

**NORTH OGDEN PLANNING COMMISSION  
 MEETING MINUTES  
 September 6, 2023**

The North Ogden Planning Commission convened in a regular meeting on September 6, 2023, 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 August 31, 2023. Notice of the annual meeting schedule was published in the Standard-Examiner on December 16, 2022.

**COMMISSIONERS:**

Eric Thomas	Chairman	Excused
Brandon Mason	Vice-Chairman	
Scott Barker	Commissioner	
Nicole Nancarrow	Commissioner	
Johnson Webb	Commissioner	Excused
Cody Watson	Commissioner	Excused
Nissa Green	Commissioner	

**STAFF:**

Scott Hess	Community and Economic Development Director
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**VISITORS:**

Chris Pulver  
 Jon & Judy Vanderwood  
 Luke & Amanda Nelson

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

**1. ROLL CALL**

Vice Chairman Mason conducted roll call and noted Chairman Thomas, Commissioner Webb, and Commissioner Watson were excused from the meeting; all other Commissioners were present.

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

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

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

Jon Vanderwood, North Ogden resident, stated he has lived in North Ogden for 20 years and he loves this area. He asked if the City has any regulations for pickleball courts or if any permits have been granted for pickleball courts in residential areas.

Planning Director Hess stated the City does permit sport courts and allows for taller fencing around such a court. Mr. Vanderwood stated there have been many lawsuits throughout the country lately regarding nuisances associated with pickleball courts in neighborhoods. He provided the Commission with a package of documents from the internet regarding noise created at pickleball courts and associated lawsuits. He noted he has a neighbor who has installed a cement pad for a pickleball court, and he would like to check to see if they have proper permits for that use. He noted they have not erected any tall fences for the pickleball court, but he is concerned about sound. Commissioner Nancarrow advised that the City does have a noise ordinance that prohibits noise before or after a certain time of day.

Chris Pulver, North Ogden resident, stated he has been going door to door recently associated with his campaign for City Council and he has heard questions and concerns from residents. First is related to water requirements for high density housing projects; he asked if the City must ensure there is sufficient water for a development. Mr. Hess answered yes; a developer must dedicate sufficient water rights to serve the area, including water to supply fire lines. Mr. Pulver then addressed a development just below Mountain Road and concerns about geological issues on the subject property and on nearby properties. Mr. Hess stated that if an engineer is willing to put his stamp on a study indicating that homes can be built safely in an area using certain methods, the City does not question that. The City can require certain foundation styles, but if a home fails, the engineer who approved it will have liability, not the City. Mr. Pulver then addressed the development of commercial areas and noted that many residents would like a steakhouse and breakfast establishment. He also addressed securing vacant buildings in the community; there is an abandoned blue building on the frontage of the Cooperstowne project that should be secured. Mr. Hess noted that blue house is actually located in Ogden City, but the City is working with Ogden to adjust the boundary between the two cities and once that is completed, the City can address the security of the building.

**ADMINISTRATIVE ITEMS**

**4. SPR 2023-11 CONSIDERATION AND ACTION ON AN ADMINISTRATIVE APPLICATION, SITE PLAN REVIEW OF LITTLE DREAMER’S PRE-SCHOOL, LOCATED AT APPROXIMATELY 571 EAST 3300 NORTH**

Community Development Director Hess explained applicant Amanda Nelson has submitted a Business License Application to operate a pre-school out of her home located at 571 E. 3300 N., North Ogden. Daycares and preschools are required by City Code to complete the Site Plan Review process prior to operating. He discussed staff’s analysis of the application to determine compliance with the zoning ordinance and General Plan and found that the site meets the requirements of applicable North Ogden City ordinances and conforms to the North Ogden City General Plan. The General Plan map identifies this property as low density residential. He concluded staff recommends Site Plan Approval of the Little Dreamers Pre-School with no additional conditions.

