

**NORTH OGDEN PLANNING COMMISSION**

**MEETING MINUTES**

**January 4, 2017**

The North Ogden Planning Commission convened in a regular meeting on January 4, 2017 at 6:30 p.m. 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 December 30<sup>th</sup>, 2016. Notice of the annual meeting schedule was published in the Standard-Examiner on January 1, 2017.

**COMMISSIONERS:**

Don Waite	Chairman
Eric Thomas	Vice-Chairman
Scott Barker	Commissioner
Brandon Mason	Commissioner
Steven Prisbrey	Commissioner
Dee Russell	Commissioner
Nicole Nancarrow	Commissioner

**STAFF:**

Jon Call	City Attorney
Rob Scott	City Planner
Brandon Bell	Planner 1
Monalisa Wald	Planning Assistant
Gary Kerr	Building Official
Mayor Brent Taylor (Only stayed for opening remarks)	

**VISITORS:**

Steve Grange	Tyler Nielson	Jeff Bolingbroke	?
Lynnda Wangsgard	Dale Anderson	Julie Anderson	Yuka Jenkins
May Lynn Hopkins	Melanie Coombs		

## **REGULAR MEETING**

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

### **1. ROLL CALL**

Chairman Waite conducted roll call and indicated all Planning Commissioners were present. He then turned a few minutes over to Mayor Taylor for comments.

Mayor Taylor stated he understands this is Commissioner Russell's last meeting as a Planning Commissioner; he thanked Commissioner Russell for his years of service to the City. He added he wanted the entire body to know that he and the City Council are grateful for the work they do. The job of a Planning Commission is very important and it shapes the future of the City. He stated that the democratic process that government must follow is often very difficult and slow and he thanked the Planning Commission for their patience in working through that process and indicated he plans to recognize them at a future meeting of the City Council.

Chairman Waite also thanked Commissioner Russell for his service and noted it has been great working with him.

### **2. MINUTES APPROVAL**

The minutes of the December 7, 2016 meeting were reviewed.

**Commissioner Barker made a motion to approve minutes. Commissioner Russell seconded the motion.**

#### **Voting on the motion:**

<b>Chairman Waite</b>	<b>yes</b>
<b>Commissioner Thomas</b>	<b>yes</b>
<b>Commissioner Barker</b>	<b>yes</b>
<b>Commissioner Mason</b>	<b>yes</b>
<b>Commissioner Nancarrow</b>	<b>yes</b>
<b>Commissioner Prsbrey</b>	<b>yes</b>
<b>Commissioner Russell</b>	<b>yes</b>

**The motion carried.**

### **3. OPENING MEETING STATEMENT**

City Planner Scott read the open meeting statement as approved by the Planning Commission prior to commencing discussion of administrative and legislative items.

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

There were no public comments.

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

Chairman Waite asked if any member needs to declare a conflict of interest or disclose any ex parte communications in which they have engaged. All Commissioners indicated they had nothing to declare.

**6. CONSENT AGENDA**

- a. ANX 2016-02 Consideration and action on a legislative application to annex property at approximately 170 West Lomond View Drive, and zone the property Suburban Residential (R-1-10)
- b. SUB 2014-19 Consideration and action on an administrative application for an extension of final approval for The Ranches Subdivision, a 79 unit apartment complex at approximately 2250 North 150 East
- c. SUB 2016-02 Consideration and action on an administrative application amending the Rice Creek Cove Subdivision final approval

**Commissioner Thomas made motion to adopt the items listed on the consent agenda. Commissioner Prisbrey seconded the motion.**

**Voting on the motion:**

<b>Chairman Waite</b>	<b>yes</b>
<b>Commissioner Thomas</b>	<b>yes</b>
<b>Commissioner Barker</b>	<b>yes</b>
<b>Commissioner Mason</b>	<b>yes</b>
<b>Commissioner Nancarrow</b>	<b>yes</b>
<b>Commissioner Prisbrey</b>	<b>yes</b>
<b>Commissioner Russell</b>	<b>yes</b>

**The motion carried.**

7. **CONSIDERATION AND ELECTION OF A CHAIRMAN AND VICE-CHAIRMAN OF THE PLANNING COMMISSION**

Commissioner Mason made motion to table this item until the end of tonight's meeting. Commissioner Barker seconded the motion.

**Voting on the motion:**

Chairman Waite	yes
Commissioner Thomas	yes
Commissioner Barker	yes
Commissioner Mason	yes
Commissioner Nancarrow	yes
Commissioner Prisbrey	yes
Commissioner Russell	yes

The motion carried.

