

Minutes of the Ogden Valley Planning Commission Meeting for February 2, 2021. To join the meeting, please navigate to the following weblink at <https://us02web.zoom.us/j/84307811269>, the time of the meeting; commencing at 5:00 p.m.

Present: John Lewis, Chair; Shanna Francis, Vice Chair; Jeff Burton, Chris Hogge; John (Jack) Howell, Ron Lackey.

Absent/Excused: Steve Waldrip

Staff Present: Rick Grover, Planning Director; Courtlan Erickson, Legal Counsel; Scott Perkes, Planner; Marta Borchert, Office Specialist.

- **Pledge of Allegiance**
- **Roll Call:**

Chair Lewis asked if anyone had any ex parte communication or conflict of interest to declare. No disclosures were made.

WS1: Amending the Culinary and Secondary Water Requirements in the Subdivision Ordinance

Planning Director Grover indicated this item has been removed from the agenda for tonight's meeting and will be heard at a future meeting.

Adjourn to Regular Ogden Valley Planning Commission meeting

1. Petitions, Applications, and Public Hearings: Administrative items

2.1 DR2020-07: Consideration and action on a request for design review approval of an accessory storage building that is more than twice the size of the primary dwelling's footprint at 4267 N 3150 E., Liberty. Presenter: Scott Perkes

Planner Perkes reported the applicant is requesting design review approval of a large residential accessory storage building that is approximately 10,481 square feet – nearly twice the size of the primary dwelling unit – at 4267 North 3150 East in Liberty.

Mr. Perkes presented the elevations provided by the applicant, noting that the design features are intended to give the building an architectural look and feel. The property is zoned Agricultural Valley AV-3 and the lot is three acres in area with approximately 369.54 feet of frontage on 3150 East Street. The building will be used for the personal storage of RV's, trailers, cars, tractors, implements, workshop storage, indoor pool, and a few living facilities (kitchen, bathroom, sauna, laundry, & loft). The proposed building will be 10 feet from the west lot line (rear), 221 feet from the east (front) lot line, 10 feet from the south side lot line, 268 Feet from the north side lot line, and 17 feet behind the home. Section 108-7-16, Large Accessory Buildings (1,000 square feet or larger), item (c) states " Accessory buildings that exceed the dwelling in area by more than double as measured by the footprint of the dwelling shall require approval by the planning commission as a design review". When compared to the dwelling's footprint (3,573 sq. ft.), the proposed structure (10,481 sq. ft.) is 3,335 square feet larger than double the dwelling's footprint and thereby requires design review prior to the issuance of a Land Use and Building Permit. The application has been reviewed by the following agencies: Building, Fire, and Engineering. Planning review will be completed with the satisfaction of the Design Review process as the structure meets all zoning requirements. The applicant will need to work with the health department to ensure the proposed bathroom and kitchen are connected to the property's septic system and that the system is properly sized. Recommended conditions of approval include:

- Satisfaction of all review agency requirements involved with the issuance of a Land Use Permit and Building Permit for the proposed structure. This also includes health department approval of septic system connections and upgrades.
- The building plans will need to be updated to show the proposed loft area. This loft cannot be considered a sleeping room and a note must be placed in the plans that indicates that the loft may not be used for habitable/sleeping space.
- A Second Kitchen Covenant must be signed and recorded on the property. This covenant will prohibit the structure from being used as a separate dwelling unit.

Mr. Perkes concluded staff recommends that the Planning Commission review the submitted review materials and determine if enough information has been provided in order for the above listed considerations to be adequately vetted. If so, the Commission could approve the design review request with the above listed condition (along with any other conditions added by the commission) and the following findings:

- The proposed use is allowed in the AV-3 Zone.
- All development standards have been met.

- With any imposed conditions, the proposed building does not impair the orderly and harmonious development of the neighborhood or impair investment in and occupation of the neighborhood.

Alternatively, if the Commission determines that additional review information is needed for adequate consideration, the Commission could vote to table the application until such materials are furnished for further review.

Vice Chair Francis referenced the plat map and asked for more information about the easement running through the property. Mr. Perkes stated that is not actually an easement, but a line that identifies the required distance between the home and the accessory structure. The minimum requirement is 10 feet, but the applicant has actually provided a 17-foot distance between the home and the accessory structure. The measurement is taken from the closest point of the home to the closest point of the accessory structure. The Fire Marshall and Building Official have both indicated they feel the layout proposed by the applicant complies with the Code regulating this type of use.

Commissioner Howell moved to approve DR2020-07, design review approval of an accessory storage building that is more than twice the size of the primary dwelling's footprint, at 4267 N. 3150 E., Liberty, based on the findings and subject to the conditions listed in the staff report, and requesting a color review discussion between the applicant and Planner Scott Perkes. Commissioner Lackey seconded the motion. Commissioners Lewis, Francis, Burton, Hogge, Howell, and Lackey all voted aye. (Motion carried 6-0)

3. Approval of the 2021 Planning Commission Rules of Order:

Planning Director Grover indicated that the Rules of Order have been amended to include updated meeting procedures allowing electronic or virtual meetings without an anchor location; the amendment indicates that the Planning Commission can hold electronic meetings if the Planning Director or Chair determines that holding an in-person meeting would not be allowed or would not be advisable due to health concerns or other circumstances.

Legal Council Erickson stated that it is important for the Commission's rules to provide explicit direction regarding when the Commission is able to hold an electronic or virtual meeting.

Commissioner Hogge asked if there has been discussion about continuing to allow Commissioners, staff, or the public to participate in an in-person meeting in a virtual fashion. Mr. Grover answered yes; allowing electronic participation may make it easier for the public or applicants to attend a meeting. Commissioner Burton stated it may be necessary to further amend the language to make it possible to call electronic meetings for any reason. The entire Commission agreed. Mr. Erickson suggested language that gives the Director or Chair the discretion to call an electronic meeting for any reason; he and Mr. Grover can work to further amend the language in the rules and bring them back to the Commission at their next meeting for approval.

Commissioner Burton asked for confirmation that members of the Commission participating electronically will be considered to be in attendance for the purpose of constituting a quorum of the Commission. Mr. Erickson stated that he can amend the language to indicate such if the Commission so desires. The Commission indicated they would like to allow in-person and electronic participation for the purpose of constituting a quorum. Chair Francis facilitated discussion among the Commission regarding whether the rules should provide direction regarding the circumstances under which electronic participation would not be allowed. The Commission favored flexibility, until or unless it becomes apparent that any person is abusing the rules or if electronic participation detracts from the effectiveness and efficiency of meetings.

Vice Chair Francis made a motion to table approval of the 2021 Planning Commission Rules of Order to give staff the opportunity to further amend the language regarding electronic meetings and participation. Commissioner Hogge seconded the motion. Commissioners Lewis, Francis, Burton, Hogge, Howell, Lackey, and Waldrip all voted aye. (Motion carried 6-0)

4. Public Comment for Items not on the Agenda

None.

5. Remarks from Planning Commissioners

None.

6. Planning Director Report

Mr. Grover reported the Commission's February 23 agenda will include an item regarding short term rentals (STRs).

7. Remarks from Legal Counsel

None

Meeting Adjourned: The meeting adjourned at 5:22 p.m.

Respectfully Submitted,

Weber County Planning Commission