based code draft 2016 version appearing now on its website in a location where most people wouldn't think of looking for it.

Go to:

<http://www.southogdencity.com/parks>  
then click on "Form Based Code"

Page 15 shows possible street sections (which do not include on street parking currently), which may be implemented along 40th street.

Page 18 shows the proposed zoning changes along 40th street and 36th street. My concern is that UDOT has not been made aware of the proposed changes and I would like evidence of otherwise if it has occurred regarding the proposed impact to residents along this street.

For your information and reference, the original presentation that was shown to city council members and planning commission members can be found in another hard to find location:

November 24th, 2015 "Form based Code was introduced to South Ogden City Council with a biased presentation comparing formal zoning and "form based code" Not certain why this was publically filed back three years in the minutes folder (makes it kind of hard to find to say the least).

[http://www.southogdencity.com/images/uploads/documents/recorder/2011\\_minutes/11\\_November\\_25\\_2014\\_CC\\_PC\\_Combined\\_Min.pdf](http://www.southogdencity.com/images/uploads/documents/recorder/2011_minutes/11_November_25_2014_CC_PC_Combined_Min.pdf)

(not certain why a 2014 presentation was filed under 2011 minutes) - either a lot of mistakes have been happening by those responsible for letting South Ogden City Residents know of public records, or they are being filed in hard to find places in an effort to make it extremely difficult for the public at large to access. This is my major concern - Why does South Ogden City not want residents to know what it is up to?



Mark Vlasic, Previously lived in Seattle (got his education there)

Phone number

- 801-474-3936

CenturyLink Landline

[View Mark's Social Profiles from InstantCheckmate.com](#)

Address

- 835 E Browning Ave Salt Lake City, UT 84105-2210

[NeighborsDirections](#)





<http://www.ldi-ut.com/mark-vlasic-pla-asla-aicp.html>

Information on Matt Dixon:

<https://www.linkedin.com/in/matt-dixon-ba84bbb>  
Lives in Plain City (I believe).

Ben Joe Markland  
12-7-2010 (Opposed South Ogden City Budget).

Form based Code presentation:  
[http://www.ulect.org/ulect/wp-content/uploads/sites/4/2013/02/John\\_Janson-Form\\_Based\\_Codes.pdf](http://www.ulect.org/ulect/wp-content/uploads/sites/4/2013/02/John_Janson-Form_Based_Codes.pdf)

Form Based Code in Utah:

- North Temple Hybrid – Salt Lake City
- West Valley Hybrid
- Layton City – Greenfield
- Saratoga Springs and Springville are in development stage
- Provo Hybrid
- Heber City Hybrid

## •Park City, Farmington, Ogden, Sandy

A concern regarding how South Ogden City was not informing residents of zoning changes:

**Thursday, April 9, 2015 – 6:15 p.m.**

**John Reeve, 6172 S 2125 E** – Mr. Reeve stated that all the area across the street on Harrison was in their service district. Over the years South Ogden had annexed parts of it in and allowed it to be commercial construction. The District did not know anything about it until they came to get a building permit or a connection to their sewer and water. They did not get notified when a piece of ground was annexed into South Ogden; that was a concern to Mr. Reeve. If someone came in to request annexation, no one next to them was notified. A notice was put in the paper and posted on the website, but nobody had time to look every month to make sure what was happening. If someone wanted to annex a vacant property and put in a multi-family project, a hospital, or anything else, the city could allow them to annex and get a building permit and the people around them wouldn't know until construction started. That was his concern as well as the concern of the District.

Commissioner Rounds pointed out that since they did not want to be in South Ogden City, they also could not have a say in what happened there. It was the Planning Commission's responsibility to do what was good for South Ogden, not for unincorporated parts of Weber County.

Mr. Reeve said they were taking their area into the City and doing things in that area that they might not be agreeable to; they lost control of what the ground became as it was annexed into the City.

Commissioner Pruess stated that the owner of the property was making the decision about what happened to his property, and that was his right.

Mr. Reeve said the City should be aware of the impacts of what they were doing.

**Marla Mitchell, 2202 Eastwood Blvd.** - Ms. Mitchell asked what they would have to do in order to make sure a notice was sent out to residents concerning the next time a property was annexed into the city. Ms. Kapetanov said when properties were annexed or zoning changed, property owners within 500 feet were notified. Ms. Mitchell said 500 feet was not very far; how could she get it changed? Ms. Kapetanov said she would have to approach the City Council to have the ordinance changed.

**John Reeve, 6172 S 2125 E** – asked if the people along Wasatch Drive were notified of the public hearing. Ms. Kapetanov explained the notification requirements for adoption of the Annexation Policy Plan as well as the requirements if someone actually petitioned the City to annex. Mr. Reeve said if they really wanted to hear from the people affected they should mail everyone a notice. Ms. Kapetanov said the requirements were mandated.

Can we get on public record that residents affected by the proposed Form Based Code updates will be notified by our city in a timely manner that those living within the area and 500' away will be able to give their input to the city council members who they have voted into office?

<https://www.currentresults.com/Weather/Utah/Places/salt-lake-city-snowfall-totals-snow-accumulation-averages.php>

Average total snowfall and days with fresh snow in Salt Lake City

Days		Inches	Centimetres
8.5	January	12.5	31.8
6.2	February	10.7	27.2
4.2	March	6.5	16.5
2.4	April	4.0	10.2
0.2	May	0.3	0.8
0.9	October	1.4	3.6
4.2	November	7.6	19.3
8.2	December	13.2	33.5
34.8	Year	56.2	142.7

Compared to the Wasatch Front Regional Council Consultant firm (Reconnecting America) who are located in Oakland California, which was one of the two listed consultant teams responsible for drafting the "Form Based Code Template for the Wasatch Front"

No snowfall was listed

Compared to the Wasatch Front Regional Council Consultant firm (Farr Associates) who are located in Chicago Illinois, which drafted the "Form Based Code Template for the Wasatch Front"

<https://www.currentresults.com/Weather/US/annual-snowfall-by-city.php>

Days	Place	Inches	Population	Percent (Greater than South Ogden City)
00.0	Oakland, California	00.0	413,775	2,455% more residents
28.5	Chicago, Illinois	36.7	2,722,389	16,155% more residents

34.8	Salt Lake City, Utah	56.2	190,884	1,133% more residents
	South Ogden City		16,852	base line comparison

Population link from US Census Data year 2014:

<http://quickfacts.census.gov/qfd/states/17/1714000.html>

The census shows a 1.9% growth rate for South Ogden City with our city having fewer kids and people under 18 than the Utah average and more elderly residents over 65 years old, 14.4% compared with the 9% Utah average. So as the older residents pass on, their homes will become available for others to live in (if they are not destroyed by "Form Based Code" proposed commercial development).

The average snowfall from SLC is 300% more snow than the average from both consultant teams listed for the design of the Form Based Code seeing that their firms combined average (18.35 inches). Having 20 more inches of snowfall also makes quite a bit of difference in where that extra snow is to be plowed in the winter and how roads will be affected from a safety standpoint regarding snow removal and potential ice accumulation on the roads (which create a hazardous travel condition, especially if roads are constructed more narrowly than the current standards). So that is a question needing to be asked. Is the risk of more accidents occurring worth the more narrower street that the Form Based Code proposes? How does this affect emergency vehicles that need to get access to an accident when it has occurred (particularly in a busy street)?

Also of significant interest that I noticed is the population differences compared to South Ogden City. The next big city doesn't even compare to our small 3 mile wide South Ogden City. If we are so small, why are we really concerned about growth, when indicators show a possible decrease in population or no more than 1% growth rate?

Does South Ogden City birth of residents living here indicate there are more people being born than dying in our city? We are 174,032 from our big neighbor city of SLC (which is just under half the size of Oakland California)

<http://www.chicagobusiness.com/article/20150326/BLOGS02/150329875/chicago-area-population-growth-grinds-to-a-halt>

Above mentioned article states that Chicago growth is actually halting in this city. Maybe a trend happening across the country due to baby boomer generation dying off.

Average total snowfall and days with fresh snow in Chicago

Days		Inches	Centimetres
8.2	January	10.8	27.4

Average total snowfall and days with fresh snow in Chicago

Days		Inches	Centimetres
6.1	February	9.1	23.1
4.3	March	5.6	14.2
0.9	April	1.2	3.0
0.2	October	0.3	0.8
1.7	November	1.2	3.0
7.1	December	8.5	21.6
28.5	Year	36.7	93.2

[http://www.southogdencity.com/images/uploads/documents/recorder/2011\\_minutes/11\\_November\\_25\\_2014\\_CC\\_PC\\_Combined\\_Min.pdf](http://www.southogdencity.com/images/uploads/documents/recorder/2011_minutes/11_November_25_2014_CC_PC_Combined_Min.pdf)

(Not certain why this would be filed under a 2011\_minutes folder)

Page 12 shows:

Which do you Prefer?

Lifeless Public Realm

Comfortable Public Realm



South Ogden, Utah -  
November 25, 2014

The above photos are designed to persuade one that you prefer the open form based code. The views are not the same. First photo is taken facing the home and bottom photo shows a wide open street view. Amounts of green landscaping, skyline, etc. differ. Bottom photo shows no driveways which works fine in the eastern and western United States where they get little (if any) snow accumulation on their streets. On street parking would not work well in our snowy climate, so we would need the same street sections widths as what we have now to travel and park our cars safely off our roads.

## Form Based Zoning

### Form-Based Codes

- A relatively new name...
- For emerging regulatory techniques...
- Serves to implement the rebirth and interest in Urbanism...

### Conventional Codes

- Zoning and subdivision regulations
- Designed to separate incompatible uses
- Ideal for suburban development patterns



South Ogden, Utah –  
November 25, 2014

18

IBI

From page 14 presentation done by IBI. Which photo looks better? In reality, if you remove the driveways from the photo below, these two areas could essentially be the same areas. I feel this is deceptive in an effort to persuade one that form based code is better to lead others to a certain direction, which appears to have worked in that adoption of "Form Based Code" is being considered here locally.

## Form Based Zoning

### Mixed-Use

A variety of standards  
Thoroughfares  
Lighting  
Setbacks

vs

### Segregated Uses

One-Size-Fits-All  
Thoroughfares  
Lighting  
Setbacks



South Ogden, Utah –  
November 25, 2014

19

From page 20, these two photos don't even appear to be the same type of land use. Residential units with garages on the bottom compared to an industrial parking lot with overhead power lines and eight dumpsters? Really? That is like saying apples should look like oranges! What if one simply had the code changed to say that power lines should be placed underground and require that trash containers should be kept in an enclosed fence/enclosure – wouldn't that improve the second photo substantially? There will be costs associated with updating our 95% built out city to the new codes by businesses which will get passed on to consumers. Can we afford to pay for the desired updates even if they are desirable?

Now the latest update citizens have been shown is <http://www.utah.gov/gmn/files/200439.pdf>

I actually skimmed through the document and like it for the most part as it reads. It appears to be a well written document. I have listed my major concerns at the first of this letter.

Section 3.0 shows the proposed Zoning Map affecting many residents in the R-2 zone where affordable housing is most available (See below):





- Town Center "Core"
- Town Center "General"
- Riverdale Road "General"
- 40th Street "General"
- Edge

Please read carefully which uses are being proposed for 40<sup>th</sup> Street General and Edge (both of which will be in the middle of residential communities)? See page 21, then read uses on page 23. Legally you can't allow some uses and disallow others (unless there is a new zone created with office/residential), which is what Mark Vlasik suggested to the public in planning commission meeting last week the use would be. If that is the desired intent, than maybe a 6<sup>th</sup> type of use as office only should be added, but I really don't like the idea of residents having to have their residential neighborhoods destroyed (where housing has been historically affordable) and should be preserved for those living there as stated in Section 1 – Recitals under UCA paragraph 10-9-a-401 (e), and (f) involving the protection of urban development and the protection or promotion of moderate income housing. Also why put our great South Ogden City 40<sup>th</sup> Street park in the blue shade?

