

**NORTH OGDEN PLANNING COMMISSION**

**MEETING MINUTES**

**February 1, 2017**

The North Ogden Planning Commission convened in a regular meeting on February 1, 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 onJanuary 28th, 2017. 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

Nicole Nancarrow Commissioner

**STAFF:**

Jon Call City Attorney

Rob Scott City Planner

Brandon Bell Planner 1

Monalisa Wald Planning Assistant

Gary Kerr Building Official

Tiffany Staheli Parks and Recreation Director

**VISITORS:**

Chase Freebairn - Ivory Homes, SLC

**REGULAR MEETING**

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

1. **ROLL CALL**

Chairman Waite conducted roll call and indicated all members are present. He asked for an update on the process of filling the vacant Planning Commission position. City Attorney Call reported the Mayor is in the process of conducting interviews for the position and should be making a recommendation to the City Council soon.

**2.** **MINUTES APPROVAL**

**Commissioner Prisbrey moved to approve the minutes of the January 18, 2017 minutes as presented. Commissioner Nancarrow seconded the motion; all voted in favor.**

 **Voting on the motion:**

**Commissioner Barker yes**

**Commissioner Mason yes**

**Chairman Waite yes**

**Chairman Thomas yes**

**Commissioner Nancarrow yes**

**Commissioner Prisbrey yes**

**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. 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. Commissioners Nancarrow and Prisbrey indicated they will recuse from commenting or voting on agenda item 6A.

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

 There were no public comments.

**6. CONSENT AGENDA**

* 1. **ANX 2017-01 Consideration and action on an Legislative application for annexation of the Frandsen, Parkinson and Brewer property (Oakmont Estates), located at approximately 1100 East and 2750 North and zone the property Single Family Residential (R-1-10).**

A staff memo from City Planner Bell explained when the Planning Commission is acting in a legislative capacity as the land use authority the Planning Commission has wide discretion. Examples of legislative actions are general plan, annexation, 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 requires compatibility with the general plan and existing codes.

The applicants own property in North Ogden City located at approximately 1100 East 2750 North. The property is composed of 2 parcels totaling approximately 28.832 acres in size, is located in a county island within North Ogden City limits. The applicants are requesting that their property be annexed and zoned Single Family Residential Zone (R-1-10).

The adjacent property within North Ogden City to the west is zoned R-1-8. The property to the south is zoned RE-20 and R-1-10. The adjacent property to the north and east is zoned R-1-10. Designating the property with an R-1-10 zoning classification is a logical extension of the R-1-10 zone.

The North Ogden Annexation Policy Declaration in the General Plan calls for the property to be annexed into North Ogden City. The General Plan map calls for this property to be developed as low density residential; the R-1-10 zone is consistent with this designation.

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

* Is the zoning proposal consistent with the General Plan?

The memo concluded staff recommends that the Planning Commission recommend that the City Council annex this property and apply the R-1-10 zone.

**Commissioner Thomas moved to approve the consent agenda and forward a positive recommendation to the City Council regarding legislative application for the annexation of the Frandsen, Parkinson, and Brewer Property (Oakmont Estates) located at approximately 1100 East and 2750 North and zone the property single family residential (R-1-10). Commissioner Mason seconded the motion; all voted in favor.**

 **Voting on the motion:**

**Commissioner Barker yes**

**Commissioner Mason yes**

**Chairman Waite yes**

**Commissioner Thomas yes**

**The motion carried.**

1. **administrative items**
2. **SUB 2017-01 Consideration and action on an administrative application for final approval for the Ward Farms subdivision, Phase 2, located at approximately 1900 North 900 East**

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 Ward Farms subdivision, Phase 2, a 15-lot subdivision located at approximately 1900 North 900 East. The property is currently vacant. This phase sits on 4.74 acres and is zoned Single Family Residential R-1-8. The R-1-8 zone requires a minimum lot size of 8,000 square feet on interior lots and 9,000 square feet on corner lots with a lot width requirement of 80 feet.