8. **ADMINISTRATIVE ITEMS**

A. **SUB 2016-15 CONSIDERATION AND ACTION ON AN ADMINISTRATIVE APPLICATION FOR PRELIMINARY APPROVAL OF THE SHUPE FARMS SUBDIVISION (15 LOTS)**

A staff memo from City Planner Bell explained when the Planning Commission is acting as a land use authority, it is acting in an administrative capacity and has a limited degree of discretion. Examples of administrative applications are conditional use permits, design reviews, and subdivisions. Administrative applications must be approved by the Planning Commission if the application demonstrates compliance with the approval criteria.

The applicant is requesting preliminary approval of the Shupe Farms subdivision, a 15-lot subdivision located at approximately 246 East Elberta Drive. Most of the property is currently vacant, with some residential use at the south end of the property. The property is located on 4.75 acres and is in the R-1-8 (AG) zone. The R-1-8 (AG) zone requires a minimum lot size of 8,000 square feet for interior lots and 9000 square feet for corner lots, with a lot width requirement of 80 feet.

A Technical Review Committee meeting was held on October 27, 2016. The City Engineer has submitted a report dated December 13, 2016 that summarizes the Technical Review Committee meeting comments as well as the status of the fulfillment of the requirements listed in that report by the applicant (See Exhibit). The applicant has provided a will-serve letter for irrigation for this subdivision. However, a geotechnical report needs to be provided for this property prior to final approval.

All lot sizes have been verified to meet the minimum lot sizes and square footage requirements as stated in 11-7B-4 (B). The applicant needs to add the angle and length of one lot line between Lots 6 and Lot 7 to the plat, and ensure that angle is consistent with the adjoining lots. Also, the existing building on Lot 15 may be left if it's location meets the zoning requirements. Consequently, the applicant needs to demonstrate, by means of a dimension line on the plat, that the existing home meets the zoning requirements of a 20' side setback, for the nearest point of the home to the property line, and a 30' front setback. If the distance of the home does not meet the required setbacks, the road will need to be redesigned, without causing other lots to not meet the lot size and width requirements, or the home needs to be removed. This information needs to be provided prior to final approval.

Also, as a condition of approval, the detention area will need to be landscaped, with materials determined by the Public Works Director. The Parks and Recreation Department does not have interest in using it as a pocket park due to its proximity to Lomond View City Park. Also, on a related note, there are no required trails that pass through the subdivision. Additionally, Ryan Barker, Fire Marshall, has indicated that the fire hydrants are located and spaced correctly.

There is a requirement listed in the Technical Review Committee meeting notes that indicates that the developer will need to provide access for the parcel to the north of Lot 8. Staff has reviewed the provisions in our ordinances relating to providing access and frontage to the adjacent property owner, the primary clause being contained in 12-6-3 (A) (3) (b). Upon review of the issue with Staff, Legal Counsel has determined that the developer cannot be required to provide access to the lot to the north of Lot 8, or be required to ensure that the parcel to the north of Lot 8 has the required frontage width along a street. This determination supersedes the listed condition in the Technical Review Committee meeting notes which states: "Access to the property at the northwest corner needs to be maintained. Needs to meet the zoning requirement for minimum lot frontage of 80'." However, the property owner of the parcel to the north of Lot 8 has been notified of the proposed development to see if the property owners can work out a way to provide access to the property or for the property to otherwise be developed.

The memo offered the following summary of potential Planning Commission considerations:

- Does the proposed subdivision meet the requirements of the applicable City subdivision and zoning ordinances?

The memo indicated the proposed subdivision meets the requirements of applicable North Ogden City ordinances and conforms to the North Ogden City General Plan. The General Plan map calls for this property to be developed as low density residential, but also shows it as a potential conservation area. However, as a side note, the General Plan states that some areas should be "considered for preservation

to retain the agricultural heritage of the City for future generations.” Areas specified as those which should be considered for preservation are shown on the Future Land Use Map, in the General Plan. This development falls within one of the areas listed on the map.

Recommended conditions of approval included meeting the:

- Requirements of the North Ogden City Engineer’s Report.
- Requirements of the TRC Meeting Notes (except as noted in this report.)
- Requirements listed in this Staff Report.

The memo concluded staff recommends preliminary approval of the Shupe Farms subdivision subject to the requirements of the City Engineer’s report, Technical Review Committee meeting, and this Staff Report.

Mr. Bell reviewed his staff memo.

Commissioner Mason stated that the development of the proposed subdivision could create a frontage issue and he asked how the City is addressing that issue. Mr. Bell stated that staff is trying to balance frontage requirements with the City’s interest in not creating undevelopable lots. State law indicates that property owners have a right to develop their property if a parcel is buildable, even if frontage requirements are not met. City Attorney Call added that City Administration will engage in dialogue with the developer and parcel owner to determine whether there is a way to make lot eight a buildable lot. Chairman Waite inquired as to the size of the lot. Mr. Bell answered 0.71 acres, but it is necessary to address accessibility to the lot. Commissioner Mason stated that future road development from the west could result in the lot being double-fronting in nature. Mr. Bell stated that could be true if the south side of the lot had street frontage. He added that the same person owns the home to the north of the parcel as well as the parcel itself.