40<sup>th</sup> street general should be reduced to just those areas affected by the expansion of 40<sup>th</sup> street on the south side of the road (as was stated by South Ogden City Staff) in the meeting on Jan. 14<sup>th</sup>. Existing

Residential areas should not be included in any of the above zones, unless they give their consent in writing. Areas of the 40<sup>th</sup> Street Park should be considered to be removed from the proposed zone and left as it is currently zoned for R-2 (so as to protect from future commercial development of the park).

The decision to add 40<sup>th</sup> street is based on speculation that the city will be able to have increased tax revenue by including it as a part of the general plan on where to allow commercial expansion to increase. So is the city being consistent with its judicial rezoning policies?

So is South Ogden City following its own standard practices with the proposed zoning updates impacting residential neighborhoods? From a previous May 10 2012 planning commission meeting a resident asked for a rezone of an area to make it into an R-2 zone. The South Ogden City Recorder's Minutes read as follows,

"Commissioner Pruess asked some questions of Mr. Lynch about building single family homes vs. duplexes, the cost of the project, etc. City Manager Dixon cautioned the commission that it was the developers responsibility to make the project work; if the commission's decision were ever contested, someone could argue that the decision was based on whether the developer could make a profit or not."

I would ask is our city making the proposed rezoning decisions for its residents or for the potential tax revenue that commercial use could bring into our city? Which comes first as a matter of priorities – Residents who have been paying into the tax base system for many years or venture commercial zones? Are the new proposed zoning decisions being based on whether South Ogden City can generate more profitable commercial areas? I am certain that the city could if it desires, but is this the desire of residents who live here, or is the desire to make better the commercial areas that we currently have and not run residents out of their homes.

Result from the city Recorder's Minutes:

"Commissioner Heslop moved to deny the rezone, for the reasons that the rezone did not agree with the general plan and residents from the area seemed to be against it. Commissioner Pruess seconded the motion. Vice Chair Sebahar called a vote.  
 Commissioner Stone- Yes  
 Commissioner Layton- Yes  
 Commissioner Heslop- Yes  
 The rezone was denied."

Now based on that previous proposed zoning changes logic and conversation and put that into a larger scale with many residents being affected, and many more potential cars coming into a residential neighborhood if commercial use is allowed, how much more should this be denied? Is the city being consistent with its residents or is it just what the current governing body feels at a given time (or hoping that this may result in the city making a greater tax profit from commercial properties)?

Future areas can be expanded as residents no longer care whether the area they live is a residential or mixed use area as desired by the residents who live in that area. Should not be decided upon by those who don't live in their residential development.

If in the future event that our city does either want to reduce the size of the 40<sup>th</sup> street park (in order to allow commercial development or other use other than a park), such adjustments to the park should be discussed in an open public meeting where residents living within 1 mile of the park are allowed to give their input. Further, any revenue generated by the sell or lease of current city property in the R-2 zone, should be used as additional funds (above and beyond) the amounts spent on other public works improvement projects for the locations north of 40<sup>th</sup> street. When residents living south along 40<sup>th</sup> street desire to sell their homes, the rezoning of these areas may also happen (with the consent of the majority of residents living within 500 feet of the affected areas).

Unlike the previous IBI presentation which was not a fair comparison, I would like all to take a look at the "progress we have made" for our 40<sup>th</sup> street park in the last 12 years and based on the exact same location ask the following IBI like question to you.

Which do you prefer for your local city park?

2015



Or



2003 (previous South Ogden City Park)



How will the proposed zoning affect the currently zoned R-2 residential area of 40<sup>th</sup> Street Park? Much of this public city park (almost half) as seen from the photo above was recently redeveloped for the new improvements which were to benefit all residents. Would the current recreational facilities that people north of 40<sup>th</sup> street enjoy (1 basketball court and two tennis courts) be demolished to allow commercial "opportunities"? Who will benefit from such "opportunities"?



For comparison, this above photo shows what our local park used to look like back in 2003 (prior to the city redeveloping our local park). At that time city offices were at the Senior Center and the Private

School was a public elementary school. A couple of residents homes were affected in the city offices expansion.

We have given up much of our open spaces for the good of the city. We are being asked to give up more with the 40<sup>th</sup> Street expansion. Please don't disrupt our families and homes any more than what is absolutely necessary. The government building that took away much of our park is now wanting to further disrupt our peaceful residential lifestyles, or so it feels to many of us who have lived in the R-2 zone for much of their lives.

When one googles Form Based Code, the first site that comes up is:

<http://formbasedcodes.org/about>

I would ask you to research for yourselves where this code primarily has come from and is being implemented. It is primarily on the east and west coasts (traditionally liberal and where there are high densities of people living in limited land space).

See who is on the boards (where are they from), than look at all the people listed under Staff. Before you do, answer how many people you would expect to find. What do you in actuality find? See: <http://formbasedcodes.org/staff>

Now what is in it for those supporting this organization? See: <http://formbasedcodes.org/donate>  
Does this appear to be a not for profit organization? (Judge for yourselves)

And from the Wasatch Regional Council (IBI) presentation page 26 and 27:

"

#### **FORM-BASED CODE BENEFITS**

While traditional Euclidean zoning focuses on use rather than form, Form-Based Codes create communities through emphasizing the design and form. Form-Based Codes also take the surrounding neighborhood context into consideration thus supporting neighborhoods and commercial places to create desirable characteristics in form and design. In terms of implementation and administration, Form-Based Codes are much easier to use than traditional zoning and are both graphically and narratively more illustrative. While traditional zoning can give attention to design, the majority of the focus in Form-Based Codes is on design in considerable detail. Additionally, to achieve these details, Form-Based Codes include examples of what the community desires to be built at a particular location.

"

Another aspect in which Form-Based Codes play a big part in is economic development. Studies have shown that neighborhoods that tend to be walkable and with a variety of transportation choices also possess higher real estate values and continue to have better occupancy rates than traditional zoning. The emphasis on permitted uses rather than conditional uses lets developers build in less time and with less risk, and streamline the project submittal process which overall encourages investments. The burden is in the calibration and upfront creation of the Form-Based Code. However, communities feel the benefits are

Can't we simply add sidewalks and to a great extent achieve some of the objectives defined above? Who would be benefited from higher real estate values? Would this type of development be better implemented from a social economic standpoint better in the north or south part of our city? Would it be those residents who as stated in South Ogden Cities General Plan currently have affordable housing that will have their housing prices go up. This authority says it is the case. If real estate values go up as they are predicted to do by the Wasatch Front Regional Council, where will the affordable housing be replaced that is being removed (since South Ogden City is already 95% built out)? There really is no other place for affordable housing to be replaced. Look at the Cove on 40<sup>th</sup> street that is supposed to be one of the affordable housing locations. I who live in the impoverished areas of South Ogden would not be willing to purchase such a home for me and my family to live in. Only 2 of the 10 have sold. Affordable to who at \$155-165 thousand?





in their base density per acre before increasing ours even more. Otherwise, let all areas of South Ogden City that are currently residential remain residential so we can remain a community of neighborhoods, like South Ogden City has always primarily been. We are only 3 miles across (not really a large geographic area like Ogden is). Please keep our city a primarily single home residential community like we have always been longer than any other residential subdivision area. We don't need to be like SLC or Park City in "Small town South Ogden." Many of our homes have stories that have gone along with them passed on from generation to generation. The home across from me that currently belongs to the Greens was originally constructed by Mr. Barry. My mother remembers they used to buy chicken eggs for \$0.10 a dozen from the Barry's. When she passed away towards the end of this new century, her grandson Brian Hadley remodeled their home, and I dare say it would rival any home in South Ogden City. They finished up some of their remodels in the last five years. Their story is that it was originally a one story home and the original builder, Mr. Barry was a concrete worker. He built up on the home as he could afford it. Many of the older homes were overdesigned back in the day and very well built. My home has a story as well as to how it was remodeled by my grandfather in the 1960's or so time frame. Our home has the tongue and groove redwood siding, that would be quite expensive if I had to replace with in kind redwood siding. As a result, we try our best to maintain our home. I believe the reason for our homes having been targeted as a redevelopment area is due to its' being labeled economically blighted meaning that many of the homes in the area were deteriorating and not going up in value. Well since 2008 when the housing bubble burst shortly after this, many of the overpriced homes have still not recovered from their inflated values. Interesting to report that based on the most recent data from 2015 Weber County Recorder's Office, that taxable residential values on home have gone up significantly for many homes in the area that were considered "economically blighted". We are paying now more taxes north of 46<sup>th</sup> street where many people living in the south part of South Ogden City are paying less taxes than they did 7 years ago. As a group, in our economy, from what I have seen, we have one of the best returns on our investment if we had purchased an affordable existing home here in South Ogden City. Is there a way we can be taken off the redevelopment area in light of the more favorable higher priced homes that are higher now in value than they have ever been since we have owned our homes? We don't want to see our homes get run off the face of South Ogden City for new development which is not sensitive to the surrounding residential homes here in our community. Homes are going up in value in the R-2 zone compared to where prices were 7 years ago when the 2008 South Ogden City General plan for redevelopment was created. I am not happy with my home being targeted as a redevelopment area, which I didn't know existed until the first of this year. Why is our area being targeted we are left asking? Many of my neighbors as well don't know this even existed. I have found only one resident who was aware that our area had been told it was blighted. When I looked up to learn more about this, I came across the following:

In 1996 the Utah State Legislature passed HB 295: *Providing Affordable Housing*. For those who need affordable housing, I thank our city for considering this as a part of their plan. My concern is that I see no evidence that "form based code" is the solution to this dilemma that our city is faced with. I actually am concerned that it will have just the opposite effect in that it will wipe out the majority of all of the affordable housing that is available. In a typical big city, residents that live in the "down town" district usually pay a premium to live in the "big city". What South Ogden City has proposed, will not increase the availability of affordability of affordable housing, unless they have a plan to subsidize more expensive home prices that can be expected from newly build "form based code" mixed use establishments. Even with the proposed uses of mixed use being allowed, there is not requirement (that I am aware of that housing must be included with a commercial building). The R-2 zone which historically has had the most

affordable housing available to residents is what has been proposed as the redevelopment area of form based code.

Another point to mention is when their homes are wiped out, where will residents go and what will happen to your property values? They will of course go up since they will be the most affordable, desirable properties that people can afford. Unless you are planning to move away and sell your home, having home values go up and being taxed more is not such a desirable thing for the average resident who already feel like they are paying more than they should in taxes. And what services are we getting in return for our taxes paid? How much is going to roads and curb and gutter or sidewalk installation? And what of those people who can no longer afford to live in South Ogden City, where will they go since we are one of the cities with the most affordable housing? People have to live somewhere or they will become homeless. That is not a desirable outcome obviously.

From the following website:

<http://www.business.utah.edu/sites/bcbr/Documents/studies/AffordableHousing.pdf>

"The sources for construction data were the Utah Construction Monitor and the construction database maintained by the Bureau of Economic and Business Research, University of Utah. The Wasatch Front Regional Multiple Listing Service provided sales data for existing homes."

Can our city staff verify that what they are proposing will generate more affordable housing that current residents living in this area can afford? If not, then these affordable homes should not be slated to be wiped out by "form based code."

"The principal task of this study was to examine compliance with HB 295 through an analysis of new housing construction. Whether a city has adopted an affordable housing plan may or may not affect the actual number of new affordable housing units produced in that city. The number of affordable units produced by a city was the measure of compliance. If a city has allowed new affordable housing in sufficient numbers the intent of HB 295 was met."

If this was the honest intent of increasing the available affordable housing units, that I commend city staff and city planners for taking this into account. I do not feel that "form based code" will generate cheaper housing costs and have sources that actually say otherwise. They actually state that the result will lead to less availability of affordable housing. If city manager or city planner can demonstrate otherwise, I am open to hear how they feel this will be so and what they expect affordable prices mean for our community. Remember that affordable in South Ogden City is not the same as affordable in SLC.

