

**NORTH OGDEN PLANNING COMMISSION
MEETING MINUTES
November 15, 2023**

The North Ogden Planning Commission convened in a regular meeting on November 15, 2023, at 7:00 p.m. Meeting time was moved to 7:00 p.m. to accommodate the South Town Center Open House. The meeting was also held on Zoom. 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 November 14, 2023. Notice of the annual meeting schedule was published in the Standard-Examiner on December 16, 2022.

COMMISSIONERS:

Eric Thomas	Chairman	Arrived at 7:07 p.m.
Brandon Mason	Vice-Chairman	Excused
Scott Barker	Commissioner	
Nicole Nancarrow	Commissioner	Excused
Johnson Webb	Commissioner	
Cody Watson	Commissioner	
Nissa Green	Commissioner	

STAFF:

Scott Hess	Community and Economic Development Director
Ryan Nunn	Planner
Jon Call	City Manager/Attorney

VISITORS:

Chris Pulver
Bob Wallace
Merrill Sunderland

Commissioner Webb called the meeting to order at 7:00 p.m. Commissioner Green offered the thought and Commissioner Barker led the Pledge of Allegiance.

1. ROLL CALL

Commissioner Webb conducted roll call; he indicated Chair Thomas, Vice Chair Mason, and Commissioner Nancarrow were excused from the meeting, but all other Commissioners were present.

2. EX PARTE COMMUNICATIONS OR CONFLICTS OF INTEREST TO DISCLOSE

Commissioner Webb asked if any Commissioners had ex parte communications or conflicts of interest to disclose. No disclosures were made.

3. PUBLIC COMMENTS FOR ITEMS NOT ON THE AGENDA

There were no public comments.

LEGISLATIVE ITEMS

4. ANX 2023-03 CONSIDERATION AND ACTION ON A LEGISLATIVE APPLICATION TO ANNEX PROPERTY AT APPROXIMATELY 730 EAST 1750 NORTH AND ZONE THE PROPERTY R-1-8 (AG)

Planner Nunn explained the applicant has applied to annex 0.123 acres of property at approximately 730 E 1750 N. The property currently has no buildings constructed in the unincorporated County. The applicant originally requested the Rural Residential RE-20 zone for this annexation, but after a discussion with the applicant, they have agreed to conform with the surrounding area zoning designation of Single-family residential R-1-8(AG). The adjacent properties are zoned R-1-8(AG) to the west, north, east, and south. Staff recommends that the Planning Commission recommend approval to the City Council for annexation of this property and apply the Single-family residential R-1-8(AG) zone. The proposed zoning is consistent with the General Plan and will meet a top priority by annexing one of the island properties located within North Ogden City boundary.

Chairman Thomas joined the meeting.

Commissioner Webb invited public input. There were no persons appearing to be heard.

Commissioner Green made a motion to forward a positive recommendation to the City Council for the annexation of property at approximately 730 East 1750 North and zone the property R-1-8 (AG) as presented. Commissioner Barker seconded the motion.

Voting on the motion:

Chairman Thomas	aye
Vice Chairman Mason	absent
Commissioner Barker	aye
Commissioner Nancarrow	absent
Commissioner Webb	aye
Commissioner Watson	aye
Commissioner Green	aye

The motion carried.

5. ZTA 2023-08 PUBLIC HEARING, CONSIDERATION, AND RECOMMENDATION ON A LEGISLATIVE AMENDMENT TO AMEND ACCESSORY BUILDING STANDARDS CITYWIDE

