

# **NORTH OGDEN PLANNING COMMISSION**

## **MEETING MINUTES**

May 21, 2014

The North Ogden Planning Commission convened in a regular meeting on May 21, 2014 at 6:34 pm in the North Ogden City Municipal Building, 505 E. 2600 N. North Ogden, Utah. Notice of time, place and agenda of the meeting was furnished to each member of the Planning Commission, posted on the bulletin board at the municipal office and posted to the Utah State Website on May 16, 2014. Notice of the annual meeting schedule was published in the Standard-Examiner on January 24, 2014.

### **COMMISSIONERS:**

Eric Thomas	Chairman
Don Waite	Vice-Chairman
Scott Barker	Commissioner
Joan Brown	Commissioner
Blake Knight	Commissioner
Dee Russell	Commissioner

### **STAFF:**

Jon Call	City Attorney
Gary Kerr	Building Official
Rob Scott	City Planner
Stacie Cain	Community Dev. Coord./Deputy City Recorder

### **VISITORS:**

Dale G. Swenson	Jonathan Arrington	LoRen Baguley	Tom Baguley
Mike Norseth	Heber Beddes	Rex Stuart	

### **REGULAR MEETING**

Chairman Thomas called the meeting to order at 6:34 pm. Commissioner Barker offered the invocation and led the audience in the Pledge of Allegiance.

### **ACTIVE AGENDA**

#### **1. PUBLIC COMMENTS.**

Rex Stuart, 3564 N. 575 E., spoke regarding the conditional use permit (CUP) review for Mr. Baguley with respect to the criteria regarding the CUP. He stated that it has been his personal experience that Mr. Baguley meets those criteria because he will tell people they cannot bring

their vehicle to his property until he has finished with one that he is already working on. He added he has never heard noise coming from the business and he has not noticed any vehicle blocking the sidewalk in front of the home.

2. **ANNUAL REVIEW OF A CONDITIONAL USE PERMIT FOR A HOME OCCUPATION FOR AN AUTO REPAIR SHOP IN A RESIDENTIAL GARAGE AT 3590 N. 575 E.**

A staff report from City Manager Chandler summarized the notices sent to Mr. Baguley concerning the annual review of Mr. Baguley's conditional use permit. In 2010 the City issued a conditional use permit to Mr. Tom Baguley to operate a garage as part of a home occupation. The City imposed six conditions.

1. No more than two vehicles at a time for repair - one active and one waiting parked in the driveway.
2. No vehicles may be parked to obstruct the sidewalk.
3. The ventilation system should meet code for garages.
4. When the compressor or other noise generating tools are in use, all doors and windows remain closed.
5. Insulate the garage to mitigate noise.
6. A six month initial review and then annual reviews.

Mr. Baguley installed a ventilation system and insulated the garage thereby complying with conditions three (3) and five (5). Additionally, the City staff has not found that Mr. Baguley violated conditions one (1), two (2) and four (4) during the past year.

Mr. Chandler reviewed his staff report as well as the history of Mr. Baguley's CUP to date.

Chairman Thomas reminded the Planning Commission they are responsible to review the six criteria associated with the CUP; they are to determine if Mr. Baguley is complying with those criteria in order to determine whether to renew the CUP.

Vice-Chairman Waite inquired as to how the criteria were determined. Chairman Thomas stated the criteria were identified when Mr. Baguley initially applied for the CUP. Vice-Chairman Waite asked if the criteria were developed by the Planning Commission or City Council. Chairman Thomas stated both bodies had input regarding the development of the criteria. He also reported the Planning Commission and City Council will be considering potential changes to the City ordinance that allows garage based businesses in residential zones of the City.

**Commissioner Brown made a motion to acknowledge that the Home Occupation for an Auto Repair Shop in a Residential Garage at 3590 N. 575 E. meets the criteria associated with the CUP for said business. Commissioner Russell seconded the motion.**

**Voting on the motion:**

<b>Chairman Thomas</b>	yes
<b>Vice-Chairman Waite</b>	yes
<b>Commissioner Barker</b>	yes
<b>Commissioner Brown</b>	yes
<b>Commissioner Knight</b>	yes
<b>Commissioner Russell</b>	yes

**The motion passed.**

**3. CONSIDERATION TO APPROVE A CONDITIONAL USE PERMIT FOR A TEMPORARY BUSINESS TO SELL FIREWORKS AT APPROXIMATELY 2560 N. 400 E.**

City Planner Scott reported that at the last Planning Commission meeting the body considered an application for a CUP for a temporary fireworks stand in the Smith's parking lot. There was no applicant representative present at the meeting and the Planning Commission asked for more information from the applicant as well as expressed concerns relative to the location and dimensions of the fireworks stand. Mr. Scott stated the applicant has amended their application and he reviewed the specifics of the dimensions and location of the fireworks stand.

Applicant Jesse Fames approached and there was a general discussion regarding the logistics of the site and the dimensions of the fireworks stand. There was a brief focus on customer access to and parking availability around the stand.

