

**NORTH OGDEN PLANNING COMMISSION  
MEETING MINUTES  
July 21, 2021**

The North Ogden Planning Commission convened in a regular meeting on July 21, 2021, at 6:31 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 July 16, 2021. Notice of the annual meeting schedule was published in the Standard-Examiner on December 12, 2020.

**COMMISSIONERS:**

Eric Thomas	Chairman	
Brandon Mason	Vice-Chairman	
Lisa Arner	Commissioner	
Scott Barker	Commissioner	
Alan Lunt	Commissioner	excused
Nicole Nancarrow	Commissioner	
Johnson Webb	Commissioner	

**STAFF:**

Scott Hess	Planning Director
Brandon Bell	Associate Planner
Kai Johnsen	Planning Tech
Jon Call	City Manager/Attorney
Neal Berube	Mayor

**VISITORS:**

Karen Bell	Linda Webber	Phillip R. Child
Kent Bell	Sharon Eva	Mike Child
Shauna Flinders	Leeann Lippert	Stefanie Casey
Steve Flinders	Brett Johnston	Jen Shupe
Pat Burns	Andy Lippert	John Shupe

Chairman Thomas called the meeting to order at 6:31 p.m. Commissioner Barker offered the invocation and Commissioner Nancarrow led the Pledge of Allegiance.

1. **ROLL CALL**

Chairman Thomas conducted the roll.

2. **OPENING MEETING STATEMENT**

Chairman Thomas read the opening statement.

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

Chairman Thomas asked if any member of the Commission needs to declare ex parte communications or conflicts of interest. Commissioner Barker disclosed that he spoke to an applicant outside the meeting as the applicant was seeking advice regarding an application process and he simply referred the applicant to City staff. Chairman Thomas indicated he also had a similar encounter with an applicant, but he has no private interest in the project and does not feel it necessary to recuse himself from discussing the application.

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

There were no public comments.

**LEGISLATIVE ITEMS**

5. **ZTA 2021-01 PUBLIC HEARING, CONSIDERATION, AND RECOMMENDATION ON A LEGISLATIVE AMENDMENT TO CONSIDER REVISING THE TOTAL AREA OF COMMERCIAL SIGNS IN THE C-2 ZONE**  
**PRESENTER: KAI JOHNSEN, PLANNING TECH**

A staff memo from Planning Technician Johnsen explained when the City is considering a legislative matter, the Planning Commission is acting as a recommending body to the City Council. The City has wide discretion in taking legislative action. 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.

Applicant Phillip Child, ACE Hardware, contacted the City regarding signage requirements for his business located at 2556 N. 400 E. North Ogden. ACE Hardware would like a sign on the west side of their building facing Washington Blvd. They currently have their main signage on the South side of the building facing internally into the parking lot adjacent to Smith's Marketplace. There is also a sign on the north side of their building that is visible from 2600 N. Their total signage is currently near the limit of 200 square feet. The Applicant submitted an application for

an amendment to our City ordinance regarding the total area of commercial signs. The currently proposed text for the amendment was crafted from the text submitted by the applicant requesting the amendment.

## **ANALYSIS**

The proposed ordinance updates our City code regarding the total area of commercial wall signs in the C-2 zone. The ordinance is intended to balance the size of wall signs used today with the effect of these signs on the public and neighbors. The applicant proposes that the City increase the total permitted area of wall signs in C-2 Commercial areas from 200 sq. ft. to 250 square feet. It is important to note that North Ogden City code restricts the maximum area of signs to 40% of the front wall plane of the building. Below is a summary of other local city's sign regulations.

Harrisville- Three sq. ft. per linear foot of frontage, maximum of 600 sq. ft. per lot/parcel. Maximum size of a single sign face is 300 sq. ft. Also contains a provision for additional area for shopping centers providing site has frontage, requires approval from Planning Commission.

Pleasant view- On-premise attached signs may not exceed a total of two square feet of sign area for each lineal foot of building frontage. The area of any one sign shall not exceed one hundred square feet.

Ogden- Three sq. ft. per linear foot of building frontage with a maximum of 400 sq. ft. per frontage

Brigham - Four sq. ft. of sign area for every one linear foot of building frontage or two sq. ft. of sign area for every linear foot of lot frontage, whichever is the least restrictive.

Riverdale- Three sq. ft. per linear foot of building frontage, maximum single sign size permitted 300 sq. ft. 600 sq. ft. total, if property has the frontage.

The current sign ordinance in North Ogden is generally more restrictive than the above codes, and is unique in limiting the size of the sign in relation to the area of the front wall plane. Because of this the proposed change to the sign ordinance is reasonable.

## **CONFORMANCE WITH THE GENERAL PLAN**

### **Economic Development**

- Diversify the entertainment, restaurant, and retail offerings within the City.
- Assure a quality commercial shopping environment.
- Staff is of the opinion that the Planning Commission can find that the amendment is consistent with the General Plan.

## **SUMMARY OF LAND USE AUTHORITY CONSIDERATIONS**

There are some guiding principles that should be considered before there is a change in code standards.

