



# NORTH OGDEN CITY

SETTLED 1851

**Mayor**  
**Council**

Brent R. Taylor  
Lynn H. Satterthwaite  
Cheryl Stoker  
Phillip D. Swanson  
Carl D. Turner  
Jim D. Urry

## NORTH OGDEN PLANNING COMMISSION

### MEETING MINUTES

**January 3, 2018**

The North Ogden Planning Commission convened in a regular meeting on January 3, 2018 at 6:34 p.m. in the North Ogden City Municipal Building, 505 E. 2600 N. North Ogden, Utah. 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 December 28, 2017. Notice of the annual meeting schedule was published in the Standard-Examiner on December 31, 2017.

#### COMMISSIONERS:

Don Waite	Chairman	
Eric Thomas	Vice-Chairman	
Brandon Mason	Commissioner	
Nicole Nancarrow	Commissioner	
Scott Barker	Commissioner	
Steve Prisbrey	Commissioner	excused at 7:29 pm

#### STAFF:

Brandon Bell	Associate Planner
Christina McBride	Administrative Assistant
Jon Call	City Attorney/Administrator
Rob Scott	City Planner
Susan Nance	Deputy City Recorder

#### VISITORS:

Steve Child	Phillip Child	Ronald Anderson
Rob Voortmeyer	Shannon Bruce	

#### REGULAR MEETING

Chairman Waite called the meeting to order at 6:34 p.m. Commissioner Barker offered the invocation and Commissioner Nancarrow led in the Pledge of Allegiance.

1. **ROLL CALL**

Chairman Waite conducted roll call and indicated all members are present; former Commissioner Cevering was recently elected as a member of the City Council and the Mayor is working to fill that vacancy. He added that Commissioner Prisbrey has indicated he will be leaving the meeting at 7:15 p.m. He then introduced the new Administrative Assistant in the Planning Department, Christina McBride. Ms. McBride stated she started her employment with the City yesterday and is looking forward to working with the Planning Commission.

2. **OPENING MEETING STATEMENT**

City Planner Scott read the opening meeting statement.

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

Chairman Waite asked the Planning Commission if any members have any ex parte communications or conflicts of interest to disclose. Commissioner Mason disclosed ex parte communications relating to item 6b on the agenda; after shopping at Ace Hardware he asked to be shown to the area where the propane tank is proposed to be installed. He engaged in high level discussion with employees at the store regarding the proposal to install a propane tank there. He likened the instance to an informal site visit. Chairman Waite stated he also took an opportunity to visit the same site to get a better understanding of the proposal. Commissioner Barker added that he also visited the site; he has also had discussions with Council Member Swanson regarding the application.

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

There were no public comments.

5. **CONSIDERATION AND ELECTION OF A CHAIRMAN AND VICE CHAIRMAN OF THE PLANNING**

Commissioner Nancarrow indicated she believes Chairman Waite has done a great job as Chairman of the body and she asked if he would like to continue. Chairman Waite stated he believes it would be a good idea to let another member have the opportunity to serve as Chairman, though he is willing to continue to serve if that is the desire of the group.

**Commissioner Mason nominated Commissioner Thomas to serve as the Chairman for the Planning Commission for 2018. Commissioner Nancarrow seconded the nomination.**

Chairman Waite asked if there were other nominations; there were none. He then asked Commissioner Thomas if he accepts the nomination, to which Commissioner Thomas answered yes.

**Voting on the motion:**

<b>Chairman Waite</b>	<b>yes</b>
<b>Vice-Chairman Thomas</b>	<b>yes</b>
<b>Commissioner Mason</b>	<b>yes</b>
<b>Commissioner Nancarrow</b>	<b>yes</b>
<b>Commissioner Barker</b>	<b>yes</b>
<b>Commissioner Prisbrey</b>	<b>yes</b>

**The motion carried.**

**Chairman Prisbrey nominated Commissioner Nancarrow to serve as Vice-Chairman for the Planning Commission for 2018. Commissioner Mason seconded the motion.**

Commissioner Nancarrow declined the nomination and indicated she is not in a position to accept more responsibility at this time.

**Commissioner Nancarrow nominated Commissioner Mason to serve as Vice-Chairman for the Planning Commission for 2018. Vice-Chairman Thomas seconded the motion.**

Commissioner Mason stated that he is willing to accept the nomination, but he is also very busy with his private employment.

**Commissioner Mason nominated Commissioner Waite to serve as Vice-Chairman for the Planning Commission for 2018.**

Commissioner Waite indicated it may be good for someone else to serve as Vice-Chairman in order for a member that is less experienced in the aspect of a leadership role for the body to gain that experience.

**Commissioner Nancarrow nominated Commissioner Barker to serve as Vice-Chairman for the Planning Commission for 2018.**

**Commissioner Mason nominated Commissioner Prisbrey to serve as Vice-Chairman for the Planning Commission for 2018.**

Commissioner Prisbrey stated he believes Commissioner Mason would make a good Vice-Chairman and he encouraged him to accept the nomination. Commissioner Mason stated he will accept in order to gain experience in the leadership role. Commissioner Waite called for a vote on the nomination and second to elect Commissioner Mason to the role of Vice-Chairman.