Vice Chairman Mason asked the applicant if she has created a drop-off/pick-up schedule and if that schedule has been communicated to parents. Ms. Nelson answered yes, and Luke Nelson added that during the winter he and his wife would meet children at their vehicle to help them get into the home. Vice Chairman Mason asked the Nelson’s if they are willing to accept a condition of approval that drop offs will not be allowed on the opposite side of 3300 North. Mr. Nelson answered yes and indicated that requirement can be communicated to parents. Mr. Hess stated he can include that recommendation in the notice of decision for the application.

**Commissioner Nancarrow made a motion to approve the site plan of Little Dreamer’s Daycare with no parking or drop-offs on the north side of 3300 North. Commissioner Barker seconded the motion.**

There was a brief discussion about the location of the driveway at the home and whether other parking restrictions are necessary at the site. The Commission concluded no additional restrictions were needed.

**Voting on the motion:**

<b>Chairman Thomas</b>	<b>absent</b>
<b>Vice Chairman Mason</b>	<b>aye</b>
<b>Commissioner Barker</b>	<b>aye</b>
<b>Commissioner Nancarrow</b>	<b>aye</b>
<b>Commissioner Webb</b>	<b>absent</b>
<b>Commissioner Watson</b>	<b>absent</b>
<b>Commissioner Green</b>	<b>aye</b>

**The motion carried.**

## LEGISLATIVE ITEMS

### **5. ZTA 2023-04 PUBLIC HEARING, CONSIDERATION, AND RECOMMENDATION ON A LEGISLATIVE APPLICATION TO AMEND NORTH OGDEN CITY CODE 11-3: HEARING AND PUBLICATION NOTICE PROVISIONS TO ALIGN THE REQUIREMENTS WITH UTAH STATE CODE**

Community Development Director Hess explained the Utah State Legislature updated the Notice and Public Hearing Requirements for Municipalities. In response to these changes, the City is reviewing the Title 11-3 Hearing and Publication Notice Provisions to assure they follow Utah State Code. He cited sections of State Code that address public noticing and summarized an amendment to the North Ogden City Code to bring it in line with State Code. The Utah State Legislature updated the Notice and Public Hearing Requirements for Municipalities. In response to these changes, the City is reviewing the Title 11-3 Hearing and Publication Notice Provisions to assure they follow Utah State Code. Staff recommends that the Planning Commission conduct the public hearing, consider the proposed ordinance, and make a recommendation to the City Council.

Vice Chairman Mason asked if the City could adopt language in the Code that indicates that the City will abide by State Code rather than include its own public noticing requirements. Mr. Hess stated that is an option, but it may create some confusion for readers.

Commissioner Green asked if the City Code amendments are to implement the minimum noticing requirements according to State Law. Mr. Hess answered yes. He added he believes the most recent State Code amendments were severe and there may be some additional changes in the next Legislative Session to “pull back the reins” on this matter.

#### **a. Vice Chairman Mason opened the Public Hearing at 6:36 p.m.**

There were no additional persons appearing to be heard.

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

#### **Voting on the motion:**

<b>Chairman Thomas</b>	<b>absent</b>
<b>Vice Chairman Mason</b>	<b>aye</b>
<b>Commissioner Barker</b>	<b>aye</b>
<b>Commissioner Nancarrow</b>	<b>aye</b>
<b>Commissioner Webb</b>	<b>absent</b>
<b>Commissioner Watson</b>	<b>absent</b>
<b>Commissioner Green</b>	<b>aye</b>

**The motion carried.**

**The Public Hearing was closed at 6:36 p.m.**

**b. Consideration and recommendation**

**Commissioner Green made a motion to forward a positive recommendation to the City Council to amend North Ogden City Code 11-3: Hearing and Publication Notice Provisions to align the requirements with Utah State Code as presented. Commissioner Nancarrow seconded the motion.**

