

**NORTH OGDEN PLANNING COMMISSION
MEETING MINUTES
November 16, 2022**

The North Ogden Planning Commission convened in a regular meeting on November 16, 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 November 10, 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	
Johnson Webb	Commissioner	via Zoom
Cody Watson	Commissioner	excused

STAFF:

Jon Call	City Manager/Attorney
Scott Hess	Planning Director
Kai Johnsen	Planning Tech

VISITORS:

Chris Pulver	Merrill Sunderland	Pat Burns
Stefanie Casey		

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

1. ROLL CALL

Chairman Thomas conducted roll call and indicated Commissioner Watson is excused and Commissioner Webb is participating via electronic means.

2. OPENING MEETING STATEMENT

Chairman Thomas referred to the opening meeting statement posted on the City's website.

3. EX PARTE COMMUNICATIONS OR CONFLICTS OF INTEREST TO DISCLOSE

Chairman Thomas asked if any Commissioner had 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 2022-14 CONSIDERATION AND ACTION ON AN ADMINISTRATIVE APPLICATION FOR PRELIMINARY APPROVAL OF THE MOUNTAIN VALLEY VILLAS SUBDIVISION, PHASE 4 (1 LOT) LOCATED AT APPROXIMATELY 800 EAST 2700 NORTH

Planning Technician Johnsen explained the applicant is requesting preliminary approval of the Mountain Valley Villas subdivision phase 4, a 1 lot subdivision located at approximately 800 East 2700 North. The property is vacant. The property to the north is in agricultural use and the remaining three sides have single family residential. The property for this proposed subdivision is located on approximately .44 acres and is in the R-1-8 zone. 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. The City Engineer has submitted a report dated November 9, 2022. The applicant provided a geotechnical report for the previous phases of this subdivision and needs to provide a will-serve letter for sewer and secondary irrigation. The proposed lot meets the lot width requirements. The lot meets the square footage requirements. The applicant is proposing a one-foot protection strip along the north end of Burns Lane, this property will need to be included in the street dedication, or the applicant must reach an agreement with the City Council regarding the disposition of this property. Additionally, the road must be completed, or guarantee the improvements through a bond, escrow, letter of credit, or lien agreement. This must be put in place to ensure the road is completed within two years of the final plat recordation as outlined in City Code.

The proposed subdivision 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 low density residential. The General Plan map shows this area as: Low Density Residential and is on the eastern edge of the Old Town Neighborhood.

Staff recommends preliminary approval of the Mountain Valley Villas Subdivision subject to the conditions in the Staff report.

The Commission briefly discussed the adjustments to the road cross sections in the project; Planning Director Hess indicated that this is preliminary approval and all issues that have been discovered on the plat will be addressed before staff recommends final approval of the plat.

Chairman Thomas invited input from the applicant.

Pat Burns stated that he actually owns lot 22 in the subdivision and his personal home will be built there; the reason for this application is that he wants to build a barn on lot 28 and the City would not issue a building permit unless he pursued the subdivision. He stated he feels this process is unreasonable.

Mr. Hess stated that the subject property is an acre in size and Mr. Burns could have built a barn on the property without subdividing it were not for the fact that his land is zoned R-1-10. There is no real appreciable farming occurring on a 16,000 square foot lot so the barn becomes a primary structure. The zoning code does not allow a secondary use without a primary use, so that is why Mr. Burns was required to subdivide. Mr. Burns stated that lot 22 is his personal home and he feels he should have been allowed to build his barn on lot 28. Mr. Hess reiterated that lot 28 would not have a primary use, which was why a secondary use is not allowed. Mr. Burns added that he is also concerned about the requirement to place money in escrow for the construction of a new road to serve the area; the road will only serve the barn, which is next to his home. Chairman Thomas stated that staff is simply following City ordinances regarding these types of projects. Mr. Hess stated that staff will continue to discuss these issues with Mr. Burns before presenting the final plat application to the Commission.

Chairman Thomas asked City Manager/Attorney Call to address the requirement to place money in escrow for the road. Mr. Call stated that staff has been evaluating requirements in State Code and City Code to determine the requirement to extend utilities and infrastructure to the boundaries of a property that is being developed; he is not sure the City would require the extension of utilities to other properties that may have development potential in the future.

Mr. Hess noted that he can continue to discuss the ordinance requirements with Mr. Burns; it may be possible to change the application if the secondary structure includes bathroom and kitchen facilities to classify it as a primary structure; however, if it will strictly be used as a barn, it will be defined as secondary in nature and there must be a primary use associated with it.

The Commission considered whether there may be another zoning option that would help Mr. Burns accomplish his desired development of the property. They ultimately concluded to act upon the current application but advised staff to continue to explore options with Mr. Burns. Mr. Hess stated he will continue to work with Mr. Burns but asked the Commission to consider the

unintended consequences of an action that would accomplish the construction of a secondary structure without a primary use on a lot.

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

Commissioner Nancarrow made a motion to grant approval of SUB 2022-14, application for preliminary approval of the Mountain Valley Villas Subdivision, Phase 4 (1 lot) located at approximately 800 East 2700 North, with removal of the one-foot protection strip, based on the findings and subject to the conditions listed in the staff report. Commissioner Lunt seconded the motion.

Voting on the motion:

Chairman Thomas	aye	
Vice Chairman Mason	aye	
Commissioner Barker	aye	
Commissioner Lunt	aye	
Commissioner Nancarrow	aye	
Commissioner Webb	aye	(via text)
Commissioner Watson	absent	

The motion carried.

6. PUBLIC COMMENTS

There were no public comments.

7. REMARKS - PLANNING COMMISSIONERS:

There were no additional remarks from Planning Commissioners.

8. REPORT - PLANNING DIRECTOR:

Mr. Hess reviewed the meeting calendar for the remainder of 2022, reminded the Commission of the upcoming holiday party, and thanked the Commission for completing required training this year.

9. REMARKS – CITY MANAGER/ATTORNEY

There were no additional remarks from the City Manager/Attorney.

10. **ADJOURNMENT**

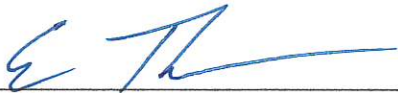
Commissioner Lunt made a motion to adjourn the meeting. Commissioner Barker seconded the motion.

Voting on the motion:

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

The motion carried.

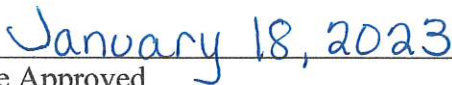
The meeting adjourned at 6:34 p.m.



Eric Thomas
Planning Commission Chair



Joyce Pierson
Deputy City Recorder



Date Approved