- Is the request a positive change for not only a specific property but does it make sense for the entire city?
- Is there additional language that is appropriate for this ordinance? E.g. a provision for access lanes or a right of way on three sides, or a maximum size for a single sign.
- Is the proposal consistent with the General Plan?

## **RECOMMENDATION**

Staff recommends that the Planning Commission conduct the public hearing, consider the proposed ordinance, and make a recommendation to the City Council.

Mr. Johnsen reviewed his staff memo.

Vice Chairman Mason asked if staff considered other options for allowing the applicant to secure approval of his sign aside from amending the City's ordinance, which will have an impact on the square footage of all future signs in the City. Mr. Johnson answered yes; the City has a provision allowing comprehensive sign planning for a business within a larger commercial complex. However, in this case, the property has unique challenges because it is located within a complex that has other ownership. Vice Chairman Mason stated that he would like to discuss that matter further with the applicant when appropriate.

Chairman Thomas stated it is his understanding the current maximum size for a sign is 250 square feet, but the applicant would like approval of a sign that is 300 square feet in size. Mr. Johnsen stated the current regulation is actually 200 square feet maximum, or 40 percent of the size of the front face of the building, and the applicant would like for his signage to be 250 square feet in size. He discussed the manner in which signage regulations have been updated in other cities to keep pace with modern commercial development trends.

Chairman Thomas opened the public hearing at 6:56 p.m.

Philip Child, 1353 E. 2450 N., stated he is the owner of Ace Hardware in North Ogden and he is asking for an additional 50 square feet of signage space, which is still lower than signage sizes allowed in neighboring cities. He stated that when he first opened the building in 2017, there was a plan to build another building on the west side and it did not make sense to erect a sign in that area at that particular time. He noted that all four sides of the building are visible by pedestrian or vehicular traffic; the rear side has a small sign with the business name, the front has a larger sign with some of the top brands sold at the store, and another small sign on the east side, but no signage on the west side. He feels that the signage is needed because he has received feedback from many people who did not know the building was where it is currently located because it does not have signs. The trees planted near Starbucks fronting Washington Boulevard block the view of the building. There is a small space where signage could be installed to advertise the presence of the building. He has consulted with Planning staff and they told him the simplest way to accomplish this proposal would be to petition to amend the signage ordinance to increase the signage size from 200 square feet to 250 square feet.

Vice Chairman Mason asked if the applicant's intention is to remove the existing sign on the west side of the building and replace it with a larger sign. Mr. Child answered no and reiterated there is currently not a sign on the west side. He proposes to install a new sign there and noted it will be aesthetically pleasing and fit with its surroundings. Vice Chairman Mason asked Mr. Child if he would object to a regulation that provides for an extra 50 square feet of signage if just three sides of the building will have signs; this would help to accomplish Mr. Child's desires, but still limit the maximum square footage for signs to 250 square feet. Mr. Child stated he is comfortable with that approach. Chairman Thomas stated he supports that approach as well.

Commissioner Webb asked Mr. Child if he would be willing to adjust the design of the sign to fit a certain theme, similar to what has been done in other cities to mirror certain design or architectural themes. Mr. Child stated he would not be opposed to that, so long as it does not create too large a financial burden on the business. He stated that he feels the City should be invested in helping buildings succeed and giving them the right tools to stay in business; if a signage ordinance is not hurting the City or allowing for outlandish aesthetics, the City should support it. He stated that now, and the past 18 months, have been very difficult for brick-and-mortar businesses and allowing him to advertise the brands and products he sells would be helpful to him.

Pat Burns, 1407 N. Mountain Road, stated that he agrees with the applicant and this signage ordinance adjustment makes perfect sense to him.

There were no additional persons appearing to be heard.

**Commissioner Nancarrow made a motion to close the Public Hearing. Commissioner Barker seconded the motion.**

**Voting on the motion:**

<b>Chairman Thomas</b>	<b>aye</b>
<b>Vice Chairman Mason</b>	<b>aye</b>
<b>Commissioner Arner</b>	<b>aye</b>
<b>Commissioner Barker</b>	<b>aye</b>
<b>Commissioner Lunt</b>	<b>absent</b>
<b>Commissioner Nancarrow</b>	<b>aye</b>
<b>Commissioner Webb</b>	<b>aye</b>

**The motion carried.**

**The Public Hearing was closed at 6:58 p.m.**

Chairman Thomas stated that he supports adding a clause to the ordinance to provide for an increased amount of sign square footage for businesses that have roads on three sides; in these cases, the business will be allowed to install an additional 50 square feet of signage. Not only does this give the applicant the ability to increase their signage, but it will serve to break up a large wall with no dimension or character. Vice Chairman Mason asked Mr. Johnsen if he can draft language responsive to the Commission's direction in order to provide a draft ordinance to the Council to consider. Mr. Johnsen answered yes.