Commissioner Prisbrey asked if State Law addresses the development of a parcel with the knowledge of future potential to landlock the parcel. Mr. Call stated that depends on the timing of creation of a parcel; if a parcel was created before the enactment of subdivision laws in the City or in accordance with the subdivision laws, it will always be a buildable lot. However, if the parcel was illegally created, he City is not required to designate it as a buildable lot, but that does not mean the City cannot choose to make it a buildable lot. Staff wants to find a solution that will be best for all parties in this development.

Commissioner Mason stated that it may be nice to use the lot to access the park, which is largely unseen due to the manner in which it is setback. Commissioner Thomas stated that may be problematic due to the difference in the slope and grade of the parcel and the nearby park.

Commissioner Mason then stated he is unsure how the Planning Commission can grant approval of the application without first reconciling the landlock issue.

Commissioner Thomas stated that the application tonight is for preliminary approval; granting the application will vest the application and allow the developer to proceed with investing money to determine if the development is feasible.

Tyler Nielson, Gardner Engineering, stated he is representing the property owner this evening. He noted that when the subdivision was initially designed it included a 'knuckle' on one of the roads to provide frontage for the Lasseter parcel; however, staff indicated the City does not favor 'knuckles' and so it was removed from the conceptual design. However, he maintains that it is the only option for providing frontage for the property. He added the owner will work with the Lasseter Trust to address the impacts the development could have on their property. He then addressed the requirement for a retention basin and stated that he prefers the use of regional basins throughout the City; however, the owner will comply with the City's requirement for a small basin in the development. He stated he would like feedback from the City relative to their plans for maintaining small 'pocket' basins throughout the City.

Commissioner Mason asked if City Ordinance actually prohibits the use of 'knuckles' in roads in the City. Building Official Kerr stated he does not believe 'knuckles' are prohibited, but they present difficulties during the winter months relative to snow removal; for this reason the City has tried to prevent the use of 'knuckles'.

Chairman Waite asked if an engineering study has been conducted to determine if a small basin is actually needed in the development. He stated he agrees with Mr. Nielson that it can be difficult to maintain several small basins throughout the City. Mr. Nielson stated that he was told that the large regional basin nearby is sized to accommodate a 100-year storm, while the smaller basin must be sized to accommodate a 10-year storm.

Chairman Waite invited public input regarding the application.

May Lynn Hopkins stated she and her sister, Melanie Coombs, are present to represent the John Lasseter trust; Mr. Lasseter is their father and was unable to attend this evening. Mr. Lasseter has been in discussions with the owner of the adjacent property, Mr. Peterson, for three years about selling his property. Ms. Hopkins noted her father is concerned that proposed development will landlock his property. Chairman Waite assured Ms. Hopkins and Ms. Coombs that the City will consider their father's best interests and he reiterated Commissioner Thomas's previous comments that the application before the Planning Commission this evening is for preliminary approval of the subdivision.

Julie Anderson, 940 E. 2600 N., stated that the Lasseter property is connected to an existing City park and it may be a great site for the City's dog park in the future.

There was no additional public input.

City Planner Scott then stated that staff is hopeful it will be possible to facilitate negotiations between the applicant and Mr. Lasseter relative to protection of his property or potentially incorporating the parcel into the development.

Mr. Nielson then stated that the Lasseter parcel is in the R-1-10 zone of the City and the subject property is in the R-1-8 zone; therefore, creating a lot from the parcel and incorporating it into the development may not be seamless. Chairman Waite agreed that it may be necessary to rezone the Lasseter parcel in order to incorporate it into the development.

Commissioner Thomas stated the Planning Commission should be careful in consideration of the application because he does not want any action to be determinantal to Mr. Lasseter. Mr. Call stated staff will continue to work through the issues associated with the relationship between the applicant and the Lasseter family.

**Commissioner Nancarrow moved to grant approval of application SUB 2016-15, administrative application for preliminary approval of the Shupe Farms Subdivision (15 lots), based on the findings and subject to the conditions listed in the staff report and encouraging the applicant to continue to work with Mr. Lasseter to include his property in the development, though such agreement is not a condition of approval. Commissioner Barker seconded the motion.**

Commissioner Thomas then stated that he agrees with Mr. Nielson's comments regarding the problematic nature of requiring small detention basins throughout the City rather than relying upon regional basis. He stated if there is any way to eliminate the requirement for small basins, he would be supportive of such an action. Chairman Waite agreed and indicated it may be necessary to continue dialogue with the City Engineer regarding water detention/retention requirements of the City. He stated he would like for an item be included on a future agenda to allow for such discussion.

