

1 **NORTH OGDEN PLANNING COMMISSION**

2  
3 **MEETING MINUTES**

4  
5 September 19, 2012

6  
7 The North Ogden Planning Commission convened in a regular meeting on September 19, 2012  
8 at 6:30pm in the North Ogden City Municipal Building, 505 E. 2600 N. North Ogden, Utah.  
9 Notice of time, place and agenda of the meeting was furnished to each member of the Planning  
10 Commission, posted on the bulletin board at the municipal office and posted to the Utah State  
11 Website on September 14, 2012. Notice of the annual meeting schedule was published in the  
12 Standard-Examiner on January 16, 2012.

13  
14  
15 **COMMISSIONERS:**

16  
17 Ken Kiser Chairman  
18 Allan Dalpias Vice-Chairman  
19 Steve Quinney Commissioner  
20 Eric Thomas Commissioner (arrived at 6:35pm)  
21 Joan Brown Commissioner  
22

23  
24 **STAFF:**

25  
26 Craig Barker Community Development Director  
27 Gary Kerr Building Official  
28 Jennifer Thomas Community Development Coord./Deputy City Recorder  
29

30  
31 **EXCUSED:**

32  
33 Blake Knight Commissioner  
34 Larry Residori Commissioner  
35

36  
37 **REGULAR MEETING**

38  
39 Chairman Kiser called the regular meeting to order at 6:30pm. Commissioner Dalpias offered  
40 the invocation and led the audience in the Pledge of Allegiance.  
41

42 **CONSIDERATION AND/OR ACTION TO APPROVE THE SEPTEMBER 5, 2012**  
43 **PLANNING COMMISSION MEETING MINUTES.**

44  
45 **Commissioner Dalpias made a motion to approve the September 5, 2012 Planning**  
46 **Commission minutes as written. Commissioner Brown seconded the motion.**

47 **Voting on the motion:**

48

49 **Chairman Kiser**                    **yes**

50 **Commissioner Dalpais**           **yes**

51 **Commissioner Brown**            **yes**

52 **Commissioner Quinney**       **yes**

53 **Commissioner Residori**       **yes**

54 **Commissioner Thomas**       **yes**

55

56 **The motion passed unanimously.**

57

58 **PUBLIC COMMENTS.**

59

60 There were no public comments.

61

62 **CONSIDERATION AND/OR ACTION TO APPROVE THE WESTSIDE INVESTMENT,**  
63 **LLC ANNEXATION.**

64

65 Craig Barker stated the Planning Commission has a copy of the map. The annexation includes  
66 about 800 acres. He said there is no development proposed at this time. He said the reason for  
67 the annexation at this time is to resolve two issues that pertain to The Cove Subdivision. He said  
68 there is an avalanche berm or deflection required and explained that during the evaluation of that  
69 area it was determined this subdivision is at the base of an avalanche area. He stated there was a  
70 study done. There was an avalanche path identified and it was determined it would naturally  
71 come down the northern part of The Cove subdivision. He said since they did not own the  
72 property to the north it was determined they would have to build a deflection berm about 15 feet  
73 high.

74

75 Craig Barker stated Westside Investment, LLC has purchased that property and is looking at  
76 going further north into the canyons and creating a debris basin. He said this will be the site of  
77 the berm for the deflection of avalanches and debris. Craig Barker said there are also some  
78 secondary water reservoirs being built in that area. He said the irrigation reservoirs will be to the  
79 East. He said the developer does not expect to develop any of this land for 15 years.

80

81 Craig Barker said the Planning Commission is responsible for recommending the zone for the  
82 area. He suggested they look at the zone of the surrounding property and what the General Plan  
83 specifies for the area. He explained the General Plan gives them an indication of what the  
84 previous Planners and City Council felt that should be and the current Plan states that area ought  
85 to be single-family homes and open space. He said the surrounding properties are zoned HP-1,  
86 HP-2, and HP-3. The HP-2 zone is the closest zone with a minimum lot size of 12,500 square  
87 feet. He stated a Hillside Protection Study was done which requires anyone that wants to  
88 develop in those zones to address all natural hazards, manmade hazards, and other conditions on  
89 the property prior or during the phases. He said a previous developer had an extensive study  
90 done prior to the development of The Cove and he guesses this particular property was covered  
91 in the study. He said staff recommends the HP-2 zone for this property.

92

93 Commissioner Quinney asked the difference between the HP-1, HP-2, and HP-3 zones. Craig  
94 Barker said HP-1 requires a minimum lot size of 10,000 square feet, HP-2 is a minimum of  
95 12,500 square feet, and HP-3 is a minimum lot size of two acres. Commissioner Thomas said he  
96 thought The Cove was required to have 20,000 square foot minimum lot sizes. Craig Barker  
97 replied there minimum lot size is 15,000 square feet by agreement. Gary Kerr said the lower lots  
98 were smaller than the larger lots. Commissioner Thomas asked if they could put the 12,500 lots  
99 above the larger lots. Craig Barker said the City will bring that up in the Development  
100 Agreement. Commissioner Kiser said the HP-2 is fairly logical since the lot requirement in the  
101 HP-3 zone is much larger.

