



**PLANNING COMMISSION MEETING
OCTOBER 19, 2022 AT 6:00 PM
505 EAST 2600 NORTH
NORTH OGDEN, UT 84414**

PUBLIC CAN ATTEND IN PERSON, OR:

Click the link to join the webinar: <https://us02web.zoom.us/j/87612925263> Webinar ID: 876 1292 5263
Or Telephone Dial: 1 669 900 9128 or 1 253 215 8782 or 1 346 248 7799 or +1 646 558 8656
YouTube: <https://www.youtube.com/channel/UCriqbePBxTucXEzRr6fclhQ/videos>

Welcome: Chairman Thomas

Invocation or Thought: Commissioner Barker

Pledge of Allegiance: Commissioner Lunt

1. Roll Call
2. Minutes Consideration:
 - a. Consideration and action to approve the August 3, 2022 Planning Commission Meeting minutes
 - b. Consideration and action to approve the September 7, 2022 Planning Commission Meeting minutes
3. Opening Meeting Statement
4. Ex parte communications or conflicts of interest to disclose
5. Public comments for items not on the agenda

ADMINISTRATIVE ITEMS

6. SPR 2022-05 Consideration and action on an administrative application, site plan approval of Bowser Bath, located at approximately 400 East 1975 North
Presenter: Kai Johnsen, Planning Tech

DISCUSSION/TRAINING ITEMS

7. Training: "Complete Streets and Active Transportation in the General Plan"
Presenter: Scott Hess, Planning Director
8. Public comments
9. Remarks - Planning Commissioners
10. Report - Planning Director
11. Remarks - City Manager/Attorney
12. Adjournment

CERTIFICATE OF POSTING

The undersigned, duly appointed City Recorder, does hereby certify that the above notice and agenda was posted within the North Ogden City limits on this 13th day of October, 2022 at North Ogden City Hall, on the City Hall Notice Board, on the Utah State Public Notice Website, and at <http://www.northogdencity.com>. The 2022 meeting schedule was also provided to the Standard Examiner on December 16, 2021.

The Planning Commission at its discretion, may rearrange the order of any item(s) on the agenda. Final action may be taken on any item on the agenda. In compliance with the American with Disabilities Act, individuals needing special accommodation (including auxiliary communicative aids and service) during the meeting should notify the City Recorder at 801-782-7211 at least 48 hours prior to the meeting. In accordance with State Statute, City Ordinance and Council Policy, one or more Planning Commission Members may be connected via speakerphone.
Susan L. Nance, CMC, City Recorder

**NORTH OGDEN PLANNING COMMISSION
MEETING MINUTES
August 3, 2022**

The North Ogden Planning Commission convened in a regular meeting on August 3, 2022, at 6:00 p.m. The meeting was also held on Zoom. Notice of time, place and agenda of the meeting was furnished to each member of the Planning Commission, posted on the bulletin board at the municipal office and posted to the Utah State Website on July 29, 2022. Notice of the annual meeting schedule was published in the Standard-Examiner on December 16, 2021.

COMMISSIONERS:

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

STAFF:

Jon Call	City Manager/Attorney
Scott Hess	Planning Director
Brandon Bell	Associate Planner
Kai Johnsen	Planning Tech
Jon Ungard	Police Officer

VISITORS:

Sandy Cochran	Val Poll	Stefanie Casey
Brenda Ashdown		

Vice Chairman Mason called the meeting to order at 6:00 p.m. Commissioner Barker offered the invocation and Vice Chairman Mason led the Pledge of Allegiance.

1. **ROLL CALL**

Vice Chairman Mason conducted roll call and indicated Chairman Thomas will arrive shortly and that Commissioner Watson was excused.

2. **OPENING MEETING STATEMENT**

Vice Chairman Mason read the opening meeting statement.

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

Vice Chairman Mason asked if any member of the Commission had any ex parte communications or conflicts of interest to disclose. No disclosures were made.

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

There were no public comments.

ADMINISTRATIVE ITEMS

5. **SUB 2022-09 CONSIDERATION AND ACTION ON AN ADMINISTRATIVE APPLICATION FOR PRELIMINARY APPROVAL OF THE MOUNTAIN MEDICAL CENTER SUBDIVISION, LOCATED AT APPROXIMATELY 2650 NORTH WASHINGTON BOULEVARD**

Associate Planner Bell explained the applicant is requesting preliminary approval for the Mountain Medical Center Subdivision. There will be a forthcoming rezone application which will be considered by the Planning Commission. This subdivision needs to be subject to the rezone of the additional property, which will be forthcoming. The City Engineer submitted a review memo dated July 21, 2022. He summarized the staff and review agency comments relating to the application, noting 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 the staff report. This area is in the Downtown Mixed-Use land use category on the newly updated future land use map. Staff recommends that the Planning Commission grant preliminary approval of the Mountain Medical Center Subdivision, subject to the following conditions:

- The applicant should verify that distance of the closest point of the building (including the bay window) to the proposed relocated property line, after the property dedication, will be 20' or greater from the property line. If it doesn't meet the setback requirement, the proposed property line may be adjusted so the sidewalk is in an easement, including up to 1' of property behind the sidewalk.

