

**NORTH OGDEN CITY COUNCIL & PLANNING COMMISSION
JOINT WORK SESSION MEETING MINUTES**

August 4, 2015

The North Ogden City Council convened in an open meeting on August 4, 2015 at 6:33 p.m. at the North Ogden City Council Chambers at 505 East 2600 North. Notice of time, place and agenda of the meeting was delivered to each member of the City Council, posted on the bulletin board at the municipal office and posted to the Utah State Website on July 30, 2015. Notice of the annual meeting schedule was published in the Standard-Examiner on December 21, 2014.

PRESENT: Kent Bailey Mayor Pro Tem
 Lynn Satterthwaite Council Member
 Cheryl Stoker Council Member
 Phillip Swanson Council Member
 James Urry Council Member
 Eric Thomas Planning Commission Chairman
 Don Waite Planning Commission Vice-Chairman
 Blake Knight Planning Commissioner
 Steve Prisbrey Planning Commissioner

STAFF PRESENT: Bryan Steele City Administrator/Finance Director
 Jon Call City Attorney
 Dave Espinoza Public Works Director
 Matt Hartvigsen City Engineer
 Gary Kerr Building Official
 Kevin Warren Police Chief
 Annette Spendlove City Recorder/HR Director
 Rob Scott City Planner

EXCUSED: Brent Taylor Mayor
 Scott Barker Planning Commissioner
 Brandon Mason Planning Commissioner
 Dee Russell Planning Commissioner

VISITORS: Steve Rasmussen Keith Johns Kent Bates
 Nancy Bates Dale Anderson Julie Anderson
 Shawn Heiner Blake Welling Stan Kippen

Mayor Pro Tem Bailey excused Mayor Taylor from the meeting as he is out of town for the next few days and he welcomed those in attendance.

Council Member Urry offered the invocation and led the audience in the Pledge of Allegiance.

CONSENT AGENDA

1. **CONSIDERATION TO APPROVE THE JUNE 16, 2015 CITY COUNCIL MEETING MINUTES**
2. **CONSIDERATION TO APPROVE THE JUNE 23, 2015 CITY COUNCIL MEETING MINUTES**

Council Member Swanson motioned to approve the consent agenda. Council Member Satterthwaite seconded the motion.

Voting on the motion:

Council Member Satterthwaite	aye
Council Member Stoker	aye
Council Member Swanson	aye
Council Member Urry	aye

The motion passed unanimously.

ACTIVE AGENDA

Council Member Satterthwaite motioned to move public comments to the top of the active agenda. Council Member Swanson seconded the motion.

Voting on the motion:

Council Member Satterthwaite	aye
Council Member Stoker	aye
Council Member Swanson	aye
Council Member Urry	aye

The motion passed unanimously.

PUBLIC COMMENTS

Julie Anderson, 940 E. 2600 N., stated that she is not going to talk about the restriping because it actually benefits her as she no longer has to worry about people parking in front of her home. She stated she is present to address the issue of accessory buildings that the group will be discussing later this evening; she believes this has been a total waste of the City's time and resources as there are ordinances currently in place that address the issue. She stated she knows this because she and her husband have been trying to erect a pole barn to store their hay as the barn they currently use is old and leaky. The pole barn would not be visible from the street, yet they have been unable to get approval for the project thus far because of the many requirements placed on such a structure. She indicates she understands the City's need to look into the issue to

ensure that storage containers are not used as accessory buildings, but in doing so, the City will make it harder for remaining residents to build any type of accessory building on their property. She stated this is just so that one person did not have to look at a storage container from their back window. She wondered if when the Hancocks built their metal building on their property they worried about what their neighbors thought and would be required to look at when they went into their yard. She believes the ordinances in place protect the citizens from North Ogden and should not be changed. She stated that the packet materials for tonight's meeting indicate there are two places where non-traditional pods or trailers are being used as accessory buildings and that if the new ordinance is adopted the City Council will need to decide whether to implement an amortization clause similar to the one placed on residents with disallowed home occupations, otherwise the existing pods will be allowed to remain in place with a non-conforming status. She stated that what may end up happening is that the City will punish all citizens of North Ogden, but the pods in question may still stay in place. She stated she understands the pods may be an eyesore, but more than anything she views this as an issue of neighbors not getting along with one another. She asked that the City not make changes to the accessory building ordinance or if changes are absolutely necessary that they be minor. She then addressed the dog park; currently people are parking on both sides of the street and she will provide pictures of the parking. She added because there is not enough parking on 850 East people are parking all the way up the street in front of Don Manley's house and they are allowing their dogs to defecate on residents' lawn and not cleaning up after them. She asked that the City talk to the group in charge of the dog park and ask that they communicate to those that use the park the importance of being respectful of those that live near it. She has seen it being used by kids with their dogs with no adult supervision and some people are even walking around the park with no dog. The destruction that is taking place has killed the grass and it is no longer green and lush.

