



**NORTH OGDEN PLANNING COMMISSION
MEETING MINUTES
November 3, 2021**

The North Ogden Planning Commission convened in a regular meeting on November 3, 2021, at 6:31 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 30, 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
Nicole Nancarrow	Commissioner
Johnson Webb	Commissioner

STAFF:

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

VISITORS:

Rod Carney	Brock Loomis	Jay D Dalpias
Luke Martineau	Merrill Sunderland	Ryan Udell
Carson Jones	Jeff Randall	Padma Randall

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

1. ROLL CALL

Chairman Thomas conducted the roll call and indicated all Commissioners were in attendance.

2. MINUTES CONSIDERATION

a. Consideration and action to approve the October 6, 2021 Planning Commission Meeting minutes.

Commissioner Nancarrow identified an error on the minutes; she is listed as having participated electronically in the meeting, but she actually arrived at the meeting in person during the Pledge of Allegiance.

Vice Chairman Mason made a motion to approve the October 6, 2021 Planning Commission Meeting minutes as amended. Commissioner Lunt seconded the motion.

Voting on the motion:

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

The motion carried.

3. OPENING MEETING STATEMENT

Chairman Thomas read the opening meeting 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. Vice Chairman Mason reported he attended the most recent City Council meeting, during which the body discussed accessory structures. He represented his own personal opinions as well as the position of the Planning Commission, which were not the same. He noted that item is before the Commission again this evening.

5. PUBLIC COMMENTS FOR ITEMS NOT ON THE AGENDA

Rod Carney, North Ogden resident, stated he is present to ask that the Commission make a recommendation to the City Council regarding accessory buildings. He is currently trying to build an accessory building at 808 East 2850 North; the property is 3.59 acres and the restriction on the overall footprint of an accessory building is limiting him on the size of the building he can construct.

Vice Chairman Mason stated that item will be discussed later this evening and Mr. Carner will have the opportunity to provide input at that time.

ADMINISTRATIVE ITEMS

6. SUB 2020-11 CONSIDERATION AND ACTION ON AN ADMINISTRATIVE APPLICATION FOR FINAL PLAT APPROVAL OF HALL ORCHARD SUBDIVISION (17 LOTS), LOCATED AT APPROXIMATELY 2750 NORTH AND 750 EAST

A staff memo from Associate 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.

BACKGROUND

The applicant is requesting final approval of the Hall Orchard subdivision (17 lots) located at approximately 2750 North and 800 East. A portion of the subdivision is owned by North Ogden City and the applicant is proposing a land swap. An agreement will be required to complete that land swap.

This subdivision is located on approximately 10.46 acres. The property is zoned R-1-8. The R-1-8 zone requires a minimum lot size of 8,000 square feet for interior lots and 9,000 square feet for corner lots, with a lot width requirement of 80 feet. (See Exhibits A and B).

A Technical Review Committee meeting was held for this property on August 4, 2020 (See Exhibit C). We have received a secondary water will serve and a Central Weber will serve letter as well as a geotechnical report for the property. The City Engineer has submitted a report dated October 14, 2021 (See Exhibit D).

STAFF REVIEW

In response to conditions required as part of preliminary approval, the applicant has indicated that Rocky Mountain Power will permit the power lines to be built under on the lots that the power lines traverse, which include Lots 4, 5, 7 and 8. These lots need to be designated as R lots (and have been on the latest version of the plat), and the applicant needs to provide a written statement from Rocky Mountain Power, addressing the standard

regarding building and roof height for homes and other buildings within the power line easement. A note needs to be placed on the plat, noting the standard regarding building and roof height within the power line easements on these R-Lots.

The applicant has updated the plat to ensure that Lot 17 meets the square footage requirement, which was a required condition of preliminary approval. Additionally, there is no bearing provided for the rear property line of Lots 10, 11, 12, and 13 (which is the same line, as they share a rear property line); this bearing needs to be added to the plat.

The Planning Department discussed the possibility of a park within the retention basin, and no park is desired by the Parks and Recreation Department in that location.

CONFORMANCE WITH THE GENERAL PLAN

The proposed subdivision can meet the requirements of applicable North Ogden City ordinances and conforms to the North Ogden City General Plan. The General Plan map calls for this property to be developed as low density residential and is within the Old Town Neighborhood.

RECOMMENDED CONDITIONS OF APPROVAL

- Comply with the Engineer Report Requirements,
- Complete a land swap agreement with North Ogden City to relocate the storm water basin.
- The applicant needs to provide a written statement from Rocky Mountain Power, addressing the standard regarding building and roof height for homes and other buildings within the power line easement.
- A note needs to be placed on the plat, noting the standard from Rocky Mountain power regarding building and roof height within the power line easement on the Lots 4-R, 5-R, 7-R and 8-R.
- The bearing needs to be provided for the rear property line of Lots 10, 11, 12, and 13 (which is the same line, as they share the same rear property line).
- Reference the geotechnical report, company name and report number on the final plat.
- The applicant should show the buildable area envelopes on all lots, not just the R-lots; this may be delegated to Staff to review.

SUMMARY OF LAND USE AUTHORITY CONSIDERATIONS

- Does the proposed subdivision meet the requirements of the applicable City subdivision and zoning ordinances?
- Is the proposed subdivision consistent with the North Ogden City General Plan?

RECOMMENDATION

Staff recommends final approval of the Hall Orchard Subdivision subject to the conditions mentioned above in this report.

Mr. Bell reviewed his staff memo.

Chairman Thomas invited input from the applicant. There was no input from the applicant.

Chairman Thomas invited public input.

Jay D. Dalpias, North Ogden resident, stated that during the last meeting in which this project was discussed, the developer agreed to grass the detention basin area and he asked that condition be included in the Commission's action on this application.

Vice Chairman Mason asked if the size of lot 17 meets the minimum size requirement. Chairman Thomas answered yes, at the preliminary plat step the size was 8,651 square feet and it has been increased to 9,000 square feet. That is what would be recorded, and the developer is required to construct according to the recorded plat.