**Voting on the motion:**

<b>Chairman Waite</b>	<b>yes</b>
<b>Commissioner Thomas</b>	<b>yes</b>
<b>Commissioner Barker</b>	<b>yes</b>
<b>Commissioner Mason</b>	<b>yes</b>
<b>Commissioner Nancarrow</b>	<b>yes</b>
<b>Commissioner Prisbrey</b>	<b>yes</b>
<b>Commissioner Russell</b>	<b>yes</b>

**Motion was approved.**



**B. CUP 2016-05 CONSIDERATION AND ACTION ON AN ADMINISTRATIVE APPLICATION REGARDING AN AMENDMENT TO THE NORTH OGDEN CITY PUBLIC WORKS FACILITY; A CONDITIONAL USE PERMIT TO ADD A QUESTAR GAS REGULATOR STATION AND A SITE PLAN AMENDMENT TO ADD A TEMPORARY ANIMAL SHELTER AT 162 EAST PLEASANT VIEW DRIVE**

A staff memo from City Planner Scott explained when the Planning Commission is acting as a land use authority, it is acting in an administrative capacity and has much less discretion. Examples of administrative applications are conditional use permits, design reviews, and subdivisions. Administrative applications must be approved by the Planning Commission if the application demonstrates compliance with the approval criteria.

The North Ogden Planning Commission approved a site plan application on March 18, 2015 for the North Ogden Public Works complex. Questar Gas has negotiated a perpetual easement on the Public Works site to place a natural gas regulator station. The agreement provides funding for a future temporary animal shelter. The location of the regulator station and the temporary animal shelter are located on the northwest corner of the Public Works Facility and is shown as 'for future expansion' on the approved site plan.

This property is in the process of being annexed and zoned RE-20. An Interlocal agreement with Weber County has designated North Ogden City as the land use authority for this property.

The memo discussed zoning ordinance compliance:  
11-7A (Suburban Residential Zone RE-20)

Public buildings is a permitted use in the RE-20 zone. The temporary animal shelter falls under this category. The regulator station is a conditional use in the RE-20 zone.

11-10-24 (Public Service Facilities)

The regulator station is a public service facility and has additional site standards.

11-10-15: Public Utility Substation

In all residential zones, public utility substations shall meet the following requirements:

1. Lot Area: Each public utility substation in a residential zone shall be located on a lot not less than two thousand (2,000) square feet in area.
2. Yards: Each public utility substation in a residential zone shall be provided with a yard on each of the four (4) sides of the building not less than five feet (5') in width, except that for such stations located on lots fronting on a street abutted by one or more residential lots, the front yard, side yards and rear yard shall equal those required for a single-family residence in the same zone.
3. Street Access: Each public utility substation in a residential zone shall be located on a lot which has adequate access from a street, alley or easement.

4. Location To Be Approved: The location of a public utility substation in a residential zone shall be subject to approval by the planning commission.

**Staff Comment:** The Questar regulator station complies with all of the above requirements.

#### 11-14-5: Basis for Issuance of Conditional Use Permit

The planning commission shall not authorize a conditional use permit unless evidence is presented to establish:

- A. The proposed use of the particular location is necessary or desirable to provide a service or facility which will contribute to the general well-being of the community.

**Staff Comment:** The regulator station is needed to provide for additional natural gas capacity within North Ogden.

- B. Such use will not, under the circumstances of the particular case and the conditions imposed, be detrimental to the health, safety and general welfare of persons nor injurious to property and improvements in the community, but will be compatible with and complementary to the existing surrounding uses, buildings and structures.

**Staff Comment:** The regulator station meets the required setbacks and provides for an appropriate landscaping and fencing buffer to the adjoining property to the west.

- C. The proposed use will comply with the regulations and conditions specified in this title for such use.

**Staff Comment:** The regulator station meets the North Ogden City zoning requirements. See below.

- D. The proposed use conforms to the goals, policies and governing principles of the master plan for the city.

**Staff Comment:** The proposed regulator station is an allowed use in the RE-20 zone and is consistent with the General Plan.

#### 11-10-27 (Site Plan Approval Required)

The North Ogden Public Works facility amendment is required to be reviewed by the Planning Commission. The amendment will add a natural gas regulator station and temporary animal shelter to the northwest corner of the Public Works site. The City Council has granted a deferral for the sidewalk.

The approved Public Works site plan (See Exhibit H) shows the northwest corner to be for future expansion. The existing site plan is landscaped with a combination of xeriscape natural plantings and formal areas which have a low water requirement.

The revised site plan (See Exhibits B and C) show the location for the regulator station and temporary animal shelter. The landscaping for the regulator station and temporary animal shelter will be extended consistent with the approved landscaping plan.

The temporary animal shelter building will be two stories with a concrete first floor and red brick similar to the existing public works office building.

The regulator station has two structures that are made of prefabricated concrete buildings. The facility is surrounded by a precast wall and wrought iron gate.