Dale Anderson, 940 E. 2600 N., stated there was a recent newspaper article about the abandoned homes on Washington Boulevard that are home to criminal and drug activity and he stated there is another abandoned house in the City next to Greg and Mary Gift; he helped them figure out who the owner was. He stated the home is paid for and owned by the children of the deceased former resident; Mr. and Mrs. Gift have expressed interest in purchasing it, but they may need some guidance. He stated he simply wanted the City to be aware that there are more vacant homes besides just those on Washington Boulevard. He then addressed the accessory building issue and noted that the problem is a result of two neighbors not getting along with one another. He cautioned the Council about unintended consequences of an ordinance they may consider adopting. He noted the person that has complained about storage pods being used for accessory buildings has a very large metal building on their property, but he would not be allowed to build something similar to that if the ordinance were amended as drafted. He stated that sometimes it is best to say no to someone that is complaining and tell the neighbor to work it out.

Shawn Heiner, 681 E. 2600 N., referenced the restriping of 2600 North; he has paid close attention to the road since the chip seal was completed and the project has caused people to drive closer to the curb and gutter. There is a sidewalk on the north side, but not on the south side. He stated this will create problems for pedestrians and bikers that must use the road to get to their destination, such as school children walking to school. He stated he does not think there is a solution that will be completely safe for everyone, but leaving the striping pattern as it was

before the chip seal project is probably the safest way to go. He stated it is difficult for him to get out of this driveway with no road shoulder and with the addition of turn pockets and turn lanes.

Stan Kippen, 629 E. 2600 N., agreed with Mr. Heiner; for the safety of people living on the road and for the pedestrians the additional lane is needed. He stated he followed a semi-truck on the road yesterday who pulled over to ask for directions because he was lost. He stated he has also witnessed a tanker stopping on his way down the road because he needed to check something. He noted a little space is needed on the side of the road to be used for emergencies, pedestrians, garbage trucks, and the mailman. He stated that the right-of-way is not just for cars but for pedestrians as well. He stated he was interviewed by Channel 5 about the road and shortly after his son's car was side-swiped in a hit and run accident, but if the extra lane were eliminated the accident would have occurred in his yard. He stated many people drive distracted and he likes to have additional room on the side of the road to provide for some safety for the residents. He concluded that Washington Boulevard should be connected to 3100 North much better than it is now. He provided the Council with a letter he sent to Mayor Taylor regarding this issue.

Steve Rasmussen, 1092 E. 3250 N., stated he agrees with many of the concerns about 2600 North, but his concern is that the current striping pattern does not provide for a left hand turn lane on the street so when someone is trying to turn left and a car goes around them on the side, that person is doing something illegal because they are crossing a solid white line. He stated that if nothing is done, then people will be forced to break the law and the City will need to choose whether to enforce that issue or turn a blind eye to the problem. He stated if there is no white line on the side of the road, people going around cars attempting to make a left turn will be legal in doing so.

Colleen Chambers, 738 E. 2600 N., stated that 2600 North is the heart of old North Ogden and she wondered if the City wants to maintain its charm and history or make it a thoroughfare. She suggested that maybe other roads be considered for thoroughfares and efforts could be taken to reduce speed limits on 2600 North and encourage drivers to use other alternatives.

1. DISCUSSION AND/OR ACTION TO CONSIDER THE RESTRIPIING OF 2600 N

A memo from Mayor Taylor explained the City has been discussing possible plans to re-stripe 2600 North, similar to what we did last year on 3100 North. The objective is to improve the flow of traffic on this very busy road. There are two primary concerns I see with 2600 North: First, that there is not a turn lane to facilitate left turns. This results in people stopping traffic in order to wait for an opportunity to turn left. Impatient drivers behind them pass the car waiting to turn left on the shoulder, a dangerous and illegal move. A second problem is cars trying to turn left onto 2600 North. Because there is not a center turn lane, cars must wait for both travel lanes to clear long enough to make a left turn onto 2600 North. At busy times of the day this can require a significant wait, and increasingly we see motorists "punching the gap" and turning left in very short pauses of traffic. Both of these trends present safety hazards. 2600 North will certainly need to be widened at some point, but that is many years in the future and will take a large amount of money to purchase properties and political will. We are looking at options short of

widening the road, but that would still positively affect traffic flow. One idea is to restripe 2600 North to eliminate parking on the south side of the road. The 2 “extra” spaces saved from the parking/shoulder would be used to create a center turn lane and/or left turn pockets at each street crossing. We believe there are upsides from this idea, but also downsides, in particular for those who live directly on the street and occasionally have visitors who park directly on 2600 North. Time is of the essence for a decision on the re-striping, because 2600 North is set to receive a slurry seal coat later this month. All existing stripes will be covered by the slurry and this presents the perfect opportunity to re-stripe the road. It is very hard to remove old lane striping, so this is our best opportunity to re-stripe 2600 North within the next few years.