"Approximately 40% of all households in the

study area have incomes that fall below 80% of the median income. Therefore, to meet the housing needs of low to moderate-income households approximately 40% of all new housing should be affordable. Of course in this case it is assumed that all increases in affordable housing needs would be met by new homes or new rental units. Under this ideal case the affordable housing inventory would have an infusion of new units each year. In reality existing units play a significant role in providing affordable housing. Older units filter down to low and moderate-income households. Consequently, the overall quality of the affordable housing stock deteriorates as relatively fewer and fewer new units are added. Hence, those low and moderate-households that prefer better quality housing will generally have to assume housing burdens above 30% of their gross income."

<sup>11</sup>Table 8  
Percent of Sales of Homes and Condominiums  
Qualifying as Affordable - 1987 to 2002  
(Ranked by Share of Sales in City Qualifying as Affordable)  
City Total Sales  
Sales of Affordable Homes % Share of  
City's Total

"South Ogden 2,542 911 34.5%" . . .

"However, if the number of low and moderate-income households is constant then the demand for affordable housing could be met entirely by the existing inventory. In such a case a "reasonable opportunity" for affordable housing may be satisfied. . ."

Has our city looked at whether the proposed updates in terms of form based code, have sufficient services available such as large enough sewer lines and water lines to accommodate the increase in population this could bring into our area? Also what about availability for a fire truck to have a ladder large enough to get up to a burning five story high building? Has this been looked into by city staff? How would impact fees be set up for new developers? Would there be a pay back agreement that the first contractor would be betting on other contractors following him to build in the area? What does our city charge for hook up fees for the "form based code" redevelopment areas? What about the safety of existing children living in the neighborhood. There are existing residential neighborhoods that will be getting torn up. What about the existing failing infrastructure that will only be made to be in worse shape by heavy construction equipment driving up and down the street?

## Blighted Area

A location where multiple buildings are dilapidated or abandoned. Blighted areas are marked by low property values, crime and capital flight. Many municipalities take steps to reduce blight, for example, a city may offer a tax incentive for a business to move into a blighted area or a grant to repair a building.

Source: Farlex Financial Dictionary. © 2012 Farlex, Inc. All Rights Reserved

Please see link below regarding rent control: Maybe our city is part of the problem. I myself was thinking this may help solve part of the problem, but according to this study, maybe it is part of the problem we are having with enforcement issues.

I came across this on the internet which has many good explanations of policies that are trying to be implemented that have been tried in other cities and the results are listed below which I think matches up with our results to date in the following areas copied from:

[https://en.wikipedia.org/wiki/Urban\\_decay](https://en.wikipedia.org/wiki/Urban_decay)

"Rent control[edit]



The **neutrality of this section is disputed**. Relevant discussion may be found on the [talk page](#). Please do not remove this message until [conditions to do so are met](#). (July 2013)

Rent controls are often enacted due to public pressure and complaint regarding the cost of living. Proponents of rent controls argue that rent controls combat inflation, stabilize the economic characteristics of a city's population, prevent rent gouging, and improve the quality of housing.<sup>[1]</sup> It has been documented that rent control distorts the supply and demand relationship in housing markets which contributes to the rapid deterioration of the community and to urban blight and does not provide the supposed benefits its proponents promise.<sup>[1]</sup> Rent control contributes to urban blight by reducing new construction and investment in housing and deincenitizing maintenance.<sup>[1]</sup> If a landlord's costs to perform maintenance consume too large a proportion of revenue from rent, the landlord will feel pressure to drastically reduce or eliminate maintenance entirely. This effect has been observed in New York City as 29% of rent-controlled buildings were categorized as either deteriorated or dilapidated in contrast with 8% of non-rent-controlled housing.<sup>[1]</sup>



Much of the city of [Camden, New Jersey](#) suffers from urban decay."

## “Policy responses to urban decay[[edit](#)]



Pruitt-Igoe public housing, St. Louis, Missouri. In the 1950s, this urban renewal project was built; it failed and was razed in the 1970s.

The main responses to urban decay have been through positive public intervention and policy, through a plethora of initiatives, funding streams, and agencies, using the principles of [New Urbanism](#) (or through [Urban Renaissance](#), its UK/European equivalent). [Gentrification](#) has also had a significant effect, and remains the primary means of a natural remedy.

[United States](#)[[edit](#)]

*Further information: [Community Reinvestment Act](#), [Social programs in the United States](#) and [Law enforcement in the United States](#)*

In the United States, early government policies included “urban renewal” and building of large-scale [housing projects](#) for the poor. Urban renewal demolished entire neighborhoods in many inner cities; in many ways, it was a cause of urban decay rather than a remedy.<sup>[[cite\]](#)</sup> These government efforts are now thought by many to have been misguided.<sup>[[cite\]](#)</sup>

For multiple reasons, some cities have rebounded from these policy mistakes. Meanwhile, some of the inner [suburbs](#) built in the 1950s and 60s are beginning the process of decay, as those who are living in the inner city are pushed out due to [gentrification](#).<sup>[[cite\]](#)</sup>

## blighted area

A declining area suffering from seriously decreasing property values and not likely to recover without some outside intervention. More than simply a market slip, a blighted area can be identified by deteriorating buildings, increased crime rates, and decreased occupancies.

Source: The Complete Real Estate Encyclopedia by Denise L. Evans, JD & O. William Evans, JD. Copyright © 2007 by The McGraw-Hill Companies, Inc.

## Gentrification

From Wikipedia, the free encyclopedia

Germany's version of Form Based Code (five stories high as our code currently is proposing)

<https://en.wikipedia.org/wiki/Gentrification>



Buildings on Mainzer Straße in Berlin.

“**Gentrification** is a trend in [urban](#) neighborhoods, which results in increased property values and the displacing of lower-income families and small businesses.<sup>[[cite\]](#)</sup> This is a common and controversial topic in [urban planning](#).<sup>[[cite\]](#)</sup> It refers to shifts in an urban community lifestyle and an increasing share of wealthier residents and/or businesses and increasing property values.<sup>[[cite\]](#)</sup> Gentrification may be viewed as “correction” of [blockbusting](#) and urban flight<sup>[[cite\]](#)</sup> as many gentrified neighborhoods of the present were once affluent neighborhoods of the past.<sup>[[cite\]](#)</sup>

Gentrification is typically the result of increased interest in a certain environment. Early “gentrifiers” may belong to low income artists or [bohemie](#) communities, which increase the attractiveness and flair of a certain quarter. Further steps are increased investments in a community and the related infrastructure by real estate development businesses, local government, or community activists and resulting [economic development](#), increased attraction of business and lower [crime rates](#). In addition to these potential benefits, gentrification can lead to [population migration](#).

In a community undergoing gentrification, the average income increases. Poorer pre-gentrification residents who are unable to pay increased [rents](#) or [property taxes](#) may find it necessary to relocate.<sup>[[cite\]](#)</sup>

A change of residence that is forced upon people who lack resources to cope has social costs.<sup>[[cite\]](#)</sup> Measures protecting these marginal groups from gentrification may reduce those.

There is also the argument that gentrification reduces the social capital of the area it affects. Communities have strong ties to the history and culture of their neighborhood, and causing its dispersal can have detrimental costs.<sup>[[cite\]](#)</sup> The [Center for Disease Control and Prevention](#) has a webpage discussing adverse effects gentrification has on health, and provides a list of policies that would inhibit gentrification in order to prevent these impacts.<sup>[[cite\]](#)</sup>

Positive	Negative
Higher incentive for property owners to increase/improve housing	Displacement through rent/price increases
Reduction in crime	Loss of affordable housing
Stabilization of declining areas	Commercial/industrial displacement
Increased property values	Unsustainable property prices
Increased consumer purchasing power at local businesses	Displacement and housing demand pressures on surrounding poor areas
Reduced vacancy rates	Community resentment and conflict
Increased local fiscal revenues	Homelessness
Encouragement and increased viability of further development	Secondary psychological costs of displacement
Reduced strain on local infrastructure and services	Increased cost and charges to local services
Increased social mix	Loss of social diversity (from socially disparate to rich ghettos)
Rehabilitation of property both with and without state sponsorship	Under occupancy and population loss to gentrified areas

Source: Loretta Lees, Tom Slater, and Elvin Wylie, *Gentrification Reader*, p. 196. © 2008 Routledge.; Rowland Atkinson and Gary Bridge, eds., *Gentrification in a Global Context: the New Urban Colonialism*, p. 5. © 2005 Routledge.

#### Displacement[edit]

Displacement in the context of gentrification is defined in *The Gentrification Reader* as "forced disenfranchisement of poor and working class people from the spaces and places in which they have legitimate social and historical claims."<sup>[3]</sup> It is one of the most studied negative aspects of gentrification, yet its nature has provided researchers with many prohibitive barriers to obtaining accurate and reliable data, much of which is more focused on the gentrifiers than those who are displaced by the process.

What is generally agreed upon, however, is that those displaced are primarily minority, elderly, and transient groups, and they are nearly always driven out in areas where gentrification occurs. Studies have also shown that there seem to be two waves of displacement of these original residents. In the early stages, renters are largely driven out because of the changing incentives of landlords. With the rising interest in a particular neighborhood, they have no motive to retain

their current tenants over the new, more affluent rent seekers.<sup>[2]</sup> As the process continues, owners of single residential units are strained with the surge in property values that translates to increased **tax assessments**. Often their incomes cannot continue to cover these increased living costs. Those who are 'gentrified' not only lack the economic resources to compete with these changes, but stereotypically lack political power, are easily exploited by landlords and developers, and eventually are simply forced to leave due to these inability to resist the gentrification process.<sup>[3]</sup>

As requested by Mark Vlasic, our city planner, I have summarized my Form Based Code concerns from the January 2016 planning commission meeting. I have additional concerns and questions that I will address in a separate letter. These comments are based on a 70 page accumulation of documents that I discovered for the first time as a resident researching "form based code". I am actively involved as a project manager in the civil engineering field and am discovering these for the first time. I have put in bold my main emphasized concerns. I have tried to mark new comments regarding additional thoughts in red. (Numbers in red do not mean a new comment, just a formatting bug in my version of word). I have tried to go in sequence to my previously submitted notes concerning "form based code", and how we grew to involving so many residential homes in the R-2 zone without notification or input being sought from the residents. I am further concerned with no public voice for these people being appointed by our city during the planning of new zoning specifically affecting them.) I apologize for it not being more organized originally and now. I had very limited time and was up all hours of the night literally due to my concern regarding during my first submitted hand written notes. I am unfortunately doing this on the evenings and weekends after work (not because I enjoy it or think city council members or Mayor appointed planning commission members enjoy reading through my comments). I am truly deeply concerned at what is being planned for R-2 residents without their knowledge or asking them what they think of planned development by our city. So starting with page 1 here are my summarized comments as follows with main ideas put in bold (as much as I could remember writing at the early morning hours and late night hours) – a task hard to complete with four young sons wanting to have dad's attention and sitting on his lap while he finishes up writing early on a Saturday morning (which is what is currently going on in my life). I am taking the time for this because it is important for the welfare of my family and other neighbors of mine being affected.

Summary of my hand written comments beginning with page 1 of my previous submitted comments from January 2016 planning commission meeting:

1. Have all current residents to be impacted by the new Form Based Code (and those living within 500' of the proposed new zoning changes) been sent a letter by our city informing them of the proposed zoning changes? If not, when is South Ogden City going to let them know of the proposed zoning changes? For such a life altering change as this, **people should be notified directly by our city** so residents can give input on what they feel is appropriate in their neighborhoods.