**Commissioner Nancarrow made a motion to forward a positive recommendation to the City Council for application ZTA 2021-01, revising the total area of commercial signs in the C-2 zone, with the following adjustment:**

- **Applicant can request a 25 percent increase in signage for a third side of a building that faces a street or open space, with a maximum sign square footage not to exceed 250 square feet total, and/or 200 square feet on one side of the building.**

**Commissioner Barker seconded the motion.**

**Voting on the motion:**

<b>Chairman Thomas</b>	<b>aye</b>
<b>Vice Chairman Mason</b>	<b>aye</b>
<b>Commissioner Arner</b>	<b>ay</b>
<b>Commissioner Barker</b>	<b>aye</b>
<b>Commissioner Lunt</b>	<b>absent</b>
<b>Commissioner Nancarrow</b>	<b>aye</b>
<b>Commissioner Webb</b>	<b>aye</b>

**The motion carried.**

**6. ZMA 2021-04 PUBLIC HEARING, CONSIDERATION, AND RECOMMENDATION ON A LEGISLATIVE APPLICATION TO REZONE PROPERTY FOR LAND LOCATED AT APPROXIMATELY 96 EAST 3275 NORTH FROM SINGLE FAMILY RESIDENTIAL (R-1-10) TO SUBURBAN RESIDENTIAL (RE-20)  
PRESENTER: BRANDON BELL, ASSOCIATE PLANNER**

A staff memo from Associate Planner Bell explained when the City is considering a legislative matter, the Planning Commission is acting as a recommending body to the City Council. The City has wide discretion in taking legislative action. 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 applicant is requesting a zone change for the property located at approximately 96 East 3275 North from Single-Family Residential (R-1-10) to Suburban Residential (RE-20). This is an approved lot (and a nearby parcel, separated by a canal) with a home that was built many years ago. The surrounding area is R-1-10. The property proposed to be rezoned is an existing lot and nearby parcel that has been developed and built on for many years, in the R-1-10 zone.

**GENERAL PLAN GUIDELINES**

**Zoning and Land-Use Policy**

The following policy consists of general statements to be used as guidelines. Such guidelines may on occasion conflict, when several are compared. In such cases, the Planning Commission should prioritize the guidelines as they pertain to the specific parameters of the issue which is pending. All zoning requests should first be evaluated for their compliance with the General Plan.

***General Guidelines:***

- A definite edge should be established between the types of uses to protect the integrity of each use, except where the mixing of uses is recommended in the General Plan.

**Staff Comment:** The Low-Density designation in the General Plan calls for a range of densities which include those permitted in the RE-20 zone, and the areas in the low-density designation include areas in the City that are currently zoned RE-20. The RE-20 zone is similar to the R-1 zones in that they both allow single-family dwellings at relatively low densities, as a permitted use but the RE-20 zone, also allows some agricultural uses. The property has historically been home to

an orchard. The trees are still on the property but not a primary agricultural use. This property is 4.61 acres and meets the RE-20 requirements for a lot in those zones.

- Zoning should reflect the existing use of property to the greatest extent possible, unless the area is in transition or is in conflict with the General Plan.

**Staff Comment:** This area is not in transition and is fully developed. However, the RE-20 zone can be considered a zone with uses that are similar to the R-1-10 zone.

- Where possible, properties which face each other across a local street, should be the same or a similar zone. Collector and arterial roads may be sufficient buffers to warrant different zones.

**Staff Comment:** The property across the street and the other surrounding properties are R-1-10. The RE-20 zone can be considered a similar zone as the R-1-10 zone.

- Zoning boundaries should not cut across individual lots or developments (i.e., placing the lot in two separate zones). Illogical boundaries should be redrawn to follow property or established geographical lines.

**Staff Comment:** The proposed zone change would not cut across individual lots. It would extend across property held by the United States of America, for the canal, that is however not a lot.

#### ***Residential Guidelines:***

- Avoid isolating neighborhoods.

**Staff Comment:** The proposed zone change is a similar use and will not isolate the existing neighborhood.

- Require excellence in design.

**Staff Comment:** This guideline does not directly pertain to this application.

- Consider development agreements to assure higher quality development.

**Staff Comment:** No development agreement is proposed.

#### **CONFORMANCE WITH GENERAL PLAN**

The proposed rezone conforms to the North Ogden City General Plan. The General Plan map calls for this property to be developed as low density residential.

#### **SUMMARY OF PLANNING COMMISSION CONSIDERATIONS**

- Is the proposal consistent with the General Plan?
- How does the proposal relate to the Zoning and Land Use Policy guidelines?

The memo concluded staff recommends that the Planning Commission conduct the public hearing and receive public comment, consider the General Plan rezoning guidelines, and make a recommendation to the City Council. Staff recommends that the Planning Commission can find that this application is consistent with the General Plan, and recommends approval of the rezone from R-1-10 to the RE-20 zone.

Mr. Bell reviewed his staff memo.

Vice Chairman Mason asked if there is sufficient frontage on the property to avoid a non-conforming situation. Mr. Bell answered yes, the lots meet the minimum width requirements.

Chairman Thomas invited input from the applicant.

Brett Johnston, 96 East 3275 North, stated he is requesting the rezone because the current zoning limits the use of his property in terms of residential development options. He loves the home and his property, but wants to be able to use it to its full potential. He plans to improve the orchard area of the property and possibly expand agricultural uses to the property and possibly to the property to the west.

**Chairman Thomas opened the Public Hearing at 7:15 p.m.**

Pat Burns, 1407 N. Mountain Road, stated he also supports this application; the proposal made by Mr. Johnston makes perfect sense to him.