- The entirety of the City-owned parcel to the west that property is being taken from needs to be shown on the plat, so that it's clear what is left in that parcel.
- The current eastern property line for the City-owned parcel to the west, from which property is being added to this property, needs to be shown on the plat, and clearly identified on the plat as a former property line, and colored in a faint grey line.
- The application needs to show the existing property line between the two existing parcels owned by Shupe holdings, with a faint grey line, to show the properties were combined into one parcel.
- Identify former parcel numbers of all parcels on the plat.
- This subdivision be subject to the rezone, which still needs to be completed, so that the entirety of the newly created parcel will be within the same zone.
- Requirements of the North Ogden City Engineer's Report be met prior to final plat approval (except where superseded in this report).

Discussion among the Commission and staff centered briefly upon the recommended conditions of approval relating to sidewalks; Mr. Bell stated sidewalks are not typically identified on a site plan but will be included on the final subdivision plat.

Vice Chairman Mason invited input from the applicant.

Val Poll thanked City staff for their assistance in navigating the subdivision process and he asked for favorable action from the Planning Commission.

Vice Chairman Mason invited public input. There were no persons appearing to be heard.

Commissioner Lunt made a motion to grant preliminary approval of the Mountain Medical Center Subdivision, located at approximately 2650 North Washington Boulevard, application SUB 2022-09, based on the findings and subject to the conditions listed in the staff report, with one exception that if the County does not require the property to the west to be fully shown on the plat, such will not be required of the applicant. Commissioner Barker seconded the motion.

Voting on the motion:

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

The motion carried.

LEGISLATIVE ITEMS

6. ZTA 2022-06 PUBLIC HEARING, CONSIDERATION, AND RECOMMENDATION ON A LEGISLATIVE AMENDMENT REGARDING ACCESSORY BUILDING STANDARDS IN MULTI-FAMILY ZONES: R-2, R-3, AND R-4

Planning Technician Johnson explained a resident recently came to the City with a preliminary site plan for an accessory building for a metal sided building in an R-2 Zone. Staff concluded that based on the current ordinance related to accessory building design standards in the R-2 Zone the building could be approved. However, staff recognized that the standards for accessory buildings in the R-2, R-3, and R-4 Zones are less restrictive and not consistent with the standards for accessory buildings in other residential zones, specifically standards in the R-1-8 and R-1-10 zones. He discussed staff's analysis of the matter, noting staff found that the regulations for accessory buildings in the R-2 zone are different from those in the R-1-8 and R-1-10 zones, but this was not intentional; staff believes it would be appropriate to assign the same standards to single family homes in multi-family zones. Staff recommends the Commission conduct a public hearing and discussion regarding accessory buildings in the R-2, R-3, and R-4 Zones and provide feedback and direction to prepare an ordinance for consideration by The City Council.

a. Vice Chairman Mason opened the Public Hearing at 6:26 p.m.

Stefanie Casey stated that she understands the need for some regulations to ensure that a property owner doesn't build an accessory building that would impact neighboring property owners. She asked if the proposal would restrict single-family homeowners from building an accessory building on their property. Planning Director Hess explained there is a swath of R-2 zoned single-family homes, which was a solution to addressing problems with accessory buildings. The area is much more similar to the R-1-8 zone. Ms. Casey stated she was only concerned about the Commission employing regulations that would restrict people from building an accessory building on their property.

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

Voting on the motion:

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

The motion carried.

The Public Hearing was closed at 6:31 p.m.

b. Consideration and recommendation

Planning Director Hess and Mr. Johnson facilitated discussion among the Commission regarding the implications of the proposed regulations; the Commission concluded they feel that consistency across zones is important for accessory building standards.

Commissioner Nancarrow made a motion to forward a positive recommendation to the City Council for application ZTA 2022-06, legislative amendment regarding accessory building standards in multi-family zones: R-2, R-3, and R-4. Commissioner Barker seconded the motion.

Voting on the motion:

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

The motion carried.