2. Why has South Ogden City or South Ogden *City Staff, not sought direct input of the residents* who would be affected by the "Form Based Code"?
3. *Does our city or staff fear public resistance* and therefore has not advertised to residents what it is planning for them?
4. If "Form Based Code" zone change is approved, how will these residents be affected with their *property taxes*? Will they be based off of their previous R-2 rates?
5. Is it expected that *home values in general* will increase or decrease the day after Form Based Code would be implemented? What has happened in other cities regarding?
6. General economics of supply and demand would make for more *scarcity of R-2 homes* and possible result in other *resident's property taxes going up*. Does city staff or the new form based code *protect against* this in any way?
7. Prove there is an interest that residents in the north part of the city want more commercial development. Many business in the north have *gone out of business* over the last 25 years. *Gas station* on the East part of 40<sup>th</sup> street still shows \$1.13 gas – went out of business about 20 year ago. *Country Club movie theater* also sat vacant for many years. Many other businesses including *video tech businesses and barber shop* as well did not survive.
8. *Why would more businesses want to locate to an area where many have failed* in the recent past? *Approximately half of all current businesses* between Adams and the McKay Dee Hospital *are vacant* and have been for some time.
9. If South Ogden City wants area by South Ogden City Hall to be vibrant, they *need to invest in public park venues first* that will attract businesses, like the Triad Center has (i.e. an outdoor ice skating rink).
10. Issues with *East portion of 40<sup>th</sup> Street having steeper grades* – not ADA compliant as is.
11. *Consider two phases if FBC is allowed along 40<sup>th</sup> street*. Consider developing the more commercial south side of 40<sup>th</sup> street first as phase 1. Then and only then, if it is successful, allow a phase 2 after South Ogden City has purchased the properties first that it wants to be in the new form based code.
12. *Can South Ogden City afford "Form Based Code"*? Has an economic analysis been performed showing buildings types under the current code which would no longer be compliant and the cost it would cost businesses to be compliant? Are developers willing to pay the extra cost in an economically challenged area to risk a lot of their money and then have to compete with those who don't have to have their building have the same standards?
13. *Residential streets in the north have not been maintained with badly needed new asphalt*. *When will our streets be repaired by our property taxes we have been paying that are supposed to cover these repairs?* Is form based code being used by our city to avoid having to pay for street repairs for *long time established residential neighborhoods? Please provide R-2 residents with a roadway replacement schedule* on when our public neighborhood streets will have existing old asphalt removed and new asphalt paved (and subbase work as well – if needed). *The 20 year lifespan for asphalt has elapsed* on many of our streets. This leads to our neighborhoods becoming more run down when the City does not perform proper maintenance on our local roads. Is the same treatment being given residents on the south end of the city? *Where is the justice for all* that city council, city staff and planning commissioners repeat at the first of each meeting?

14. Can all residents come out to a *public meeting* and *view the proposed current plans for the 40<sup>th</sup> street widening?* Has there been a public meeting where affected residents are invited and the public in general (*outside of planning commission or city council meeting*) since the proposed Form Based Code existing *residential areas were added to 40<sup>th</sup> Street "Form Base Code Zoning"*? *Residents and planning commission should be available to view in a public meeting traffic studies, etc.* not have to specifically request each document individually from the city recorder. This would facilitate getting input from a group of residents gathered together. Isn't that the whole point of a public hearing is to get what residents would want most for their community? We are helping to pay for this with our taxpayer dollars – *not city staff who are not residents of our city*. There are very good engineers living here in South Ogden City: David Waldron lives on Orchard Ave. and has a master's degree from USU and specialized in water, and has done many civil related improvement projects. Would be great to allow him and other civil engineers to give free input to reports generated from other civil engineering firms at no cost to our city. This will help make our new 40<sup>th</sup> street and neighborhood park better. He lives in the R-2 zone, by his own choice and often has a bountiful garden in his backyard. Some of us bought our home for the productive soil (not just for the looks of the surrounding homes in our neighborhood).
15. *Approximately 11% of our city budget comes from fines and forfeitures*. Where are extra funds used by our city from these collections? *Can portions of the fines be used to improve neighborhoods* where the fines are primarily collected as opposed to tearing down the homes with "Form Based Code"?
16. It appears that *widows older homes being demolished is not a new thing in history*. Jesus Christ had a word to say in his day to those who were involved with such practices in the beautiful city of Jerusalem. Matthew 23:14 states, "*Woe unto you, scribes and Pharisees, hypocrites! for ye devour widows' houses, and for a pretense make a long prayer: therefore ye shall receive the greater damnation.*" Can people making these decisions do so without even meeting these people whose homes and lives will be affected? How will city Council Members feel when in 20-30 years from now, they are old and not able to do their upkeep on their homes? Would they like it if someone told them we are not forcing you to move, but if a developer wants to buy a house next to you, your city will allow them to make a commercial business with parking lot right next to your home? This is what is being told the older residents in effect with their older homes in our neighborhoods.
17. *City council and Planning Commissioners should not vote for "Form Based Code" until all city residents have been notified properly*.
18. *Proposed uses allowed in long established residential neighborhoods are not conducive to a typical residential neighborhood*.
19. In the event that our city council really feels like "Form Based Code" is the direction our city needs to take, it *should be placed on a November ballot* and left for the voters to decide. It is very controversial for those residents who this is being opposed upon. This would be a more appropriate recourse of action, since it will be affecting long established neighborhoods, and if adopted can be suggested for any part of our city in the future which could potentially affect all residents.
20. *Churches and schools and city parks are approved used in the R-2 zone. Commercial businesses is not an approved use* accepted in a residential zone. *Allow if desired for new commercial*

buildings. In fact if we are running out of room, mandate for businesses that are not shopping malls to have residential housing on the third, fourth and fifth floors of their new businesses so that lots of residential housing is created. May also considering allowing other zones, which have much bigger yards and homes than most existing R-2 homes have, to allow R-2 housing if desired by them so that more than one family can live legally under their roofs. I am certain that during the tough recent economic recession that this may have already happened with some families outside of the R-2 zone.

21. *It can be expected that the 40<sup>th</sup> street park will again be shrunk with the widening on 40<sup>th</sup> street. Does the city have a plan to replace parks which are vital to a prosperous community and is an item that many of us in the north desire? If the city is not replacing our parks that are getting sucked up by city office building and public street widenings, could it consider perhaps how this might be beneficial to residents living in the affected area?*
22. *The sales pitch photos used by IBI and many of the city drawings show off street parking of vehicles. The IBI photos emphasized no drive way accesses as a part of an attractive street view. Will drive way accesses still be allowed under Form Based Code? How will this affect residents when a commercial business want to put a drive way all the way back into their neighbor's back yard? What rights does that residential neighbor have to prevent such a use?*
23. *City newsletter says that 40<sup>th</sup> street is moving ahead. No mention though of "Form Based Code" which city staff is of recent proposing. Why not ask residents for input regarding? Wouldn't it be good to have us onboard if this is such a great thing? If it is not desired by our residents, than out city can stop wasting tax payer money having city staff look at revising all our zoning ordinances. Why take the approach that the less residents know about what city staff is doing in regards to "Form Based Code", the better so staff can get done what they want in our city?*
24. *Can't many of the objectives of the Wasatch Front Regional Council be accomplished without implementing "Form Based Code"? We can build sidewalks, and the city can allow mixed commercial and residential housing uses in the existing commercial zones. People don't go to nice formed stores because it looks nice – they go because they want to buy something the store is selling (primarily). We don't have Hollywood movie stars living here in South Ogden City, nor do we have the LDS church wanting to rebuild around a temple like they have recently done in Ogden city and SLC. This is small town South Ogden still. We are not even close to the population of SLC or big cities that do need to allow for mixed use, but we can start small in existing commercial zones without existing residents having to be affected. Then if all commercial lots are gone and people want more, consider allowing this in both the north and south commercial areas of South Ogden City. Actually allow for both now (if desired), but I would be hesitant on implementing "Form Based Code". It is too restrictive and may actually deter commercial development from occurring with its added costs. Many of small town South Ogden City start up business entrepreneurs will not be able to afford to pay for their new commercial venture. When they go out of business because they can't compete with the guy who is selling the same thing they are in their existing commercial business, who gets the brand newly built building? The lending institution – maybe that is why one lending institution may be in favor of "Form Based Code". Residents don't benefit from failed businesses.*

25. *Concerned with the small amount of time residents were allowed to view the document on the city public's notice website. The January 14, 2016 planning commission packet was posted on the South Ogden City's main web page at basically the close of business on **January 12, 2016 at 4 p.m.** allowing only two business days for residents to review a very large document. Concerned residents would like to see track changes turned on the documents going forward so that they don't have to re-read the whole proposed form based code each month going forward. More time should be allowed for public viewing and input. The document was immediately removed the following day after the January 14, 2016 planning commission meeting. Why? Also, why so limited viewing time for residents to see on the South Ogden City website? Residents not being allowed to review a 200 page document possibly affecting the rest of their lives is a big deal to those residents. I have been made aware that it has been posted now to the main city website. Can the menus that are all under parks not be properly placed on the main South Ogden City web page?*
26. *Why was the "Form Based Code" packet not posted January 8, 2016 when the notice and agenda was posted?*
27. *Is there any relation to eliminating city council from the subdivision approval process and possible "Form Based Code" implementation in our city? Citizen elected city council members should have a voice for what happens in our city, not all power given to a non-elected, non-South Ogden City, city manager or city planner. I think that before you remove yourself and change these basic time tested procedures we have had in our community, that this should be asked to the voters to vote upon. This takes away a fundamental checks and balance system that we have had historically to protect residents from unwanted development occurring, or to foster a more acceptable outcome for residents who may be affected by development near them. Planning commissioners are all appointed by the Mayor. Isn't this like saying we trust the elected President will make our country work, regardless? Wonder if a bad dictator-like mayor takes office and doesn't make choices that are best for all of the residents?*
28. *Historically there have been many similar "run out those we don't like" methods used in history. Consider the "Extermination Order" by Lilburn Baggs, or what Hitler did to the Jews. Recently there have been people opposed to Hispanics in our community. I hope this is not the case for any South Ogden City resident. By specifically targeting an economically impoverished area or class, some of the residents living here feel like the city is now trying to run them out of our city and replace their homes with commercial real estate. Please reconsider the course of action you are taking and if you genuinely feel this is the correct course, please list all the Southern commercial areas under the same code, so that they can also incorporate mixed use residential/commercial development that the WFRC says will help our city to grow for the expected 2040 population increase.*
29. *South Ogden City has various websites that have different information posted (or information not posted at all which should be posted). When I checked on January 9, 2016 to see what the agenda was for the upcoming 2016 planning commission meeting, The Planning Commission Agenda & Minutes showed no upcoming meetings. This misleads the public to think there is not an upcoming meeting to be held, and as a result they miss the meeting that they may have liked to have otherwise attended. If South Ogden City is not going to properly update their web pages where important city information is supposed to be available to residents, than they should post a disclaimer on that webpage to where the most up-to-date, latest available*

information can be found. Residents should be directed to where the information is posted, since by law the city is required to post in three public places. I would think that the Planning Commission Agenda & Minutes page would have been one of the primary places it would have been posted – and it was not. How is this “transparency”? Why did this occur? Has the parks webpage been where our city has been posting information internally? How many hits does the city have to its park webpage in comparison to its main webpage? People are not given a fair chance to even know about a public meeting for the proposed passing of Form Based Code in the Planning Commission. Is this how residents want our elected officials to run our city?