**Commissioner Nancarrow made a motion to close the Public Hearing. Commissioner Barker seconded the motion.**

**Voting on the motion:**

<b>Chairman Thomas</b>	<b>aye</b>
<b>Vice Chairman Mason</b>	<b>aye</b>
<b>Commissioner Arner</b>	<b>aye</b>
<b>Commissioner Barker</b>	<b>aye</b>
<b>Commissioner Lunt</b>	<b>absent</b>
<b>Commissioner Nancarrow</b>	<b>aye</b>
<b>Commissioner Webb</b>	<b>aye</b>

**The motion carried.**

**The Public Hearing was closed at 7:16 p.m.**

**Vice Chairman Mason made a motion to forward a positive recommendation to the City Council for application ZMA 2021-04, rezoning property located at approximately 96 East 3275 North from Single Family Residential (R-1-10) to Suburban Residential (RE-20), based on the findings and subject to the conditions listed in the staff report. Commissioner Webb seconded the motion.**

**Voting on the motion:**

<b>Chairman Thomas</b>	<b>aye</b>
<b>Vice Chairman Mason</b>	<b>aye</b>
<b>Commissioner Arner</b>	<b>ay</b>
<b>Commissioner Barker</b>	<b>aye</b>
<b>Commissioner Lunt</b>	<b>absent</b>
<b>Commissioner Nancarrow</b>	<b>aye</b>
<b>Commissioner Webb</b>	<b>aye</b>

**The motion carried.**

Commissioner Webb and Chairman Thomas commented on the fact that this zone change is in line with the City's General Plan; the subject property is large enough in size to be considered



agricultural in nature and granting the RE-20 zoning will provide for appropriate buffering between differing uses.

7. **ZMA 2021-05 PUBLIC HEARING, CONSIDERATION, AND RECOMMENDATION ON A LEGISLATIVE APPLICATION TO REZONE PROPERTY FOR LAND LOCATED AT APPROXIMATELY 2679 N. 450 E. FROM RESIDENTIAL CITY CENTER (RCC) TO RESIDENTIAL MULTI-FAMILY (R-4)**  
**PRESENTER: SCOTT HESS, PLANNING DIRECTOR**

A staff memo from Planning Director Hess explained when the City is considering a legislative matter, the Planning Commission is acting as a recommending body to the City Council. The City has wide discretion in taking legislative action. 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 applicant is requesting a zone change for the property located at 2679 N. 450 E. from Residential City Center (RCC) to Multi-Family Residential (R-4). The property consists of 0.5 acres with an existing home and accessory structures on site. The property is located on the same block as existing multi-family residential structures, and is within walking distance to parks, schools, city services, shopping, and transit.

The applicant has proposed a six-unit development on the site. Staff has directed the applicant that the current R-4 zoning would allow five units. The design of the multi-family residential is shown on the proposed Site Plan and Building Plans sets. (See Exhibit B)

Should the City approve the rezone, this project would come back to the Planning Commission as an application for Conditional Use Permit with Site Plan review for the multi-family residential.

**CONFORMANCE WITH GENERAL PLAN**

The proposed rezone meets the requirements of applicable North Ogden City ordinances and conforms to the North Ogden City General Plan. The current General Plan map calls for this property to be developed as Downtown Mixed Use (DMU) with a focus on walkability. The land uses in DMU as described in the General Plan are defined simply as “a mixed-use character”. The General Plan Advisory Committee (GPAC) has supported the idea of a City Center Area that would include increased intensity and housing choice in the area surrounding the downtown core. This rezone request meets the current General Plan as well as the future General Plan direction as supported by the GPAC.

**Zoning and Land-Use Policy**

The following policy consists of general statements to be used as guidelines. Such guidelines may on occasion conflict, when several are compared. In such cases, the Planning Commission should prioritize the guidelines as they pertain to the specific parameters of the issue which is pending. All zoning requests should first be evaluated for their compliance with the General Plan.

**General Guidelines:**

- A definite edge should be established between the types of uses to protect the integrity of each use, except where the mixing of uses is recommended in the General Plan.  
**Staff Comment:** The General Plan calls for this area to be Downtown Mixed Use (DMU) where a mixing of uses is cited as existing and is encouraged. The General Plan focuses on walkability. This area of the City has the best access to services including parks, schools, shopping, civic uses, and transit.
- Zoning should reflect the existing use of property to the greatest extent possible, unless the area is in transition or is in conflict with the General Plan.  
**Staff Comment:** This area of the City has long held a mix of uses and development types. Similar multi-family development is adjacent to this property to the south, and two-family dwellings are located just south of this area across 2650 N. Staff believes that increased housing choice in this area is consistent with the existing use of properties in the general vicinity.
- Where possible, properties which face each other across a local street, should be the same or a similar zone. Collector and arterial roads may be sufficient buffers to warrant different zones.  
**Staff Comment:** This parcel is located on a local street and shares a block with similar uses. The neighbor immediately across the street to the east is North Ogden Park. The property to the North is Residential City Center (RCC) with single-family use.
- Zoning boundaries should not cut across individual lots or developments (i.e., placing the lot in two separate zones). Illogical boundaries should be redrawn to follow property or established geographical lines.  
**Staff Comment:** The proposed zone change does not cut across individual lots.

