

**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:

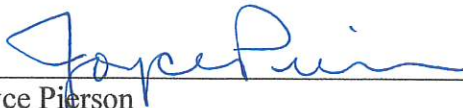
Chairman Thomas	aye
Vice Chairman Mason	aye
Commissioner Barker	aye
Commissioner Lunt	aye
Commissioner Nancarrow	absent
Commissioner Webb	aye
Commissioner Watson	absent

The motion carried.

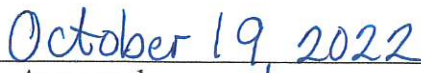
The meeting adjourned at 7:18 pm



Eric Thomas
Planning Commission Chair



Joyce Pierson
Deputy City Recorder



Date Approved