Community and Economic Development (CED) Director Hess explained the applicant applied for a building permit on December 23, 2022. That Building Permit was denied on January 20, 2023 due to not meeting the requirements of North Ogden City Codes. It was later discovered by the City that the applicant had begun construction of the structure and was issued a “Red-Tag Notice” from the Building Department on May 16, 2023 instructing the applicant to cease work immediately. The applicant and the City discussed options for how to move forward, and the applicant applied for a Variance to the setback and roof pitch determinations made by the City. The variance application was denied with a Notice of Decision dated October 4, 2023. In light of the denial, the applicant has submitted an application for a Rezoning Text Amendment to amend the accessory building standards. Mr. Hess noted the North Ogden City Code related to accessory building design standards and materials was amended in April of 2020. Ordinance 2020-07 adjusted the overall size and location of accessory buildings. At that time, Staff reviewed surrounding City ordinances and attempted to strike a balance between individual property rights and impacts to neighbors from large accessory buildings. The current size and location standards for accessory buildings is as follows: “Buildings that meet the design standards requirements in 11-9M-8: a building up to 10’ tall may be 3’ from the property line. Beginning at 5’ from the property line, an increase in building height beyond 10’ is permitted up to a maximum building height of 25’ (at the tallest point of the roof of the building), with an increase, at a 1:1 ratio, in the required setback distance of the building walls from the property line.”

The applicant’s stated desire is to find a way to isolate this case in the Code, as opposed to amending the entire City Code Citywide. Staff is uncertain how to do that exactly, and would like to use the time with the Planning Commission to workshop potential ideas or solutions, and provide guidance back to Staff to craft an ordinance for the City Council’s consideration. Mr. Hess then discussed conformance with the General Plan; the vision for North Ogden in the General Plan reads: “North Ogden will continue to be a community of beautiful homes and friendly people that capitalizes on the impressive setting beneath the slopes of Ben Lomond peak. North Ogden will strive to:

- Assure that North Ogden remains a beautiful place to live, work, and recreate;
- Preserve the essential characteristics of a family friendly community that assures an enduring legacy, small town feel, and high quality of life in North Ogden.

Staff believes that the Planning Commission can find the proposed Code language amendments to be in conformance with the General Plan, but also that the existing ordinance meets the intent of the General Plan. The Planning Commission should determine if amending the accessory building height and location standards is in the City's best interest. Staff recommends that the Planning Commission conduct the public hearing, consider the proposed ordinance amendment language, and make a recommendation to the City Council.

Mr. Hess facilitated discussion among the Council regarding appropriate accessory building standards for North Ogden City; the intent of the current ordinance is to increase setbacks for taller accessory buildings in order to preserve sight lines, but there is nothing in the ordinance that prohibits someone from planting a row of pine trees on their property line, which would eventually obstruct sight lines.

a. Commissioner Webb opened the Public Hearing at 7:18 p.m.

Merrill Sunderland, North Ogden resident, stated that he is fairly certain this is the first time this issue has come before the City Council. He asked if this is a request from one individual who is seeking to expand or change policies for all accessory buildings in the City.

Mr. Hess stated that zoning text amendments come in many forms; sometimes the City Council will direct staff to consider a text amendment, but all land use applications must come before the Planning Commission for consideration and a recommendation. In this particular case, an applicant has paid the fee for a zoning text amendment based on his experience with an accessory structure on his property that is taller than allowed based upon the setbacks for the zoning of his property. His request is to amend the zoning text to permit buildings of a certain height to ensure it is conforming. Mr. Sunderland asked if the change would apply to all accessory buildings throughout the City. Mr. Hess answered yes. Mr. Sunderland stated it is important to have as serious a discussion as possible to consider all of the implications of this change.

Chris Pulver, North Ogden resident, noted he would be supportive of an ordinance that would provide an exception to the setbacks or height restrictions in the event that the building will not block someone's sight line.

Chairman Thomas made a motion to close the Public Hearing. Commissioner Barker seconded the motion.

Voting on the motion:

Chairman Thomas	aye
Vice Chairman Mason	absent
Commissioner Barker	aye
Commissioner Nancarrow	absent
Commissioner Webb	aye
Commissioner Watson	aye
Commissioner Green	aye

The motion carried.

The Public Hearing was closed at 7:22 p.m.

b. Consideration and recommendation

Commissioner Webb invited input from the applicant.