7. ZTA 2022-07 PUBLIC HEARING, CONSIDERATION, AND RECOMMENDATION ON A LEGISLATIVE AMENDMENT TO DEVELOP SHORT TERM RENTAL REGULATIONS

Planning Technician Johnson explained North Ogden City has previously considered Short Term Rental Regulations in 2018 and 2019. In 2019, the Code was updated to allow short term rental of accessory dwelling units. Currently, any residential structure in the City can be operated as a short-term rental so long as the operator obtains a Rental Business License. This includes the rental of any portion of an owner occupied home or accessory dwelling unit, as well as the rental of an entire residential structure. Staff has recently received calls from property owners asking questions about short term rentals and their legality. The Council has since asked Staff to consider regulations for short term rentals. He discussed staff's analysis of the matter, which included an evaluation of short-term rental regulations employed in other cities. He presented a draft of potential short term rental regulations as follows:

1. Short term rentals are recommended to continue to be permitted within residential units as a stand-alone use, or when renting any portion of an existing home or accessory dwelling unit.
2. Short term rentals must obtain a Rental Business License.
3. Short term rentals are recommended to be required to be inspected by the Fire Department prior to initial approval of the Business License, and annually at renewal thereafter.
4. Building/Fire Department Inspection is recommended to include:
 - a. Compliance with Building, Fire, and Health Codes
 - b. Smoke Detectors installed in each bedroom

- c. Ground fault circuit interrupter (GFCI) outlets recommended to be required in locations set by Building Code
- d. Ingress and egress doors and windows recommended to be required to meet Building Code at the time of application
- e. Hand or Guard Rails recommended to be required in locations set by Building Code
- f. Parking recommended to be required at one stall per bedroom rented
- g. Maximum occupancy recommended to be no more than 12 persons in the entire short term rental property.

Staff recommends the Planning Commission consider whether short term rentals are impacting North Ogden City's housing negatively, how short-term rentals should be regulated, and how those regulations should be administered.

Planning Director Hess and Mr. Johnson facilitated discussion among the Commission regarding the implications of the proposed regulations; there was a focus on the perception that short-term rentals can have a negative impact on single-family neighborhoods, such as impacting the property value or allowing transient tenants to move in and out of a neighborhood, with the Commission concluding they do not feel that the use impacts property values or even housing affordability and that it would be difficult to mitigate impacts of or enforce regulations regarding transient tenancy.

a. Vice Chairman Mason opened the Public Hearing at 6:50 p.m.

Sandy Cochran, North Ogden resident, voiced her opposition to allowing short term rentals in multi-family dwellings. She lives in the Village at Prominence Point project and there are two short term rental units within a 30-second walking distance of her home, and she foresees it becoming a problem. The thought of a different stranger staying in a townhome unit located very close to single family homes with young children is very unsettling. It is not fair to those who have saved money to purchase their home to be forced to live next to a unit that makes them uncomfortable. Residents are not notified when a property is used as a short-term rental, and she had to conduct her own research to find out that the units were being used in that manner. She discussed other illegal activities occurring in her neighborhood, such as break-ins during the day, and it is impossible to know if this is being done by someone renting one of the short-term rentals or others that are driving through the area. She stated that the Village at Prominence Point project will eventually include amenities for the residents, and she wondered if the permanent residents will be forced to share those amenities with strangers.

Mr. Hess asked Ms. Cochran if the covenants, conditions, and restrictions (CCRs) for the Village at Prominence Point homeowners association (HOA) limit the number of units that can she used as short-term rentals. Ms. Cochran answered no but indicated residents have been misled regarding that matter; when she first purchased her home, she was told there would be a limit, but that is not the case.

Vice Chairman Mason stated that he is also opposed to short term rentals in multi-family zones, but he asked Ms. Cochran if she is also opposed to the use in a single-family neighborhood. Ms. Cochran stated she has not given a lot of thought to that matter, but she does not believe the impact on a single-family neighborhood would be the same as in a multi-family project.

Commissioner Nancarrow stated she thought that the draft ordinance did include restrictions on the use in multi-family zones, but she cannot locate that language at this time.

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

Voting on the motion:

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

The motion carried.

The Public Hearing was closed at 6:56 p.m.

b. Consideration and recommendation

Commissioner Webb stated that he can see how allowing short term rentals in a multi-family housing project would impact housing affordability because the owners of units could perceive that they could get more money if their unit could be rented for short-term use and that could drive up the prices for people looking for an owner-occupied unit. Vice Chairman Mason agreed; if there is a demand for short term rental units in the City, an investor could purchase a number of units in one project area and use them as short-term units. Commissioner Webb suggested the ordinance include language that regulates or restricts short term rentals in multi-family housing projects.

Discussion then shifted on the ability of the City to enforce certain regulations, with the Planning Commission stressing the importance of a renter or a neighboring property owner to contact someone directly if there is an issue at the property.

Vice Chairman Mason stated he has a neighbor who is wealthy and owns 39 homes; this means there are 39 homes that are unavailable for purchase by a potential buyer. He is opposed to someone monetizing their property at the expense of the 25-year-old first time home buyer who is trying to purchase a property. Mr. Hess stated he understands that viewpoint, but there are also many property owners who own just one additional property that they rent for long- or short-term rental and many landlords are very responsible and maintain their property appropriately. Commissioner Webb added that the issues raised by Vice Chairman Mason are market driven and not something that the City should be trying to regulate; the issue at hand is whether short term rentals must be owner-occupied or if an owner or property manager must be located within a certain distance of the property for quick response. He suggested someone must be able to respond to the property within an hour if the Police are called to respond to a nuisance at the property.