30. Maybe South Ogden City should consider posting a link on their website that takes one to the “Utah Public Notice Website”. I discovered on this webpage [www.utah.gov/penn/about.html](http://www.utah.gov/penn/about.html) it states, “The audio recordings of open meetings are also public information and the audio recordings of state bodies must be available through the website, either by posting or linking.” This is especially needed in “Form Based Code” and other recent city code change proposals where the city recorder minutes do not account for all the things spoken of by the residents. Some people speak fast or lots of information and a brief summary is given on many occasions. Residents need access (without having to formally request) and audio recording. I believe that is what the current Utah Public Notice Website is stating. Cities like Honolulu, Provo, and Ogden already do this, and provide video recordings as well. Why can’t we provide video recordings as well (or at a minimum the audio links as required by Utah law)? Transparency, I believe, was one of the goals for South Ogden City; now is the time to act on this and properly post information on the city’s web page.
31. Example of abandoned commercial gas station business that has been abandoned for 20 years. Why invite more businesses to fail if they are not able to succeed on existing commercial prime corner locations?
32. Also concerned that the value of the property increased by \$1,000 over the last 18 year. Why? My property taxes have gone up over the years. Why not a commercial lot?
33. Is there a possible tax fix or “abandonment fix” that our city needs to consider to help move vacant commercial properties into the hands of those who would want to develop a commercial property near a residential neighborhood? Fines should be heavily imposed on vacated properties as warranted for neglect to encourage the owners to either use it or sell it off so the properties don’t become eye sores year after year. This fix can be implemented without implementing “Form Based Code”.
34. Why is 40<sup>th</sup> Street Park being shown in the new “Form Based Code” commercial zone? Residents living in the north part of our city have seen the park shrink almost in half when the new city offices were constructed, and again this will happen with the widening of 40<sup>th</sup> street. We would like to see what little park we have protected and beautified, which is not happening if this park gets put into the new zoning area. Please leave our local neighborhood park out with the R-2 zone that it is currently in so that other uses will not be listed as permitted uses within our ever shrinking park. Maybe to be fair and just to all residents, consider allowing restaurant type venues near Friendship park, that the city could make money from leasing out a plot of the park. People attending sporting events generally have money to spend and this is common and desired by sports attendees. If our park is making money for South Ogden City (with police fines, etc.), than maybe other parks should have this as well to help our city

generate badly needed revenue so our roads and infrastructure can get repaired. Could also let people construct a small building on the fringes of the park, and have them pay a long term lease. When the lease is up, South Ogden City would own the building and could either re-lease or get a new tenant and make money for our city to keep resident’s property taxes down. A

35. Will existing private elementary school along 40<sup>th</sup> street be affected by street widening along 40<sup>th</sup> street? Have they been made aware of the proposed uses with Form Based Code and additional commercial traffic that will come with the proposed uses?
36. The Cove at 40<sup>th</sup> Street, that we have all seen for many years now, still has a few units available. Out of the 10 available units, only two units have sold. For a 145’ x 300’ lot, what is the effective density per acre of ground compared with the form R-2 zone for the actual habited units? Is this a success for our city to have such overpriced units that are not currently selling? Maybe this is not what South Ogden City residents want – at least not in this area of town.
37. Would like more transparency for what South Ogden City has planned for the 40<sup>th</sup> street park.
38. What is reason that over recent year RAMP dollars are proposed for other parks, but not for the 40<sup>th</sup> street park (where residents actually do use their park)?
39. If commercial use is allowed along 40<sup>th</sup> street, where will the parking be allowed? There is not much room along 40<sup>th</sup> street and it would impede traffic flow.
40. Has South Ogden City Planning Staff settled on an approved street section (See Section 2.2.3 under Form Based Code)? Each version of the “Form Based Code” seems to have a different section, none of which are better than our current zoning street sections. Also it was noted that I believe it was Wasatch Civil who stated that one of the earlier proposed street sections may work for a private street. They have not stated that any of the proposed street sections would work for a public street. It should be noted that all the street accesses for the proposed residential neighborhoods lead onto an existing public street, and so the street sections need to be wide enough (and approved by the local agencies responsible to ensure adequate safety). For 37<sup>th</sup>, 38<sup>th</sup>, and 39<sup>th</sup> street, the proposed streets connect to a UDOT owned road (Washington Boulevard) which would also have to give their approval. Has UDOT been approached concerning latest proposed “Form Based Code” uses on Washington Blvd, and for their input with our local 40<sup>th</sup> Street?
41. At one time there were many parties involved for the widening of 40<sup>th</sup> Street? I believe UTA dropped out. What is the expected amount (percent and total dollars), that South Ogden City is responsible to pay for the widening of 40<sup>th</sup> Street? Is it still a good deal for South Ogden City residents that needs to be jumped on right now – or lose the opportunity?
42. In reference to Section 2.2.3. of the Form Based Code, Few people use bike lanes (especially during cold winter months). Maybe consider moving bike lane off the busy road and adjacent to the sidewalk (keep park strip desired width). This leaves for a safer bike route (so long it is properly striped with a bike symbol and signs are posted letting people know of the restricted use). If no on-street parking is allowed, this could encourage a more “clean air” traffic pattern of bikers and pedestrians, so bikers don’t have to ride near car traffic. Bike path adjacent to sidewalk would be especially desirable for keeping kids safe as well since there are bound to be some children near the school that will be three blocks from 40<sup>th</sup> street improvements. <http://greatergreaterwashington.org/post/28136/suburban-style-streets-dont-fit-a-busy->



*bethesda-corner/ or see photo here: <https://www.flickr.com/photos/rflayman/6931624141/> for a nice high class Indianapolis bike and pedestrian crossing combined together.*

43. *Section 2.0 has very narrow and short parking stalls listed (especially for parallel parking). Should list a more realistic dimension of 24' to 26' feet for parallel parking and parking stalls of 9 foot width as standard. Kind of confusing since this is shown under Bicycle Facilities (I was looking at the latest publically available version of Form Based Code that I had available to me at that time prior to the planning commission meeting which was dated August 2015) – perhaps city staff have since corrected (please verify).*
44. *Section 2.6.2 of Form Based Code shows a very unrealistic street section for Utah cars and parking. May work for California where they have small compact cars and no snow, but will not work with our snowy climate and larger cars that many people in South Ogden City drive. I have never in all my 15 years of civil engineering experience ever seen a 7' wide parking space. Plans would be rejected by any city if I were to propose this. Also verify what with fire requirements are. 26" is pretty standard for the minimum clear width for most fire truck access.*
45. *How will city streets be plowed with proposed on-street parking street sections? What I'm noticing is that many of the desired changes we are seeing look good in theory, but when we try to actually apply them, we end up going back to the time tested standards that have been working for us in the past. I'm certain that street sections will need to be what we had previously in our long established residential neighborhoods (or very close to it), unless South Ogden City wants its residents not to be able to commute with their cars to work.*
46. *When will South Ogden City planning staff be complete with their draft versions of form based code? Have they given residents their best effort? Some of us have jobs and not much time to review city proposed zoning changes. We rely on our elected officials to make sure our city is kept in a safe condition and appropriate uses near residential homes. Commercial use in any form and especially the items listed under the "Form Based Code" is not acceptable to me in my neighborhood. We have already allowed the foot in the door for a few commercial, family friendly stores. When the market at 35" street was first opened, it used to be a family friendly neighborhood store. When one drives by it now, what do you perceive that it is? It is better to say no for the protection of residents than to open up a Pandora's box that cannot be closed. Somewhere down the road, someone will try to sue our city for not allowing it to do business in a business zoned area. At that time other uses not desired by residents will simply be allowed.*
47. *Who came up with the definitions and uses? These are listed under the template word for word pretty much in the same version given out as a template from the Wasatch Front Regional Council. I know SLC is a very liberal community that votes more along the Democratic party line. I have always thought South Ogden City is a conservative city. These are pretty liberal big city accepted uses (not small town South Ogden City acceptable uses). Neighborhood Retail Includes: Alcohol & Liquor Sales, Book, Magazine, & Newspaper Store. (if Adult Content, may not be an acceptable residential use), Pawn Shop (South Ogden City has been fighting against these thankfully), Smoke Shop (I appreciate Councilwoman Sally Orr's recent statements against Marijuana to protect children especially), Wine & Liquor Shop (would like to see gas stations within 500' of existing resident homes not be allowed to sell alcohol), current zoning prohibits gas stations near residential areas. Neighborhood Service: Microbrewery, Restaurants (refer to state law for alcoholic beverage requests).*

*Tattoo/Piercing Parlor (not exactly services that I would like promoted in my neighborhood). People have the right to consume alcohol, but currently there are not any open beverage establishments allowed in any of the residential zones that I am aware of. Some residents in the R-2 zone suffer from substance abuse addictions and debt problems. These things will not help create a more vibrant community. Maybe a building or two here and there (like has been accomplished with the PRLD use that has been specifically targeted for use in the R-2 zone), but what about the many individuals? Do the individuals affected really matter to South Ogden City Mayor, city council, or planning commission? The sooner this Form Based Code goes away, the better I think for all residents. Also, please take into consideration what demographics of people you will be removing from their homes should they decide they no longer want to live in a commercial part of town. Kent Killpack lives on Ogden Avenue, and is a snow plow driver for Ogden City. Their family is not in favor of "Form Based Code". Ron Van Alfin and Pat have been long time residents and used to interact with my grandparents in our neighborhood. He and the Singletons have been in the gas and furnace repair business. Their homes are on the proposed residential areas to be affected. Is this how South Ogden City thanks its long standing service providing residents who have fixed many of people's furnaces over the years right here in South Ogden City? We might as well delete Catering, Dry Cleaning, and Day Care from the list as well since if residents can no longer afford to live in the new "Form Based Code" apartments, or condos, than who will do these jobs, like garbage collection that nobody else wants to do in our community? Teachers in Denver, Colorado have to be brought in from the surrounding communities because they can't afford to live in their community. There are also former school teachers who may have to consider moving now to avoid all the dust around them should Form Based Code be approved. When one looks at the individuals, this is not a very pretty "Form". Is it safe for a resident to live above a Veterinarian who uses X-ray equipment (I don't know).*

48. *Section 5.0 Building types: Street Widening will most likely occur again if South Ogden City continues to grow as planned. May want to consider having the Front Setbacks be 20' on 40<sup>th</sup> Street General to allow for street widening in the future. Otherwise, we are tearing down all the buildings or no longer have streets or sidewalk on the street side of the building.*
49. *Section 10.1.4. Conflicts itself. The reason the R-2 zone is being targeted for redevelopment by Mayor, city council and city staff is because they don't like how our homes look for the large part. (Realize they were built for the most part during frugal times between world war one and world war two.) Don't build on small location or a small business unless you want the city to come back and zone you out of your new business or form based residency should someone in the future chose they no longer like small businesses. If you own a big home on a big lot (or are paying out the nose for one), you are safe or if you live where elected city council members live is what I am noticing. Is this, "Do as I say and not as I do" being implemented?*
50. *Section 10.3. Who should be responsible for our South Ogden City? It should not be someone who is not a resident of our city. The code should be administered and enforced by a South Ogden City resident or elected by the general public – not by a non-South Ogden City resident, unless otherwise voted upon by the residents. Residents need to be assured that they have a say in their local government and that their voices are heard, not spoken over by a non-resident appointed city Manager or city Planner.*



51. It is a bit strong to say at the last section of section 10.3 that this code which currently has many mistakes and is not desired by residents should trump any existing time tested code that residents are generally O.K. with.
52. Same issue with 10.7. *Staff Review Committee. The City Manager or Designee (Should be required to be a South Ogden City Resident).* We have residents right here who are capable of reviewing and have a genuine vested interest in the welfare of our city and its residents (beyond a paycheck). This gives too much power to someone none of us residents elected. Why outsource when we have people capable here in our city?
53. Page 90 of the Draft January 2016 FBC, again has Non-South Ogden City resident as the person in charge of approving or disapproving under 10.3.(4)(b). Why not hire a local South Ogden City engineering or architecture or structural firm to review and approve. This would keep local tax dollars in our city to benefit local residents. In the preceding paragraph, who is the Staff Review Committee? Unless it states this prior, it is not clear who this committee is (should all be South Ogden City Residents).
54. 10.4.1.(4) under Nonconformances, states, that all nonconformances shall be maintained as required by law . . . *Funds should be available for elderly or ADA residents who cannot otherwise maintain their home due to a lack of ability and funds.* This will solve some of the home issues where residents are not able to maintain their homes.
55. 10.4.2.(2)(a)(i) and 10.4.2.(2)(a)(ii). & iii. Under Nonconforming Structures, which will be basically all existing residential homes or businesses, I have an issue with requiring them to *limit their renovations to 25% or less to avoid having to have to bring their whole home or business up to the current standard.* This is restrictive and unjust compared to other businesses and home owners. This is not justice for all. From my viewpoint, any improvements done to any home in the R-2 zone should be welcomed and encouraged (not limited). Residents should be allowed to improve their homes to either code which is in their best interest as a private home owner. This also helps our local economy when people purchase home improvements they desire.
56. *I consciously chose to live in an affordable housing area* of town that did not have an HOA requirement because I am not a person who wants to pay additional fees. Section 10.4.2.(2)(a)(iii) [the second one with the parentheses] forces residents to make the front of their home a certain way. If I had wanted to look at neighbor's houses that all looked a certain look, I would have moved into an HOA. I would rather take the chance of having some great looking homes and a few not so great, than have my local city government tell me how my home should look. We have enough government red tape. Why invite more on our residents?
57. *10.4.(2)(e) Explain the intent of "Abandonment", and what happens if, "the right to utilize a nonconforming structure shall be terminated" if the structure is not utilized . . .* What happens next? Does South Ogden City lay claim to the property, or who gets it (finders keepers)? Does it get sold on the open public market or made into a local neighborhood park? Originally in my earlier planning commission meeting comments, I had marked this as a violation of 4<sup>th</sup> amendment rights (I know I didn't say that right). I think this could have some uses (if it is actually legal) to do this to get properties moving along if left vacant for long periods of time.
58. *Back in November 19, 2013 there was a Presentation on 40<sup>th</sup> street Concept Drawings given, where UDOT gave the city input. Has UDOT input been sought since the proposed commercial rezoning areas were added along 40<sup>th</sup> Street in regards to Form Based Code?* Parallel parking