Vice Chairman Mason then stated he does not recall the discussion of grassing the detention basin area and he inquired as to the cost of grassing an area that will not be maintained as a City park and if that is a reasonable burden to place on the developer. City Engineer Gardner stated it will not be a City park, but it will be a City detention basin and it will be maintained to appropriate standards for that use.

Commissioner Nancarrow made a motion to approve application SUB 2020-11, final plat approval of Hall Orchard Subdivision (17 lots), located at approximately 2750 North and 750 East, based on the findings and subject to the conditions listed in the staff report. Commissioner Webb seconded the motion.

Voting on the motion:

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

The motion carried.

7. **SUB 2021-07 CONSIDERATION AND ACTION ON AN ADMINISTRATIVE APPLICATION FOR FINAL PLAT APPROVAL OF THE VIEWS AT ROCKWOOD SUBDIVISION (36 LOTS) LOCATED AT APPROXIMATELY 3850 NORTH 475 EAST**

A staff memo from Associate Planner Bell explained when the Planning Commission is acting as a land use authority, it is acting in an administrative capacity and has limited 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.

BACKGROUND

The applicant is requesting final approval for the proposed Views at Rockwood Subdivision (see Exhibit B), which consists of 36 lots. The property on which this proposed subdivision is located is currently vacant and is located at approximately 3850 North and 475 East. Most of the subdivision is currently zoned HP-1. The property was recently rezoned from R-1-10 to HP-1. The Technical Review Committee met on June 10, 2021 regarding this proposed subdivision (See Exhibit C). The City Engineer submitted a final review memo dated October 26, 2021 (see Exhibit D). We have received will-serve letters for secondary water, and also for Central Weber Sewer; however, the sewer and secondary water will serve letters need to be amended to clarify that all lots will be able to be served, prior to final approval.

STAFF/REVIEW AGENCY COMMENTS

A portion of the property was recently rezoned so that the entirety of the property is in the HP-1 zone. The HP-1 zone requires a minimum lot size of 10,000 square feet on interior and corner lots with a lot width requirement of 90 feet. The lots in this proposed subdivision have been verified to meet the required square footage and lot width requirements for building lots in the proposed zone, the HP-1 zone.

The block length is met in this subdivision, on all blocks where the block length requirements are considered enforceable. On all corner lots, the applicant should provide second, alternate buildable area envelope boxes (where front and side setbacks are rotated to different sides of the lot).

On a related note, if the applicant would like the reduced 20' front setback permitted under North Ogden City Code, for lots with slopes that are 10% or greater they should provide to Staff, (on a separate version of the plat), a slope percentage for each lot that they are seeking a reduced setback for, based on a point on the front property line, and a point on the rear property line. For each lot that is demonstrated to Staff to have 10% or greater slope, the applicant should adjust the buildable area for those lots to have a reduced 20' front setback, with Staff reviewing those adjustments prior to recording of the plat.

The applicant needs to show the entirety of Mountain Road on the plat, with the portion of Mountain Road that is not on their property in lighter or fainter lines. Staff is not stating that the applicant needs to dedicate the portion of Mountain Road that is not on their property, as it is not part of the subdivision, but they do need to show the entirety of the right of-way on the plat (with some of it being outside the plat boundary, and off their property) so that it is clear what the alignment of Mountain Road will be. Also, the applicant needs to install the required right-of-way design, for an 80' right-of-way on the portion of the property for Mountain Road that is part of the subdivision.

As a side note, the Parks and Recreation Department has stated that a trail (along Mountain Road) needs to be incorporated as a 6' wide asphalt trail on the north side of Mountain Road, per the Master Trails Plan, which would be a part of a future subdivision.

SUMMARY OF PLANNING COMMISSION CONSIDERATIONS

- Does the proposed subdivision meet the requirements of the applicable City subdivision and zoning ordinances?
- Is the proposed subdivision consistent with the General Plan?

CONFORMANCE TO THE GENERAL PLAN

The proposed subdivision meets the requirements of applicable North Ogden City ordinances and conforms to the North Ogden City General Plan, with the requirements noted in this report. This area is in the Hillside neighborhood and the General Plan map calls for this property to be developed as low-density residential.

RECOMMENDED CONDITIONS OF APPROVAL

- Requirements of the North Ogden City Engineer's Report must be met prior to final plat approval (except where superseded in this report).
- Requirements of the Technical Review Committee Letter (except where it may be superseded in this report).
- Also, the applicant needs to install the required right-of-way design, for an 80' right-of-way on the portion of the property that is part of the subdivision.
- If the applicant would like the reduced 20' front setback permitted under North Ogden City Code, for lots that with slopes that are 10% or greater they should provide to Staff, (on a separate version of the plat), a slope percentage for each lot that they are seeking a reduced setback for, based on a point on the front property line, and a point on the rear property line. For each lot that is demonstrated to Staff to have 10% or greater slope, the applicant should adjust the buildable area for those lots to have a reduced 20' front setback, with Staff reviewing those adjustments prior to recording of the plat.
- Needs to show the entirety of Mountain Road on the plat (with the portion not on their property shown in more faint lines)
- On all corner lots, the applicant should provide second, alternate buildable area envelope boxes (where front and side setbacks are rotated to different sides of the lot).
- Sanitary sewer and secondary water will serve letters need to be amended to clarify that all lots in the subdivision will be able to be served, prior to recording.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission grant final approval of the Views at Rockwood Subdivision subject to the conditions recommended in this report.

Mr. Bell reviewed his staff memo and presented the plat to orient the Commission to the layout of the subdivision; there was a brief discussion regarding street layout and slopes.

Chairman Thomas invited input from the applicant.

Brock Loomis addressed condition number three in the staff report, requiring the installation of the improvements along Mountain Road and noted that language should be adjusted to indicate that he will bond for the improvements, rather than actually install them. It makes more sense for the entire roadway to be built later in the future when the construction is warranted. He stated he has discussed that matter with City Engineer Gardner. The Commission indicated a willingness to adjust the language of that condition as suggested.

Commissioner Nancarrow made a motion to approve application SUB 2021-07, final plat approval of The Views at Rockwood Subdivision (36 lots), located at approximately 3850 North and 475 East with modifications as follows:

- Condition number one should be changed to indicate that requirements of the North Ogden City Engineer's Report must be met prior to final plat recording.
- Condition number three should be changed to indicate that the applicant will bond for required right of way improvements rather than install them.