A Technical Review Committee meeting was held on October 30, 2014. The City Engineer has submitted a Staff report dated January 20, 2017 (See Exhibit C). The engineer’s report addresses any issues from the TRC Meeting and contains a list of conditions that should be addressed prior to recording. Notable among those notes and conditions listed in the Engineer’s report are:

“The yard drain/irrigation line behind lots 202-208 should be in a private drainage easement.”

**Staff Comment:** A note needs to be placed on the plat stating that no accessory buildings or permanent structures, i.e., those structures which cannot be moved, should be placed within the easement. The note should also indicate that the easement is a private easement and that North Ogden will not have any maintenance responsibilities relating to the easement. The City Engineer will determine the precise language to be used in these notes. Also, Staff is waiting to hear back regarding the width of the easement that the Engineer requires. Staff should have that width by the time of the Planning Commission meeting at which this subdivision will be considered for approval.

“The public works department will need a paved road to the back of Parcel A so that the box on the north end can be accessed with the sewer/vactor truck.”

**Staff Comment:** The Public Works Director also needs a 15’ paved asphalt service drive through the center of the 20’ access way referred to on the plat as “Parcel A.” Staff recommends this asphalt service drive, as described above, as a condition of approval.

“Please fence both sides of Parcel A so that lot owners do not encroach on the utility right-of-way.”

**Staff Comment:** Upon further review, Legal Counsel has determined that if the access way is paved, it doesn’t need to be fenced.

Staff has received both a will serve letter on January 24, 2017, from Weber-Box Elder Conservation District, and a geotechnical report for this property. Staff has also reviewed the plans and all lots meet the required lot widths and square footage.

As a final note, Staff has requested an arrow and/or leader line be placed on the plat leading from the label “Parcel A” pointing onto the actual Parcel A property, to ensure that the property the label is referring to is more clearly indicated, prior to recording the plat.

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

* Does the proposed subdivision meet the requirements of the applicable subdivision and city zoning ordinances?

The proposed subdivision meets the requirements of applicable North Ogden City Ordinances and conforms to the North Ogden City General Plan. The General Plan calls for this property to be developed as low density residential. The General Plan also identifies this area as a potential conservation area.

Recommended conditions of approval include:

* Meeting the requirements of the Technical Review Committee;
* Compliance with the North Ogden City Engineer’s report; and
* Meeting the conditions listed in this Staff Report.

The memo concluded staff recommends final approval of this application for the Ward Farm Subdivision, Phase 2 subject to the conditions listed in this Staff Report and the Engineer’s report dated January 20, 2017 from the reviewing agencies.

Mr. Bell reviewed the staff report referenced the statement in the staff report that staff was waiting for further direction from the City Engineer relative to amending the plat to include a yard drain/irrigation line behind lots 202-208 in a private drainage easement. He noted that the City Engineer has indicated he is comfortable with a 10-foot easement and he asked that any motion made by the Planning Commission include the requirement for that easement on the plat. He also requested that the minutes reflected the same. He then reviewed the plat to identify the relationship between the parcels included in the subdivision plat.

Chase Freebairn, Ivory Homes, also referenced the plat and identified the location where the 10 foot drain line easement has been included on the plat, but he wondered if the additional asphalt drive through the center of the access way referred to as parcel A on the plat is required for maintenance access. He stated it is his opinion that the requirement for the paved service is ‘overkill’ and similar requirements have not been imposed on this type of development in the past. He stated that he believes that drain boxes must be maintained, but he is unsure whether a paved path is necessary. Mr. Bell stated that the paved drive is intended to provide access to the utility box at the rear of parcel A. He stated he has worked on similar projects where this type of paved path has been required as the Public Works Department feels that paved access to utility boxes is required.

Commissioner Thomas asked if the utility box is maintained by homeowners or the City. Mr. Call stated that individual owners are required to maintain their own lines, but the box located at the northwest corner of lot 201 connects directly to the City’s main storm drain line and the City is interested in maintaining that connection. Mr. Bell added that the vehicles used by Public Works to maintain the utility are heavy vehicles and that is another reason that the paved pathway is required; if the easement were landscaped, the trucks would destroy that landscaping when driving upon it.

