

Minutes of the regular work session of the Ogden City Planning Commission meeting held May 17, 2023. Meeting was conducted by Chair Sandau and began at 5:30pm.

Members Present: Jenny Sandau, Chair  
Cathy Blaisdell, Vice-Chair  
Jordon Aaberg  
Dave Graf  
Rick Safsten  
Bryan Schade  
Mandy Shale  
Jeremy Shinoda  
Rick Southwick

Staff Present: Barton Brierley, Planning Manager  
Joseph Simpson, Deputy Planning Manager  
Brandon Rypien, Sr. Planner  
Jannette Borklund, Administrative Assistant III  
James Tanner, City Attorney

Others Present Mike Bastian

1. ["Guiding our Growth"](#) discussion
  2. Group dwelling ordinance amendments
  3. Planning Commission appeals to BZA
  4. Landmarks Commission representative from Planning Commission
  5. Annual Planning Commission dinner June 21?
  6. Preview of June 7, 2023 Planning Commission items
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1. ["Guiding our Growth"](#) discussion

Mr. Brierley indicated the State had made this presentation to the City Council and felt it would be interesting for the Planning Commission to also view it as well as becoming involved with the State planning process to guide the future growth within the State. The presentation centered on involving members of each of Utah's communities as well as community leaders and stakeholders along the Wasatch Front. A survey on the website is available to attain information and guidance based on citizen values relating to growth. There is some concern relating to the economy as housing has become unaffordable and there are few opportunities for first-time home-buyers. The other main concern is adequate water supply to service both growth and farmland. Existing data projects 133,000 new residents in Utah by 2060.

Commission members discussed recent decisions relating to reduced lot sizes for single-family homes as it is a means to encourage ownership. There is concern that while there will always be a need for rentals, there also is a need for owner occupancy. Commission felt care should be taken that there may come a point where there are too many apartments. Discussion centered on the missing middle housing and felt more opportunities for these should be pursued. While mass transportation relies on density,

care also should be to preserve single-family areas, because once lost, they do not return. It was suggested the update of the General Plan could become a more important tool to identify future growth in Ogden. It was suggested that some existing commercial properties would be better rezoned to R-4 and R-5 to allow more dense housing, and retain commercial properties for commercial uses.

## 2. Group dwelling ordinance amendments

Mr. Rypien indicated a petition had been received to consider specific changes in the Group Dwelling chapter of the Zoning Ordinance, and the Commission had since directed Staff to pursue a complete overhaul of that code. The first request deals with the minimum lot area for each building be reduced. Staff is suggesting the 6,000 square foot minimum lot area for each building be removed and applied to only the first building in the project. Another concern is the setback requirements not being consistent based on the orientation of the buildings. Staff agrees the setbacks should be the same as what would be required if a single building rather than two or more buildings. Commission expressed concern that front yard setbacks be adequate to assure utilities are not located in the right-of-way. Staff is also suggesting rear setbacks be reduced as the requirement for on-site common areas provide recreation space for families. As a result, common areas need to be functional and spaced within the development to be usable by all tenants. Commission expressed concern that some items such as trails are counted in the common area calculations at the time of construction, but once buildings are constructed, it is found they become unusable and are uncomfortable for tenants to use due to limited distance from individual residences.

He reviewed other sections recommended for revisions, including separation and building height when next to existing single-family homes, separation based on the orientation of buildings, projection requirements and roof design. He stated the current code requires buildings to face a street and have glazing on the front façade as well as limiting garage space facing the public street. While these will remain, language is proposed to clarify these requirements. It also addresses garden-type projects. He also suggested front porch/front courtyard space might be counted as a portion of total open space and asked the Commission whether this should be included. While the Commission supported the concept, they expressed concern the space needs adequate to be usable by the tenant. While it could be an amenity to the homeowner, it also could become a space for storage or area not being cared for. These should be designed so they create a sense of community. Mr. Rypien suggested it might be a requirement that these be identified as limited common area and cared for by the homeowner's association.

He then discussed the requirements for trees and shrubs, stating while the current standard works for small projects, it could be burdensome and unproductive when there are multiple units. He is suggesting this be revised to one per two units so a forest effect does not occur. He stated density bonus points may be either eliminated or limited. Commission felt these should not be based on the location of a project and should be allowed only if the bonus enhances the quality of the project. Commission also discussed the desirability of elevators when buildings are more than one story and if there are means for more owner-occupancy.