Vice Chairman Mason seconded the motion.

Voting on the motion:

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

The motion carried.

8. **SUB 2021-11 CONSIDERATION AND ACTION ON AN ADMINISTRATIVE APPLICATION FOR FINAL PLAT APPROVAL OF RANDALL HOMESTEAD (1 LOT) LOCATED AT APPROXIMATELY 1700 FRUITLAND DRIVE**

A staff memo from Planning Director Hess explained when the Planning Commission is acting as a land use authority, it is acting in an administrative capacity and has limited 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.

BACKGROUND

The applicant is requesting final approval for the proposed Randall Homestead Subdivision (see Exhibit C), which consists of 1 lot and a remainder parcel containing an existing single-family-home. The property on which this proposed subdivision is located is currently a large lot single-family home located at approximately 1700 Fruitland Drive. This area was recently annexed as the "Randall Annexation" file number ANX 2021-01. That annexation included a recommendation of approval from the Planning Commission and approval of the City Council to apply the Residential R-1-8 zoning. The annexation has been completed and recorded with Weber County. The Planning Commission reviewed and approved the Preliminary Plat in the September 1, 2021 meeting (see Exhibit B). The approval conditions included: meeting the requirements of the TRC and Engineer's Memo, making Plat amendments as noted, providing all Will-Serve letters, and completing a Geotechnical Report. The applicant has met all conditions of Preliminary Approval, and the City Engineer has provided an updated Memo confirming that all Engineering items are complete (see Exhibit D).

STAFF/REVIEW AGENCY COMMENTS

The Residential R-1-8 zone requires a minimum lot size of 8,000 square feet on interior and 9,000 square feet on corner lots. Minimum lot width at the 30-foot setback is 80 feet. The 1 lot in this proposed subdivision has been verified to meet the required square footage and lot width requirements for building lots in the zone. The building envelope setbacks will need to be included on the Final Plat.

The subdivision is coming in front of Planning Commission due to the dedication of right-of-way along 1700 North. Typically, minor subdivisions fewer than five lots are an administrative approval, but the dedication of right-of-way must be reviewed and accepted by the Planning Commission in its role as the Land Use Authority. The design for the right-of-way improvements includes asphalt extension to the north on 1700 North, curb and gutter, 4'6" park strip, and a 4-foot sidewalk. There is a remaining gap in the sidewalk across the property west of the Randall Subdivision before it will connect near 925 East.

There are two existing structures on the north side of Lot 1. These are a small chicken coop and a gardening shed. The locations of these sheds to the northern property line were legal when constructed in the unincorporated County. Based on the height of the structures, they are slightly too close to the north property line in the R-1-8 zone. Accessory structures up to 10 feet 11 inches in height can be no closer than three feet to the property line, and they are located approximately two feet away. The property line to the east of the gardening shed has been kept more than three feet way and does not increase the non-conformity.

SUMMARY OF PLANNING COMMISSION CONSIDERATIONS

- Does the proposed subdivision meet the requirements of the applicable City subdivision and zoning ordinances?
- Is the proposed subdivision consistent with the General Plan?

CONFORMANCE TO THE GENERAL PLAN

The proposed subdivision meets the requirements of applicable North Ogden City ordinances and conforms to the North Ogden City General Plan, with the requirements noted in this report. This area is in the Coldwater neighborhood and the General Plan map calls for this property to be developed sensitively to preserve agriculture and provide additional single-family residential areas.

RECOMMENDED CONDITIONS OF APPROVAL

- Indicate the R-1-8 building envelope setbacks on the Final Plat

STAFF RECOMMENDATION

Staff recommends that the Planning Commission grant final plat approval of the Randall Homestead Subdivision subject to the conditions recommended in the Engineer's Memo and this Staff Report.

Mr. Hess reviewed his staff report.

Commissioner Barker asked if the existing accessory structures will be removed. Mr. Hess answered no and indicated that staff recommends they be allowed to stay and be classified as legal, non-conforming.

High level discussion among the Commission and Mr. Hess centered on future public improvements, such as sidewalk and curb/gutter, that will be completed adjacent to the subject property and beyond.

Vice Chairman Thomas invited input from the applicant.

Jeffrey Randall stated that the two small sheds in the back yard are actually three feet from the property line. Mr. Hess stated that may be correct, but they are actually one step too tall for the three-foot distance allowed in the R-1-8 zone. Mr. Randall stated that there will be just one portion of the property that will have sidewalk and curb/gutter; the trees on the site will likely be impacted by those required. Vice Chairman Mason stated that he believes there will be more discussion about those public improvements and the City may be forced to make some difficult decisions about that matter in the future.

Commissioner Nancarrow made a motion to approve application SUB 2021-11, final plat approval of Randall Homestead (1 lot), located at approximately 1700 Fruitland Drive. Commissioner Barker seconded the motion.

Voting on the motion:

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

The motion carried.

LEGISLATIVE ITEMS

9. ZTA 2021-06 DISCUSSION, CONSIDERATION, AND RECOMMENDATION ON A LEGISLATIVE AMENDMENT TO ADJUST THE STANDARDS FOR ACCESSORY BUILDINGS

Planning Director Hess reported this is an item for which the Planning Commission already made a recommendation to the Council in October; the City Council basically tabled the matter, but asked that the Commission consider the matter again and take into account the feedback the Council has received from the public regarding topics such as building materials and building heights.

A staff memo from Associate Planner Bell explained when the City is considering a legislative matter on land use topics, 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.

BACKGROUND

A request came from the Council asking staff to consider standards for heights, square footage and size, for accessory buildings. There is a pending building permit application, and concerns about the City ordinance on the topic of accessory buildings were raised in the process of that application being reviewed. The Planning Commission and City Council have both considered this ordinance now, and a minor change was recommended from prior versions.

ANALYSIS

Staff opinion on the current ordinance regarding Accessory Buildings is that overall, the current ordinance in the City has struck a relatively good balance between the property rights of those who would like to build an accessory building, and the rights of neighboring property owners who are impacted by such buildings on adjoining properties. However, it is worth noting that the current ordinance is more 'detailed' than other city's ordinances that were reviewed.