102  
103 Commissioner Kiser asked if the land to be annexed is more level or more developable. Craig  
104 Barker said it is to a point. He said there is a power line easement and the property above that is  
105 steep, but below it is developable.

106  
107 Commissioner Dalpiaz asked if the maximum developable slope is 25%. Craig Barker replied  
108 yes.

109  
110 Commissioner Brown recalled the meeting with the geotechnical presentation and asked if a 15  
111 foot berm is sufficient. Craig Barker said he cannot answer that. Commissioner Thomas said the  
112 berm was not designed for an avalanche it was designed to deflect debris. Craig Barker said it  
113 has an avalanche element in the study. Commissioner Thomas said the study could not claim to  
114 protect from any avalanche, but you cannot predict that. Craig Barker said avalanches are  
115 unstudied types of events.

116  
117 Commissioner Quinney said it sounds like they will not do the berm. Craig Barker said they  
118 probably will not. Commissioner Brown commented that this will be a “builders beware” area.

119  
120 Commissioner Brown asked if the developer has a time-frame of when the property will be  
121 developed. Craig Barker said the City was told about 15 years. Commissioner Kiser  
122 commented that 15 years is optimistic.

123  
124 Commissioner Kiser said this is the first step in approving the land for development and it will  
125 happen at one time or another.

126  
127 **Commissioner Quinney made a motion to recommend approval of the Westside**  
128 **Investment, LLC annexation as a HP2 zone. Commissioner Dalpiaz seconded the motion.**

129  
130 **Voting on the motion:**

131  
132 **Chairman Kiser**                    **yes**  
133 **Vice Chairman Dalpiaz**        **yes**  
134 **Commissioner Brown**           **yes**  
135 **Commissioner Quinney**        **yes**  
136 **Commissioner Thomas**        **yes**

137  
138 **The motion passed unanimously.**

139 **6. DISCUSSION REGARDING THE LOCATION OF LARGE ACCESSORY**  
140 **BUILDINGS**

141  
142 Craig Barker said the City Council has requested the Planning Commission consider this item.  
143 He said a large accessory building exceeds 600 feet. He said the height is also an issue because  
144 it was determined that a building taller than 15 feet must be set back 20 feet from the property  
145 line. He said they are not trying to deal with a specific person they are trying to deal with what is  
146 on the books and to give guidance to citizens. He said this came up because a resident put in a  
147 1,000 square foot concrete pad that is approximately eight feet from the property line. He said  
148 the only exception they have to this requirement is if the parcel is larger than an acre it may be  
149 closer to the property line with a Conditional Use Permit.

150  
151 Craig Barker said instead of directing this toward a specific applicant, it may be legitimate is for  
152 them to discuss where they might want to go with that location. He said the City Council  
153 brought up the proximity to other buildings. He said that may be rational but you would run into  
154 an issue with fairness. He asked if it matters if the neighbors approve of it. Commissioner  
155 Brown said that is not a solution because if the property is sold it may be another issue. Craig  
156 Barker said the new owners would know the building is there.

157  
158 Commissioner Brown said Craig Barker said he doesn't want focus on the resident's specific  
159 issue, but there is another solution for the resident. She stated the resident has the option to buy  
160 a portion of his neighbor's property so he would be able to build the building according to the  
161 regulations. She said they need to consider this for everyone.

162  
163 Commissioner Thomas said with the requirements the accessory building may be in the middle  
164 of the backyard. He said they do handle it by zone and with the acre lots there is more room.

165  
166 Commissioner Brown said this is an important issue because there is a home that built a three-car  
167 garage and made it two-story. She said it is very close to the property. She said they need to  
168 come up with a standard.

169  
170 Commissioner Thomas said the requirements should be according to zone not lot size. Craig  
171 Barker said the largest zone they have has a minimum lot size of one-half acre.

172  
173 Commissioner Thomas said he has an issue with the height restriction. Commissioner Brown  
174 said accessory buildings are complementary to the home.

175  
176 Craig Barker asked how much influence they can have on their neighbors with their accessory  
177 buildings. He said it is a tough question and doesn't know where they should be on it.

178 Commissioner Kiser said it seems that is where the City Council is coming from as well. He  
179 said it doesn't seem the City Council has a firm belief on what the requirement should be. He  
180 said it seems to have stemmed from this particular case with this resident. He said they have a  
181 standard and they need to decide whether they want to amend it.