Vice Chairman Mason invited input from a Police Officer in attendance;

John Ungard, North Ogden Police Officer, discussed the difficulty of the Police Department to reach a management company during weekend or overnight hours. The same may be true for the property owner of a short-term rental property. He stated the City needs to consider the repercussions of the regulations and the ability to enforce them before adopting an ordinance.

Vice Chairman Mason asked if there is an increase in illegal activity for short term rentals versus other types of dwellings. Officer Ungard answered no.

Commissioner Nancarrow stated that she feels the language drafted by Mr. Hess is adequately specific in terms of ensuring proper posting of contact information for the owner of property manager of a short-term rental.

The Commission discussed the increase in the number of short-term rental units in the community and indicated that could increase further based upon completion of resort types of projects in the Ogden Valley; it is important to consider regulations for short term rentals in single family neighborhoods and to prohibit short term rentals in certain multi family zones. Vice Chairman Mason stated that he will be opposed to allowing short term rentals unless the property is owner occupied.

The Commission debated the points raised regarding Vice Chairman Mason and Mr. Hess and concluded that they are not ready to make a recommendation to the City Council at this time and they asked Planning staff to adjust the proposed ordinance text responsive to feedback provided tonight; this includes prohibiting short term rentals in multi-family zones, requiring a property owner to have someone available to respond to problems at the property within an hour, and consideration of owner-occupancy requirements for certain short term rentals.

Commissioner Webb made a motion to table action on application ZTA 2022-07, legislative amendment to develop short term rental regulations. Commissioner Lunt seconded the motion.

Voting on the motion:

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

The motion carried.

**8. ZTA 2022-08 PUBLIC HEARING, CONSIDERATION, AND
RECOMMENDATION ON A LEGISLATIVE AMENDMENT TO REVISE THE
TRAILER PARKING STANDARDS TO REMOVE LANGUAGE IN A PROVISION
IN TITLE 11, ALREADY ADDRESSED BY TITLE 7 OF CITY CODE**

Associate Planner Bell explained the Police Department has been reviewing the code regarding parking of trailers in the street (the public right-of-way). The Police Chief requested that the Planning Department work with the Police Department to propose an adjustment to regulations in City Code in Title 11, to make sure that they are consistent. State law specifies that law enforcement has authority over parking in public rights-of-way. Given that fact, as the two departments worked together, Staff came to the opinion that the best way to address one provision (11-9M-21 (d)) in Title 11 of City Code, was simply to eliminate most of this provision, and leave Title 7 to address the same issues (which it already does). He discussed staff's analysis of the proposed amendment, concluding there is nothing in the General Plan that was determined to pertain to this issue. Planning Department Staff is proposing this text amendment to Title 11 of City Code, at the request of the Police Department. The Planning Department Staff recommends approval of this proposed text amendment, as a means of adjusting City Code to be more compliant with Utah State Code and eliminating conflicting provisions in Title 11 and Title 7 of City Code.

a. Chairman Thomas opened the Public Hearing at 7:47 p.m.

There were no persons appearing to be heard.

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

Voting on the motion:

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

The motion carried.

The Public Hearing was closed at 7:48 p.m.

b. Consideration and recommendation

Commissioner Nancarrow made a motion to forward a positive recommendation to the City Council regarding application ZTA 2022-08, legislative amendment to revise the trailer parking standards to remove language in a provision in Title 11, already addressed by Title 7 of the City Code. Commissioner Webb seconded the motion.

Voting on the motion:

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

9. PUBLIC COMMENTS

There were no public comments.

10. REMARKS - PLANNING COMMISSIONERS:

Commissioner Barker stated he has received many complaints from residents about misuse of the dog park in the City or treating other parks as a dog park. He asked for advice on seeking help from the Police Department to enforce leash laws and other rules for the dog park. Officer Ungard suggested any person noticing improper behavior of activities take a photo of the violation and contact the Police Department. He recommended that no individual approach another person's dog that is off leash.

Commissioner Webb thanked the City staff and Ms. Cochran for their input tonight.

11. REPORT - PLANNING DIRECTOR:

Planning Director Hess reminded the Commission of an upcoming joint meeting with the City Council, during which training will be provided to both bodies. He then provided an update on efforts to codify updated titles of the City Code. He also discussed efforts underway to update the City's General Plan relating to housing affordability requirements from the State Legislature.

12. REMARKS – CITY MANAGER/ATTORNEY

City Manager/Attorney reported on a change to the date of the City's summer party; Commissioners should have an email notification of the event.