As Staff has reviewed ordinances from other cities, they generally don't have as many restrictions on the size of accessory buildings, in similar zones, but these ordinances may also not consider the impact of accessory buildings on neighboring property owners sufficiently.

In North Ogden City, the concerns that have been expressed directly to Staff from neighbors, have come both from neighbors who have been directly impacted by excessively sized accessory buildings, and also applicants frustrated with limitations on their ability to build a building of sufficient size on their property.

Staff is of the opinion that there is not a single, one-size-fits-all solution, but there is a reasonable range of solutions, based on principles that balance and seek to maintain the rights of all affected parties. Staff believes the valid interests of neighbors on this topic, revolve around the issues of the height of the building, especially in relation to the distance of that height from the property line, excessive blocking of light coming on to their property, and excessive heat transmission onto a neighbor's property. Staff's view is that the neighbor's reasonable interests in the matter involve some access to light entering their property, preventing an excessively tall, bulky building exceedingly close to their property line, and not having excessive heat reflected onto their property. Staff believes these concerns summarize the valid interest of neighbors. At the same time the interests of property owners desiring accessory buildings are protected by allowing them to build an accessory building that does not excessively impact their neighbors.

On a related note, it may be worth considering that Accessory Dwelling Units (ADU's) can currently be up to 25' feet in height, at the same setbacks as a home, which are significantly closer than Accessory Buildings are allowed to be to the side property line. Further, single-family homes can also, technically be 35' high at 20' from the rear property line. It was requested as a result of discussion with the City Council and Mayor that the ordinance be

adjusted to have increases in building height start at 5' from the property line, rather than at 3' which is what the previous version of the ordinance stated. This would permit a 25' building to be 20' away from the rear and side property lines, and be the same distance from a rear property line as a home.

Hence the Council should consider whether property owners desiring to build an accessory building on their property should have significantly different height standards than ADU's. Consequently, Staff is of the opinion that as long as the height of the accessory building is increasingly farther away from the property line, as the height increases, an increase in the size of the building should be permitted, in order to meet the needs of both owner of an accessory building and neighboring residents.

This principle of an increase in building height permitted as the setback increases, is currently reflected in the existing ordinance, and this potential adjustment would extend the application of that principle and simplify the current ordinance. This adjustment, if approved would allow accessory buildings, up to 25' in height, (an increase in height from the current 20' limit) so long as there is an increase in distance from the property line, for a corresponding height increase. The adjustment to the ordinance, attached as an exhibit, would still limit accessory buildings to 25% of the rear yard, so that cap on size and to a percentage of the yard still exists. Staff is of the opinion that it's reasonable for the building size to continue to be correlated to the percentage of the rear yard it occupies, and that the percentage that the buildings and hard surfaces occupy on a property should be limited to accommodate the need for drainage of water on-site, and to maintain a degree of an open feel in rear yards.

The attached ordinance amendment also amends the roof height and setback standards to one provision instead of two, and sets a flat, single standard for the maximum square footage, of 1250 square feet. This would replace a formula that provides a custom square footage limit for the size of every accessory building by coupling the permitted size for an accessory building to the size of the main floor area of the home, on each individual lot. This ensures those with smaller, and often older homes are not penalized on the building they want to build, just because they have a smaller home (which often is synonymous with older).

The attached ordinance amendment brings the code closer to uniformity for different types of buildings, or in other words, to similar standards for any building whether it is Accessory Dwelling Unit, Accessory Building or single-family home regarding distance from the rear property line. The Council should consider whether these changes are appropriate, and whether this is a reasonable, equitable comparison between Accessory Buildings and ADU's.

The intent behind these potential adjustments is to simplify the ordinance, and if a height increase is permitted for accessory buildings, that change is intended to take into consideration, balance, and meet the interests and reasonable concerns of both property owners desiring to build an accessory building, and their neighbor's concerns.

Staff is of the opinion that these adjustments keep the ordinance within a reasonable range of balancing differing interests of property owners desiring an accessory building and those of neighbors on nearby properties.

Staff has included the portions of ordinances from different cities in the region, as Exhibit A.

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, but also that the existing ordinance meets the intent of the General Plan. The Planning Commission should determine if an increase in height to 25' for accessory buildings, and the other proposed adjustments in the ordinance correctly balance the interests of property owners desiring to build an accessory building, with their neighbor's interests.

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 consider the proposed ordinance, and whether it conforms to the General Plan and maintains the rights and interests of property owners desiring to build Accessory Dwelling Units, and also surrounding neighbors.

Mr. Bell reviewed his staff memo.

Chairman Thomas invited public input.

Ryan Udell, North Ogden resident, stated that it is his understanding that an accessory building must be 60 feet from a primary structure; this means that even if the building is built 10-feet from the property line, if a neighbor's home is within 10-feet of the property line, the accessory building would not be allowed. Chairman Thomas stated that regulation was removed from the ordinance in the version the Commission forwarded to the City Council; essentially, the location of an accessory building would only be established by setback guidelines regardless of the location of a neighboring home. Mr. Udell asked if the size limitations will be adjusted as well. Vice Chairman Mason stated that is an issue that was also addressed in the Commission's recommendation to the City Council.

There was brief discussion about regulations for accessory structures in the RE-20 zone, with Chairman Thomas noting that will be discussed in greater detail under the next agenda item. Vice Chairman Mason stated that he feels that setbacks and building heights limit the building size and it is not necessary to include an arbitrary maximum size for accessory structures; the City should not care if accessory buildings in the RE-20 zone are larger than in other residential zones. Chairman Thomas agreed and added that larger buildings are also more expensive than smaller buildings, which is also a self-regulating issue. Commissioner Nancarrow agreed, unless other building materials are permitted, such as metal materials, which are typically less expensive.

Vice Chairman Mason stated that he thinks it would be beneficial for the Commission and Council to meet in a joint work session meeting to have a collective discussion of the proposed amendments to the accessory building ordinance; the Commission has deliberated this issue for months, but in their last meeting the Council only discussed it for a very brief time and there was not an opportunity for Planning Commission input aside from the minutes of the Planning Commission meeting when their recommendation was acted upon. Several Commissioners agreed. Mr. Hess agreed and suggested that the Commission table this item until they can have a more detailed discussion of item ten on the agenda.