182  
183 Commissioner Thomas said there are several accessory buildings in the City that were built for  
184 motor homes and a 15 foot building will not accommodate that. He said a large Coach Motor

185 Home requires a 14 foot garage door. Commissioner Kiser asked if the accessory building  
186 would have to be 25 foot high. Commissioner Thomas said a 20 foot high building would work,  
187 depending on the style of the building. Craig Barker asked Commissioner Thomas how many  
188 people want those types of buildings. Commissioner Thomas said there are not many that size.

189  
190 Commissioner Thomas said there is a subdivision in Marriot-Slaterville where several houses  
191 have accessory building in the back corner of the lot. He said the size of the building is relative  
192 to the zoning or size of lots people have. Craig Barker pointed out that there is a requirement  
193 that only allows a maximum of 35% rear yard to be covered by accessory buildings.

194  
195 Commissioner Brown said people choose to build accessory building, they are not required to.

196  
197 Commissioner Quinney asked if they are looking at changing it and if so, he wants to know why.  
198 Craig Barker said the City Council is asking the Planning Commission to look at it and not  
199 change it. He said the City Council has been asked to change it because a resident got caught  
200 building without a permit.

201  
202 Commissioner Kiser said if they did change it they still wouldn't change it to satisfy the  
203 resident's needs. He said the building could be built smaller.

204  
205 Commissioner Thomas said he is not as concerned with the size of the building as he is with the  
206 height restrictions. He said if he were to build a 400 square foot garage for an RV it would need  
207 it to be 18 feet tall to fit it. He said the height may be the issue and they may want to consider  
208 changing that. Commissioner Kiser said the height of the building would affect the neighbor  
209 more.

210  
211 Garry Kerr said another point the City Council brought up is that the setback requirements limit  
212 the size of building a resident could place in the back yard.

213  
214 Craig Barker said they may not run into any issues except in the RE-20 zone. He said the  
215 smallest lot you can have in the RE-20 zone is 100 by 200 feet. He said they may want to look at  
216 changing the ordinance in that zone. Commissioner Thomas said with the lot sizes there may not  
217 be an issue with the large accessory buildings being placed in the back corner of a lot. He said  
218 he would guess the resident lives in an RE-20 zone. Craig Barker replied yes. Commissioner  
219 Quinney commented that there are not many RE-20 lots.

220  
221 Commissioner Quinney said he thinks they should leave it alone. Commissioner Kiser agreed.

222  
223 Commissioner Dalpias said there are exceptions for one acre lots. He said he is happy with  
224 allowing the Conditional Use Permit for an acre. Commissioner Brown agreed.

225  
226 Commissioner Thomas said he thinks the ordinance is fine the way it is. He said his only  
227 suggestion is that if someone wanted to build a smaller building they may need it taller than 15  
228 feet; they would need at least 16 feet of clearance for a boat or RV. Commissioner Dalpias said  
229 people are complaining about the tall buildings.

230

231 **Commissioner Dalpias made a motion to recommend to the City Council that they leave the**  
232 **existing ordinance regarding large accessory buildings unchanged. Commissioner Brown**  
233 **seconded the motion.**

234

235 **Voting on the motion:**

236

237 **Chairman Kiser** yes

238 **Vice Chairman Dalpias** yes

239 **Commissioner Brown** yes

240 **Commissioner Quinney** yes

241 **Commissioner Thomas** yes

242

243 **The motion passed unanimously.**

244

245 **7. DISCUSSION REGARDING SECTION 11-22-3B, SIGN HEIGHT, OF THE CITY**  
246 **ZONING ORDINANCE.**

247

248 Craig Barker said the ordinance states you measure sign height from the top of the curb and if  
249 there is no curb then it is measured from the crown of the street. He said they allow five sign  
250 types. He said the monument and low profile sign types can be a maximum of 10 feet height.  
251 Monument sign types can be eight feet wide and 20 feet wide. The maximum height for pole signs  
252 and unique sign types are 20 feet high. The standard curb and gutter are the same elevation.

253

254 Craig Barker stated the argument at the City Council meeting was the ordinance states the height  
255 is measured by the nearest curb and they have a parking curb which is elevated. He said there is  
256 a drawing in the definition chapter. He said he argued that the two curbs are not the same. He  
257 said the City Council asked the Planning Commission to look at it and define it.

258

259 Craig Barker said the regulations work well on flat ground. He said in the commercial zone they  
260 have the parking and the sidewalk and the property line. The distance between the curb and  
261 property line is one foot and they require a berm between the parking and the street. He said that  
262 elevation maximum is three feet above the curb. He said normally the business will post the  
263 monument sign on the berm. The height is supposed to be measured from the curb and the berm  
264 would add an extra three feet. He said he is not sure if the new signs have been measured  
265 correctly.