Bob Wallace stated he appreciates the Commission taking the time to listen to his case. He noted that looking back on the situation, if he had approached the matter correctly initially, he would have placed the building in the appropriate area of his lot to comply with setback requirements and this would not be an issue. He has approached Bona Vista Water, which is the neighboring property owner in his rear yard, about buying some of their land in order to increase his property size and increase his setback. They said they would be happy to provide the City with a letter stating they have no problems with the height of his accessory building and that they have no plans whatsoever to sell their property to anyone else that could build a home on the land. He stated that means that his accessory building will not have any kind of impact on that property, and he is not blocking anyone's view. Even if he were able to secure some of the Bona Vista property, that would not change anything but a line on a map. He has spent a lot of money to this point and to change the structure would be very costly; he believes the structure is aesthetically pleasing and actually enhances the neighborhood. It will actually block the view of the nearby water tank for some property owners, which is a benefit. He wished there were a mechanism for pursuing a text amendment that would not change the ordinance for everyone in the City; he wished that his property could be considered on its own.

Mr. Hess stated that it is his opinion that it is bad form to write ordinances that have a 'who came first' provision; meaning ordinances often change in a way that creates legal non-conforming uses.

Chairman Thomas wondered if the Bona Vista property could be rezoned to a civic use, which would address the setback issue for Mr. Wallace's accessory building. City Manager/Attorney Call answered yes, that would be permissible. Chairman Thomas added another option would be to adjust the roofline to conform with the building height restriction, rather than increase the setback. This led to discussion about the manner in which building heights are measured, especially in areas with a fairly steep grade or step up in elevation; Chairman Thomas indicated he feels building heights and setbacks should reflect the intent of each zone, especially on the hillside areas of the community. Commissioner Watson stated his focus is on how an ordinance amendment will impact property owners who have already built an accessory structure in compliance with the existing ordinance; he prefers the option of changing the zoning of the Bona Vista property to Civic because that will offend less people. Additionally, he wondered if those living next to a civic use will have greater latitude in developing their property. Commissioner Green stated she is concerned about the City being reactionary to an individual property owner's desires rather than considering ordinances that will benefit the entire community. The Commission agreed and continued discussion of the appropriate recommendations to make, if any, regarding changes to the accessory building standards, with broad support for an ordinance amendment that would adjust the slope/pitch of the roof rather than setbacks or wall heights

responsive to Mr. Wallace's request for a text amendment. Mr. Hess stated staff will draft language responsive to that support.

Chairman Thomas made a motion to forward a recommendation to the City Council to consider a text amendment to amend accessory building standards by adjusting the regulations regarding roof slope/pitch. Commissioner Barker seconded the motion.

Voting on the motion:

Chairman Thomas	aye
Vice Chairman Mason	absent
Commissioner Barker	aye
Commissioner Nancarrow	absent
Commissioner Webb	aye
Commissioner Watson	aye
Commissioner Green	aye

The motion carried.

Mr. Hess explained to Mr. Wallace that the City Council is the legislative body of the City and will have the final decision-making authority regarding his application; they could follow the recommendation of the City Council, or adjust it as they see fit. Bob Wallace asked if an adjustment to the zoning of the Bona Vista Water property, to change it to civic, would have any impact on their use of the property. Mr. Hess answered no.

6. PUBLIC COMMENTS

There were no public comments.

7. REMARKS - PLANNING COMMISSIONERS:

Commissioner Webb thanked staff for their thoughtful consideration of the application regarding accessory buildings.

8. REPORT – COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR

Mr. Hess reviewed the Commission's meeting calendar for the remainder of the year.

9. REMARKS – CITY MANAGER/ATTORNEY

City Manager/Attorney Call noted all Commissioners have been invited to the City's Christmas party and he encouraged them to RSVP. He also discussed the calendar of special events for the City for the month of December.

10. ADJOURNMENT

Commissioner Watson made a motion to adjourn the meeting. Commissioner Green seconded the motion.

Voting on the motion:

Chairman Thomas	aye
Vice Chairman Mason	absent
Commissioner Barker	aye
Commissioner Nancarrow	absent
Commissioner Webb	aye
Commissioner Watson	aye
Commissioner Green	aye

The motion carried.

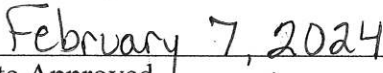
The meeting adjourned at 8:04 p.m.



Eric Thomas
Planning Commission Chair



Joyce Pierson
Deputy City Recorder



Date Approved