Vice Chairman made a motion to table action on item #9 until after discussion and/or action on item #10. Commissioner Webb seconded the motion.

Voting on the motion:

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

The motion carried.

10. ZTA 2021-07 PUBLIC HEARING, CONSIDERATION, AND RECOMMENDATION ON A LEGISLATIVE AMENDMENT TO AMEND ACCESSORY BUILDING STANDARDS IN THE FOLLOWING SINGLE-FAMILY ZONES: RE-20, R-1-5, RCC, HP-1, HP-2, AND HP-3

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.

BACKGROUND

A resident recently applied for an accessory building permit in the R-1-10 Zone that was denied due to being too tall for the zone it was in. Also, a different resident recently applied for an accessory building permit for a metal sided building, from the Cleary Building Company, in an R-1 Zone. Staff denied that application based on the current ordinance related to accessory building design standards.

In response to these applications, and subsequent requests from the applicants to the City Council, the Council asked staff to consider accessory building standards location, size, and materials for all residential zones in the City. Staff has broken this issue into three unique staff reports and Zoning Text Amendments. This staff report is dealing specifically with single-family residential zones including: RE-20, R-1-5, RCC, HP-1, HP-2, and HP-3.

The question for the Planning Commission to weigh in on is whether there are unique attributes to any of these zones that warrants a custom approach to accessory building standards. Staff is not asking the Planning Commission to make a recommendation on specific policies for these zones in this meeting, but rather to talk through each of these zones and provide feedback for staff to consider before bringing forward an ordinance recommendation.

ANALYSIS

The North Ogden City Code related to accessory building design standards and materials was amended in April of 2020. Ordinance 2020-07 (see Exhibit B) adjusted the overall size and location accessory buildings, as well as specified which zones metal siding would be allowed.

Currently, North Ogden City residential zones vary in their approach to accessory building size, height, location, and materials. The RE-20 Zone provides a range of options for accessory buildings based on the size of the property. The R-1-5 Zone is silent on accessory buildings, thereby not allowing them at all. The RCC Zone allows a 15-foot-tall accessory building that is limited in size based on the primary structure on the lot and has a maximum size of 1,000 sqft. The HP Zones allow a 15-foot-tall accessory building that is limited to 25% of the size of the main floor area of the primary structure with no maximum size listed.

North Ogden Code allows metal accessory buildings under two hundred (200) square feet in all residential zones (staff recommends adding clarifying language in the R-1-5 Zone regarding this provision – either to allow or not allow them in that zone). In the RE-20 Zone, architectural metal and prefab metal buildings are allowed. In the R-1 and RCC Zones, accessory buildings over 200 square feet are not allowed to be sided in metal, but rather must be constructed with horizontal siding, brick, stucco, wood, or similar material as the main building.

In addition to the information in this staff report, ZTA 2021-06 considers accessory building height, size, and location standards in all “R-1” Zones, and ZTA 2021-08 considers exterior material standards for accessory buildings.

Accessory Building Standards should be based on community feedback, attempts to limit impacts to property owners, and allowing residents to exercise their private property rights. The Planning Commission should consider whether the standards as written for these other single-family zones are right for the City. Staff would like to discuss the zone language below and have the Planning Commission provide feedback and recommendations on ordinance language that will be brought back for further action.

Suburban Residential Zone RE-20:

F. Accessory building regulations (in feet) (see also CCNO 11-10-31)	
1. Accessory building height	15
a. Accessory building setback	
(1) Accessory building	
(A) Interior lot	3
(B) Corner lot (non-street side)	3
(C) Corner lot (street side)	20
(2) Large accessory building	
(A) Interior lot	
Height Maximum in Feet	Setback Minimum in Feet
15 - 17	6
18 - 19	8
20 - 25	12
(B) Corner lot (non-street side)	20
(C) Corner lot (street side)	20

2. There shall be provided a minimum spacing between main and accessory; and between accessory buildings of at least	6
3. Rear yard coverage by accessory building shall not exceed the following:	25%
a. On lots less than an acre the minimum rear yard area calculation is based upon the minimum lot width x the rear yard setback and not the actual rear yard dimensions	
4. Building size	
a. Maximum size on lots or parcels less than one acre or adjacent to any R-1 zone	1,500 Square Feet
b. Maximum size on lots or parcels greater than one acre	
1 - 2 Acres	2,000
2 - 3 Acres	2,250
3 - 4 Acres	2,500
4 - 5 Acres	2,750
5 + Acres	3,000 Square Feet
c. On lots adjacent to any R-1 zone, the accessory building width length cannot exceed 40% of the total length of the side lot lines or 40% of the rear lot line when those lot lines are within 50 feet of the accessory building	

5. Building Separation: Large Accessory Building to be 60 feet from neighboring dwelling on any adjoining parcel	
a. If the large accessory building is larger than 2,000 square feet the building setback from rear or side property lines	30
6. Building Design and Materials (see 11-10-31)	
7. Nonconforming. If an accessory building setbacks become nonconforming due to a subdivision of the existing lot; the accessory building must be brought into conformity.	

Residential Zone R-1-5:

Accessory Buildings Not Currently Permitted

Residential City Center Zone RCC:

E. Accessory building regulations (in feet) (see also CCNO 11-10-31)		
1. Accessory building height		
a. Accessory building setback		
(1) Accessory/Large building		
	(A) Interior lot & Corner lot (non-street side)	
	Height Maximum in Feet	Setback Minimum in Feet
	10	3

	11-15	8
	The ridge or highest point of the roof of an accessory building may be erected to a height no greater than the lesser of: 1. Fifteen feet (15'); 2. For a metal accessory building, twelve and one-half feet (12'6")	
	(B)Corner lot (street side)	20
	2. There shall be provided a minimum spacing between main and accessory buildings of at least	6
	3. Rear yard coverage by accessory buildings shall not exceed the following	25%
	4. Building Size	
	a. Maximum Size	One half the square footage of the main floor to a maximum of 1,000 square feet. The main floor size shall be the main floor living space plus 400 square feet
	5. Building Separation: Large accessory building to be 60 feet from any neighboring dwelling on any adjoining parcel	
	6. Maximum number of large accessory buildings per lot	1
	7. Building Design and Materials (see 11-10-31)	