3. Planning Commission appeals to BZA

Mr. Simpson stated due to the denial of a car wash use on Country Hills Drive, the applicant now has two options. The first is to pursue appeal through the Board of Zoning Adjustment which would be charged to determine whether the Commission action is within the standards of the Zoning Ordinance. The Board could either support the decision of the Commission, or based on their interpretation of the State law that the Commission “shall approve a conditional use if impacts created by the use can be mitigated.”, could reverse that decision and send the item back for review. Since the last meeting, the applicant has contacted Staff and has prepared a new site plan which they feel address the concerns identified by the Planning Commission, asking if they could again be heard by the Commission. The options available are two-fold: because it is a new site plan, they could make a new application, or they could request the Commission vote to re-hear the item.

He reviewed the new site plan, indicating the vacuum bay has been relocated to the west, which would reduce noise, created a design for the wash bay with one-way in and out, with an extension and turn in the building so the noise from blowers is reduced. Commission expressed concern with the slope of the site and its connection with the existing residential neighborhood as well as the Federal canal they are requesting usage as part of their site plan. Discussion continued among the Commission relating to their previous action. They felt the items listed were impacts that could not be mitigated, and while the applicant has now prepared a site plan which may or may not mitigate those concerns, they should have been prepared to address potential concerns at the previous meeting. Even given the new site plan, there are items of concern, specifically the existing layout of Country Hills Drive, with its hill and curve and increased traffic the use would create. Commission also felt written permission for the use of the canal should also be provided as part of the application. Mr. Simpson reviewed the process to re-hear items, indicating a motion must be made to re-hear at or before the next regular meeting by a member who voted in favor of the original motion, and then a vote must be a majority of the Commission. They felt the previous decision should remain and felt it inappropriate to re-hear the item. They also expressed frustration with the existing regulations relating to conditional use permits and felt the bigger concern is uses allowed adjacent to single-family residential neighborhoods. Discussion continued relating to how this could be rectified. It was suggested a pending ordinance notice might be created to identify uses in the C-2 zone which are not appropriate when next to single-family zones. Commission then reviewed uses now allowed in the C-2/CP-2 zone, and identified several uses which are now conditional uses which should not be located next to single-family uses.

MOTION: A motion was made by Commissioner Graf to deny the request for reconsideration for the conditional use permit to allow a car wash at 1249 Country Hills Drive. Motion was seconded by Commissioner Southwick and passed 7-2 with Commissioners Aaberg, Blaisdell, Graf, Safsten, Schade, Shale, Southwick and Sandau voting aye and Commissioner Shinoda voting no. Commissioner Shinoda stated he felt there may be ways to mitigate the

concerns. Chair Sandau stated the Commission is not a legislative body which makes her uncomfortable with the motion.

MOTION: A motion was then made by Commissioner Safsten to request a pending ordinance be prepared to be effective as quickly as possible which would prohibit uses in the C-2/CP-2 zones which are now listed as a conditional use when the commercial zone is adjacent to a residential single-family zone. These uses include auto service station, auto oil and lube, used car lot, outdoor batting cages, laundry type car wash, circus, RV storage waterslide and firework stands. Motion was seconded by Commissioner Shale and passed 7-2 with Commissioners Aaberg, Blaisdell, Graf, Safsten, Schade, Shale and Southwick voting aye and Commissioners Shinoda and Sandau voting no. Commissioner Shinoda explained his vote was based on his feeling the decision may be viewed as arbitrary. Chair Sandau felt she didn't have enough information to vote in favor of the motion.

4. Landmarks Commission representative from Planning Commission  
Commissioner Schade indicated he now has a scheduling conflict and is unable to attend Landmarks Commission meetings and is asking another member be appointed to serve as the Planning Commission representative. He stated the Commission meets on the fourth Thursday of each month at 4:30pm and is a good opportunity to become involved in historic preservation. Commissioner Shale volunteered to serve.

MOTION: A motion was made by Commissioner Aaberg to nominate Mandy Shale as the Planning Commission representative to serve on the Landmarks Commission. Motion was seconded by Commissioner Blaisdell and passed unanimously.

5. Annual Planning Commission dinner June 21?  
Mr. Brierley stated this is an opportunity for the City to express appreciation to Commission members and a guest for their service. Commission agreed the date of June 21<sup>st</sup> for the annual as acceptable.
6. Preview of June 7, 2023 Planning Commission items  
Mr. Brierley reviewed items which have been submitted for review at the upcoming June meeting.

There being no additional business before the Commission, the meeting was adjourned at 8:51pm.

Respectfully submitted,

Jannette Borklund, Administrative Assistant III

Approved; \_\_\_\_\_  
(date)

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Jenny Sandau, Chair