**Residential Guidelines:**

- Avoid isolating neighborhoods.  
**Staff Comment:** The proposed zone change will not isolate the existing neighborhood.
- Require excellence in design.  
**Staff Comment:** A building permit will be processed for the future home and accessory building meeting city standards.
- Consider development agreements to assure higher quality development.  
**Staff Comment:** No development agreement is proposed.

**SUMMARY OF PLANNING COMMISSION CONSIDERATIONS**

- Is the proposal consistent with the General Plan?
- How does the proposal relate to the Zoning and Land Use Policy guidelines?

The memo concluded staff recommends the Planning Commission conduct the public hearing and receive public comment, consider the General Plan rezoning guidelines, and make a recommendation to the City Council. Staff recommends approval of the rezone from Residential City Center (RCC) zone to the Multi-Family (R-4) zone. The Planning Commission can find that this application is consistent with the General Plan.

Mr. Hess reviewed his staff memo.

Chairman Thomas noted there is multi-family development located directly south of the subject property, but it does not carry the RCC zoning designation. He asked if that is due to the fact that the development was built before the RCC zone was created. Mr. Hess stated that is his guess; he

has reviewed the history of amendments to the City's land use code and it appears that multi-family units were removed as a permitted use in the RCC zone. However, the State Legislature has stripped the City of its ability to prohibit accessory dwelling units (ADUs) in certain zones and an applicant could subdivide this property into two parcels and get approval of two duplexes or single-family homes with ADUs. This led to high level discussion among the Commission and staff regarding other areas of the City that contain multi-family buildings and the impact that the use has on the character of neighborhoods or surrounding uses. Chairman Thomas stated he feels that areas closer to the City's downtown are the best areas to locate multi-family projects. Vice Chairman Mason stated that he is not convinced that the subject property should be zoned anything different than RCC as it meets the definition of property that should be located in the residential city center zone; he asked Mr. Hess why he feels that the zone change to R-4 is acceptable and reasonable. Mr. Hess stated he feels it is acceptable because the City's General Plan indicates the area should have a mix of uses and a focus on walkability; this application provides for converting an unlivable structure to potentially four or five affordable units that are located close enough to transit, commercial, and institutional services. He stated from staff's perspective, the proposed use makes a great deal of sense.

Chairman Thomas invited input from the applicant.

Shauna Flinders, 2679 N. 450 E., stated she grew up in the home on this property; her parents are deceased and she has had a hard time maintaining it. There is an apartment building that literally abuts her property line and she feels that this use is appropriate. She spoke to the City Council and Planning Commission about this concept last winter and after feeling she had support from the group, she proceeded with getting an engineered plan for redevelopment of the site. She feels that the architecture is very nice and fits with its surroundings. Each of the units would be recorded as single units to allow for them to be sold to individual owners. She agreed with Mr. Hess that the redevelopment would be an upgrade and would serve a great purpose for future owners as they could walk to nearby services and transit. She added there are a few other dilapidated properties in the area and she feels that the project to widen 2600 North will render those properties unusable under their current zoning. She believes that others will probably follow in this same direction.

Commissioner Nancarrow asked Ms. Flinders if she has spoken with abutting property owners; one adjacent property is a single-family home that stands to be impacted most by this project and she would be interested in hearing their feelings. Ms. Flinders stated she has spoken with those neighbors; she plans to erect a privacy fence between her property and their property.

**Chairman Thomas opened the Public Hearing at 7:38 p.m.**

Leeann Lippert, 2660 N. 450 E., stated she shares a fence with the property owner. She thanked the City for sending her a letter regarding this application, otherwise she would not have known this discussion was going to be taking place. She is strongly opposed to changing the zoning, not because she wants to keep Ms. Flinders and her husband from developing their property as she is happy for them to have that chance. However, she hopes to maintain the RCC zoning as she was one of the citizens who helped to create this zone in 2005. She offered some historical context to the development of that zone responsive to a project to build a 10-unit building in the middle of single-family homes. The neighbors living in that area had felt so betrayed by the City because they were not informed of the proposal. The neighbors found that the conditional use permit (CUP) for the project was improperly granted because they did not have enough space to meet setback

and frontage requirements. The property was developed as a group dwelling, which was improper. The Planning Commission acknowledged that their proposal was incorrect and that they were relying upon the advice of staff. Many residents left the neighborhood, but the remaining neighbors rallied and met with City staff, the Planning Commission, and City Council to adjust the land use code and create the RCC zone to protect the heart of North Ogden. She stated it is possible to protect the character of a neighborhood by controlling these types of projects. She stated that she hopes the Commission will consider that people still live in this neighborhood, and they want to feel safe. There are other areas of the City where multi-family development is more appropriate and has already been granted.