11-10-11 (Fence Height Regulations)

Exhibit H shows the approved fencing for the site. The west side of the property has a 6-foot-high chain link fence with landscaping behind it until it reaches the outdoor storage enclosure which has privacy slats.

The exterior fence along the west boundary will need to be extended from the existing fence to Lomond View Drive; it will be a 6-foot-high fence and transition to 42 inches high at the 30-foot front setback line.

Questar is requesting an 8-foot-high security fence that surrounds the regulator facility. This will require a fence ordinance amendment.

The following fence amendment language is suggested:

11-10-15 E. Security Fencing: Public utility substations and institutional uses may be enclosed by security fencing not less than six feet (6') in height and no more than eight feet (8') in height, which shall be constructed of cement block, masonry, precast masonry, and / or wrought iron and may be equipped with an appropriate antilimbing device.

North Ogden Zoning Ordinance 11-10-13: (Exterior Lighting)

All exterior lighting must be shielded in order to not penetrate onto the adjoining lots. 11-17-3(10) has the standards for lighting. Security lighting will be reviewed at the time of building permit to confirm compliance.

11-10-25: (Trash Enclosures)

The trash enclosure is now shown on the site plan to the south of the outdoor storage enclosure. The enclosure will comply with this code provision. No new trash facilities are proposed.

11-17 (Parking and Loading; Traffic Access)

11-17-3 (7) (Design and Location of Parking Spaces)

The west most parking lot is adjacent to a residential property. The RE-20 zone does not allow parking in the front or side yard. These four stalls will need to have a ten-foot setback.

11-17-4 (Schedule of Required Off Street Spaces)

There are an additional 15 stalls being added to the north parking lot and a drive that will extend to the regulator station and the temporary animal shelter. The regulator station does not require any permanent parking. The animal shelter is 20 feet x 30 feet on two floors with a total of 1,200 square feet. There is no specific

parking standard for a temporary animal shelter. The staffing for this facility will be intermittent and will require some visitor parking. The planning director is authorized to identify the required parking in this instance. Four parking stalls will be adequate along with the shared parking for the office building.

11-17 4 (Parking Lot Landscaping)

The standards for parking lot landscaping are met.

11-22 (Sign Regulations for all Zones)

No signs are being requested.

The explained the above described application conforms to the North Ogden City General Plan. This area is identified as a residential low density; city ordinances allow public buildings as a permitted use and public service facility as a conditional use.

**The memo summarized the following potential Planning Commission considerations:**

- Does the proposed use meet the requirements of the applicable City Ordinances?

**Recommended conditions of approval include:**

Compliance with North Ogden Zoning Ordinance  
Compliance with any reviewing agency requirements  
Compliance with the Questar easement

The memo concluded staff feels the Planning Commission can find that the North Ogden City Public Works facility conditional use permit and site plan amendments including the Questar Regulator station and the temporary animal shelter meets the referenced code standards and approve the site plan with the following conditions:

- Approve the revised site plan Exhibit D.
- Provide for exterior lighting that meets code as part of the building permit review.
- Maintain a ten-foot setback for the four west parking stalls.
- Subject to revising the fencing standard to allow an eight-foot fence for institutional uses in residential zones.

Mr. Scott reviewed his staff memo; there was discussion throughout regarding the relationship the Questar facility will have with adjoining land uses, with a focus on fencing requirements.

Chairman Waite inquired as to the reason for the emphasis on the fact that the animal shelter is temporary in nature. Mr. Scott stated that it does not mean that the building is temporary; rather, the animal shelter houses animals on a temporary basis rather than keeps them permanently.

Yuka Jenkins, Questar representative, thanked the Planning Commission for their consideration of this application. She added that Questar has realized that the community surrounding the subject property is a high growth area and to accommodate this growth to the north and east it is necessary to build an additional regulator station in the City. She stated that the noise generated by equipment at the station is insignificant and will not be detectable by nearby property owners. She added that an employee will visit the facility once a month to gather data collected by equipment there. She referenced fencing and stated that six or seven foot fences are typically acceptable for this type of use.

Commissioner Prisbrey inquired as to the location of the other Questar Gas regulator station in the City. Commissioner Thomas stated it is not actually located in North Ogden; rather, it is in Pleasant View City very close to the border between the two cities. Commissioner Prisbrey asked how gas is delivered to a regulator station; he asked if construction of the facility will entail piping through adjacent properties. Ms. Jenkins stated that high pressure lines will be installed from the west to serve the regulator station. Mr. Call explained that the high-pressure lines are pressurized to 200 PSI, but the service lines that come out of the station are pressurized to approximately 40 PSI. Ms. Jenkins stated that the high-pressure line will be installed in utility easements under roadways and it should not be necessary to disturb private property.

Mr. Scott reported the amount of money being paid by Questar is adequate to facilitate the construction of the temporary animal shelter.