13. ADJOURNMENT

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

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

The motion carried.

The meeting adjourned at 8:04 p.m.

Eric Thomas
Planning Commission Chair

Joyce Pierson
Deputy City Recorder

Date Approved

**NORTH OGDEN PLANNING COMMISSION
MEETING MINUTES
September 7, 2022**

The North Ogden Planning Commission convened in a regular meeting on September 7, 2022, at 6:01 p.m. The meeting was also held on Zoom. Notice of time, place and agenda of the meeting was furnished to each member of the Planning Commission, posted on the bulletin board at the municipal office and posted to the Utah State Website on September 1, 2022. Notice of the annual meeting schedule was published in the Standard-Examiner on December 16, 2021.

COMMISSIONERS:

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

STAFF:

Jon Call	City Manager/Attorney
Scott Hess	Planning Director
Brandon Bell	Associate Planner
Kai Johnsen	Planning Tech
Eric Casperson	City Engineer

VISITORS:

Sandy Cochran	Chris Pulver
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Chairman Thomas called the meeting to order at 6:01 p.m. Commissioner Webb offered the invocation and Vice Chairman Mason led the Pledge of Allegiance.

1. ROLL CALL

Chairman Thomas conducted roll call and indicated Commissioners Nancarrow and Watson have been excused.

2. MINUTES CONSIDERATION

Consideration and action to approve the July 6, 2022 Planning Commission Meeting minutes

Commissioner Barker made a motion to approve the July 6, 2022 Planning Commission Meeting minutes. Commissioner Lunt seconded the motion.

Voting on the motion:

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

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 had any ex parte communications or conflicts of interest to disclose. No disclosures were made.

5. PUBLIC COMMENTS FOR ITEMS NOT ON THE AGENDA

There were no public comments.

LEGISLATIVE ITEMS

6. ZTA 2022-09 PUBLIC HEARING, CONSIDERATION, AND RECOMMENDATION ON A LEGISLATIVE AMENDMENT TO REVISE THE

RETAINING WALL STANDARDS TO ADD CLARIFYING LANGUAGE IN TITLE 11 GRADING AND DRAINAGE STANDARDS

Planning Director Hess explained the Planning, Engineering, and Building Departments regularly have questions and concerns over retaining walls in North Ogden City. These can be new walls constructed along with homes, or retaining walls required as part of a subdivision approval. Generally, the City's standards for retaining walls are able to be met by developers, home builders and homeowners. The basic standards are: walls up to 4 feet tall are permitted without engineering, rock walls 4 to 6 feet tall are permitted with engineering, and concrete or block retaining walls up to 8 feet tall are permitted with engineering. While most developments can conform to those basic regulations, there are times when special circumstances cause rock walls, retaining walls, and other hillside development to exceed the required standards in Title 11. When these special cases come up, the City's Planning and Engineering Departments have been left to interpret the rules and regulations or look towards a Variance process to assist developers and homeowners with finishing their projects.

City Engineer Casperson summarized the proposed ordinance text, noting that in cases where walls exceed the permitted height, or there are additional risks to life or property damage if a wall were to fail, the City would like additional engineering be completed and approved as part of the public record. The additional risk analysis would clearly indicate who is liable in the case of a failure and would help assure that future homeowners understand what they are buying if they purchase a lot or home with a wall that represents a higher-than-average risk for failure.

Mr. Hess concluded the Planning Department Staff recommends approval of this proposed text amendment, as a means of adjusting City Code to be responsive to retaining wall impacts and reducing the risk of loss of life or property.

Discussion among the Commission and staff centered on the implications of the proposed ordinance for existing rock walls that may be considered non-conforming upon adoption of the new text; there was also discussion about the manner in which the rock wall height would be measured for purposes of determining whether terracing should be required. Mr. Casperson indicated that any wall exceeding six feet in height should be engineered and permits obtained; upon application for a permit, City staff will determine the proper terracing requirements for a rock wall.

a. Chairman Thomas opened the Public Hearing at 6:17 p.m.

Chris Pulver, North Ogden resident, stated he lives in an area where retaining walls are required; he suggested amendments that take into consideration the impact of a retaining and terraced wall on adjacent property owners.

Vice Chairman Mason stated he has had difficulty understanding the aesthetic issues associated with a terraced retaining wall and he asked Mr. Pulver to comment on his experience given he lives adjacent to a property with a retaining wall. Mr. Pulver stated that he loves the wall next to his property and he would like to locate a shed next to it. It does a good job of retaining the ground behind it, it includes landscape elements, and it is 11 or 12 feet tall. However, there is a point where the wall could become offensively large, especially if it does not include landscaping elements that serve to beautify it.

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

Voting on the motion:

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

The motion carried.