Mayor Pro-Tem Bailey summarized the Mayor’s memo and invited City Engineer Hartvigsen to provide additional input. Mr. Hartvigsen noted that at the last City Council meeting during which this item was discussed, he was directed to look into creating turn pockets along the road to allow people to make a left hand turn without stopping traffic. He reviewed two intersections on 2600 North where turn pockets may be appropriate: 550 East and 700 East. It would be possible to create these turn pockets while maintaining other striping on the road. He reviewed a map of the road to discuss the implications of these additional turn pockets noting he understands they can be problematic for a few residents living on the street, but he was seeking to find a solution that would not hinder traffic and would provide for increased capacity on the roadway.

Mayor Pro-Tem Bailey noted another suggestion that was discussed during the last Council meeting was the option of disallowing left hand turns all along 2600 North and he asked Police Chief Warren if he looked into that option. Chief Warren reviewed accident and traffic citation data associated with left hand turns on 2600 North and indicated the occurrences are so minimal and he is unsure whether restriping will address them. He added, however, that prohibiting left hand turns would cause problems for residents living on the road that make a left hand turn into their driveway. He noted his recommendation would be leave the striping as it is or, at a minimum, add the turn pockets recommended by Mr. Hartvigsen. Mayor Pro-Tem Bailey asked how the City would notify motorists that no left hand turns are allowed on 2600 North if that were the option the Council chose; he also asked how the law would be enforced. Chief Warren stated the City could erect signage on the road to advertise the new regulation and the City could use tools like the website and newsletter to communicate with residents as well. He added that enforcement of a new traffic law would be enforced by his officers. He stated it is his opinion that the only way to truly solve the problem is to widen 2600 North and install a median in the length of the road to prohibit or restrict left hand turns.

Discussion then centered on traffic counts on the road, with Mr. Hartvigsen noting the most current traffic count is 12,000 vehicles per day. He then referenced Mr. Rasmussen’s comments regarding the solid white line on the side of the road and noted the purpose of that line is to define the on-street parking area so that people don’t park on the side of the road if there is not enough room. He added the solid white line also seems to have somewhat of a traffic calming effect.

Public Works Director Espinoza then provided the Council with a progress report for the chip sealing project on 2600 North, noting the entire project should be completed and striped by August 17. The Council then had a high level discussion regarding the option to restripe the

road, with a focus on the problems to be addressed by the restriping. Planning Commission Vice-Chair Waite noted that he travels the road twice each day and he feels the biggest problem is associated with traffic signal at the intersection of Washington Boulevard malfunctioning, which occurs at least once a week. He asked if the City can coordinate with the Utah Department of Transportation (UDOT) to address that issue. Mayor Pro-Tem Bailey stated the City can work on that issue, but the focus this evening is on the restriping project and he asked that the City Council limit their discussion to that issue. Council discussion of the restriping project continued; Council Members Stoker and Urry stated they would prefer to maintain the current striping pattern as they feel it is simply a ‘band-aid’ approach and is not necessary in light of the crash and citation data for the road. Council Member Swanson stated that he came to the meeting supportive of restriping the road, but he trusts Chief Warren’s reasoning for maintaining the current striping pattern and is willing to support that recommendation. Council Members Bailey and Satterthwaite agreed.

Council Member Stoker motioned to maintain the current striping pattern on 2600 North according to Chief Warren’s recommendation and direct staff to look into the problems with the traffic signal at Washington Boulevard. Council Member Swanson seconded the motion.

Voting on the motion:

Council Member Satterthwaite	aye
Council Member Stoker	aye
Council Member Swanson	aye
Council Member Urry	aye

The motion passed unanimously.

WORK SESSION AGENDA

1. PUBLIC COMMENTS

There were no additional public comments.

2. DISCUSSION ON ACCESSORY BUILDING STANDARDS AND PORTABLE STORAGE CONTAINER STANDARDS

A staff report from City Planner Scott explained when the City Council is acting in a legislative capacity they have wide discretion. 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 legislative decision requires compatibility with the general plan and existing codes.

On December 17, 2014 the Planning Commission reviewed a request from Shelley Hancock expressing a desire to have North Ogden City adopt standards to eliminate the use of trailer pods as storage sheds. Staff presented several options based on research of other ordinances from around the state.