1. **SUB 2017-01 Consideration and action on an administrative application for final approval for the Ward Farms subdivision, Phase 2, located at approximately 1900 North 900 East**

**Commissioner Nancarrow moved to grant approval of Application SUB 2017-01, administrative application for final approval for the Ward Farms Subdivision, Phase 2, located at approximately 1900 North 900 East, subject to the conditions listed in the January 20, 2017 Engineer’s Report. Amended motion to include the requirement for a 10’ easement on the yard drainage/irrigation line which runs along the back of lots 202-208; A 15’ paved asphalt service drive on Parcel A with a concrete drive approach; Addresses being added to plat. Commissioner Prisbrey seconded the motion.**

 **Voting on the motion:**

**Commissioner Barker yes**

**Commissioner Mason yes**

**Chairman Waite yes**

**Chairman Thomas yes**

**Commissioner Nancarrow yes**

**Commissioner Prisbrey yes**

 **The motion carried.**

1. **legislative items**
2. **Presentation by Tiffany Staheli, Parks and Recreation Director**

Mr. Scott noted the Planning Commission recently asked for a report from the Parks and Recreation Director regarding the offerings of the Department in the City.

Parks and Recreation Director Staheli used the aid of a PowerPoint presentation to provide an introduction of the Parks and Recreation Department; she discussed the purpose of the Department and the programming offered by the Department. She also reviewed photographs of the twelve parks owned and operated by the City and discussed the offerings of each park. The total park space owned by the City is 65 acres, which may seem like a lot of space, but according to the American standard, which is 10 acres of park for every 1,000 residents, the City’s current park space is actually low and the City should have 180 acres of park space. It is necessary to consider this standard as development of the City continues. She added that as park space increases, it will also be necessary to provide adequate resources to maintain the space. Her current staff of nine employees could not maintain 180 acres of park space.

Commissioner Mason stated that he has heard complaints about the fact that the aquatic center is not self-sustaining and he asked if consideration has been given to extending hours of operation or opening on Sunday to allow greater usership. Ms. Staheli stated that public swimming hours are the least profitable hours of the day and that is why the City has chosen to provide opportunities for private rentals. Commissioner Mason stated he feels that opening the pool on Sunday may be positive, especially as the population of the City becomes more diverse.

Commissioner Thomas inquired as to Ms. Staheli’s opinion of building a recreation center in the City. Ms. Staheli stated she believes such a facility will be needed in the future to accommodate the City’s growing recreation programs. Commissioner Mason stated there are some residents who feel the City should not fund recreation, but he disagrees with that sentiment and he would support the development of a recreation center.

Chairman Waite asked if the City collaborates with the Forest Service to create parks or open space that may be on Forest Service property, but would likely be exclusively used by North Ogden residents. Ms. Staheli stated that the City has worked with the Forest Service in development of the Bonneville Shoreline Trail and preservation of access points to that trail. There have not been discussions about creating parks or open space on Forest Service property.

The Planning Commission then engage in high level discussion with Ms. Staheli regarding the offerings of City parks and amenities available to residents.

1. **GPA 2017-01 Public hearing on a legislative amendment to the Parks, Trails, and Bike Lanes Maps of the General Plan**

A staff memo from City Planner Bell explained when the Planning Commission is acting in a legislative capacity they have 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 legislative decision requires compatibility with the general plan and existing codes.

North Ogden City adopted an updated General Plan in September of 2015, with revisions to the text in August 2016. The General Plan in use prior to the currently adopted General Plan was adopted in 1997. Staff has recently completed a few proposed changes to the currently adopted General Plan which were not able to be included in the earlier revisions adopted in August 2016.