Hillside Protection Zones HP-1, HP-2, HP-3:

E. Accessory Building Regulations (in feet) (see also CCNO 11-10-31)			
1. Accessory building smaller than 600 square feet rear and interior side yard	3	3	3
2. Large accessory building greater than 600 square feet:			
a. Interior lot rear and side yard setback	15	15	15
b. Corner lot (non-street side)	15	15	15
c. Corner lot (street side)	20	20	20
F. There shall be provided a minimum of 6 feet of spacing between main and accessory buildings			
G. In the HP-1 and HP-2 zoning districts, no accessory building shall be greater than 1 story (15 feet) nor more than 25 percent of the footprint square footage of the main building. In the HP-3 zoning district, no accessory building shall be greater than 1 story (15 feet) nor have a footprint larger than the house. No Accessory buildings are permitted without a single-family residence or main building.			
H. Accessory building regulations (in feet) (see also CCNO 11-10-31)			
1. Building Separation: Large accessory building to be 60 feet from any neighboring dwelling on any adjoining parcel			
2. Maximum number of large accessory buildings per lot	1	1	1
3. Building Design and Materials (see 11-10-31)			

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 future proposed Code language to be in conformance with the General Plan. Accessory Buildings by their very nature fit into single-family zones, and reasonable requirements about their size, location, and materials can be found to be in conformance with the City's Vision.

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?

RECOMMENDATION

Staff recommends that the Planning Commission conduct the public hearing, consider reasonable standards for single-family zones other than the R-1 Zones, and make a recommendation to staff that will be brought back to the Planning Commission for formal action.

Mr. Hess reviewed his staff memo and facilitated review and discussion of the accessory building standards for each zone in the City; there was a focus on aesthetics, height and total size restrictions, and setbacks.

a. Chairman Thomas opened the Public Hearing at 7:57 p.m.

Rod Carney, North Ogden resident, stated the issue that he is most concerned about is the maximum size restriction; the building he would like to construct on his property is 188 square feet too big, but his property is 3.5 acres in size. The current ordinance restricts him to a maximum building size of 2,500 square feet, which is a large enough building, but standard building plans for the size of building he wants exceeds the 2,500 square foot maximum. He noted that he feels strongly that those living on a large property should be able to build a larger accessory building. This has been a 2.5-year battle for him; he has monitored the evolution of the accessory building ordinance and has been hopeful that the City would approve amendments that he feels are appropriate, but that has not happened. If he chose to, he could subdivide his property and build 12 homes and 12 1,000 square foot accessory buildings on it, but at present he cannot build his home and a larger accessory building, which would be much less impactful to the area. He stated he feels there is a disconnect. He has spoken to his neighbors and there is not one that is opposed to his plans for his property, but they would be opposed to the 12-home subdivision. He rezoned his property to RE-20 based upon an understanding that he would be able to build his home and his accessory building, but he is still unable to because of the maximum size requirement.

Vice Chairman Mason asked Mr. Carney if his building will be used for personal or business purposes. Mr. Carney answered personal and noted that the building will be constructed of materials that will match his home and will be aesthetically pleasing.

Merrill Sunderland, North Ogden resident, stated that he came to this meeting to listen and learn, and he has come to the conclusion that there is good logic for removing the maximum size restriction for accessory buildings. There will always be a concern about buildings that create an ‘eye sore’ for neighboring properties, but other restrictions can be placed on a building to help to prevent that. He noted, however, that he feels that different standards are appropriate for the hillside protection zones. He understands that the hillside zoning designations will only be applied to land on the City’s benches and the people who build homes in this area typically have more money and, in some cases, have combined multiple lots into one lot upon which to build their home. This should be taken into consideration when determining the size of an accessory building in these areas.

Commissioner Webb asked Mr. Sunderland if he is more concerned about the cost of accessory buildings in the hillside protection zones, or the appearance of larger buildings and how that will impact the valley below. Mr. Sunderland stated it is important to maintain the beauty of North Ogden’s hillsides. Commissioner Webb stated he is puzzled by Mr. Sunderland’s reference to the amount of money that people living in the hillside zones may spend on their land, home, or accessory building. He asked if Mr. Sunderland feels that more restrictions should be tied to the price of those properties. Mr. Sunderland answered no; he is simply recommending that the Commission have more discussion about the standards for the hillside protection zones as he is concerned about larger buildings in those zones based upon the lot size for the primary structure.

There were no additional persons appearing to be heard.

Commissioner Lunt made a motion to close the Public Hearing. Commissioner Arner seconded the motion.

Voting on the motion:

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

The motion carried.

The Public Hearing was closed at 8:13 p.m.

Commission discussion recentered on the maximum building size for accessory buildings, and whether to remove it for all zones. They agreed that the maximum size requirement could be removed from zones R-1 to R-4, RE-20, and RCC zones, but not R-1-5. They felt that the maximum height and setback requirements will be self-regulating. Discussion shifted to the hillside protection zones; Mr. Hess stated that there are maximum heights and setbacks for those zones, as well as a total amount of the lot that can be covered with

impervious surface. He added that there are similar requirements for the other residential zones, though they vary from zone to zone.

Chairman Thomas stated that in addition to considering whether there should be a maximum building size for accessory buildings, he would like to ensure that the recommendation to the Council also include an emphasis on building materials. He then noted that he feels the Commission can take an action on the items listed under both nine and 10 on the agenda and include their recommendations in one motion.

The Commission discussed the specifics of a potential motion; Chairman Thomas suggested that the standards for accessory buildings in the R-1-5 zone be left as is, and that the maximum building size be removed for all other zones.

Chairman Thomas made a motion to forward a recommendation to the City Council to amend the standards for accessory buildings by ensuring consistency in all zones – with the exception of the R-1-5 zone – relative to building height and setbacks, but – removing the maximum building size. Commissioner Barker seconded the motion.

Voting on the motion:

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

The motion carried.