The Planning Commission held subsequent meetings on January 7, 2015 and January 21, 2015 to discuss possible options for this amendment. The Planning Commission concluded that it would be advisable to have a joint work session with the City Council to get further direction.

The Planning Commission divided the discussion regarding this issue into two parts, i.e., accessory building standards and portable storage containers in residential and non-residential zones. The accessory building standards relate to permanent buildings while portable storage containers are a temporary use.

Accessory Building Standards

North Ogden City's ordinances do not have any accessory building materials standards. Accessory buildings are allowed to cover 25% of the rear yard space; building permits are not required for buildings smaller than 200 square feet.

The Planning Commission considered a number of options and identified the following provisions to be added to the Accessory Building standards:

- Number per lot - Establish a maximum number of 3 accessory buildings per lot but an accessory garage is not included in that number.
- Design - Limit the original design to function as a typical accessory residential structure and not another use.
- Roofing – Materials for roofing to exclude galvanized surfaces or other materials not originally designed as an exterior wall or roof finish material.
- Materials for sheds over 200 square feet limited to brick, stone, wood, vinyl siding, etc.
- Materials for sheds under 200 square feet will be allowed materials such as metal siding that has a baked enamel finish, architectural metal, or vinyl walls.
- Location and size – Standards for locating accessory buildings based upon the size and material, e.g., limit the size of metal accessory buildings to the rear yard and allow nonmetal building in the side and rear yard.
- The City Planner may approve other materials that are compatible with the materials used in the main building.

There are two locations where there are non-traditional pods / trailers being used as accessory buildings. If new ordinances are adopted, then the City Council will need to decide whether or not to establish an amortization time limit similar to the home occupation amortization schedule. Otherwise, these existing pods will be able to stay with a non-conforming status.

Several residents were in attendance and requested that consideration be given to allow an exemption for agricultural parcels. There was some sentiment that this should be considered but a consensus wasn't reached on this issue. This has come up with the consideration for a new regulation regarding the parking of large equipment in residential zones. The Planning

Commission will be addressing this standard, e.g., a legitimate agricultural parcel should be of sufficient size (5 acres).

Staff also discovered that 11-7C (Legacy Planned Residential Zone), 11-7D (Roylance Farms Planned Residential Unit Zone), 11-7E (Quail Ponds Planned Residential Unit Zone), 11-7G (Multi-Family Residential Zone (R-3), and 11-7I (Cold Creek Village Planning Residential Unit Development Zone) do not list accessory uses in the permitted use table. The following language has been added to these five zones: “Accessory buildings and uses customarily incidental to any permitted use.”

Portable Storage Containers

Some of the ordinances researched contain provisions regarding temporary storage containers for both non-residential and residential zones. The reasoning for these provisions for non-residential zones is that some businesses bring in storage containers due to a lack of inventory space. In residential zones some cities allow temporary containers during construction.

The Planning Commission also discussed whether or not to establish standards for portable / temporary storage containers and requested the following standards be included in both non-residential and residential zones:

Non-residential Zones (Commercial and Manufacturing)

- No permanent portable storage containers
- No stacking of storage containers
- Shall not be used as dwellings, camping, cooking or recreation purposes, and may not be connected to plumbing or electricity.

Residential Zone Standards

- Not be allowed for permanent storage
- One portable per parcel
- Only allowed for moving purposes
- Allowed for a specific time period, e.g., 14 days
- Must be on a driveway or private property

Allowed during construction or remodeling

- Require a permit
- Time period for 6 months
- Not located in the public right of way
- Be removed before a certificate of occupancy is granted

The following sections from the General Plan should be considered as part of this decision process:

Community Development

(3) Implementation Goal: All existing and new development should be required to fairly and uniformly provide improvements according to city standards.

Community Aesthetics

The citizens of North Ogden want a community that has admirable visual qualities in all areas of the city. The visual quality of the city and its surroundings are important. These qualities create a sense of pride and place and they should be maintained.

(3) Implementation Goal: Attractiveness, orderliness, and cleanliness are qualities that establish North Ogden as a place where people care about visual appearances. These qualities should be preserved and required throughout the City.

Zoning Ordinance

Zoning is an implementation device used to accomplish the intended purposes of the General Plan. The purpose of zoning is to group compatible land uses and to establish densities and requirements for all development.

Suggested improvements for the City of North Ogden Zoning Ordinance include the following. Conduct a general review of the entire zoning ordinance to check for conformance to the new General Plan. Make appropriate modifications.