The Public Hearing was closed at 6:22 p.m.

b. Consideration and recommendation

The Commission discussed and debated the appropriate materials for taller retaining walls; they also discussed the difficulty in maintaining landscaping that is included on a very tall, terraced retaining wall. Chairman Thomas stated that the City has received complaints about the appearance of taller retaining walls, and it is important for the Commission to consider the City's inability to legislate beauty. Others have the opinion that the City should only consider the health and safety issues associated with tall retaining walls, rather than considering aesthetics. Vice Chairman Mason agreed that aesthetics should not be the main priority, but it should be taken into consideration given that retaining walls will be located in residential neighborhoods and many residents do not want a commercial feeling near their property. Chairman Thomas agreed and indicated it may be that the Commission is not ready to make a recommendation on this matter; he suggested that Planning staff utilize the feedback provided tonight to consider adjustments to the proposed ordinance text and bring the issue back to the Commission in a future meeting.

Vice Chairman Mason made a motion to table action on application ZTA 2022-09, legislative amendment to revise the retaining wall standards to add clarifying language in Title 11 Grading and Drainage Standards. Commissioner Barker seconded the motion.

Voting on the motion:

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

The motion carried.

7. ZTA 2022-10 PUBLIC HEARING, CONSIDERATION, AND RECOMMENDATION ON A LEGISLATIVE AMENDMENT TO UPDATE THE PUBLIC WORKS STANDARDS ADOPTED BY ORDINANCE AND REFERENCED IN NORTH OGDEN CITY ZONING CODE TITLE 11

Planning Director Hess explained the City Engineer has recommended updates to the City's Public Works Standards; the updates are based upon changes in processes and the availability of new products used in public works projects. Many changes are minor, but some of the more substantive additions and changes to the Public Works Standards are the addition of Low Impact Development (LID) Standards which will add clarity to City and State LID requirements for storm water management and water quality. The addition of the Sight Triangles Standards will help developers and contractors better plan for sight distance issues at our intersections which will result in safer intersections for pedestrians, bicyclists, and motorists. The Sight Triangle Standards, once adopted in the Public Works Standards, will conflict with Title 11. An update to Title 11 will be necessary to bring these two Codes into alignment. Finally, the updated Mountain Road cross section will standardize the cross-section width and add consistency of design for a major thoroughfare through North Ogden City. He concluded Planning Department Staff recommends approval of the Public Works Standards as presented.

City Engineer Casperson expounded on the information provided by Mr. Hess and facilitated a brief review of the proposed amendments to the Public Works standards.

a. Chairman Thomas opened the Public Hearing at 6:57 p.m.

Chris Pulver stated that he reviewed the text of the proposed amendments to the Public Works standards to determine if there are any options for granting a variance to the standards. He stated that on hillsides, there can be difficulty in adhering to the requirements to preserve a specific sight triangle or distance at an intersection where a motorist can see over or past a fence or retaining wall.

Mr. Hess stated that there is no language in the ordinance that would allow a variance from the standards; if a wall is under four feet and was not engineered or reviewed by the City, it is likely that the City may reach out to the homeowner to ask them to remove the wall. The same would be true for vegetation that blocks a sight triangle. He stated it may be possible for the City to consider a zoning text amendment that addresses the concern raised by Mr. Pulver, but such text amendments are typically applicant driven.

Mr. Pulver left photographs with the Commission that illustrate the issue he is concerned about.

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

Voting on the motion:

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

The motion carried.

The Public Hearing was closed at 7:05 p.m.

b. Consideration and recommendation

Vice Chairman Mason made a motion to forward a positive recommendation to the City Council regarding application ZTA 2022-10, legislative amendment to update the Public Works Standards adopted by ordinance and referenced in North Ogden City Zoning Code Title 11. Commissioner Webb seconded the motion.

Voting on the motion:

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

The motion carried.

8. PUBLIC COMMENTS

Chris Pulver, North Ogden resident, stated that he emailed a photograph of the retaining wall adjacent to his property to City Manager/Attorney Call for consideration as staff works to update the text as part of application ZTA 2022-09.

9. REMARKS - PLANNING COMMISSIONERS

Vice Chairman Mason stated that there was a road in the City that was being striped, but it was not marked by the contractor, and he drove through the yellow paint, causing it to flip onto his truck. He stated he feels the City needs to reach out to the contractor to determine what recourse residents have. He stated he has a testimonial from a witness that there was no signage placed in the work area by the contractor who was performing the work.

10. REPORT - PLANNING DIRECTOR

Planning Director Hess reported on upcoming training opportunities for the Commission.

11. REMARKS – CITY MANAGER/ATTORNEY

City Manager/Attorney Call reported on efforts to include the Commission in ongoing discussion regarding planning work responsive to growth in the City.

12. ADJOURNMENT

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

Voting on the motion:

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

The motion carried.