**Voting on the motion:**

<b>Chairman Thomas</b>	<b>absent</b>
<b>Vice Chairman Mason</b>	<b>aye</b>
<b>Commissioner Barker</b>	<b>aye</b>
<b>Commissioner Nancarrow</b>	<b>aye</b>
<b>Commissioner Webb</b>	<b>absent</b>
<b>Commissioner Watson</b>	<b>absent</b>
<b>Commissioner Green</b>	<b>aye</b>

**The motion carried.**

**6. ZTA 2023-05 PUBLIC HEARING, CONSIDERATION, AND RECOMMENDATION ON A LEGISLATIVE APPLICATION TO AMEND SITE TRIANGLE REFERENCES IN TITLE 11.**

Community Development Director Hess explained North Ogden updated and reorganized the entire Title 11 Zoning Code in 2022. It was discovered through use of the Code that there is an inconsistent reference to the size and location of Site Triangles. North Ogden Public Works Standards establishes a clear Site Triangle Clearance area, and the Planning Staff would like to align Title 11 with the Public Works Standards. This zoning text amendment has been sponsored by the Planning Department in order to correct this inconsistent reference. Mr. Hess summarized the proposed text amendment to address the inconsistency and concluded staff recommends that the Planning Commission conduct the public hearing, consider the proposed ordinance, and make a recommendation to the City Council.

**a. Vice Chairman Mason opened the Public Hearing at 6:40 p.m.**

Chris Pulver, North Ogden resident, asked if the two-foot rule is applicable for properties on a slope. Mr. Hess stated that the height of the item in the site triangle would be measured perpendicular to the point of measurement rather than downhill from the item. Mr. Pulver referenced a dangerous site triangle on 575 E. 3100 North; the fence obstructs the view of motorists, and they are forced to inch out into the roadway to view oncoming traffic.

There were no additional persons appearing to be heard.

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

**Voting on the motion:**



<b>Chairman Thomas</b>	<b>absent</b>
<b>Vice Chairman Mason</b>	<b>aye</b>
<b>Commissioner Barker</b>	<b>aye</b>
<b>Commissioner Nancarrow</b>	<b>aye</b>
<b>Commissioner Webb</b>	<b>absent</b>
<b>Commissioner Watson</b>	<b>absent</b>
<b>Commissioner Green</b>	<b>aye</b>

**The motion carried.**

**The Public Hearing was closed at 6:42 p.m.**

**b. Consideration and recommendation**

**Commissioner Barker made a motion to forward a positive recommendation to the City Council for amendment of Site Triangle references in Title 11 as presented. Commissioner Green seconded the motion.**

**Voting on the motion:**

<b>Chairman Thomas</b>	<b>absent</b>
<b>Vice Chairman Mason</b>	<b>aye</b>
<b>Commissioner Barker</b>	<b>aye</b>
<b>Commissioner Nancarrow</b>	<b>aye</b>
<b>Commissioner Webb</b>	<b>absent</b>
<b>Commissioner Watson</b>	<b>absent</b>
<b>Commissioner Green</b>	<b>aye</b>

**The motion carried.**

**7. ZTA 2023-06 PUBLIC HEARING, CONSIDERATION, AND RECOMMENDATION ON A LEGISLATIVE APPLICATION TO AMEND RESIDENTIAL FENCING STANDARDS TO CONSIDER 8-FOOT-TALL DEER FENCING FOR THE PROTECTION OF PRIVATE PROPERTY**

Community Development Director Hess explained the North Ogden City Council asked the Planning Department to consider standards for Deer Fencing that would allow residents to protect their property and gardens. Staff has searched Utah State Codes and has found a resource put together by North Logan City, linked [here](#). This ordinance provides clear standards that are easy to understand and provide a solid base for the Planning Commission to consider a conversation around. He summarized the North Logan ordinance and noted that a draft ordinance has been crafted after it, which staff believes that the Planning Commission can find to be in conformance with the General Plan, but also that the existing ordinance meets the intent of the General Plan. The Planning Commission should determine if Deer Fencing is in the City’s best interest. Staff recommends that the Planning Commission conduct the public hearing, consider the proposed ordinance, and make a recommendation to the City Council.