**Commissioner Thomas made a motion to grant approval of application CUP 2016-05, administrative application regarding an amendment to the North Ogden City Public Works Facility; a conditional use permit to add a Questar Gas Regulator Station; and a site plan amendment to add a temporary animal shelter at 162 East Pleasant View Drive, based on the findings and subject to the conditions listed in the staff report. Commissioner Mason seconded the motion.**

**Voting on the motion:**

<b>Chairman Waite</b>	<b>yes</b>
<b>Commissioner Thomas</b>	<b>yes</b>
<b>Commissioner Barker</b>	<b>yes</b>
<b>Commissioner Mason</b>	<b>yes</b>
<b>Commissioner Nancarrow</b>	<b>yes</b>
<b>Commissioner Prisbrey</b>	<b>yes</b>
<b>Commissioner Russell</b>	<b>yes</b>

**The motion carried.**

**A. SPR 2016-02 CONSIDERATION AND ACTION ON AN ADMINISTRATIVE APPLICATION, SITE PLAN APPROVAL OF THE WEBER COUNTY LIBRARY – NORTH BRANCH REMODEL**

A staff memo from City Planner Scott explained when the Planning Commission is acting as a land use authority, it is acting in an administrative capacity and has much less discretion. Examples of administrative applications are conditional use permits, design reviews, and subdivisions. Administrative applications must be approved by the Planning Commission if the application demonstrates compliance with the approval criteria.

The applicant is requesting approval of a revised site plan to the North Branch Library. The Library footprint is remaining the same; the site plan is being revised to redesign the front parking area and incorporate land to the south of the library to add parking and relocate the trash enclosure.

The North Ogden City Center subdivision was approved on September 21, 2016. The subdivision created lot 3 where the current skate board park is located. The skate park will be relocated.

The Technical Review Committee met on February 23, 2016.

This property is in the Residential City Center zone. The Planning Commission will be considering how the proposal meets the North Ogden Zoning Ordinance:

11-7J (Residential City Center Zone RCC)

Public buildings are a permitted use in the RCC.

11-10-27 (Site Plan Approval Required)

The North Branch Library site plan is required to be reviewed by the Planning Commission. (See Exhibit C) The Library is a single-story building with a basement and service entrance. The Library is being remodeled to provide updated facilities.

The site plan shows curb, gutter, and sidewalk along all boundaries. There is one segment of sidewalk that is missing along the west side of the Library that is required to be constructed. Staff suggests that the sidewalk be installed next to the curb on 475 East to avoid having to build a retaining wall.

The existing site plan shows 18% in landscaping. The proposal increases that percentage to 21%. The landscaping on the north side of the building is being converted into parking and a plaza. The landscaping on the north of the entrance will be reduced from approximately 70 feet to 20 feet. The RCC zone requires that 50% of a lot be landscaped. It is recommended that the percentage be approved since this is a noncomplying site. When 2600 North is widened the frontage landscaping will also be diminished.

North Ogden Zoning Ordinance 11-10-13: (Exterior Lighting)

All exterior lighting must be shielded in order to not penetrate onto the adjoining lots. 11-17-3(10) has the standards for lighting.

11-10-25: (Trash Enclosures)

The existing trash enclosure is located in the north parking lot. It is being relocated to the south parking lot and is enclosed. The location and enclosure will comply with this code provision.

11-17 (Parking and Loading; Traffic Access)

11-17-3 (Design and Location of Parking Spaces)

The north parking lot entrance onto 475 East does not meet the required separation requirement of 39 feet from the 2600 North intersection. It is recommended that this change be made at the time 2600 North is widened; that this entrance be eliminated and a new access be created to meet the alignment at 500 East.

The north parking area is being converted from angle parking to 90-degree parking. The angle parking had a total of 23 stalls. The redesign has 32 stalls.

A second design option exists for the south parking lot entrance. Rather than create a new parking lot entrance onto 2550 North build an expanded shared access drive with the existing driveway with a shared connection made to the existing city parking lot. It may provide for some additional parking stalls.

11-17-4 (Schedule of Required Off Street Spaces)

The parking requirement is 74 parking stalls. The site plan shows 65 stalls. Weber County and North Ogden City have a shared parking agreement that accounts for the 9 deficit stalls.

11-17 4 (Parking Lot Landscaping)

The parking lot landscaping is being enhanced with island and entryway landscaping.

11-22 (Sign Regulations for all Zones)

No new signage is being proposed.

The memo offered the following summary of potential Planning Commission consideration(s):

- Does the proposed site plan meet the requirements of the applicable City Zoning Ordinances?

The proposed site meets the requirements of applicable North Ogden City ordinances and conforms to the North Ogden City General Plan. The General Plan map calls for this property to be developed as residential low density. Public buildings are an integral part of residential neighborhoods.