The memo offered the following summary of potential City Council and Planning Commission considerations:

- Does the City Council / Planning Commission agree with the draft standards for accessory buildings?
- Does the City Council / Planning Commission want to include an amortization provision to eliminate the existing pods / trailers after a certain time period?
- Does the City Council / Planning Commission want to make an exception for agricultural uses?
- Does the City Council / Planning Commission agree with the draft standards for portable storage containers?
- Are the draft ordinances consistent with the General Plan?

Staff recommends discussion of the options for addressing shed standards; once the City Council / Planning Commission identifies a direction, then Staff will prepare a final ordinance.

Mr. Scott reviewed his staff memo and used the aid of a PowerPoint presentation to provide the City Council and Planning Commission with a summary of the issues the City is dealing with relative to accessory buildings.

The Council and Planning Commission engaged in discussion regarding restrictions placed upon accessory buildings, with a focus on setback requirements according to the zoning district in which a property may be located. Mr. Scott reviewed photographs of existing accessory buildings in existence throughout the City, focusing on the types of materials that have been used to construct sheds in comparison to the types of materials that would be allowed upon adoption of the amended ordinance. Council Member Urry asked if a property owner would be allowed to build a metal accessory building if the ordinance amendments were approved. Mr. Scott explained accessory buildings could be built of brick, stone, wood, or vinyl siding; the idea behind that is to prohibit large buildings above 200 square feet that are made of less expensive materials. He noted the City Council and Planning Commission need to ask themselves what type of look they want in the City. He then shifted the discussion to the topic of agricultural

properties and whether such properties should receive an exemption relative to the types of accessory structures that can be constructed upon them. He stated if the Planning Commission and City Council are interested in that concept, it is an option to provide the definition for a barn and identify specific materials that can be used to construct barns. He noted the second issue is to define an agriculture parcel since the City currently does not define agricultural property by zone or size, but it would be his recommendation that there is a mechanism within the ordinance to ensure an agricultural use on a property that meets size requirements is legitimate. He then facilitated a discussion about the concept of creating an agricultural zone for the City, with a focus on the types of buildings that may potentially be permitted on agricultural property.

Mr. Scott then discussed the issue of storage pods being used as accessory buildings; he can understand the need for a big box store to use the pods for temporary storage of merchandise, but the pods have begun to appear in residential zones for use as accessory buildings and he asked the group to discuss the instances when pods should be permitted and when they should not. The only requirement in the City's Code relative to storage pods is that they cannot be placed on public streets. The proposed ordinance would prohibit the use of storage pods as a permanent accessory structure, they could not be stacked, and they could not be used for any type of residential use. Additional standards are included in the ordinance for occurrences when pods are needed in a residential zone on a temporary basis and the standard requiring portable storage units to be located on private property rather than a public street. He stated that staff is aware that temporary storage pods may be used in construction and the ordinance would require a property owner to have an active building permit to use a storage pod on their property; a storage pod could be in place for six months, must be located on private property, and must be removed before the certificate of occupancy is issued. Discussion then entered on the Planning Commission's position relative to allowing storage containers in the City, with Commissioner Knight noting that the public informed the body that there is a need for storage containers. The Planning Commission ultimately tabled action on an ordinance regarding storage containers and accessory buildings until they had an opportunity to sit down with the City Council to understand their desire regarding the issue. Council Member Swanson stated he feels it is the Council's position that pods are not an appropriate permanent storage facility in residential or commercial zones in the City. Discussion then centered on storage containers being used as accessory buildings throughout the City, with Council Member Urry noting that when the City begins legislating what an accessory building can look like based upon what a property owner's neighbor thinks about a building's appearance, the City will be on dangerous ground. Council Member Swanson stated he is not suggesting the City legislate what a building can look like, but he is suggesting the City does legislate the type of structure that can be classified as a shed or, otherwise, someone can use anything with four walls and a roof and call it a shed. He stated storage containers are ugly and should not be used as accessory buildings in a residential area. He stated it is the Council's job to represent and protect 'most people'. Planning Commission Chairman Thomas stated that the Planning Commission carried out due process relative to this issue and there were very few people that spoke and there was not a resounding objection to the use of storage containers. He stated it is important to consider the extent of regulations the City should be imposing on residents because enacting too many regulations can be very burdensome, specifically upon City staff. The Council had a philosophical discussion regarding zoning and building regulations and which group – the minority or majority – is protected by such regulations, with Mayor Pro-Tem Bailey indicating he is quite comfortable with the ordinance

the Planning Commission and staff have presented to address issues related to accessory buildings. Council Member Swanson agreed. Council Member Urry stated the City needs to quit legislating simply because one neighbor does not agree with another; he noted there is a property near his property where the owner uses a storage container as an accessory building, but he has buffered and landscaped around it in a manner that it does not negatively impact nearby properties and he is comfortable with that. Planning Commission Chairman Thomas stated the Planning Commission asked the owner of the property with the storage containers in question to plant trees to serve as a barrier between their property and neighboring properties; the trees have not grown in quickly enough and the same neighbor is now complaining about the storage trailers; some people cannot be satisfied. He stated these types of things can be addressed for future developments using the covenants, conditions, and restrictions (CCRs) for the development, but it is difficult to address the entire City with a sweeping ordinance.

