
**NORTH OGDEN PLANNING COMMISSION
MEETING MINUTES
October 20, 2021**

The North Ogden Planning Commission convened in a regular meeting on October 20, 2021, at 6:32 p.m. in the North Ogden City Municipal Building, 505 E. 2600 N. North Ogden, Utah. The meeting was also held virtually 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 October 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	excused
Lisa Arner	Commissioner	
Scott Barker	Commissioner	
Alan Lunt	Commissioner	
Nicole Nancarrow	Commissioner	
Johnson Webb	Commissioner	excused

STAFF:

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

VISITORS:

Dan Nixon	Stefanie Casey	Jay D Dalpiaz
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Chairman Thomas called the meeting to order at 6:32 p.m. Commissioner Arner offered the thought and Commissioner Nancarrow led the Pledge of Allegiance.

1. **ROLL CALL**

Chairman Thomas conducted roll call and indicated Vice Chairman Mason and Commissioner Webb were excused from the meeting.

2. **MINUTES CONSIDERATION**

a. Consideration and action to approve the September 15, 2021 Planning Commission Meeting minutes

Commissioner Nancarrow made a motion to approve the September 15, 2021 Planning Commission Meeting minutes as presented. Commissioner Lunt seconded the motion.

Voting on the motion:

Chairman Thomas	aye
Vice Chairman Mason	absent
Commissioner Arner	aye
Commissioner Barker	abstain
Commissioner Lunt	aye
Commissioner Nancarrow	aye
Commissioner Webb	absent

The motion carried.

3. **OPENING MEETING STATEMENT**

Chairman Thomas read the opening statement

4. **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. No disclosures were made.

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

There were no public comments.

LEGISLATIVE ITEMS

6. ZTA 2021-04 DISCUSSION, CONSIDERATION, AND RECOMMENDATION ON A LEGISLATIVE AMENDMENT TO CREATE SITE DEVELOPMENT STANDARDS FOR STORAGE UNITS

A staff memo from Planning Director Hess explained when the City is considering a legislative matter, the Planning Commission acts 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.

BACKGROUND

The owner of one of the existing storage unit facilities in North Ogden City applied for a code amendment creating site development standards for existing storage unit facilities in the City. The amendment would allow upgrades to existing facilities. The applicant provided site plan documents proposing to add three enclosed buildings (two additional storage facilities, and an office), as well as a covered parking structure. The applicant has not formally applied for site plan review for the project, as storage units are not a permitted use in the MP-1 zone. At some point in the past, the applicant's current use of the property was granted approval, even though storage units are not currently listed as a permitted use in the MP-1 zone. As written, the proposed ordinance would apply to new storage unit facilities.

ANALYSIS

Planning Commission held a Public Hearing on October 6, 2021 and provided Staff with direction on elements of the ordinance to consider. Staff has considered the proposed ordinance, reviewed the Discussion Guide (see Exhibit C), and has developed draft ordinance language for the Planning Commission to review (see Exhibit B). Staff is of the opinion that the meeting on October 20, 2021, should be looked at as a work session on the draft language, with a formal Ordinance written at an upcoming meeting. This allows the Planning Commission and applicant to discuss specific provisions that were only conceptually considered in the previous meeting. a final version of this Code language can return to the Commission for their consideration.

As in all legislative applications, the City has wide discretion in considering, approving, or denying legislative applications. Staff believes that the Planning Commission should identify and consider the issues that will affect North Ogden City in any proposed ordinance on this topic, before recommending an ordinance on this issue. Staff believes that if some form of the proposed ordinance is adopted it may also require amending the permitted uses, and potentially other standards in the MP-1 zone.

Further, Staff is of the opinion that new storage units should not be approved as part of any version of this ordinance, and that the potential for new facilities is a separate issue than the improvement of existing facilities. Staff recommends that this ordinance, if recommended to the Council at some point, should be adjusted to apply to existing storage units only

(thus not opening the door to the separate issue of whether new storage facilities should be allowed). A date in the recent past should be chosen, to which the ordinance would apply, such as August 1st, 2021, for example.