266

267 Craig Barker said he has looked online and most cities measure either from the curb or at the  
268 location of the sign. He said he feels they should measure from the location of the sign. He said  
269 the question is where they measure the sign on a hill. Commissioner Dalpias replied they should  
270 measure from the highest point directly under the sign. Craig Barker said that will work for a  
271 monument and low profile type sign.

272

273 Commissioner Thomas asked what happens when the hill goes up. Commissioner Dalpias said  
274 they could use the crown of the street. Craig Barker said that would work for the people on a  
275 downhill. Commissioner Thomas said this should be simple because most commercial  
276 properties are on flat ground.



277 Craig Barker said there is another argument with the sign structure as the height. He said he  
278 thinks it is the total height of the sign and in this case he thinks the decorative metal on top  
279 should be included in the measurement. He said they could require the entire sign to fit within a  
280 rectangle. Commissioner Quinney said that simplifies it for everyone.

281  
282 Commissioner Kiser said there was some reference about the Zion's Bank sign being higher than  
283 what is allowed. Craig Barker said he doesn't know.

284  
285 Craig Barker said he will prepare an ordinance for them to review. Commissioner Thomas  
286 clarified that they are stating the measurement should be directly below the sign. Craig Barker  
287 replied that would relate to every sign.

288  
289 Commissioner Quinney asked if they measure directly below the sign on a hillside how do they  
290 determine which side it is measured from. Craig Barker replied the highest point directly below  
291 the sign.

292  
293 **8. PUBLIC COMMENTS.**

294  
295 There were no public comments.

296  
297 **9. PLANNING COMMISSION/STAFF COMMENTS.**

298  
299 Craig Barker said they need to address the issue of the sandwich board signs that advertise other  
300 businesses. He said they are technically off-site signs, which they do not allow at all.

301  
302 Commissioner Brown said Mr. Gordon's business will close the 6<sup>th</sup> of October for the season and  
303 it was a good year. Commissioner Quinney commented that they are good.

304  
305 Commissioner Brown asked if the movie theater sign is supposed to have landscaping around the  
306 base. Craig Barker said they got him to take the sign down. Commissioner Brown said she  
307 brought it up last March and was told it is not growing season and they will approach him during  
308 growing season. Craig Barker said he will write him a letter.

309  
310 Commissioner Thomas asked whether they will allow the sandwich board signs. Craig Baker  
311 said they will need to discuss it. Commissioner Thomas asked when it becomes advertising.  
312 Craig Baker said it is part of the North Ogden Business Alliance. He said if you are a member  
313 then you are included on the sign. Commissioner Quinney said he doesn't think there is  
314 anything wrong with them. Commissioner Brown commented that they need to be consistent  
315 with everyone. Craig Barker said they do not allow off-premise signs and if they do allow them  
316 he said he will almost guarantee the realtors will want to put their off-premise signs to advertise  
317 their open houses. He said you cannot allow one person to do it and exclude others.

318  
319 Commissioner Dalpiaz said he went to Utah League of Cities and Towns Planners Day and there  
320 were a couple of things that struck him. He said one of the presentations were on the great  
321 growth Ponzi. He said it was on how they tend to fund things by having new development come

322 in, but at some point they will need to fund all of that. He said they also discussed seismic  
323 safety and that was really good.

324  
325 Commissioner Brown mentioned a Medicare scam that was going around the cities. She said she  
326 also has a concern with the vacant buildings. She said there are many vacant commercial  
327 buildings that are not being kept up. Craig Barker said he had noticed the dairy looking a little  
328 rough. Commissioner Brown said they are advertising where they are located in another city.  
329 Commissioner Thomas said they are advertising Pop's Burgers on the other side. She as a  
330 member of the Planning Commission she is concerned with the commercial buildings being kept  
331 up. Craig Barker said he will bring it up during staff meeting. Commissioner Brown said she  
332 has brought it up for the last two or three years that the preschool in the King's Plaza is  
333 dangerous. She said the parents line up and the children are running out and it is dangerous.  
334 The parents should have to park their cars and go in to get their children.

335  
336 **10. ADJOURNMENT**

337  
338 **Commissioner Brown made a motion to adjourn the meeting. Commissioner Quinney**  
339 **seconded the motion.**

340  
341 **Voting on the motion:**

342  
343 **Chairman Kiser**                    **yes**  
344 **Vice Chairman Dalpiaz**       **yes**  
345 **Commissioner Brown**           **yes**  
346 **Commissioner Quinney**       **yes**  
347 **Commissioner Residori**       **yes**  
348 **Commissioner Thomas**       **yes**

349  
350 **The motion was passed unanimously.**

351  
352 The meeting adjourned at 7:55pm.

353  
354 \_\_\_\_\_  
355 Planning Commission Chair

356  
357 \_\_\_\_\_  
358 Jennifer Thomas, Community Dev. Coord. /Deputy Recorder

359  
360 \_\_\_\_\_  
361 Date approved