Vice Chairman Mason wondered if this issue should be tabled for a future meeting when all Commissioners are able to attend. He recommended holding the public hearing, but tabling any action until a future date.

**a. Vice Chairman Mason opened the Public Hearing at 6:49 p.m.**

Chris Pulver, North Ogden resident, stated that deer will get into any area if they want to, and he does not think an ordinance is necessary. The City is approaching a point of having too many ordinances and this type of ordinance would be difficult to enforce. He is concerned about fences that may look unsightly.

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

**Voting on the motion:**

<b>Chairman Thomas</b>	<b>absent</b>
<b>Vice Chairman Mason</b>	<b>aye</b>
<b>Commissioner Barker</b>	<b>aye</b>
<b>Commissioner Nancarrow</b>	<b>aye</b>
<b>Commissioner Webb</b>	<b>absent</b>
<b>Commissioner Watson</b>	<b>absent</b>
<b>Commissioner Green</b>	<b>aye</b>

**The motion carried.**

**The Public Hearing was closed at 6:50 p.m.**

**b. Consideration and recommendation**

Commissioner Green stated that the City's ordinances are fairly prohibitive and restrictive, and she could envision a scenario where someone may just truly be trying to protect their garden and allowing a taller fence for that purpose is not too concerning to her. Vice Chairman Mason agreed; he noted that interior structures can be taller than six feet so long as they adhere to setback requirements, and he wondered if similar regulations could be imposed on an eight-foot interior fence. He does not feel such a fence would harm anyone.

Commissioner Nancarrow stated the City has spent a great deal of time considering fencing ordinances; she read language from the General Plan and noted that many people live in North Ogden because of its beauty and its mountain views. Development has been allowed further up the mountain and now people will install taller fences that will block the view of the mountains for some. Commissioner Barker stated that if a fence is around a garden behind a home, it will not be any taller than the home and will not block views of the mountains any more than a home. He stated the City has never discussed fencing around gardens or dealt with this issue. Vice Chairman Mason stated the City does allow interior fencing around sport courts. This led to philosophical discussion and debate of the matter and the Commission concluded

Mr. Pulver stated there has not been a public outcry about this issue; many people are just doing what they want to on their property and if the City is going to consider code amendments regarding this type of issue.

Commissioner Green stated that if the City is going to consider this issue, she wants some attention to be paid to the types of fencing materials that should be permitted inside of a lot; it is important to preserve the beauty of the community and not allow some fencing materials that may be unsightly. Vice Chairman Mason agreed.

**Commissioner Nancarrow made a motion to forward a recommendation to the City Council that no change be made to the City’s current fencing code. Commissioner Barker seconded the motion.**

**Voting on the motion:**

<b>Chairman Thomas</b>	<b>absent</b>
<b>Vice Chairman Mason</b>	<b>aye</b>
<b>Commissioner Barker</b>	<b>aye</b>
<b>Commissioner Nancarrow</b>	<b>aye</b>
<b>Commissioner Webb</b>	<b>absent</b>
<b>Commissioner Watson</b>	<b>absent</b>
<b>Commissioner Green</b>	<b>aye</b>

**The motion carried.**

**8. ZTA 2023-07 PUBLIC HEARING, CONSIDERATION, AND RECOMMENDATION ON A LEGISLATIVE APPLICATION TO AMEND HILLSIDE PROTECTION (HP) ZONES ACCESSORY BUILDING LOT COVERAGE**

Community Development Director Hess explained North Ogden updated the Accessory Building Standards City-wide in 2021. It was recently discovered that there was an error in the Code and an omission of the backyard coverage of accessory buildings within the Hillside Protection Zones. This zoning text amendment has been sponsored by the Planning Department in order to correct this omission and bring all residential zones into alignment. He summarized staff’s analysis of the issue, and reviewed draft code language for the Commission to consider. Staff believes that the Planning Commission can find the proposed Code language to be in conformance with the General Plan, but also that the existing ordinance meets the intent of the General Plan. The Planning Commission should determine if adding total lot coverage for accessory buildings in the Hillside Protection Zones is in the City’s best interest. Staff recommends that the Planning Commission conduct the public hearing, consider the proposed ordinance, and make a recommendation to the City Council.