Regarding existing storage facilities, since there are already a few in the City, Staff believes that it is in the best interest of the City to encourage and facilitate the maintenance and upgrades of those facilities to protect property values in the surrounding area. Allowing improvements and on-site upgrades to existing storage facilities is likely to be a key tool in ensuring that is achieved. However, Staff is of the opinion that these potential improvements to existing sites should only be done while keeping in mind the best interest of the City. In an effort keep those interests in mind, Staff further recommends that the Commission consider carefully the following issues:

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 [the goals determined to be most relevant included below]:

- Assure that North Ogden remains a beautiful place to live, work, and recreate;
- Strive to create a more balanced community that results in a better, more sustainable tax base; which anticipates and reflects the diversity of housing and services necessitated by changing population life cycles, norms and preferences;
- 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.

Any ordinance should consider these and the other statements from the General Plan’s Vision for North Ogden and other aspects of 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?
- Is the proposal consistent with the General Plan?

STAFF RECOMMENDATION

Staff recommends that the Planning Commission hold the public hearing, consider those factors that pertain to the best interest of the City related to existing storage unit facilities, and provide to Staff a list of issues to bring back options on, regarding these types of facilities.

Mr. Hess reviewed his staff memo and facilitated a review of the red-lined version of the ordinance to orient the Commission to the proposed amendments. He noted that the updated version of the proposed ordinance includes changes directed by the Commission at their last reviews of the document, including setbacks, building orientation, design guidelines and building materials, fencing, and landscaping. There was brief discussion among Mr. Hess and the Commission regarding the manner in which certain standards will be applied to the existing storage unit project as well as any future projects.

Commissioner Nancarrow referenced the section of the proposed ordinance dealing with on-site management of a storage facility. She stated that the times during which on-site management is required is not clear and she asked if more information should be added to clarify when on-site management is required. Chairman Thomas stated he is not sure that is something the City should be regulating, and it may be an issue that can be considered when the City receives an application for a storage unit project.

Chairman Thomas invited public input.

Dan Nixon, North Ogden resident, stated that it has been great to work with staff on this matter and he is happy with the current version of the amendments. However, he is upgrading his business, which was initially built in 1978, and his investment will be between \$4 and \$6 million. He stated that the old office is a good residential unit, and he intends to keep it and rent it to a family, but he is unsure whether the tenant will be an employee of the business. He hopes that the City does not try to force him to remove that structure and he wishes to work through that issue. He addressed the stream that runs through his property and noted he is willing to take care of the half that is on his property as long as the City will maintain its half. He feels this can be addressed in a development agreement for the project. He has done tree trimming along the creek and is willing to continue that work; however, they are trash trees, and it is not necessary to keep them. He stated he is concerned about the setback that will be required on the west boundary of his property. He would like to build the building on that west boundary line rather than leaving a large amount of wasted space between the building wall and the property boundary. He stated that he expects he will be required to construct a detention basin on the project, and he wondered if the City will allow him to do that in conjunction with the Orton Park improvements. He concluded by again thanking Mr. Hess for working with him on this project.

Commissioner Nancarrow addressed Mr. Nixon and inquired as to his regular operating hours. Mr. Nixon stated that he is open from 9:00 a.m. to 5:30 p.m., but agreed with Chairman Thomas that it may not be appropriate for the City to regulate that issue as the need for office space has waned due to changing trends in the manner in which rental units are acquired by customers. The rental process can be handled entirely online.