Discussion re-centered on the concept of creating an agriculture zone for the City, with a focus on the size of the property in order to classify it as agriculture and the types of accessory structure that could be built on an agricultural property, with Planning Commission Chairman Thomas stating that the City's ordinance does not deal with storage trailers or pods being used as accessory buildings and that is what has driven this entire discussion.

After a lengthy discussion about past City legislation that was adopted in response to the complaints of one or a few residents, Commissioner Knight refocused the discussion and indicated he is supportive of language on the ordinance that ties the setback of an accessory building to the buildings height; for example, if an accessory building is 15 feet tall it could be set back three feet from the property line. Planning Commission Vice-Chair Waite added that he has no problem prohibiting storage containers in the future, but he is concerned about applying an ordinance retroactively and negatively impacting residents who felt they were following the City's ordinances at the time that they decided to use a pod as an accessory building on their property. Chairman Thomas stated that those residents could be asked to add a façade or landscaping around the pod to make it look nicer. He added the ordinance could include a differentiation between accessory buildings permitted in residential zones versus agricultural areas; an accessory building in a residential zone should be constructed of residential materials while the material requirements for buildings in agricultural areas could be less stringent. Commissioner Knight agreed. Discussion regarding accessory building standards continued, with a continued focus on the difference between residential and agricultural properties, with Mr. Scott noting that to draft the ordinance amendments he collected accessory building ordinances used in other cities throughout the State and he took things that he felt were appropriate from each of them. He stated it would not be difficult to amend it according to the Council's desire for the future of the community. He added it is his recommendation that the City develop standards for agriculture property in the City and the Planning Commission and City Council agreed. The group then concluded it would be appropriate for Mr. Scott to amend the proposed ordinance amendments using the feedback provided this evening.

3. DISCUSSION ON CONDITIONAL USE PERMITS

Mayor Pro-Tem Bailey indicated this item was pulled from the agenda.

4. DISCUSSION ON THE GENERAL PLAN

Mayor Pro-Tem Bailey provided the group with a status report regarding the General Plan update project; the Steering Committee and consultant have finished with their work and the document will be before the Planning Commission soon for their review and input before forwarding it to the City Council for final consideration. He asked if any member of the City Council wanted to provide the Planning Commission with input or recommendations before they begin their work on the project. The City Council and Planning Commission engaged in a discussion regarding the feedback that the City received during General Plan open house meetings and the discussions the General Plan Committee had regarding the use of various parcels of property throughout the City; specifically, many members of the Committee felt the consultant placed too heavy an emphasis on mixed-use development or high-density housing throughout the City.

Commissioner Knight stated that it is important to create a true City center for North Ogden and there was much discussion about the future zoning and planning of certain properties, such as the old Public Works Facility site, that are located in or on the fringe of the City center.

5. DISCUSSION ON FLAG LOTS

A staff memo from City Planner Scott explained when the City Council is acting in a legislative capacity they have wide discretion. 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 legislative decision requires compatibility with the general plan and existing codes.

The City Council on July 28, 2015 passed a temporary regulation putting a hold on further approvals of flag lots until amended flag lot standards are written and approved. A joint work session with the Planning Commission and City Council is being held on August 4th in order to identify the parameters for amending the flag lot provisions.

The current flag lot regulations regarding flag lots are found in both the zoning and subdivision ordinances. The following summary is provided for these regulations:

- There are two definitions of flag lots; one in the zoning ordinance and one in the subdivision ordinance. The two definitions are not consistent.
- 11-2-1 LOT, FLAG: A flag or L-shaped lot consisting of a staff portion contiguous with the flag portion, the staff portion having frontage on a dedicated street.
- 12-2-2 FLAG LOT: A flag or L-shaped lot comprised of a staff having a minimum width of thirty feet (30') and a maximum length of two hundred twenty feet (220'), and a flag portion consisting of the minimum dimensions required for a regular lot in the applicable

zone. The square footage of the staff shall not be considered in determining whether the lot size (the flag portion) requirements are met.