The Parks and Recreation Department identified that the Parks Master Plan Map and the Trails Master Plan Map did not accurately identify the location of all trails. Staff has worked with the General Plan consultant to prepare revised maps which include more accurate information on the trails in North Ogden City and presents information related to parks and trails more effectively

Staff proposes that the maps referred to as the Parks Master Plan and the Trails Master Plan be removed from the General Plan and replaced with a single map, entitled Parks and Trails with Future Park Needs, in the Parks and Trails section of the General Plan. Staff also proposes that an additional 5 maps with supplementary information related to parks and trails in North Ogden City be added to the General Plan appendix. The five maps that are recommended to be added to the appendix are labeled as the Parks and Trails Map, the Future Parks Map, the Parks Map - With Labels, the Parks Map – Not Labeled, and the Trails Map. Finally, Staff proposes that a new Bike Lanes Map be added to the Transportation section of the General Plan.

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

* Are the maps accurate?

The memo concluded staff recommends the Planning Commission take public comment and recommend this amendment to the General Plan to the City Council for adoption.

Mr. Bell reviewed the staff memo as he and Ms. Staheli reviewed the seven proposed new maps to be included in the Plan. Ms. Staheli facilitated a discussion among the Planning Commission regarding future park development plans and amenities to potentially be included in future parks.

Chairman Waite opened the public hearing at 7:35 p.m. There were no public comments.

**Commissioner Thomas made motion. Commissioner Prisbrey seconded the motion; all voted in favor.**

 **Voting on the motion:**

**Commissioner Barker yes**

**Commissioner Mason yes**

**Chairman Waite yes**

**Commissioner Thomas yes**

**Commissioner Nancarrow yes**

**Commissioner Prisbrey yes**

**The motion carried.**

1. **GPA 2017-01 Consideration and action on a legislative amendment to the Parks, Trails, and Bike Lanes Maps of the General Plan.**

Commissioner Prisbrey discussed the matter of residents ‘saving spots’ along the Cherry Days Parade route; he is aware that the City has a rule prohibiting this activity 24 before the parade and asked if the City actively enforces that rule. Ms. Staheli stated the City does enforce the rule and last year Building Official Kerr removed all items used to save spots 24 hours before the parade. Mr. Kerr added that any items not retrieved by residents are donated to the Salvation Army.

Commissioner Mason encouraged all Planning Commissioners to commit to participate in the City’s annual half-marathon.

**Commissioner Thomas moved to forward a positive recommendation to the City Council regarding application GPA2017-01, a legislative amendment to the Parks, Trails, and Bike Lanes Maps of the General Plan, with the change that the location of the skate park be updated to identify the newly proposed location at North Ogden Park and that typographical errors be corrected. Commissioner Barker seconded the motion; all voted in favor.**

Commissioner Mason inquired as to Ms. Staheli’s plans or desires for providing pickleball courts in the City. Ms. Staheli stated she would like to include the amenity at Lomond View Park and Barker Park.

 **Voting on the motion:**

**Commissioner Barker yes**

**Commissioner Mason yes**

**Chairman Waite yes**

**Commissioner Thomas yes**

**Commissioner Nancarrow yes**

**Commissioner Prisbrey yes**

 **The motion carried.**

Mr. Scott noted that he and Ms. Staheli are the City’s representatives on the Weber Active Transportation Committee; the Committee has been charged with adding amenities to trails between South Ogden and North Ogden and in unincorporated Weber County. The Committee has discussed the need for an overall trails and bike plan for the entire County; Weber County has sponsored this effort with participation from all 15 cities in the County. The Plan was developed and continues to evolve to include all modes of active transportation. He stated the group meets every month or two to discuss these activities. He stated it has been gratifying to watch the evolution of the work of the Committee and stated he appreciates Ms. Staheli’s participation on the Committee. He concluded he feels the City is in good hands in terms of the future evolution of the Parks and Trails offerings of the City. There was brief discussion regarding trail connectivity through the County with a comparison of active transportation opportunities in Davis County as well.

1. **ZTA 2017-01 Public Hearing to consider a legislative amendment to the Security Fence Height Regulations and Non-conforming Site Fence Regulations**

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 Planning Commission discussed the proposed security fence height amendment at their January 4, 2017 meeting as part of the Questar Gas regulator station conditional use permit. Questar Gas desires to have an 8-foot-high security fence for their regulator station. The following proposed language was reviewed at the meeting.