The Commission discussed past accessory building applications and public response/concerns regarding large accessory buildings that consumed a large percentage of a rear yard of a home.

**a. Vice Chairman Mason opened the Public Hearing at 7:09 p.m.**



Chris Pulver, North Ogden resident, asked how someone makes a structure part of their home rather than an accessory building. Mr. Hess stated the structures must touch one another; this can be accomplished by a shared roof, breezeway, underground walkway, or foundation.

There were no additional persons appearing to be heard.

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

**Voting on the motion:**

<b>Chairman Thomas</b>	<b>absent</b>
<b>Vice Chairman Mason</b>	<b>aye</b>
<b>Commissioner Barker</b>	<b>aye</b>
<b>Commissioner Nancarrow</b>	<b>aye</b>
<b>Commissioner Webb</b>	<b>absent</b>
<b>Commissioner Watson</b>	<b>absent</b>
<b>Commissioner Green</b>	<b>aye</b>

**The motion carried.**

**The Public Hearing was closed at 7:11 p.m.**

**b. Consideration and recommendation**

Vice Chairman Mason stated that the HP zone is essentially an extension of the R-1-10 zone and he feels consistency is important and he supports an amendment that provides that consistency.

**Commissioner Nancarrow made a motion to forward a positive recommendation to the City Council to amend the Hillside Protection (HP) Zone accessory building lot coverage as presented. Commissioner Green seconded the motion.**

**Voting on the motion:**

<b>Chairman Thomas</b>	<b>absent</b>
<b>Vice Chairman Mason</b>	<b>aye</b>
<b>Commissioner Barker</b>	<b>aye</b>
<b>Commissioner Nancarrow</b>	<b>aye</b>
<b>Commissioner Webb</b>	<b>absent</b>
<b>Commissioner Watson</b>	<b>absent</b>
<b>Commissioner Green</b>	<b>aye</b>

**The motion carried.**

**9. PUBLIC COMMENTS**

There were no public comments.

**10. REMARKS - PLANNING COMMISSIONERS:**

The Commission and staff discussed upcoming training opportunities.

Vice Chairman Mason asked if the Commission would like to consider any type of regulations for pickleball courts in residential zones; he empathizes with the residents who are impacted by an increase in noise and light associated with the courts. The Commission discussed topics such as a curfew for sports courts, but concluded they do not feel that it is necessary to address the matter at this time.

**11. REPORT – COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR**

Community Development Director Hess explained that it has been difficult to get applicants for the open planner position in his Department; if he does not have more success soon, he may pull the opening and wait until after the first of the year to readvertise it.

**12. REMARKS – CITY MANAGER/ATTORNEY**

There were no remarks from the City Manager/Attorney.

**13. ADJOURNMENT**

**Commissioner Barker made a motion to adjourn the meeting. Commissioner Green seconded the motion.**

**Voting on the motion:**

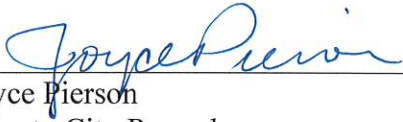
<b>Chairman Thomas</b>	<b>absent</b>
<b>Vice Chairman Mason</b>	<b>aye</b>
<b>Commissioner Barker</b>	<b>aye</b>
<b>Commissioner Nancarrow</b>	<b>aye</b>
<b>Commissioner Webb</b>	<b>absent</b>
<b>Commissioner Watson</b>	<b>absent</b>
<b>Commissioner Green</b>	<b>aye</b>

**The motion carried.**

**The meeting adjourned at 7:22 p.m.**



Eric Thomas  
Planning Commission Chair



Joyce Pierson  
Deputy City Recorder

November 1, 2023

Date Approved