Vice-Chairman Waite thanked Mr. Fames for amending the configuration of the fireworks stand and stated he feels it will work much better on the site.

Commissioner Brown asked if there is any possibility of moving the stand further to the east to alleviate traffic issues associated with the automatic teller machine (ATM) lane at the nearby bank. Mr. Fames stated he will relay that request back to his company to see if it can be accommodated.

**Commissioner Knight made a motion to approve a Conditional Use Permit for a temporary business to sell fireworks at approximately 2560 N. 400 E. Vice-Chairman Waite seconded the motion.**

**Voting on the motion:**

<b>Chairman Thomas</b>	yes
<b>Vice-Chairman Waite</b>	yes
<b>Commissioner Barker</b>	yes
<b>Commissioner Brown</b>	yes
<b>Commissioner Knight</b>	yes
<b>Commissioner Russell</b>	yes

**The motion passed.**

**4. DISCUSSION AND/OR ACTION TO APPROVE LEWIS PEAK SUBDIVISION PRUD LOT 26 BUILDING PLANS.**

Building Official Kerr approached the Planning Commission and briefly reviewed the history of this issue. He explained that the developer that has taken over development of future phases of Lewis Peak Subdivision does not have a large brochure of plans available for review at one time, which is the reason that they have requested approval of one home plan at a time.

Jonathan Arrington, representative of Sierra Homes, approached and reviewed the building plan that has been presented to the Planning Commission for consideration, with a focus on the materials that will be used on the exterior of the home. He noted he has met with the homeowners association (HOA) for the subdivision and their concerns were centered on the size and style of the home, specifically the use of the siding on the back of the home; the HOA requested that stucco be used on the rear of the home and Sierra Homes has agreed to accommodate that request. Two home styles will be used to test the market to determine what buyers are looking for and upon development of the next phase of the project Sierra Homes will provide five or six different building plans for approval for use in that phase.

Commissioner Brown inquired as to the number of lots in phase two of the development, to which Mr. Arrington responded 16. Commissioner Brown asked if all homes will be two-story homes, to which Mr. Arrington answered no.

Mike Norseth, 1546 N. 775 E., stated the HOA did meet with Sierra Homes and they are willing to accommodate the HOA's wishes. He noted the reason that Sierra Homes is requesting approval of one building plan this evening is that there is only one lot that is buildable for this particular plan; the Board of Directors of the HOA supports this application. He stated he understands Sierra Homes will provide additional plans for the future phase of the subdivision and the HOA is happy with that plan of action.

Chairman Thomas asked if there is any way for the Planning Commission to delegate approval authority for future building plans to the HOA. Mr. Scott stated he believes approval is the responsibility of the Planning Commission. Chairman Thomas stated he feels the Planning Commission should provide initial approval of a group of plans, but the HOA can approve individual plans for specific lots within the development. Mr. Scott stated that staff can handle a secondary review of the plans and the HOA will be responsible to enforce the conditions, covenants, and restrictions (CCRs) recorded for the development. Mr. Arrington stated Sierra Homes has agreed to provide copies of the building plans to the HOA at least two weeks before any meeting with the Planning Commission to give them time to adequately review the plans and recommend changes if necessary.

**Commissioner Russell made a motion to approve the Lewis Peak Subdivision PRUD lot 26 building plans. Commissioner Knight seconded the motion.**

**Voting on the motion:**

<b>Chairman Thomas</b>	yes
<b>Vice-Chairman Waite</b>	yes
<b>Commissioner Barker</b>	yes
<b>Commissioner Brown</b>	yes
<b>Commissioner Knight</b>	yes
<b>Commissioner Russell</b>	yes

**The motion passed.**

**5. DISCUSSION TO AMEND NORTH OGDEN CITY ZONING ORDINANCE TITLE 11, TO ADD REGULATIONS REGARDING BEES.**

City Manager Chandler noted the Planning Commission reviewed a draft ordinance concerning bee keeping at their last meeting and staff has made changes to that ordinance based on suggestions of the body. He briefly reviewed the amendments to the draft ordinance, with the focus on hive configuration, compliance with State laws relative to beekeeping, required setbacks for hives, and flyway barriers. He noted there were questions during the last meeting regarding who regulates bee keeping and he stated he has learned the State of Utah regulates bee keeping, but dictates that each County must have a bee inspector that will carry out enforcement; in order to avoid any confusion, staff has included language in the ordinance requiring bee keepers to comply with State and County regulations.

Commissioner Brown complimented staff on drafting a good ordinance. Chairman Thomas agreed. Mr. Scott stated if the Planning Commission is comfortable proceeding, the next step is to schedule a public hearing regarding the ordinance.