The meeting adjourned at 7:18 pm

Eric Thomas
Planning Commission Chair

Joyce Pierson
Deputy City Recorder

Date Approved

PLANNING COMMISSION

OPENING MEETING STATEMENT

Before each agenda item begins City staff will give a report. After the staff report, the item will be opened for other speakers. The applicant will speak first and be allowed up to 10 minutes. Following the applicant, any other interested person will be allowed to speak for up to 3 minutes. The applicant has final rebuttal time of up to 5 minutes.

Any materials that are displayed or referenced, e.g., pictures or written materials are part of the record and must be left with the Commission.

Speakers are required to have signed in at the door and will state their name and address before beginning their remarks. If you agree with a previous speaker then state your agreement to avoid repetitious remarks.

Speakers shall address the Commission from the podium or microphone and shall address all comments to the Planning Commission.

Please silence your phone.

OPENING MEETING STATEMENT (ZOOM)

Before each agenda item begins City staff will give a report. After the staff report, the item will be opened for other speakers. The applicant will speak first and be allowed up to 10 minutes. Following the applicant, any other interested person will be allowed to speak for up to 3 minutes. The applicant has final rebuttal time of up to 5 minutes.

Any materials that are displayed or referenced, e.g., pictures or written materials are part of the record and must be forwarded to the Commission.

Speakers are required to have registered their full name on Zoom and will state their name and address before beginning their remarks. If you agree with a previous speaker then state your agreement to avoid repetitious remarks.

Speakers shall address all comments to the Planning Commission.

Please silence your microphone until ready to speak.

SYNOPSIS/APPLICATION INFORMATION

Application Request: Presentation on an administrative application, site plan approval of Bowser Bath, a self-service pet wash.
Agenda Date: October 19, 2022
Applicant: John Michaelis
File Number: SPR 2022-05

PROPERTY INFORMATION

Address: 400 East 1975 North
Project Area: 17,000 Square Feet
Zoning: Community Commercial Zone- Southtown (CC-ST)
Existing Land Use: Carwash
Proposed Land Use: Addition of a self-contained, self-service pet wash.
Parcel ID: 170680075

ADJACENT LAND USE

North: Commercial	South: Commercial
East: Commercial	West: Commercial

STAFF INFORMATION

Kai Johnsen
kjohnsen@nogden.org
(801) 737-2202

APPLICABLE ORDINANCES

North Ogden Zoning Ordinance 11-10: COMMERCIAL AND MANUFACTURING ZONES ARTICLE A: COMMERCIAL ZONES CN, CC
North Ogden Zoning Ordinance 11-10A-2: SITE DEVELOPMENT STANDARDS
North Ogden Zoning Ordinance 11-10A-3: SITE PLAN APPROVAL
North Ogden Zoning Ordinance 11-10 ARTICLE C: DESIGN STANDARDS FOR COMMERCIAL AND MANUFACTURING DEVELOPMENT
North Ogden Zoning Ordinance 11-19: PARKING AND LOADING; AND TRAFFIC AND ACCESS STANDARDS

TYPE OF DECISION

Administrative decision by North Ogden City Staff

BACKGROUND

The applicant is requesting approval of a site plan that includes the addition of a self-contained, self-service pet wash.

The current site has a 4-bay car wash with vacuums and vending. The applicant is proposing an 8-foot by 12-foot self-contained structure for self-service pet washing. (See exhibit A)

ZONING ORDINANCE COMPLIANCE

This property is in the Community Commercial Zone. The Planning staff will be presenting how the proposal meets the North Ogden Zoning Ordinance:

North Ogden Zoning Ordinance 11-10: COMMERCIAL AND MANUFACTURING ZONES ARTICLE A: COMMERCIAL ZONES CN, CC

Staff Comment-Retail shops/Services—under 10,000 sq. ft., as well as veterinary clinics and kennels are an approved use in this zone.

North Ogden Zoning Ordinance 11-10A-2: SITE DEVELOPMENT STANDARDS

Staff Comment- The proposed structure will be located 20 feet behind the front property line with side and rear setbacks that exceed the minimums for the zone.

The site does not have meet the minimum 10 percent landscaping area required, because the addition of the pet wash will not decrease the landscaped area and the proposed building is less than 5 percent of the total site staff has concluded that the project can move forward with administrative approval. (See exhibit B)

North Ogden Zoning Ordinance 11-10A-3: SITE PLAN APPROVAL

Staff Comment- Submission of a site plan and application for site plan approval meet this requirement.