- scenario along 40<sup>th</sup> street would prove to be a traffic congestion nightmare unless the road is being expanded to be three lanes wide in both directions. If UDOT was contacted about the new Form Based Code proposed uses, who from UDOT has provided feedback and what did they say regarding? If not, will city staff allow them to give input that we may have a better street for all to travel upon? I think this should be recommended by planning commission prior to any approval being given in regards to current proposed form based code. Also in regards to Washington Blvd, which are also UDOT streets where 37<sup>th</sup>, 38<sup>th</sup> and 39<sup>th</sup> streets also connect.
59. From the November 19, 2013 City council meetings Page 5. *Councilman Porter said he was concerned with how a median on 40<sup>th</sup> street would affect the emergency vehicles traveling to McKay-Dee Hospital.* I agree with councilman Porter's concern. The whole grounds for doing street widening was to alleviate traffic congestion, not to create more traffic congestion by slowing traffic as commercial development would do. *Is increased business revenue more important than the health and general welfare of residents* living in the greater Ogden area? Landscape islands as nice as they are, should be limited for the sake of the public's need to have quick emergency vehicle access along 40<sup>th</sup> street. Also, *South Ogden City doesn't need to adopt Form Based Code to have a median* – simply add it where it makes sense. The city manager, who is not a resident of our city, is more concerned with economic development of our city than the safety of residents. Safety should trump business expansion development in residential communities. *40<sup>th</sup> street must stay safe as well as be functional.*
60. Under the definition, *City Engineer: Any registered civil engineer appointed by the city council or city manager . . . Our current city manager is not a resident of South Ogden city. Appointments should be made or approved by residents of South Ogden City (preferably our city council who is educated on the matter or should be by our city staff).* We pay a lot of money out to firms and people who are not residents of South Ogden City. Our South Ogden City web page says buy local, yet South Ogden City government is not doing this. Why?
61. *What % of residents in South Ogden City actually use public transportation?* Often one passes a large smelly UTA bus and it has 4-6 people at most in it. The way it is currently being implemented with a few people on a large bus is not economically or environmentally friendly. *If the reason for going to "Form Based Code" is because city council and mayor feel like we need to use it more, they should try using it for a week, and then report back in a public city council meeting of how they enjoyed their experience.* UTA hasn't caught on in our snowy cold climate, and the cost of owning a used car is relatively low. So what happens should a new mayor and city council decide that "Form Based Code should be allowed everywhere"? Would city council members still vote for this if they were the residents who lived along 40<sup>th</sup> street or Ogden or Adams Avenue? Would you want this code in your neighborhoods? *Tearing down old homes, displacing the elderly etc. for the primary sake of generating commercial revenue; is money more important to South Ogden City than having good neighbors as residents?*
62. *Have not seen a traffic study done with proposed commercial developments being allowed all up and down 40<sup>th</sup> street as proposed with the new "Form Based Code". What delay times will be added (should on street parking be allowed along 40<sup>th</sup> street)? How will snow be plowed if cars park along 40<sup>th</sup> street for commercial businesses in the winter?*
63. *How many current South Ogden City Residents will be directly affected with the possibility of commercial businesses within 500 feet of their homes with the proposed "Form Based Code" zoning being proposed by the new code?*

64. *When will our city notify residents of proposed zoning changes affecting them?*
65. *Back in June 5, 2012, council member Strate recommended enhancing and beautifying the street, not just widening it. Thank You! I agree with this, especially along the edges where hopefully large park strips will be provided to beautify. Can all the documents associated with 40<sup>th</sup> Street Improvements and Form Based Code be grouped together by city staff and posted online in one location for residents to more easily access? It is difficult to get brought up to speed with what is going on for residents who have trusted their elected officials to look after their city and their general welfare. Many of us are concerned about what has gone on up to now, basically unaware to most of us living on the North part of South Ogden City.*
66. *Consider adding landscape islands (as council member Strate suggested for 40<sup>th</sup> street also to Glassman way). This road was designed to be a secondary reliever street for Harrison Blvd which never materialized when the new McKay (ex Hospital) location was chosen. Could be attractive Xeriscaped (low water demanding) landscaping. As an alternate, make this street less wide and allow residents to have extra yard frontage who live along this area. Our city does not need Form Based Code to do this.*
67. *From the general South Ogden City plan from 2008 (Addressing the Moratorium in the Downtown Area – Figure 2-3), I did not even know that such a plan existed until the first of this year and have been cognizant involved residents who read the monthly South Ogden City newsletter each month. Is general plan the reason that our city has been doing very little roadway maintenance in the North part of our city? Has city manager or Mayor gone around this area and let residents know of the plan to facilitate new development & encourage new investment (which is taking upon the shape of "Form Based Code" now in their community)? Maybe to be fair to residents they should be made aware, so that they can move away from our city if they don't like the direction it is taking and want to avoid having a commercial development as their next door neighbor at some point in the future. Better yet would be for them to be made aware so they can come out to a public meeting and stop the planned madness for our R-2 long established residential neighborhoods and have their voices heard if they disapprove of the direction our city is headed. Why was so much of the R-2 zone houses targeted by South Ogden City for new development? What about historic preservation for the homes where residents have lived for generations? We are the third generation and my children are the fourth generation of South Ogden City residents who have lived in our home that is slated for new development. There are also many others who have been here for many generations. What if the existing R-2 residents like our older neighborhood basically as they are with the more affordable homes that are suitable for families with large backyards? Is there a way to get this plan changed so that the affordable R-2 homes are not specifically being targeted by our city as a new development, new investment area. New investment on R-2 (single or double) residential homes is acceptable under this plan, but not commercial development. Also what about the goals of "historic preservation." Our homes have a history of being built near the turn of the century and when people couldn't afford much after World War I and World War II. The current home occupied by Dennis Green on Jefferson Ave. was originally built with one story by a man who was an expert in concrete. As he could afford it, he built up and built the whole house without any corners in the home. It is a work of art similar to the Eccles Art center home, although the former residents were not millionaires like the Eccles. I will gladly take city planner, city council, or city manager and Mayor over to visit a few of the finest homes I know in*

- our area (should they desire to be informed) and see homes of beauty and comfort. There are only a few homes on my street that really need repair badly (one of which was recently purchased by a new owner and is in the process now of getting fixed up) so it can be habited again. Why not allow all zones to be R-2 if more housing is desired in the future? This would double the available housing in our city by just allowing this. If R-2 residents have to arise again take the brunt of new development, shouldn't other areas also be allowed to have more resident occupants if we are to grow all over our city? Again "Justice for all should be implemented" (either with "Form Based Code" and redevelopment for future growth, or confine to downtown areas where residential mixed use building can be allowed. Also considering putting this exhibit on a public opinion survey asked to residents and see first: if residents were aware of such a plan existed for the North part of our city, and second (if this type of plan is what they had envisioned (or in the name of Form Based Code), when they marked their public opinion answers. Third, see if they approve of the current planned commercial development along Ogden and Adams Avenue as currently proposed with "Form Based Code". These homes have been traditional residential neighborhoods, some are of the oldest remaining neighborhood homes we have in our city where some homes were built before the 1900's. It is not what I had envisioned for my neighborhood residential area to improve. I oppose targeting an area like this for many reasons. There are no main traffic routes along these streets. The reason that commercial developments have grown where they have (along Washington and Harrison Blvd.), is because they are main travel routes. The original 2008 plan had only the west side of Ogden Avenue identified. Please go and speak to Ron Van Alfen prior to allowing any more development along the west side of his street on Ogden Avenue. This is his long-time home for he and his wife. Moving at their age and without having any feet is not an option for Ron. He needs this not to be approved so he can live out the remainder of his days without more commercial development. Once all available commercial developments (or at least 95% are occupied), then maybe consider other areas that can become commercial developments if still desired by South Ogden City residents and city council.
68. *On page 2-10 of the 2008 South Ogden City General Plan Updates, Land Use and Neighborhood Design Analysis which is posted on the planning and zoning website, it states, "Based on the results from the July 2007 community survey, residents of South Ogden are clearly satisfied with their city. This is due to a number of factors including location, their feeling of safety, and the small-town feel of the neighborhood. (For details, see the survey responses in the appendix.)" Why are we changing things now if residents reported being satisfied? Those who think we need change, should allow change to occur in their neighborhoods, not neighborhoods where they don't live.*
69. *The next paragraph on the above mentioned sheet states, "Development and redevelopment in established areas will need to be undertaken creatively and carefully in order to maintain the integrity and feeling of safety with existing neighborhoods. Zoning ordinances and development approval processes should incorporate design guidelines which ensure sensitivity to existing, stable neighborhoods." Where did resident input from the community survey turn into redeveloping the north part of South Ogden City? It doesn't make sense to me how our city leaders jumped to this conclusion, because I don't believe residents wanted this in our community. I don't feel that the proposed development in the name of Form Based Code is*

sensitive to existing stable neighborhoods. In fact if it is pursued, it will make our whole north part of the city become more unstable as less desirable for residents to live here. Most of the existing residents who currently live here would not be able to afford the price of a "Form Based Code housing" implemented under mixed residential and commercial (assuming that any developer actually puts one in and doesn't just do commercial development). How does this benefit any of us R-2 residents? Do you see why we are concerned?

20. Second to last paragraph states, "South Ogden is a city of neighborhoods. . . ." "They should be woven to each other and back into the community fabric. . . This can be achieved in part by providing a *system of urban street trails for safe and walkable movement* through neighborhoods and eventually across major roads which dissect the city." *These changes can be done without Form Based Code.* How many linear feet of 4' wide sidewalk could have been installed in our city as opposed to paying city staff to research a "Form Based Code" that the residents do not want in our city? I am still looking forward to the day when many of the R-2 homes have sidewalks on at least one side of the street (and preferably both sides of the street). Would be nice to see in conjunction with the badly needed asphalt replacement on our streets.
21. From the Socio-Economic Analysis done in Table 3-2 & Table 3-3, it shows *South Ogden Residents as paying the largest percent of their cities general fund (24%)* for the budget in 2007 compared with 12 other cities. It is also interesting to note that residents provide *(12%) of our cities budget came from fines and forfeitures. (What are residents being fined for and where do these residents primarily live)?* Can't our city workers generate more revenue for our city in the charging for services (*South Ogden City was tied with Herriman for the lowest rate at 3%*)? 11 of the 12 compared cities fund their general city budgets substantially more than our city. Can we find out *what Pleasant Grove is doing to achieve this (their budget was 36% from services)? What are they providing as services to generate revenue?* This is substantially more than what revenue can be generated by building permits which would only occur on a small scale with "Form Based Code" with the proposed old town locations in South Ogden City. It would be interesting to find out *what the other 12 cities total general fund budgets were in comparison to our city's total budget, and how this breaks out per individual resident living in our city. Can this information be made publically available (and show an update of where South Ogden City is for the previous year 2015)?* Residents would rather see their city be more profitable by having city workers in the money to support our city and not vice versa where city residents purely support city employees. It would be good if the city operations could be more self-sufficient as opposed to adopting "Form Based Code" to support more city spending and redevelopment. If we don't need to spend money for a housing inspector to go and inspect new houses, than that should be a cost savings to the residents. Don't displace 100 residents to save one person's job. Subcontract out building inspection services to other cities if needed if we no longer have enough demand for this job to maintain a worker full time in this position. Ogden City has been buying homes along 14<sup>th</sup> street, fixing them up and selling them for a profit. Why doesn't our city do the same so that it can guarantee that it gets results that it wants? Would be a win-win for our city and residents. The city would get a profit from the sale of the house and residents would get a nice home rebuilt where previous eye sores have existed. Again we are the residents living in the affected area, and converting our homes into commercial real estate is not what we have envisioned for our part of South Ogden City. We would rather live near eye sores than commercial development (given the choice). It is more family friendly than a busy

commercial (or worse yet an abandoned commercial property), would become – which is highly possible given the selected choice for redevelopment.