Mr. Hess stated he appreciates Mr. Nixon's input, but it is appropriate for the Commission to keep in mind that any ordinance amendments will apply to all storage unit facilities in the City, not just Mr. Nixon's. He added he is not sure the ordinance addresses the expansion of an existing facility, but at least one other existing storage unit has the ability to expand in the future and he wondered if there is interest in amending the ordinance further to address expansion. Chairman Thomas stated he feels the ordinance would adequately address and regulate any future expansion. He then referenced Mr. Nixon's comments about his rear setback and asked whether the building wall could be used as the fence between Mr. Nixon's property and abutting properties. Mr. Hess stated that the zone allows building heights of 35 feet tall, and the building can be constructed right on the lot line unless it is adjacent to a major public street or a residentially zoned parcel of property, in which case a 10-foot setback is required. Mr. Nixon stated that he understands the justification for the setback, but he plans to use the building for indoor recreational vehicle

storage, which is more pleasing for residential neighbors than outdoor recreational vehicle storage. This led to a brief debate of the practicality of the required setback and whether adjustments are warranted for this type of use. Mr. Hess stated in other zones, setbacks can be stepped down based upon building height. Chairman Thomas stated that in this case, the 10-foot setback is unreasonable; the setback would need to be landscaped, but no one will see that landscaping because a solid fence is required between the storage building and the residential property. He stated he is simply suggesting that the building wall be defined as the solid fence between the storage unit and residential uses. Mr. Hess stated that the question is what is better on the property line: an eight-foot-tall fence or a 15-foot-tall building wall. Chairman Thomas wondered if it would be appropriate to ask the abutting property owner their opinion on the matter. Mr. Hess suggested that the ordinance language simply be adjusted to indicate that if a building is located on the property line, it can operate as a perimeter fence. He also summarized additional minor language amendments relating to percentage of open space and landscaping. He noted he is not sure that any code amendment is necessary to address Mr. Nixon's request for coordination on the detention basin project in conjunction with Orton Park.

Commissioner Nancarrow asked the Commission if they are comfortable removing the requirement for an on-site manager.

Commissioner Barker made a motion to forward a positive recommendation to the City Council regarding a legislative amendment to create site development standards for storage units, with the amendments noted by Planning Director Hess. Commissioner Nancarrow seconded the motion.

Voting on the motion:

Chairman Thomas	aye
Vice Chairman Mason	absent
Commissioner Arner	aye
Commissioner Barker	aye
Commissioner Lunt	aye
Commissioner Nancarrow	aye
Commissioner Webb	absent

The motion carried.

7. REMARKS - PLANNING COMMISSIONERS:

Commissioner Lunt reported that he is currently serving as the Chair of the Parks and Trails Committee for the City, and they are trying to conduct a survey to determine what residents desire to see in their parks. He encouraged the Planning Commission to complete the survey and encourage their neighbors to do the same.

8. REPORT - PLANNING DIRECTOR:

Mr. Hess reported on upcoming training opportunities available to the Commission. He also briefly reviewed the calendar of upcoming meetings, noting the meeting scheduled for the week of Thanksgiving will be cancelled and there will likely also be a meeting cancellation in December. He reported that the work being done by the General Plan Steering Committee is nearing its completion and a recommendation should be presented to the Planning Commission soon.

9. REMARKS – CITY MANAGER/ATTORNEY

City Manager/Attorney Call noted that one of the training opportunities mentioned by Mr. Hess is conducted by his father, but he does not have a relationship to his father's business that would result in any financial gain for himself.

Mayor Berube then briefly reported on the recent action of the City Council relating to accessory building ordinance; they denied the ordinance after hearing from a resident who asked for further adjustments relating to metal buildings. It will be considered again at the City Council meeting on November 3. Chairman Thomas stated that the Planning Commission has considered that issue several times and has provided the Council with a recommendation on that matter. Mayor Berube acknowledged the Council is aware of the Commission's recommendation.

10. ADJOURNMENT

Commissioner Nancarrow made a motion to adjourn the meeting. Commissioner Barker seconded the motion.

Voting on the motion:

Chairman Thomas	aye
Vice Chairman Mason	absent
Commissioner Arner	aye
Commissioner Barker	aye
Commissioner Lunt	aye
Commissioner Nancarrow	aye
Commissioner Webb	absent

The motion carried.

The meeting adjourned at 7:36 pm

Brandon Mason

Eric Thomas

Planning Commission Chair

BRANDON MASON
VICE-CHAIR

Joyce Pierson

Joyce Pierson

Deputy City Recorder

December 1, 2021

Date Approved