North Ogden Zoning Ordinance 11-10 ARTICLE C: DESIGN STANDARDS FOR COMMERCIAL AND MANUFACTURING DEVELOPMENT

Staff Comment- The originally proposed structure was primarily white with a blue mansard roof containing the signage for the business. The applicant has agreed to recolor the building to meet the requirement that commercial buildings are earth tone colors. The building will be fronted towards Washington Boulevard. (See exhibit A)

North Ogden Zoning Ordinance 11-19: PARKING AND LOADING; AND TRAFFIC AND ACCESSS STANDARDS

Staff Comment- The site has 7 parking stalls identified, with 2 of the stalls designated for the addition of the pet wash. If the property were required to meet the parking minimums required for this use a total of 17 parking stalls would be required. Staff has concluded that because the change to the site is less than 5 percent of the total area the owner of the site will not be required to add additional parking. (See exhibit B)

CONFORMANCE TO THE GENERAL PLAN

The proposed site meets 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 South Town Mixed Use.

EXHIBITS

- A. Exterior
- B. Parking/ Building location

MAP

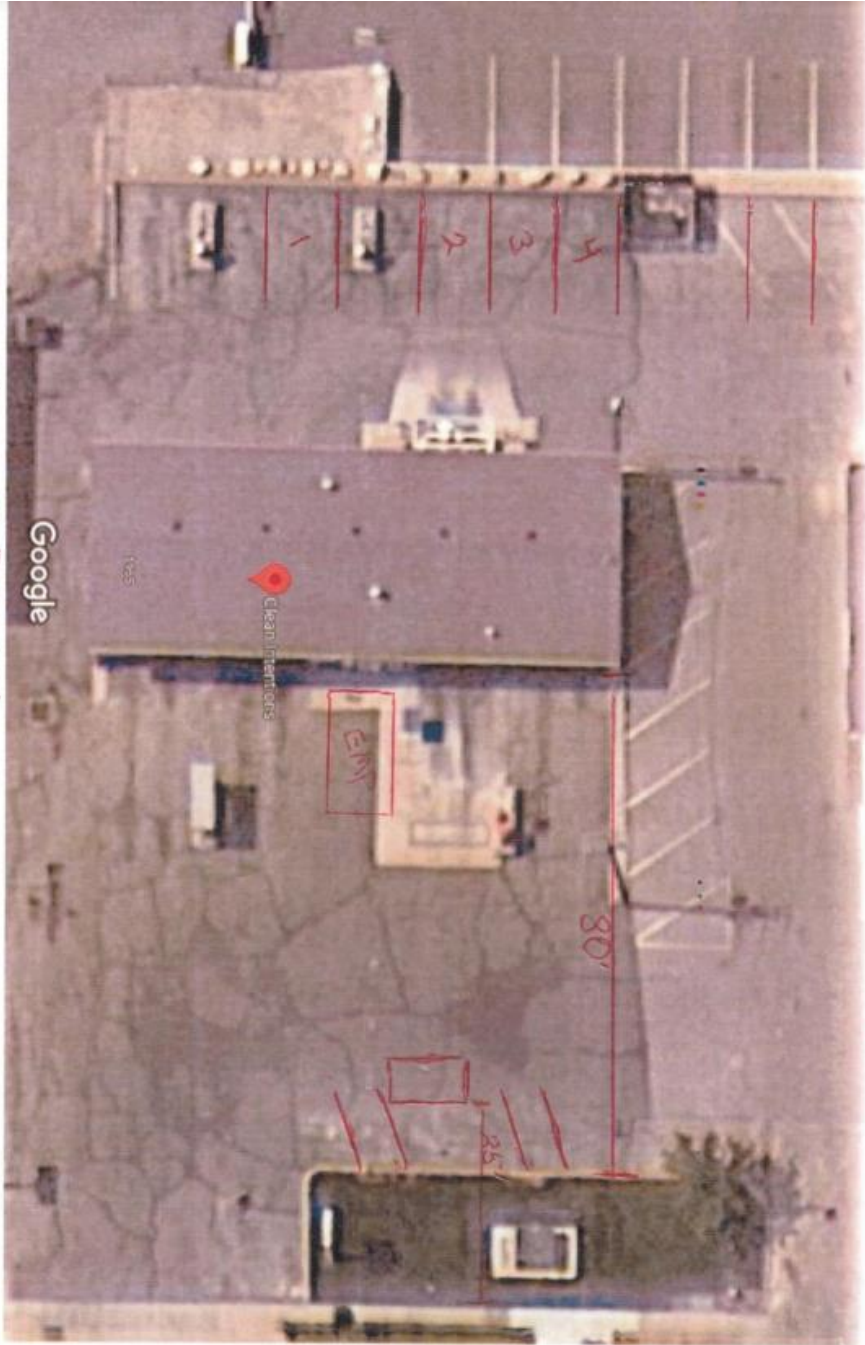




Google Maps

10-10-22

REVISITATION OF LITAH
REVISED PARKING
+ TRASH LOCATION



Google

+ PARKING

2- TRASH

4- REAR OF CAWASH

1- EMPLOYEE

ALL - 9' X 19'

Map data ©2022, Map data ©2022 Google 20 ft