22. **Goal 2: Redevelopment of areas which are economically depressed, blighted or incompatible with surrounding land uses. This is the old town of South Ogden City that was supposed to be preserved as a part of historical preservation. Who came up with this goal of redevelopment and did they intend for it to take place in the name of "Form Based Code" which is not being done in a sensitive manner.** There are many residents in the proposed redevelopment area that are living significantly better compared to the wood cabins some of our pioneer ancestors lived in and most other people in the world in general are living in. *There are a few dumpy looking houses on most streets – sure, but the key is they are few and not the majority.* I would like to have a serious neutral body opinion sought based on current conditions sought after by our city prior to tearing down a single home in the name of "Form Based Code". Again consider having South Ogden City buy up the properties, fix them up and selling them for a profit. Would be a good thing for any available public works employees to be working on or could hire local residents in the north part of our city who may be in need of a job here in our community. They could then perhaps spend their earned income and use their skills on improving their home in kind.
23. The areas which South Ogden City is considering for redevelopment currently (instead of historic preservation) is ironically the origins of residential homes living in our city. Table 3-7 from the South Ogden City General Plan Update shows the *homes going back from 1924 (as the average year built)* it should be noted that *some are over 100 years old in this area.* A couple of them have also been beautifully reconstructed with second story levels by planning commissioner Pruss along Adams and Ogden Avenue. Would be a shame to see such fine homes disappear with time due to encroachment of commercial development.
24. There are also *parts of the 2008 South Ogden City plan which seem to contradict each other.* For example, Map 2-3 discusses the "Old Part of town" states as follows (which I agree with as a resident living in the affected area). "Seems to be transitioning from single family to multiple family housing. Property upkeep can become an issue as homes become rented because absentee ownership, and a higher turnover in residents. Current zoning (R-2) allows development which doesn't preserve existing, desirable characteristics. Scarcity of land may lead to tearing down old buildings – threatening existing, desirable characteristics, inappropriate and insensitive subdivision of property and homes. Seems to be a sense of loss/degeneration in the area" . . . "Measures such as home improvements and architectural continuity, need to be taken to encourage home ownership in the downtown area." Form based code does not meet any of these targeted issues and would make for an insensitive subdivision of property and homes and discourage home ownership in light that the developer would own the property, not individual residents. Sure the building can be required to have a nice form, but this will involve tearing down old building with existing desirable characteristics. *Why not target key issues and then allow time and tweak policies as needed to get the desirable effects?* This would help resolve some of the key issues described above and preserve neighborhoods and the primary residents who live in this area. Can we risk doing another social experiment called "form based code" upon residents in our community which has no guarantees for anyone's success (particularly for the existing residents who are living there).



75. Under Retail Locations paragraph from the 2008 South Ogden City General Plan Update on page 3-18 it states, the following which *I whole heartily disagree with*. It makes reference to a table and concludes, . . . *"more population, and therefore more buying power, associated with the northern location. The northern location is surrounded by higher-density, more urban-type development, while the southern location is more suburban in nature."* Even the authors of the report stated earlier in the report on page 3-11, *"Goal 2: Redevelopment of areas which are economically depressed . . ."* So how does more buying power = Economically depressed? *The two statements contradict one another.* I would say it is obvious (and everyone in our city knows) that the higher income earning residents live primarily in the south part of our city and they have more buying power. That is why new stores have been springing up so well in the south part of South Ogden City over the last decade and why many of the smaller businesses in the north have not survived as well. *This was the basis for stating that a commercial development should be targeted in the north part of our city. I am not opposed to commercial developments, but am opposed to expanding more commercial development into areas that already have need of repair. Fix the existing commercial developments in our down town area and our residential roads and then expand commercial areas further, if it is still needed.*
76. Appendix A of the South Ogden City General Plan Update states that there was no clear town center, and that residents ranked it a 3.2 in importance on a scale of 1 to 5 (*basically in the middle as neutral meaning that it was not important to residents*). City staff and city council are directing city staff to spend money on city staff researching and writing "form based code" when a city center is not what is important to most of the residents. *Why is the town center concept being pushed so hard by our city?* South Ogden City is a city of neighborhoods, not planned commercial development. An afterthought now that we are all developed is a bad policy when it comes to impacting residents. In terms of economic analysis, *has our city reviewed how properly maintaining roads (that they are responsible for providing to its residents) can save our city money in the long term?* When roads crack, and don't have asphalt wearing courses and rock chip seal coats applied, water can enter into the sub-surface and with our freeze thaw cycles, it damages the sub-surface pavement and the upper surface road and shortens the life of our roads. Asphalt also becomes brittle over time – like an old rubber band and simply falls apart when it reaches a certain age. Properly maintaining roads lengthens the life of the pavement. Why not ask residents to rank if their roads need repaired and fix roads in areas where repairs are needed? *Ask residents if they see the need for city council and city staff to implement a new form based code and see what the response is.*
77. Under 2008 South Ogden City General Plan, Appendix sheet A-2 Neighborhood Analysis it states, "Generally speaking, *residents in the southeast portion of the City wish there were more shopping opportunities in their neighborhood. However, residents in the central and northern parts of the City* (mean score of 2.8 and 3.1 respectively on a scale of 1 to 5, with 1 meaning strongly disagree and 5 meaning strongly agree) *do not feel as strongly about the need for more shopping opportunities.*" So if the south part of town wanted more shopping opportunities near them, why are we making the north part of our city the "town center?" Residents in the north are good with the south part of our city being the shopping metropolitan so that we can continue to live our quiet peaceful lives. I would actually like to see the old failed businesses be converted back into a stable residential homes where possible.

78. For the same page mentioned above, *"When asked if there is enough availability of affordable housing in their neighborhood, respondents in the north end of the City are the most likely to feel there is enough affordable housing (mean score of 3.6). Conversely, residents in the southeast portion of the City are the least likely to think there is enough affordable housing in their neighborhoods (mean score of 3.1)".* If I understand the goal of the WFRC correctly, they feel we will be "busting at the seams" with our population growth across the Wasatch Front by 2040. Shouldn't all commercial zones in South Ogden City plan for allowed mixed use (residential and commercial uses) or none of our communities and people will just have to live elsewhere? Living in an urban city center has its own challenges for those who choose to live there. Please don't force an urban city center into a residential neighborhood for residents who feel they have sufficient affordable housing available to them. Don't exclude the South side of town seeing as how there is not sufficient area in the north part of our town to house many more people. R-2 zoning currently allows more population density in homes that are generally quite a bit smaller than the large homes in the south part of our city. All areas of our town will need to allow more forms of residential development or realize that our city will not be growing further in population. *It would make sense to encourage multi-use form of development especially in the south part of our city,* where there is a concern by residents in that area about the availability of affordable housing in their neighborhoods.
79. The next bullet point in the appendix states, *"Residents in the northeast part of South Ogden City have the least sense of community (mean score of 3.1) . . ."* 3 means neutral as far as have a sense of community, not that we don't have a sense of community which the word "least" implies. This is due in large part to the number of rental homes that have popped up in recent years, where people come and go frequently. Policy encouraging home ownership and discouraging rentals (treating them more as businesses), would benefit our community – not "Form Based Code" which would only create more fragmented residential communities and encourage more short term residents in a rented apartment or perhaps short term condo.
80. The next bullet point addresses how residents feel about their community being *clean and welcoming.* *Residents in the North* ranked their neighborhoods as 3.3 (*neutral again basically*).
81. The number one concern in regards to land use and planning was *code enforcement of rundown properties.* My guess is this concern was voiced more strongly by residents living near the rundown properties in the north. However, with that being the case, residents in the north are least likely to want to have residents displaced in their long established residential neighborhoods. *We want to see rental properties properly maintained, or the landlords run out of our city and the homes turned back into single family residential dwellings.* Residents wanted and I quote from appendix sheet A-3 of the 2008 South Ogden City General Plan Update *"limitation of multi-family development in existing residential areas."* What is being proposed from "Form Based Code" contradicts what responding residents desire. We do genuinely care about each other and want the best for each other. *Has South Ogden City asked residents living in the affected area if the proposed zoning in their neighborhoods in terms of "form based code" is what they want to live next to in their neighborhoods,* or are they now doing this in terms of the upcoming planning commission meeting to be held on February 11, 2016 where residents can attend if they so desire (if they were fortunate enough to have been made aware by a neighbor or happened to check the South Ogden City webpage which few residents do on a regular basis). Why was this not put in the South Ogden City news letter to inform



residents of this possible life changing event that is being planned for them by our Mayor and city staff? It was discussed in last month's planning commission meeting that it should be put in next month's (February's) monthly newsletter. Shouldn't long standing residents get some form of notification of what is planned for their communities in the "golden years"? The lack of our city notifying residents of this really concerns me. Dictators take such actions, not publically elected officials. I know these are strong words, but sending developers and land speculators to grab up properties in long established residential neighborhoods (without residents being notified of the plans) is not fair or just – probably even illegal. The residents living there are for the most part unaware and those who are aware, say, "Well I guess it is time we will have to move," or they say they trust their elected officials and they wouldn't let such a harmful thing befall us.

82. Under Appendix A of the 2008 planning document, *the highest priorities ranking the second highest of concern on the ranking scale (2) was as follows, Code enforcement of rundown properties, redevelopment of Washington Blvd between 3600 S. and 4000 S., Appearance of neighborhoods, Appearance of commercial neighborhoods, and limitation of multi-family development in existing residential areas.* . . . These were the top five priorities. How did we get to making 40<sup>th</sup> street widening more of a top priority? Has anyone compared the time required to make a left hand turn movement onto 36<sup>th</sup> street versus a left hand turn onto 40<sup>th</sup> street? I have timed it on many occasions and it takes roughly two minutes (timing of a typical traffic signal on 40<sup>th</sup> street), and it takes five minutes to make a left hand turn on 36<sup>th</sup> street. I am not complaining about the worse traffic condition on 36<sup>th</sup> street, because I am willing to put up with it as opposed to having my longstanding neighbors have a road widened to their door steps of homes completely removed in the redevelopment process. I can wait up to 10 or 15 minutes if needed or navigate to a traffic signal to make a turn. **How long does it take someone to move through 40<sup>th</sup> street corridor even during the busiest times currently?** Is it really a dramatically long time exceeding 15 minutes? If not, then we may not truly have a traffic congestion (major problem), maybe minor at best during parts of the day. Also, it has come to my attention, that the money South Ogden City was given by the Wasatch Front Regional Council was awarded for a nicely drawn plan from the South Ogden City General Plan update 2007 (Downtown Structural Plan) showing the Washington Blvd as a rezone area. It was not showing the removal of homes in the R-2 zones (or anywhere else) at that time. If we were to be asked how we rank this current form based code being proposed, I would have wanted an option to say I am highly concerned with residential homes being targeted for commercial redevelopment areas in our city. Kind of hard to do on the ranking system of how the city should prioritize its resources of 1 meaning significantly more and 5 meaning significantly less. I remember seeing one survey where I believe in the middle of the survey they reversed the ranking system of 5 meaning something different than what 1 meant earlier. If our city is basing much of its' current planning and development based on survey results only (from only 15% of people in our city who responded), and only 5,000 or so residents received the survey, this seems pretty shaky ground to be standing on. It is also interesting to note that **condition of streets and sidewalks ranked higher than community design guidelines.** Can't we follow the will of the people and get our streets and sidewalks repaired (or installed) and then catch up with the rest of the cities (if they have had success with Form Based Code on a wide scale). Tackle one problem at a time that residents' want. Let's not open up a can of worms here. We

definitely cannot afford to be wrong on this with people's homes on the line here. Let's bring our whole community up to the 1980 general subdivision standards of sidewalk accessible routes on both side of the street. This also meets one of the Wasatch Front Regional council and South Ogden City's goals of making safe public accessible walking locations for our residents (and improves property values) – something that for a large part is non-existent in the north part of South Ogden City and in the "Old Town". Safe accessible routes to public transportation areas helps these facilities get used. Maybe that is why more resident's living in the Old Town showed up to a recent South Ogden City planning commission meeting in favor of allowing hens in our city (we basically almost live in the country with roads going back to dirt roads as the asphalt unravels). Or maybe we are more concerned with providing for our basic substance of what we will eat, not where we will go recreating or spend our money shopping this weekend (most of the residents living here have little to spend beyond their basic needs). What is city council doing to hear the desires of what resident's living in the R-2 zone would like allowed for uses in our residential zones?