Recommended conditions of approval include meeting the:

- Requirements of the North Ogden City Engineer
- Requirements of the Technical Review Committee
- The parking access at 475 East be eliminated at the time of the 2600 North widening and a new access is created to align with 500 East.

The memo concluded staff recommends approval of the North Branch Library site plan addition, subject to meeting the conditions from the reviewing agencies.

Mr. Scott reviewed his staff memo and the site plan to illustrate the amendments to the site and the library building itself.

Commissioner Mason asked if the plan changes affect fencing of the site. Mr. Scott deferred to the applicant.

Tom Brennan, EDA Architects, stated he is representing the Weber County Library. He noted the opportunity to finish the basement portion of the library to double the amount of usable space at the facility is cause for providing a major additional entrance to the building. The site plan contemplates creating a new entrance that is centrally and symmetrically located on the north side of the building that faces 2600 North. The lower level will have three primary programming elements: children's library services, teen services, and multi-purpose meeting space. Because of the heavy use the Library Board is anticipating, a vestibule and entrance will be located on the south side of the building. Additionally, there will be a small outdoor reading plaza on the southeast area of the building that will also open directly into the multi-purpose room. He noted that he is willing to comply with the conditions of approval included in the staff report. He then addressed the placement of the driveway and parking areas at the site and indicated that these accommodations are based upon extensive study of the community; the Library Board understands that parking is at a premium, but the potential future reorientation and reconfiguration of the access point with 500 East would free-up additional space for parking at the site. He looks forward to working with the City and the Utah Department of Transportation (UDOT) on the site access at some point in the future when 2600 North is widened. He then addressed Commissioner Mason's questions regarding the fence at the site; plans include complete elimination of the existing chain link fencing at the site, but there will be some low screening fences hid by landscaping to keep vegetation from growing into condensing units.

**Commissioner Mason made motion to grant approval of application SPR 2016-02, administrative application for site plan approval of the Weber County Library – North Branch remodel project based on the findings and subject to the conditions listed in the staff report. Commissioner Thomas seconded the motion.**

**Voting on the motion:**



<b>Chairman Waite</b>	<b>yes</b>
<b>Commissioner Thomas</b>	<b>yes</b>
<b>Commissioner Barker</b>	<b>yes</b>
<b>Commissioner Mason</b>	<b>yes</b>
<b>Commissioner Nancarrow</b>	<b>yes</b>
<b>Commissioner Prisbrey</b>	<b>yes</b>
<b>Commissioner Russell</b>	<b>yes</b>

**The motion carried.**

**9. LEGISLATIVE ITEMS**

**A. ZTA 2016-09 PUBLIC HEARING ON A LEGISLATIVE AMENDMENT TO CREATE A LAND USE PERMIT SYSTEM**

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

The City Council and Planning Commission have requested that a land use permit system be investigated. Staff has researched various other land use permit ordinances and North Ogden’s existing ordinances.

The Planning Commission discussed a draft land use permit ordinance on November 16, 2016 and December 7, 2016. The Planning Commission added a provision regarding the enforcement of land use permits and made edits to the his / her statements in the existing ordinance, and requested the draft ordinance be set for public hearing.

The memo offered the following summary of the amendment.

- This ordinance updates the responsibilities of the building official and planning director. The planning director is responsible for the processing of administrative applications and is designated as the land use authority for the interpretation of the zoning ordinance.
- Fees for processing applications are referenced.
- A notice of decision process is formalized that once a land use decision is made a record of the decision is formulated and sent to the applicant.
- A hearing and publication notice standard is established.
- Permits and licenses must comply with the land development code.
- An appeals process for administrative decisions is setup.

- A land use permit system is established. Inspections for land use permits are subject to inspection.
- The building official's duties for processing building permits and code enforcement are identified. A section on certificates of occupancy is included.
- The planning director is designated as the land use authority to interpret the subdivision ordinance.

The following goals and strategies associated with this amendment are as follows:

**Housing Goals**

Goal #1 – Increase Housing Quality and Variety

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

**Strategies**

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

The memo offered the following summary of potential Planning Commission considerations:

- Are the land use permit amendments appropriate?
- What changes does the Planning Commission want to make to the amendment?

The memo concluded staff recommends the Planning Commission receive input on the land use permit amendment and make a recommendation to the City Council.

Mr. Scott reviewed his staff memo.

Chairman Waite opened the public hearing at 8:17 p.m. There were no persons appearing to be heard.

**Commissioner Barker moved to close the public hearing. Commissioner Nancarrow seconded the motion.**

**Voting on the motion:**

<b>Chairman Waite</b>	<b>yes</b>
<b>Commissioner Thomas</b>	<b>yes</b>
<b>Commissioner Barker</b>	<b>yes</b>
<b>Commissioner Mason</b>	<b>yes</b>
<b>Commissioner Nancarrow</b>	<b>yes</b>

Commissioner Prisbrey                    yes  
Commissioner Russell                    yes

The motion carried.