9. ZTA 2021-06 DISCUSSION, CONSIDERATION, AND RECOMMENDATION ON A LEGISLATIVE AMENDMENT TO ADJUST THE STANDARDS FOR ACCESSORY BUILDINGS

a. Chairman Thomas opened the Public Hearing at 8:44 p.m.

Chairman Thomas noted that before this item was tabled, the public hearing was not opened. Mr. Hess briefly summarized the intent of this agenda item, as noted above in the staff report.

Ryan Udell, North Ogden resident, inquired as to the definition of accessory structure. Chairman Thomas stated that it is any structure that is not part of or is detached from the primary structure on a residential property. Mr. Udell asked if that applies to temporary structures or permanent structures only. Chairman Thomas answered it applies to both.

Tara Carney, North Ogden resident, asked when the proposed amendments, if accepted by the Council, will go into effect. She also inquired as to the option of securing an exemption

from the current ordinance in order to proceed with construction of her home and accessory building.

Chairman Thomas stated that the recommendation should be presented to the Council on November 9; if they adopt an ordinance with the suggested amendments they will go into effect immediately. Vice Chairman Mason encouraged Mr. and Ms. Carney to attend that City Council meeting to provide input.

There were no additional persons appearing to be heard.

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

Voting on the motion:

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

The motion carried.

The Public Hearing was closed at 8:57 p.m.

Chairman Mason stated that he is supportive of the proposed amendments to the ordinance to provide consistency for accessory building standards for zones throughout the City. He added that he is not opposed to allowing people to buy a second lot in a hillside protection zone upon which to build an accessory building; the footprint of an accessory building will be much smaller than another home and would have a lesser impact on City resources and services.

Vice Chairman Mason made a motion to forward a recommendation to the City Council to consider a legislative amendment to adjust the standards for accessory buildings by removing the maximum building size for all zones except for the R-1-5, under the principle that other restrictions placed on accessory buildings – such as setbacks and building height – will limit the overall size of a building proportionate to the building lot. A graduated scale for building heights in relation to the building setback, shall remain intact as communicated in the Commission's last recommendation to the City Council.

Commissioner Nancarrow asked if the Commission needs to make a motion regarding building materials for accessory buildings. Mr. Hess stated staff's intent was to correct that issue in the rewrite of Title 12 of the City Code, which addresses building materials allowed in individual zones.

Commissioner Arner seconded the motion.

Voting on the motion:

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

The motion carried.

Chairman Thomas called for a brief recess in the meeting.

**11. ZTA 2021-08 PUBLIC HEARING, CONSIDERATION AND RECOMMENDATION
ON A LEGISLATIVE AMENDMENT TO AMEND ACCESSORY BUILDING
STANDARDS CITY-WIDE**

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.

BACKGROUND

A resident recently applied for an accessory building permit for a metal sided building, from the Cleary Building Company, in an R-1 Zone. Staff denied that application based on the current ordinance related to accessory building design standards. The applicant attended the City Council meeting on October 12, 2021, and made a request to that City Council consider adding metal to City Code as an approved building material for accessory structures. The Council requested Staff to review this issue and bring the discussion to the Planning Commission for recommendation and to the Council for action.

ANALYSIS

The North Ogden City Code related to accessory building design standards and materials was amended in April of 2020. Ordinance 2020-07 (see Exhibit B) adjusted the overall size and location accessory buildings, as well as specified which zones metal siding would be allowed. Currently, North Ogden City allows metal accessory buildings under two hundred (200) square feet in all residential zones. In the RE-20 Zone, architectural metal and prefab metal buildings are allowed. In the R-1 and RCC Zones, accessory buildings over 200 square feet are not allowed to be sided in metal, but rather must be constructed with horizontal siding, brick, stucco, wood, or similar material as the main building.

Staff reviewed surrounding City's ordinances, as well as reviewed North Ogden City resident feedback on accessory structures. Cities vary in their specificity on exterior building materials for accessory structures. Some cities have no provisions, and some cities follow a similar approach to North Ogden City of requiring accessory structures to be designed to match the main dwelling. This is not a matter of what is "right" but rather what is "right for North Ogden City".

Staff believes that the current ordinance strikes a balance between upholding private property rights while mitigating detrimental impacts on surrounding property owners. Some residents have clearly expressed their opinion that large metal buildings are not compatible with their neighborhood. Other residents have expressed interest in building a metal building for a variety of reasons, most notably the relative affordability and the reduced maintenance burden of a quality metal siding.

Staff has prepared an ordinance amendment for the consideration of Planning Commission. This is a path forward that would reinstate metal as an acceptable exterior material for accessory structures. The Code requirement that the exterior colors must match the main building on the property remains. The question for the Planning Commission is whether metal sided buildings in R-1 and RCC Zones are appropriate.

DRAFT CODE LANGUAGE

Draft Code Language is below: (Red Text is New, Strike Through Text is recommended to be eliminated)

11-10-31: STANDARDS FOR ACCESSORY BUILDINGS IN RESIDENTIAL ZONES

1. Design and Materials: The original design of the building must have been to function as a typical accessory residential structure, such as a storage shed or carport, and not for some other use. Reuse of a metal structure originally designed or used for other purposes, such as shipping or cargo containers, is not allowed unless the exterior of the metal structure is made to be integrated into the design of the main residential building, with a similar residential exterior wall treatment and roofing material as the main building.
 1. ~~Metal accessory buildings two hundred (200) square feet or less are allowed in all residential zones. In the R-1 and RCC zones, accessory buildings over 200 square feet finished with metal siding are not allowed. In the RE-20 zone architectural metal and prefab metal buildings are allowed as accessory buildings.~~
 1. ~~In the R-1 and RCC zones accessory buildings may be constructed of horizontal siding, brick, stucco, wood, or similar material as the main building, etc.~~
 1. All accessory buildings larger than 200 square feet must be integrated into the design of the residential building, with a similar residential exterior wall color.
 1. Roofing materials including metal roofs shall have a similar color as the main building.
 2. An eave proportionate to the main building is required with a minimum of 12 inches. Aluminum fascia and soffits are allowed.