Andy Lippert, 2660 N. 450 E., echoed his wife's comments and added that he is also opposed to the zone change. The purpose of the RCC is to encourage the preservation of single-family dwellings in the historical area of North Ogden. He stated that there are two five-unit buildings that are somewhat hidden from view, but the homes that are visible are single-family homes, including his home. If the zoning of the subject property is changed, it will dramatically change the appearance of the block because it is much more visible than existing multi-family buildings. He disagreed with Mr. Hess's assessment that the proposed use will provide a great transition between single-family uses and commercial uses; there are many people that want single-family uses preserved and this will help to maintain the history of the area.

John Shupe, 431 E. 2700 N., stated he also hates to see single-family homes fall by the wayside in the heart of North Ogden. It is not wise to increase the amount of multi-family developing in this area in terms of disaster preparedness planning. Increased population in smaller units will only compound the problem of responding to a disaster. He would like for the decision makers in the City to really understand the impact of their decisions and he encouraged the Commission to visit the area to see how this project would impact neighboring property owners.

Kent Bell, 2739 N. 450 E., stated he is also opposed to the zone change and he echoed the comments of the Lipperts; he is a lifelong resident of the City and he loves the area because of the rural feeling, agricultural uses, and animals. He worked long and hard all of his life to buy his home and his property and he asked the Commission to consider what it would be like to live next to the type of project Ms. Flinders is proposing after having lived on a larger property abutting single-family uses.

There were no additional persons appearing to be heard.

**Commissioner Nancarrow made a motion to close the Public Hearing. Commissioner Webb seconded the motion.**

**Voting on the motion:**

<b>Chairman Thomas</b>	<b>aye</b>
<b>Vice Chairman Mason</b>	<b>aye</b>
<b>Commissioner Arner</b>	<b>aye</b>
<b>Commissioner Barker</b>	<b>aye</b>
<b>Commissioner Lunt</b>	<b>absent</b>
<b>Commissioner Nancarrow</b>	<b>aye</b>
<b>Commissioner Webb</b>	<b>aye</b>

**The motion carried.**

**The Public Hearing was closed at 7:52 p.m.**

Chairman Thomas invited the applicant to provide rebuttal comments.

Ms. Flinders stated she is somewhat blindsided by the opinions voiced by those who spoke during the public hearing. She does not feel it is fair to judge her proposed project by the development of the 10-unit building referenced by Ms. Lippert. She stated there are many people moving to Utah and many cities are growing and she is not sure what her neighbors are proposing she do with her property, but it is not fair for them to try to take away her private property rights. Her property is already zoned in a manner that would allow the development of multiple units, but she is trying to develop a nicer project that will preserve the architectural character of the area. She wants to sell each unit to small families and does not want to build a project that will invite 'riff raff'. She reiterated that it is unfair for other property owners to tell her what to do with her property. She will be incurring a large cost to demolish the existing building and take out the trees to allow for the project.

Chairman Thomas then facilitated discussion among the Commission regarding their ideas for the manner in which the subject property and the surrounding five or six blocks should be allowed to develop; private property rights are important, but equally as important is the proper planning of this and other areas of the City for the future. He noted that he does not agree with the argument that the area is truly in transition, though he can see that it may be an area of transition in the future. He also asked the Commission to consider that the present zoning would allow for development of the property into multiple lots and housing units; he feels the zone provides flexibility for the current owner to increase the density while not dramatically impacting neighboring property owners. Several Commissioners agreed with Chairman Thomas and encouraged the public to carefully study the City's land use code and general plan to gain a clear understanding of the types of development that can take place in the City's various zones; it is a fact that the population of the City and surrounding community will continue to grow, which means that future development will be denser. It is important for residents to consider how that increased density should look and feel.

Vice Chairman Mason stated that he does believe what has been proposed would be an improvement of the property; however, as proposed he is not supportive of creating an island of one type of zoning in the middle of another zone, so his thought was to either rezone the entire block, or deny the application. He does not believe there is interest in rezoning the whole block, so he will likely vote to deny the application. Commissioner Nancarrow agreed and added that while the applicant's design is beautiful, it does not fit in with the historical character of the block. She added that if the building were built in front of her single-family home, she would be devastated so she understands where the neighboring property owners are coming from.

Continued philosophical discussion and debate centered on the future of the area and the likelihood that the area will be in transition eventually and it may be necessary to reconsider the general plan directives for this area and, more specifically, the subject property.

Commissioner Arner stated that she believes there may be a market for the home in its present condition; someone may be interested in purchasing it and renovating it to live in a single-family home on a large property.

Commissioner Nancarrow stated it is not up to the Commission to decide how to develop the property; rather, their focus should be on the appropriate zoning designation for the property.

**Vice Chairman Mason made a motion to recommend forwarding a recommendation of denial of application ZMA 2021-05, rezone of property located at approximately 2679 N. 450 E. from Residential City Center (RCC) to Residential Multi-Family (R-4). Commissioner Barker seconded the motion.**

**Voting on the motion:**

<b>Chairman Thomas</b>	<b>aye</b>
<b>Vice Chairman Mason</b>	<b>aye</b>
<b>Commissioner Arner</b>	<b>ay</b>
<b>Commissioner Barker</b>	<b>aye</b>
<b>Commissioner Lunt</b>	<b>absent</b>
<b>Commissioner Nancarrow</b>	<b>aye</b>
<b>Commissioner Webb</b>	<b>aye</b>

**The motion carried.**

**8. ZTA 2021-02 PUBLIC HEARING, CONSIDERATION, AND RECOMMENDATION ON A LEGISLATIVE AMENDMENT TO ADD CLARIFYING LANGUAGE REGARDING HEDGES AS THEY ARE DEFINED AS A FENCE  
PRESENTER: SCOTT HESS, PLANNING DIRECTOR**

A staff memo from Planning Director Hess explained when the City is considering a legislative matter, the Planning Commission is acting as a recommending body to the City Council. The City has wide discretion in taking legislative action. 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.