- The approval of flag lots is done by the planning commission as a special provision. The term special provision is not specified. 12-6-2(B) Flag Lots: All flag lots shall be approved as a special provision to the zoning ordinance by the planning commission in accordance with the provisions the definition of "lot, flag" set forth in section 11-2-1 of this code.
- Flag lots are allowed in all residential and commercial zones. The RCC zone has a prohibition of allowing two-family dwellings. This same provision does not occur in the R-2, R-3, or R-4 zones. 11-7J-2 (D) TWO FAMILY DWELLINGS. Two-family dwelling shall not be allowed on flag lots.

Staff has researched several other community ordinances to provide some ideas on possible flag lot standards.

- It is not feasible or desirable to extend a street to serve such lot or lots at that time. Feasibility criteria including, but not be limited to, topography, a natural feature or existing development on adjacent property prohibits a road from being built and the transportation plan does not call for a roadway.
- Designate which zones that flag lots are allowed.
- Only single family homes can be built on a flag lot. Should any of the multi-family zones allow multi-family dwellings, e.g., R-3 or R-4.

Flag lot standards:

- The flag staff or access strip shall have a minimum width of twenty (20) feet and a maximum width of thirty (30) feet.
- The required front yard setback shall be measured from the lot frontage property line.
- The area of the flag staff or access strip shall not be included within the minimum lot area requirement.
- The lot area requirement to be x% greater than the minimum lot size for that district.
- Specify and increase the setback requirements, e.g., building shall be set back a minimum of 30 feet from any property line and 30 feet from the front line of the flag lot staff. The depth of the front yard shall be the distance between the front line of the building and the property line or nearest line of the flag stem which the building faces.
- The lot address shall be displayed in prominently visible location at the street entrance to the flag stem.
- Have a maximum building height, e.g., 25 feet.
- Consider allowing multiple flag lots from a shared flag stem on steep sloped areas, e.g., lots over x% slope.

The memo offered the following summary of potential City Council and Planning Commission considerations:

- What are the standards that the City Council and Planning Commission are comfortable with?

The memo concluded that based upon the discussion between the City Council and Planning Commission, Staff will prepare a draft ordinance for consideration. The Planning Commission will consider the draft ordinance, hold a public hearing and forward their recommendation to the City Council who will also hold a public hearing.

Mr. Scott reviewed his staff memo and used the aid of a PowerPoint presentation to provide the group with information about the most recent situations that have occurred that have caused the City to consider how to handle flag lot applications. The Council and Planning Commission had a discussion regarding the situations where a flag lot may be appropriate compared to those situations where they are inappropriate; there was a focus on the standards and restrictions that should be imposed on flag lots, with Council Member Swanson noting that the City may get to a point where so many restrictions are put in place that it would be impossible for someone to create and build upon a flag lot. The Council concluded they like the ordinance amendments Mr. Scott has developed and they are comfortable allowing it to go through the Planning Commission and City Council review process.

6. DISCUSSION ON DUPLEXES AND FOURPLEXES IN RESIDENTIAL CITY CENTER ZONE

A memo from Mayor Taylor explained the City Code currently permits “Twin Homes” and “Two-family dwellings” as “Permitted Uses” in the Residential City Center Zone.

The RCC zone covers a large area with many older homes. I am concerned that developers could purchase these older homes as long-time property owners pass away or move, and began converting them into duplexes in order to maximize return-on-investment. This leads to single-family neighborhoods suddenly having a duplex or twin home inserted into them. I believe this is disruptive to the expectations of a single-family neighborhood and that twin home and two-family dwellings should be removed as “permitted uses” in this zone. Multi-family dwellings should only end up in multi-family zones.

The memo concluded Mayor Taylor would like for the Council to have a philosophical discussion about the permission for converting single-family homes into duplexes in this zone, and whether the City Council and Planning Commission feel the City should make any adjustments to this zone.

Mayor Pro-Tem Bailey reviewed the staff memo and asked for Council input and whether they wanted to direct the Planning Commission to review the ordinances that would permit this type of development. The Council and Planning Commission engaged in a philosophical discussion about the appropriate location for multi-family dwellings in the City with Planning Commission Chairman Thomas noting that the General Plan calls for the downtown area of the City to eventually become a mixed-use area including multi-family dwellings and commercial uses; he noted he thinks that allowing investors to purchase single family homes in the downtown area and convert them to duplexes would create a stumbling block in the path of city center transitioning into the type of community the General Plan calls for. Mayor Pro-Tem Bailey agreed. Council Member Bailey stated he is concerned about providing an opportunity for a

current owner of a single family home in the city center zone, but taking away that opportunity for a future owner of the same home. Planning Commission Chairman Thomas stated that if the ordinance were amended the current owner would not be allowed to convert the single family home to a duplex. City Attorney Call added that other cities have addressed this issue recently; Provo City adopted an ordinance that allows accessory dwelling units on a property as long as the primary dwelling is owner occupied.