**Vice-Chairman Waite made a motion directing staff to schedule a public hearing regarding a bee keeping ordinance. Commissioner Brown seconded the motion.**

**Voting on the motion:**

<b>Chairman Thomas</b>	yes
<b>Vice-Chairman Waite</b>	yes
<b>Commissioner Barker</b>	yes
<b>Commissioner Brown</b>	yes
<b>Commissioner Knight</b>	yes
<b>Commissioner Russell</b>	yes

**The motion passed.**

**6. PUBLIC COMMENTS.**

Dale Swenson, 3593 N. 575 E., stated when citing the Pledge of Allegiance, veterans are to salute rather than place their hands over their hearts. He stated that is why he saluted during

tonight's Pledge of Allegiance. He then noted that he lives directly across the street from the Baguley auto repair shop and there are many unintended consequences associated with the allowance of the business in a residential zone, but he does not wish to discuss those at this time. He stated he has lived in North Ogden for 54 years, in his current home for 13 years, and he never dreamed he would have an automobile repair shop across the street from his home.

Tom Baguley, 3590 N. 575 E., stated he wanted clarification of a statement made earlier tonight regarding the potential changes to the City ordinance allowing garage based businesses in residential zones of the City. He asked if the changes will be targeted at auto repair home based businesses or all home based businesses. Mr. Chandler stated the City is in the very preliminary stages of considering amendments to the ordinance and there are no preconceived notions or conclusions regarding the changes that will be made.

LoRen Baguley, 3590 N. 575 E., stated there have been statements made regarding the problems caused by her husband's auto repair business in a residential area, but she clarified that the structure is actually their home and she would not allow an auto shop in her home or in her neighborhood. She stated her husband uses the business to take care of his family by working on one car at a time and no more than three cars per week. She stated there are some people that do not want any type of business in their neighborhood. She stated she does not blame them, but as long as the business is operated legally it should be allowed; her husband has received unanimous approval of the CUP from the Planning Commission and City Council each time it has been considered. She stated she would invite anyone in the City to come to her home and look at the operation to see the actual impact it has on the neighborhood. She added she has a new neighbor that moved into the neighborhood less than one year ago and he was told there was an auto repair business in the neighborhood, but he was unable to find it based on appearance. She stated that she has many cars at her home, but they are used by her family members that live in the home and they are all parked in the driveway or on the street. She noted her husband does not do anything he is not supposed to do; people have watched her home with binoculars or by sitting on a lawn chair across the street and they have not been able to find her husband doing anything wrong. She stated it is her hope that the City will be thoughtful and mindful of the citizens that use a home based business to make a living when considering changes to the home occupation ordinance.

Commissioner Russell asked Ms. Baguley to define the difference between an auto repair shop and a home based mechanics business. Ms. Baguley stated an auto repair shop is open to accept vehicles at all times, but her husband only accepts vehicles by appointment and the work he performs on a vehicle is limited. She added that a CUP is used to mitigate the potential impacts a home based business could have on a neighborhood and she feels home based businesses are important for the City. She stated she wished the problems associated with home based businesses would stop.

## **7. PLANNING COMMISSION/STAFF COMMENTS.**

Chairman Thomas asked if it would be appropriate for the Planning Commission to make a motion to direct staff to begin drafting an ordinance that would amend the home occupation

regulations. City Attorney Call stated the body could make a motion to consider a pending ordinance relative to home occupations or garage based businesses. Chairman Thomas stated that would mean the City could be considering a pending ordinance and staff would have some leeway when working with potential applicants for home based businesses. There was a general discussion regarding the way forward, with a focus on the sections of the home occupation ordinances that will be under review.

**Vice-Chairman Waite made a motion to consider a pending ordinance amending the City's regulations for garage based home occupations and direct staff to begin working on the draft ordinance. Commissioner Brown seconded the motion.**

**Voting on the motion:**

<b>Chairman Thomas</b>	<b>yes</b>
<b>Vice-Chairman Waite</b>	<b>yes</b>
<b>Commissioner Barker</b>	<b>yes</b>
<b>Commissioner Brown</b>	<b>yes</b>
<b>Commissioner Knight</b>	<b>yes</b>
<b>Commissioner Russell</b>	<b>yes</b>

**The motion passed.**

Commissioner Knight conducted a brief review of the Planning Commissions meeting schedule for the summer months.

Mr. Scott reported the City Council will be considering a recommendation to appoint Phillip Swanson to the City Council soon. He also reported staff is working to develop the request for proposals (RFP) for a firm to assist in the update of the City's General Plan.

Mr. Call then offered clarification regarding why a motion to consider a pending ordinance can be so important; Utah law allows the adoption of a pending ordinance that would provide a six-month moratorium on applications for the type of land use that may be subject to the pending ordinance. The pending ordinance will not impact any legally operating businesses in the City.

**8. ADJOURNMENT.**

**Vice-Chairman Waite made a motion to adjourn the meeting. Commissioner Brown seconded the motion.**

**Voting on the motion:**

<b>Chairman Thomas</b>	<b>yes</b>
<b>Vice-Chairman Waite</b>	<b>yes</b>
<b>Commissioner Barker</b>	<b>yes</b>
<b>Commissioner Brown</b>	<b>yes</b>
<b>Commissioner Knight</b>	<b>yes</b>

**Commissioner Russell**      **yes**

**The motion passed.**

The meeting adjourned at 7:28pm.

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Planning Commission Chair

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Stacie Cain,  
Community Dev. Coord./Deputy City Recorder

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Date approved