A North Ogden City resident applied to the City to install a row of tightly spaced evergreen bushes/trees along a fence line to increase privacy for their property. North Ogden City Code 11-10-11 Fence Height Regulations is loosely defined regarding hedges and their permitted height in rear or side yards. The code could be interpreted that the proposed landscaping is defined as a “hedge” and would end up taller than permitted by City Code. Hedge being used as a fence is a loosely defined term in City Code that may limit a property owner’s ability to install landscaping along fences and behind fences. In this case, the “hedge” could be interpreted to “be the fence”. Staff aims to provide clarity in the code to answer the question, “when is a hedge a fence?”

## ANALYSIS

In Staff's opinion, a hedge operates as a fence *only when there is no other fence on the property line*, or when the property owner *specifically installs hedge plantings to operate as a fence* per the definition in 11-2-1 Definitions of Words and Terms which states:

Fence: A tangible barrier of any material, or a line of obstacles interposed along a line between two (2) portions of land above the surface of the ground on each side thereof, with the purpose, intent, or having the effect of preventing passage or view across the fence line. This definition includes hedges and walls when used for these purposes.

The proposed ordinance updates City code by adding language specifying the height of a hedge is only limited when the hedge is being used specifically in place of a fence, or as the only barrier at the property line.

Draft Code Language is below: (Underlined Text is New)

### **11-10-11: FENCE HEIGHT REGULATIONS**

- A. Front, Side And Rear Yards: Except as otherwise stated in subsections C, D and E of this section, no fence, hedge or other similar structure shall be erected in any required front yard of a lot to a height in excess of three and one-half feet (3½'); nor shall any fence or other similar structure be erected in any side or rear yard to a height in excess of six feet (6'), or as stated in other provisions in this Title. Fence posts or similar structure may exceed the maximum fence height. Hedges shall not exceed seven feet (7') in height in the side and rear yard. Hedge provisions in this Code Section apply only to hedges used in place of a fence or acting as a fence as defined in 11-2-1.
- B. Corner Lots: No fence, hedge or other similar structure shall be erected to a height in excess of six feet (6') in the rear or side yard of a corner lot. Hedge provisions in this Code Section apply only to hedges used in place of a fence as defined in 11-2-1.

While this change may seem small, it provides clarity to staff to help separate the issue of hedges as landscaping in a front, side, or rear yard, and hedges acting as a fence.

### **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 amendment to be in conformance with the General Plan. The intent of the fencing ordinance is to provide an opportunity for property owner's to protect their personal property while limiting impacts on neighboring property owners. Fence height limitations retain essential sight lines in front and rear yards and restrict unsafe development in the clear view triangle of intersections. The ordinance as currently written will continue to protect safety and personal property rights, while adding clarity about when a hedge is a fence versus landscaping.

## **SUMMARY OF LAND USE AUTHORITY CONSIDERATIONS**

There are some guiding principles that should be considered before there is a change in code standards.

- Is the request a positive change for not only a specific property but does it make sense for the entire city?
- Is there additional language that is appropriate for this ordinance?
- Is the proposal consistent with the General Plan?

The memo concluded staff recommends that the Planning Commission conduct the public hearing, consider the proposed ordinance, and make a recommendation to the City Council.

Mr. Hess reviewed his staff memo.

**Chairman Thomas opened the Public Hearing at 8:19 p.m.**

There were no persons appearing to be heard.

**Vice Chairman Mason made a motion to close the Public Hearing. Commissioner Barker seconded the motion.**

**Voting on the motion:**

<b>Chairman Thomas</b>	<b>aye</b>
<b>Vice Chairman Mason</b>	<b>aye</b>
<b>Commissioner Arner</b>	<b>aye</b>
<b>Commissioner Barker</b>	<b>aye</b>
<b>Commissioner Lunt</b>	<b>absent</b>
<b>Commissioner Nancarrow</b>	<b>aye</b>
<b>Commissioner Webb</b>	<b>aye</b>

**The motion carried.**

**The Public Hearing was closed at 8:19 p.m.**

**Commissioner Nancarrow made a motion to recommend forward a positive recommendation to the City Council for application ZTA 2021-02, amendment to add clarifying language regarding hedges as they are defined as a fence. Commissioner Barker seconded the motion.**

**Voting on the motion:**

<b>Chairman Thomas</b>	<b>aye</b>
<b>Vice Chairman Mason</b>	<b>aye</b>
<b>Commissioner Arner</b>	<b>ay</b>
<b>Commissioner Barker</b>	<b>aye</b>
<b>Commissioner Lunt</b>	<b>excused</b>
<b>Commissioner Nancarrow</b>	<b>aye</b>
<b>Commissioner Webb</b>	<b>aye</b>



**The motion carried.**

**DISCUSSION/TRAINING ITEMS**

**9. DISCUSSION ON GENERAL PLAN ADVISORY COMMITTEE – CORE GROWTH OPPORTUNITIES.**

A staff memo from Planning Director Hess explained the Planning Commission is not being asked to act on the information presented, but rather to review information from the General Plan Advisory Committee (GPAC) and provide direction to Staff and GPAC members.