3. Accessory buildings fronting onto a street must have a window(s) that occupy 5% of the façade of the building, or have a person door, or garage door with windows.
2. All accessory buildings shall have a buffer of either a fence or landscaping or a combination of the two.
3. Roof pitches shall be a minimum of a 4/12.

2. Location and Size:

1. No detached accessory building, other than trellises, shall be allowed between the front of the main residential building and the street.
2. A garage or carport attached to the main residential building is allowed between the front of the main residential building and the street if the front yard setback requirement for the zone is maintained and the garage or carport is integrated into the design of the residential building, with a similar residential_exterior wall treatment, roof slope, and roofing material as the main building to which it is attached.

A detached garage or carport may be located in the side yard so long as it meets the side and front yard setbacks, is a minimum of 6 feet from the main building, is integrated into the design of the residential building, with a similar residential_exterior wall treatment and roofing material as the main building.

3. ~~Metal accessory buildings must be located in the rear yard and shall not exceed two hundred (200) square feet.~~
3. Nonmetal Accessory buildings regardless of size may be located in an interior side yard or rear yard provided they meet the required setbacks of the zone.
4. On a corner lot, an attached or detached accessory building (with or without a roof) that is open on at least three (3) sides may extend into the side yard setback facing a street up to the minimum side yard setback for an interior lot in its respective zone. Such structures are limited to covered or uncovered decks, patios, gazebos, pergolas, and trellises. The finished floor elevation of these structures may not be higher than eighteen inches (18") above finish grade.
5. Height: The building shall not exceed the maximum height allowed by other sections of the Zoning Ordinance.
6. Prohibited Use: Accessory buildings shall not be used as living quarters. Accessory Dwelling Units are not considered accessory buildings.

CONFORMANCE WITH THE GENERAL PLAN

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- 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 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 reinstating metal as an exterior siding material for accessory buildings is in the City's best interest.

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?

RECOMMENDATION

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.

City Manager/Attorney Call noted that the ordinance that Mr. Hess is referring to does not apply to barns, meaning they can be constructed of other building materials.

Associate Planner Bell noted that since the ordinance was amended to prohibit metal buildings in the residential zones, he has not had a great deal of resistance from applicants for an accessory building permit. He added that the interior of a metal building can be that of a pole barn, which is typically much less expensive than wood framing construction.

a. Chairman Thomas opened the Public Hearing at 9:10 p.m.

Ryan Udell, North Ogden resident, stated that he feels it is necessary to clearly define the term 'metal buildings' for the reader to understand whether it encompasses cladding or a metal structure. He noted a Cleary building is a pole barn build of wood and sided with metal. He noted that he is able to secure a building material that is essentially metal siding, but it resembles reclaimed wood. It is a great produce and is very beautiful and if the ordinance amendment to prohibit metal buildings is approved by the City Council, the City will essentially be giving up the opportunity to be home to some really 'cool' looking metal structures. He stated that this is an issue that should be addressed very carefully and with all points of view taken into consideration. He added that there are no restrictions on metal for homes in the City and the same should be true for accessory structures.

Chairman Thomas noted that the Commission's last recommendation on this item included the language requiring an accessory building to be constructed of materials similar to what the primary structure was constructed of. Therefore, if a home were constructed of metal siding, an accessory structure could be built in a manner that matches the home.

There were no additional persons appearing to be heard.

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

Voting on the motion:

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

The motion carried.

The Public Hearing was closed at 9:14 p.m.

The Commission discussed their previous recommendation to the Council regarding the use of metal as a building material for accessory structures. Commissioner Webb stated he feels it is appropriate to allow metal for an accessory structure in the RE-20 zone regardless of what the primary structure is constructed of. He stated that metal buildings are common on agricultural properties, and they are typically surrounded by a large amount of green space. He stated he is concerned about this proposed amendment being a catalyst for similar amendments in the RE-20 zone and on agricultural properties. The Commission agreed. Chairman Thomas noted that his recommendation is that the standards for the RE-20 zone remain unchanged; however, he feels that the amendment for other residential zones to require an accessory structure to be constructed of like building materials as the primary structure. Mr. Hess stated that it may be possible to consider unique building materials like that mentioned by Mr. Udell.

Vice Chairman Mason made a motion to forward a recommendation to the City Council to consider a legislative amendment to amend accessory building standards City-wide, specifying that building material standards should remain as-is in order to help control negative impacts that could occur for some neighboring property owners. Commissioner Lunt seconded the motion.

There was a brief discussion about standard roof pitches and whether it would be appropriate for the Commission to consider an adjustment to the section of the ordinance that governs that issue for an accessory building; Chairman Thomas stated he is comfortable leaving the current regulation as is, and the Commission agreed.

Voting on the motion:

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

The motion carried.

seconded the motion.

Voting on the motion:

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

The motion carried.

12. REMARKS - PLANNING COMMISSIONERS:

Vice Chairman Mason stated he feels it is important for a few members of the Commission to attend the next City Council meeting during which the recommendations about accessory buildings will be heard. He is willing to attend, but indicated that it would be helpful to have another member or two present to voice support for the recommendations that have been made. Commissioner Nancarrow suggested that photographs be presented of accessory buildings that have been considered problematic and upon which some of the Commission's recommendations are based.

Chairman Thomas addressed the Randall Homestead subdivision application the Commission acted upon earlier in the meeting; he noted that he is not comfortable waiving the requirement for an applicant to install public improvements in favor of retaining established trees. He stated that he does not want it to be an issue that comes up for similar applications in the future.

13. REPORT - PLANNING DIRECTOR:

There was no report from the Planning Director.

14. REMARKS – CITY MANAGER/ATTORNEY

City Manager/Attorney Call reported on the outcome of the General Election, which was held yesterday; the results are preliminary at this point and will not be official until the election canvass in the coming weeks.

Several Commissioners expressed their gratitude to the candidates who ran for office and thanked them for running a 'clean' campaign.

15. ADJOURNMENT

Commissioner Arner made a motion to adjourn the meeting. Commissioner Webb seconded the motion.

Voting on the motion:

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

The motion carried.

The meeting adjourned at 9:36 pm


Eric Thomas
Planning Commission Chair


Joyce Pierson
Deputy City Recorder


December 15, 2021
Date Approved