**B. ZTA 2016-09 CONSIDERATION AND ACTION ON A LEGISLATIVE AMENDMENT TO CREATE A LAND USE PERMIT SYSTEM**

Commissioner Thomas moved to forward a positive recommendation to the City Council relative to application ZTA 2016-09, ordinance consideration and action on a legislative amendment to create a land use permit system. Commissioner Prisbrey seconded the motion.

Voting on the motion:

Chairman Waite                            yes  
Commissioner Thomas                    yes  
Commissioner Barker                    yes  
Commissioner Mason                    yes  
Commissioner Nancarrow                yes  
Commissioner Prisbrey                yes  
Commissioner Russell                yes

The motion carried.

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

Dale Anderson, 940 E. 2600 N., addressed agenda item 6c under the consent agenda; the ownership of the property has changed recently, but when JF Capital owned it they were working to realign boundaries in the area. He noticed that boundary realignment has not been recorded and he asked for the City's assistance in getting the issue resolved. City Attorney Call stated that may be a civil matter at this point and he advised Mr. Anderson to contact an attorney for legal advice. Mr. Anderson stated there is about 5,500 feet of property that was listed as his, but given the plat was never recorded by JF Capitol, he is concerned that the new owner could sell it to someone else.

**7. CONSIDERATION AND ELECTION OF A CHAIRMAN AND VICE-CHAIRMAN OF THE PLANNING COMMISSION**

Commissioner Barker made motion to maintain current leadership of the Planning Commission. Commissioner Prisbrey seconded the motion.

Commissioner Mason nominated Commissioner Nancarrow to serve as Chair of the Planning Commission. Commissioner Prisbrey seconded the motion.

Commissioner Nancarrow did not accept the nomination. Commissioner Mason rescinded his motion.

**Voting on the original motion:**

<b>Chairman Waite</b>	<b>yes</b>
<b>Commissioner Thomas</b>	<b>yes</b>
<b>Commissioner Barker</b>	<b>yes</b>
<b>Commissioner Mason</b>	<b>yes</b>
<b>Commissioner Nancarrow</b>	<b>yes</b>
<b>Commissioner Prisbrey</b>	<b>yes</b>
<b>Commissioner Russell</b>	<b>yes</b>

**Motion passed**

**11. REMARKS FROM PLANNING COMMISSIONERS**

Commissioner Russell thanked the City for giving him the opportunity to represent the City in the capacity of Planning Commissioner; he has enjoyed his service and he has learned a great deal of information from staff and the other Planning Commissioners. He stated he is leaving the body because he is a believer in term limits and the importance of giving others a chance to service. He thanked his fellow Planning Commissioners and noted he has enjoyed working with them over the past several years.

Chairman Waite referenced the recent controversy in Salt Lake City relative to homeless shelters and he wondered if designation of a property as a homeless shelter would offer Fair Housing Act protection to the property. Mr. Call stated that homeless shelters are not necessarily viewed as a fair housing issue; rather, most zoning codes list them as either permitted or non-permitted. However, several individuals that live in homeless shelters qualify for protection under the fair housing act. He stated he has not researched the issue in depth.

Commissioner Mason highlighted the popularity of the Pickleball courts in Pleasant View City.

**12. REPORT OF THE CITY PLANNER**

City Planner Scott provided the Planning Commission with information regarding upcoming training opportunities. He also reviewed the calendar of upcoming meetings and events for which the Planning Commission's participation is requested.

City Planner Bell noted that according to City Code, staff has the authority to approve minor subdivisions if they meet certain criteria, but staff is required to inform the

Planning Commission of such approvals. He reported on three minor subdivisions the staff has approved over the last few months. He then provided the Planning Commission with an update on the form based code project.

**13. REMARKS FROM CITY ATTORNEY**

City Attorney Call provided the Planning Commission with information regarding a recent action of the City Council that resulted in Planning Commissioner's being designated as City employees rather than contractors; this action may result in some changes in the manner in which members will be compensated.

**14. ADJOURNMENT**

Commissioner Barker moved to adjourn. Commissioner Thomas seconded the motion.

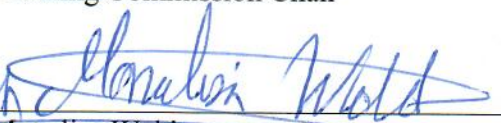
**Voting on the motion:**

Chairman Waite	yes
Commissioner Thomas	yes
Commissioner Barker	yes
Commissioner Mason	yes
Commissioner Nancarrow	yes
Commissioner Prisbrey	yes
Commissioner Russell	yes

**The motion carried.**

The meeting adjourned at 8:50 p.m.

  
\_\_\_\_\_  
Planning Commission Chair

  
\_\_\_\_\_  
Monalisa Wald  
Planning Assistant

1/18/17  
\_\_\_\_\_  
Date approved