On June 23, 2021, the GPAC met to discuss updates to the General Plan future land use map. GPAC asked staff to provide information on Zoning Overlays, Cluster Subdivisions, and Transfer of Development Rights. Staff prepared a presentation (see Exhibit B) reviewing those planning topics, as well as presenting staff's vision of four core growth opportunities for North Ogden City.

GPAC reviewed the growth opportunities and recommended that Staff continue to evolve these areas in their planning and policy recommendations. Staff would like to get the City Council's feedback and ideas for these growth areas before moving ahead too quickly. It is the Planning Director's desire to complete the General Plan in a timely manner with broad input from the City Council, Planning Commission, and the public.

Staff presented this information to the North Ogden City Council for their review on July 13, 2021. Staff is looking forward to receiving additional comments or considerations from the Council, but has not received any written comments as of the development of this Staff report.

Staff is asking the Planning Commission to review the submitted information and review the four core growth opportunities consisting of: Hillside Clustering, City Center, Agricultural Protection, and Community Gateway. Staff believes these areas of North Ogden City are rapidly evolving and may benefit from increased housing choice and flexibility in their development patterns.

Mr. Hess reviewed his staff memo and facilitated discussion among the Council regarding housing opportunities for the Commission and City Council to consider responsive to the dramatic increase in population growth in the City and the entire State of Utah. This included mechanisms such as cluster subdivisions, transfer of development rights (TDR), growth areas, and moderate-income housing. When participating in discussions of growth, it is important to consider what one loves about the community and what they want to save. The North Ogden General Plan Committee expressed a love of agricultural and open space views, sensitive/hillside lands, water resources; historic commercial areas, and mountains and nature. Several Commissioners agreed those are the same things they love, and emphasized they always hear from residents that they love their view of the mountains, access to mountain trails, and waterways, such as Coldwater Creek. Mr. Hess then moved to discuss the concepts of overlay zoning, cluster development, TDRs, agricultural protection areas, and core growth opportunities. Projects that are built using these concepts serve to preserve open spaces and restricting future

development, while providing density greater than single-family development. He then discussed the availability of real estate in North Ogden at the present time; there are 13 active listings, with the lowest price point being \$355,000; it is difficult to find an affordable home at this time. The City can choose from a menu of options three different ways for complying with moderate income housing plan requirements; the two most viable options for North Ogden are to rezone for densities necessary to assure production of moderate income housing and participate in a community land trust program for low or high moderate income housing. Other options that have already been done include allowing ADUs and encouraging higher density near transit investment corridors.

Stefanie Casey, Co-Chair of the General Plan Advisory Committee, stated that Mr. Hess has done a great job at guiding the Committee regarding the topics he has discussed tonight; many are frustrated by the increase in housing prices, which have led to developers pursuing projects such as townhomes and cluster projects. The City needs to carefully consider the manner in which a higher density housing project impacts neighboring property owners, specifically less dense developments.

The Commission engaged in brief high level philosophical discussion with staff and Ms. Casey about the types of developments that are best for North Ogden at this point in time as well as in the future. There was a focus on preserving natural open space, water resources, and opportunities for involving and educating the public regarding these vital issues. The Commission also thanked Ms. Casey for her involvement with the Committee and for the input she provided tonight.

10. **REMARKS - PLANNING COMMISSIONERS:**

There were no additional remarks.

11. **REPORT - PLANNING DIRECTOR:**

There was no report.

12. **REMARKS – CITY MANAGER/ATTORNEY**

City Manager/Attorney Call reminded the Commission of the upcoming City employees summer party.

13. **ADJOURNMENT**

**Vice Chairman Mason made a motion to adjourn the meeting. Commissioner Nancarrow seconded the motion.**

**Voting on the motion:**

<b>Chairman Thomas</b>	<b>aye</b>
<b>Vice Chairman Mason</b>	<b>aye</b>
<b>Commissioner Arner</b>	<b>aye</b>
<b>Commissioner Barker</b>	<b>aye</b>
<b>Commissioner Lunt</b>	<b>absent</b>
<b>Commissioner Nancarrow</b>	<b>aye</b>
<b>Commissioner Webb</b>	<b>aye</b>

**The motion carried.**

**The meeting adjourned at 9:18 pm**



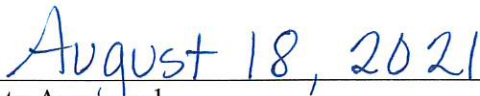
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Eric Thomas  
Planning Commission Chair



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Joyce Pierson  
Deputy City Recorder



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Date Approved