11-10-11 E. Security Fencing: Public utility substations and institutional uses, e.g., churches, government buildings, or schools, 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 anticlimbing device.

This amendment allows the Planning Commission the ability to approve an 8-foot-high security fence as part of site plan review approvals for public utility substations and institutional uses. Institutional uses include public schools, churches, and city facilities.

Staff is also requesting that the Planning Commission consider an amendment to allow an 8-foot-high fence as part of approving a non-conforming site review. This came up as part of the Rand’s Roofing review. See the language below:

11-10-11 F. The planning commission may vary the fence height for nonconforming commercial sites in residential zones if it determines the proposed fence design, materials, and location will not create a safety hazard due to obstructed vision of approaching vehicles or pedestrians and will:

1. Not isolate the surrounding neighborhoods;
2. Be consistent with the theme of the development; and
3. Provide an effective screen to adjacent properties.
4. Chain link, vinyl, cement block, masonry, and wrought iron are acceptable materials)
5. If the fence is a solid screen wall it shall have at least a ninety five percent (95%) screen value.
6. The owner of the nonconforming commercial property shall construct, maintain, and keep the fence in good repair.

Staff supports the amendment to allow 8-foot-high security fencing for institutional uses as part of the planning commission’s site plan review authority and also as part of non-conforming site plan reviews.

The memo discussed conformance with the General Plan:

**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.

* Is the security fence height amendment appropriate?
* Is the amendment consistent with the General Plan?

The memo conclude staff recommends the Planning Commission accept public comment, but that the Planning Commission can find that the proposed amendment is consistent with the General Plan and make a recommendation to adopt the amendment to the City Council.

Mr. Scott reviewed his staff memo.

Chairman Waite stated he appreciates the amendments that have been proposed as they provide additional standards and flexibility.

Chairman Waite opened the public hearing at 7:51 p.m. There were no public comments.

**Commissioner Prisbrey made motion. Commissioner Nancarrow seconded the motion; all voted in favor.**

 **Voting on the motion:**

**Commissioner Barker yes**

**Commissioner Mason yes**

**Chairman Waite yes**

**Chairman Thomas yes**

**Commissioner Nancarrow yes**

**Commissioner Prisbrey yes**

 **The motion carried.**

1. **ZTA 2017-01 To consider a legislative amendment to the Security Fence Height Regulations and Non-conforming Site Fence Regulations**

**Commissioner Mason moved to forward a positive recommendation to the City Council regarding application ZTA 2017-01, legislative amendment to the security fence height regulations and non-conforming site fence regulations. Commissioner Thomas seconded the motion.**

 **Voting on the motion:**

**Commissioner Barker yes**

**Commissioner Mason yes**

**Chairman Waite yes**

**Commissioner Thomas yes**

**Commissioner Nancarrow yes**

**Commissioner Prisbrey yes**

 **The motion carried.**

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

 There were no public comments.

**10. REMARKS FROM PLANNING COMMISSIONERS**

Commissioner Mason referenced the popularity of pickleball courts in Pleasant View City.

**11. REPORT OF THE CITY PLANNER**

Mr. Scott provided the Planning Commission with information about upcoming training opportunities and asked that each member register for a APA login to streamline future registration processes.

**12. REMARKS FROM CITY ATTORNEY**

Mr. Call noted Mayor Taylor has published a survey on his Facebook page regarding the quality of the City’s snow removal service. He encouraged Planning Commissioners to fill out the survey and provide their feedback. Commissioner Mason stated he has been disappointed to read the comments from those who are upset that snow pushed by City snow plows ended up in their driveway.

**13. ADJOURNMENT**

**Commissioner Nancarrow moved to adjourn the meeting. Commissioner Prisbrey seconded the motion.**

**Voting on the motion:**

**Commissioner Barker yes**

**Commissioner Mason yes**

**Chairman Waite yes**

**Chairman Prisbrey yes**

**Commissioner Nancarrow yes**

**The motion carried.**

 The meeting adjourned at 8:00 p.m.

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Planning Commission Chair

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Monalisa Wald

Planning Assistant

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Date approved