83. **Were residents asked how much they would prefer redevelopment meaning that residential homes would be lost in the process, their roads would not be maintained by our city, and that their taxes would go up as a result?** This is the hard facts of what I have seen accomplished to date or will come to pass if form based code is implemented in current residential zones, without residents having been asked, "Is this plan we have come up with what you as residents want?"
84. **Conditions are not the same now economically as they were when the original survey was conducted.** We have experienced our nations' latest economic recession in 2009-2011 which impacted many residents. I would dare say that a higher percentage of people living in the north part of our city were affected by this more than any other demographics in South Ogden City. And just a short time after this, our cities solution to this is to get rid of residential home in the R-2 zone (That is quite literally what is being proposed under "Form Based Code"? Opinions change when money is scarcer. What has the most recently conducted public opinion polls shown? Do there need to be more done in regards to proposed zoning changes prior to them going into law (if passed by city council)? I think so. Also can our city do anything differently to help create jobs for all residents affected and get much work done in our city (for a great price), should such an economic recession return to our door steps). Something to consider for future planning when labor is more available and prices of materials drop – due to supply and demand. A great opportunity to provide jobs and put in sidewalks throughout our city (where needed).
85. **Street sections are not functional or approved for public use as such.** On the sheet numbered 48 that I left at the recent planning commission meeting held in January 2016, I labeled the bare minimum required widening that would be most cost effective to our city and have the least impact on surrounding properties and provide the desired additional traffic flow. This could be modified with wider landscape islands, bike travel path adjacent to the sidewalk, and some strategically planned center median landscape islands as desired to make the area more beautiful and pedestrian friendly. One engineering firm said the proposed street sections would be acceptable for private use. This does not imply necessary public safety street sections for the general public and does not imply these street sections would be acceptable for firetruck access as required for public streets. The latest form based codes have not shown an acceptable street section that meets civil engineering of MDOT standards for safety and acceptable traffic flow

City needs to provide evidence that this condition has been met and that traffic times to the McKay Dees Hospital will not be impacted. Would be prudent to get two or three expert opinions on this matter. If the code is being implemented on traditionally public streets, it must meet engineer approved standards. (The result will most likely be street standards that we currently have in our current zoning - would like reported by city staff what their net effect changes would be and whether these net effect changes can be implemented into our current city code without having to implement "form based code".)

86. From the November 19, 2013 City Council Minutes – Attachment A, 40<sup>th</sup> Street Concept Boards, chosen excerpts (p. 49 of my January planning commission written comments). Presentation was given by WSU and University of Utah students. They looked at the 40<sup>th</sup> street feasibility study. *The existing park is being taken away by the street widening. Park size should be required to be restored as possible not further sold off by our city. The photo included on p. 52 does not show congestion, and I have marked some easy low cost fixes to make it more user friendly.* p. 53 of personal comments *shows inaccuracy in the student's study. Photo shows 40<sup>th</sup> street which actually is Chambers street (again not heavy congestion). Traffic counts also interestingly went down by 6,085 less AADT from 2006 to 2011 when people traveled less during the recession. This is actually an indicator that fewer people are traveling to work and going out shopping compared to 2006 assuming that the data is correct. In regards to the proposed rezoning of residential area for form based code along 40<sup>th</sup> street, I'd like to know where the storm water detention facilities will be placed and how they will be designed so that our ever shrinking "city center park" is not further impacted with park areas that can no longer be used by residents. Are storm water basins being designed in a form friendly use that still allows residents to use it (such as a catch and release bluegill pond), or other facility residents can use and enjoy? The regions east of the park along 40<sup>th</sup> street exceed ADA acceptable standards (without adding a handrails) along 40<sup>th</sup> street (5% slopes is the maximum). May not be an ideal location for commercial stores being the case especially access along 40<sup>th</sup> street. What happened to the goal of historic preservation? Many of the older homes are in the proposed affected form based code rezoning areas. Report shows South Ogden City as having a much lower growth rate than other areas compared (1.86%). We don't need Form Based Code on account of our low growth rate, but can consider allowing mixed use commercial/residential if that makes sense for future growth in existing commercial zones (not current residential zones until available commercial zones are filled in with mixed use development). The preferred plan from South Ogden's City's general plan showed planned residential businesses along 40<sup>th</sup> street. This has already occurred to a good deal in the renting out of these properties (by residential or commercial landlords seeking to make a profit from renters). Further business expansion along 40<sup>th</sup> street is a bid idea that would create more traffic congestion, which is the whole justified reason we are supposedly redoing 40<sup>th</sup> street. Mobility and traffic flow to the hospital is important. It may make sense to allow in the commercial heart of the city (multi use development) is, so long that the public infrastructure system can support the Super Bowl half-time flush from increased residents and had sufficient culinary water systems available for the residents. Infrastructure would most likely need to be upgraded to allow, which most city planners don't take into account with initial plans. Are developers willing to front the cost of such expensive infrastructure upgrades? My guess is that our city doesn't have the funds to front (judging by the lack of road repair on a wide scale area of South Ogden City). One of my*

concerns with "form based scale" implemented on a large scale by a single large developer may result in one ugly large building (that would technically meet the form based code). Less restrictive codes allow for more development and more variety where the person wanting to develop has the choice of what they want for their business. This makes more sense for encouraging businesses to develop here in South Ogden City. Residential businesses is not why home owners decide to purchase a home in the R-2 Zone, it is primarily due to affordability of the homes available.

87. The standard examiner ran an article on April 24, 2015 stating traffic counts which are not accurate from the student's report for the section of road where widening is being considered. The latest UDOT traffic counts for showed over 16,000. It should be noted that these were students and not professional engineers and taken for just that (although some limited input may have been provided from their professors). I know firsthand how that takes place having specialized in traffic engineering during my upper division course work in the professional program up at USU. We did a mock project involving the extension of the Logan Airport main runway so they could land larger jets. Students have limited time and resources and use available resources provided to them by those interested in the projects. It was built later, but not off our student supplied recommendations—it was properly engineered to required FAA standards by professional engineer and based off of soil conditions (which we could only guess at the time).
88. From the August 18, 2014 City Council Meeting, it is noteworthy that the city manager noted that the planned improvements for 40<sup>th</sup> street project had been slowed down due to possible involvement by UTA, making 40<sup>th</sup> Street a major transit corridor. If UTA is not involved now that they have delayed the street widening, what additional cost does South Ogden City now have to front – can we still afford it? Do residents living along this street want high density housing along their street (or commercial businesses)? Why not ask them and then move forward as preferred by the residents who will be most impacted by the development?
89. One of my biggest concerns as a resident coming in blind at the 11:35 hour of implementing form based code in South Ogden City was a presentation given a little over a year ago. See November 25, 2014 Combined City Council/Planning Commission Special Meeting pages 13, 14, 15, and 19 (60-63 of my hand written notes with comments). Would like to ask city council and planning commission to take a closer look at these photos see if they notice that they were presented with faulty comparison between existing zoning practices and what things could look like with "form based code". If people deciding upon this code have not looked at, please look at and see how many advertising subtle differences there are between the compared photos. See how it compares to what I found after looking at for the first time without a presenter guiding me through the presentation. Page 13 from the presentation asks, Which do you prefer and next to a text that reads *Lifeless Public realm shows a photo of a 1970's Phoenix or California built home. The view faces the two homes and shows brownish colored grass. The photo is zoomed in more. The second photo is labeled Comfortable Public Realm and shows newer built homes in a less arid climate with a view looking down the middle of a wide open street and cars parking on either side of the road (without driveway access) and much green vegetation, and a nice blue sky with a mountain at the background.* These are not fair photo comparisons! This may work in California, with no snow, but doesn't work well if you add snow to the picture with only on street parking allows. I ask "Who is trying to deceive who at the

bottom of my notes?" Form based code is promoted based on the assumption that people prefer form over I don't agree with this, allowed uses are more important than form uses with their zoning. In residential areas if controlled substances such as alcohol is to be allowed, sure the city can gain revenue through the alcohol sales, but who is being hurt? The alcoholic, their families and the community at large. Businesses in general are not conducive to be invited into traditional residential neighborhoods for the sake of revenue for our city. Yards next to parking lots – how is that making the North part of our city more beautiful? A nice looking building does not compensate for a backyard parking lot that a neighbor will get to enjoy with the added vehicle exhaust. Page 15 from the presentation shows the first photo they got you to already like and next to it says, "Form Based Codes" (see you like this and didn't even know that you preferred it is the presenter's intent I believe). Below it they show a new photo labeled, "Conventional Codes" and show an aerial zoomed out photo of a high density suburban neighborhood (counted about 76 homes). In reality the first photo could look exactly the same from the air with the exception that the first photo had no street side drive way accesses. (perhaps they had other accesses to their homes which would allow for less density, which does not help our city to have more population growth. Page 21 from the original form based code presentation shows at the top Mixed use [all looks the same and looks like parking is provided on the lower portions. All look the same like an HQA, not the same variety of housing we have around here. It is compared to an industrial use area as one can see by the many dumpsters one can count. Simply requiring the trash contains to be kept in an enclosed facility and undergrounding power lines would make this industrial site look much better. Form based code is not required to accomplish these changes. At the bottom photo I ask where will folks park. Our existing set up requires people to drive. Once an effective public transportation is established, people may be able to get around without automobiles, but that has to come first, not vice versa. If we had an effective transportation system that came like clockwork during the day (10-20 minute intervals), and every half hour or hour during the later hours, people would use it and you wouldn't need to own a car to get around. This is not the case since I last attempted to use public transportation over five years ago. Works better as well in warmer climates and where space is limited. If a person has to go to such extreme measures to sell you their product (not even comparing same same) a warning signal should pop up in one's head saying why are they promoting what they are promoting in this way? I have asked Matt (ixon where I can go locally to see "Form Based Code" done by a local developer (not the LDS church or large city development project), but one that is actually done by a local developer and I have yet to hear of one that would have the mixed use residential and commercial buildings incorporated into one building. Sure they can be found in SLC, but what about locally? Do we want our city to grow into a liberal city like SLC has become (or preserve conservative traditional family values)? Which code facilitates more conservative traditional family values and which support liberal ideas? Which code gives residents more say in the development process of their city? City council has been convinced by someone already that they want planning commissioners to allow them to give up their right to vote on subdivision approval and related form based code proposed uses.

90. South Ogden City - Historical population

Census	Pop.	%±
1940	1,407	—
1950	3,763	167.4%
1960	7,405	96.8%
1970	9,991	34.9%
1980	11,366	13.8%
1990	12,105	6.5%
2000	14,377	18.8%
2010	16,532	15.0%
Est. 2014	16,852	1.9%

U.S. Decennial Census

Based on the trends shown above, it appears that we will be entering a negative growth soon.

Another interesting statistic is as follows:

Snow Days	Place	Inches	Population	Percent (% more residents)
00.0	Oakland, California	00.0	413,775	2,455% more residents
28.5	Chicago, Illinois	36.7	2,722,389	16,155% more residents
34.8	Salt Lake City, Utah	56.2	190,884	1,133% more residents
	South Ogden City		16,852	base line comparison

Population link from US Census Data year 2014:

<http://quickfacts.census.gov/qfd/states/17/1714000.html>