After continued discussion, Mayor Pro-Tem Bailey asked the City Council if they are comfortable directing the Planning Commission to proceed with reviewing the ordinance at issue with the intent of recommending changes to address the concerns expressed by Mayor Taylor. The Council answered yes.

7. DISCUSSION ON HAVING A PRELIMINARY AND FINAL APPROVAL OF A SUBDIVISION ON THE SAME AGENDA

Mayor Pro-Tem Bailey facilitated a discussion regarding the concept of allowing the Planning Commission to consider preliminary and final approval of a subdivision plat during the same meeting. Mr. Scott noted that he sets the agenda for the Planning Commission meetings and he only includes preliminary and final approval on the same agenda for subdivisions that he considers to be simple in nature; he does not do the same for more complicated subdivisions or subdivisions for which there is an extensive list of recommendations or conditions from the Technical Review Committee and the City Engineer. He noted there have been instances where the Planning Commission has disagreed with his assessment that a subdivision is simple in nature and in those cases they have the opportunity to only grant preliminary plat approval and delay action on final plat approval.

Council Member Swanson noted he was concerned about this issue because of an application for a flag lot on a recent Planning Commission agenda where staff had recommended preliminary and final approval during the same meeting; the Planning Commission only delayed action on the plat because of issues raised by citizens during the meeting, but if that had not happened the Planning Commission may have followed the staff recommendation and granted final approval of the plat and then the City would have had no recourse to correct the problem. Mr. Call added that there is actually a 14-day protest period for these types of actions. Planning Commission Chairman Thomas added that he is comfortable considering preliminary and final approval during the same meeting so long as all conditions of approval have been met because he does not want to unnecessarily delay a development project. Commissioner Knight agreed, but noted that he does not think it is necessary to consider preliminary and final approval for an application that has met all development guidelines and conditions of approval; it should be an option to just grant final approval rather than preliminary and final approval. Mr. Call noted that it may be a requirement of the State Land Use Development and Management Act (LUDMA) for a subdivision to receive preliminary and final approval. Discussion regarding the Planning Commission's approval process continued, with Planning Commission Chairman Thomas noting that if an application meets all requirements of City Code and development standards, the Planning Commission has no choice but to approve it. He noted most work relative to a development application is completed by staff before the application is ever presented to the

Planning Commission for consideration. Mayor Pro-Tem Bailey asked how the Planning Commission can approve an application that does not meet City Code against the advice of the City Planner and City Attorney as was done two weeks ago. Planning Commission Chairman Thomas stated that the group may need to discuss that further as the Planning Commission has concerns about required block lengths and road connections. Mr. Call noted that he does not want to discuss the application being referenced by Planning Commission Chairman Thomas in detail as the applicant is not present to participate in the discussions. Commissioner Knight concluded that a discussion regarding the ordinance regarding block length and connections to Fruitland Drive is imperative. Planning Commission Chairman Thomas concluded that the Planning Commission did not view their action as a violation of the ordinance. Mayor Pro-Tem Bailey asked if Mr. Scott or Mr. Call expressed their concerns about the action the Planning Commission was contemplating taking regarding the application. Planning Commission Chairman Thomas answered yes and noted that the discussion is laid out in the minutes of the meeting. Mr. Call noted that it may be best to add an item to a future agenda to discuss the ordinance in question.

8. PUBLIC COMMENTS

There were no public comments.

9. COUNCIL/MAYOR/STAFF COMMENTS

Council Member Urry stated he was thankful for Mayor Taylor keeping the Council apprised of the recent actions relative to the lawsuit that was filed against the Police Department a couple of months ago. Mayor Pro-Tem Bailey stated the lawsuit was dismissed as a result of the Mayor standing his ground and defending the City.

Council Member Satterthwaite stated that the Mayor met with the Mayors of Pleasant View and Harrisville regarding the North Branch library and he looks forward to hearing the outcome of that meeting.

Council Member Swanson stated he is grateful for the opportunity to meet with the Planning Commission in work sessions such as this one; there is a cohesiveness that has not existed in the past. He thanked the Planning Commissioner's for all they do.

City Recorder Spendlove provided the City Council and Planning Commission with information about the upcoming Utah League of Cities and Towns (ULCT) Annual Conference.

10. ADJOURNMENT

Council Member Swanson motioned to adjourn. Council Member Satterthwaite seconded the motion.

Voting on the motion:

Council Member Satterthwaite	aye
Council Member Stoker	aye
Council Member Swanson	aye
Council Member Urry	aye

The motion passed unanimously.

The meeting adjourned at 10:26 p.m.

Brent Taylor, Mayor

S. Annette Spendlove, MMC
City Recorder

Date Approved