**Voting on the motion:**

<b>Chairman Waite</b>	<b>yes</b>
<b>Vice-Chairman Thomas</b>	<b>yes</b>
<b>Commissioner Mason</b>	<b>yes</b>
<b>Commissioner Nancarrow</b>	<b>yes</b>
<b>Commissioner Barker</b>	<b>yes</b>
<b>Commissioner Prisbrey</b>	<b>yes</b>

**The motion carried.**

City Administrator/Attorney Call indicated that, according to the Planning Commission's bylaws, Commissioners Waite and Thomas will act as Chairman and Vice-Chairman, respectively, for the remainder of this meeting.

**6. LEGISLATIVE ITEMS:**

**a. ZTA 2017-09 PUBLIC HEARING REGARDING A LEGISLATIVE APPLICATION TO ADD BULK PROPANE SALES AS AN ACCESSORY USE IN A COMMERCIAL ZONE**

A staff memo from Planning Director Scott explained when the Planning Commission is acting as a recommending body to the City Council, it is acting in a legislative capacity and has 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 decision, related to a legislative matter, require compatibility with the general plan and existing codes.

Suburban Propane on behalf of Ace Hardware has submitted a text amendment to allow a 1,000 gallon propane tank as an accessory use at the Ace Hardware location, 2556 North Washington Boulevard. The proposed tank could either be in a horizontal or vertical configuration. This request is for a vertical design. They have also included a site plan and additional information.

The Planning Commission discussed potential standards for this amendment at their December 6, 2017 meeting. The Ogden City ordinance was a basis for the review. Mr. Child, Ace Hardware owner, indicated that having bulk propane sales is part of the company business model for this site. This store is similar to another shopping center

location in Ogden City (4291 Harrison Boulevard) where they have a 500 gallon horizontal tank. Staff provided pictures of a site on Wilson Lane of a vertical tank. Since the meeting, pictures have been taken of the referenced Ogden City location tank. The tank is located in the rear of that store. Mr. Child is willing to provide appropriate landscaping and screening if the tank is located in the front yard. They looked at other tank locations for the North Ogden site; they desire the front location. He also stated that he is willing to have a screened 500 gallon horizontal tank in the front yard.

The Planning Commission identified possible standards to be included in the amendment and requested that a public hearing be scheduled. A summary is provided below.

Summary:

- Allow bulk propane sales as a permitted use in the C-2 zone with standards.
- The first consideration for this type of use is safety. Propane tanks are required to get approval from the State Fire Marshall.
- Require planning commission site plan review.
- Tank is to be located outside of all required setbacks, be located in either the side or rear yard. The Planning Commission may grant a front yard location with a 500 gallon horizontal tank with adequate screening.
- Allow a 1,100 gallon tank; horizontal 16 feet in length; vertical maximum of 10 feet.
- Limit one tank per site.
- No signage on the tank other than required safety signs.
- Tank to comply with commercial district color standards found in 8D-3C Colors and Materials, e.g., white is allowed as an accent color.

## CONFORMANCE WITH THE GENERAL PLAN

### Top Priorities (Page 7)

#### Downtown

Create a unique, pedestrian friendly “Downtown” near the intersection of 2700 North and Washington Boulevard with amenities, resources, attractions and programing that makes this area function as the ‘heart of the community.’”

Downtown (Pages 67-68, 71) 2650 North Street on the East Side of Washington Boulevard (the Southeast quadrant) With the recent construction of the new Smith’s Market Place and the reuse of the former Smith’ food and Drug building, auto-oriented commercial uses are contemplated in this area....

### Economic Development Goals (Page 48)

Goal #3 – Assure a quality commercial shopping environment

#### Strategies

- Promote improvement in City appearance through ordinance changes that require enhanced streetscapes, well designed and located buildings, and interesting, environmentally appropriate, landscaping.
- Promote walkable commercial areas through city ordinances and incentives to achieve the vision of the Downtown and Southtown.

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

- Should bulk propane tanks be allowed in commercial zones?
- Are the amendment standards appropriate?
- Is the amendment consistent with the General Plan?

The memo concluded staff recommends the Planning Commission conduct the public hearing, determine if the amendment is appropriate, and make a recommendation to the City Council. The City Council has scheduled a public hearing for this amendment on January 9. They have requested a Planning Commissioner attend the hearing in lieu of planning commission minutes.

Mr. Scott reviewed his staff memo and presented photographs of propane tanks in other communities. He also facilitated discussion of the potential components of an ordinance that would govern propane tanks (see summary section of staff report).

Commissioner Mason referenced the section of the ordinance that would allow a propane tank in front of a commercial business if the tank were 500-gallon capacity and oriented horizontally rather than vertically; he indicated he is not sure why horizontal is better than vertical so long as the tank conforms to maximum size requirements. Mr. Scott stated it would be much easier to screen a tank that is just four to five feet in height than it would be to screen a tank placed vertically that extends eight to 10 feet. Commissioner Barker asked if the purpose of screening was to improve the aesthetics of the site, to which Mr. Scott answered yes. He added that if the ordinance were adopted by the City Council, Ace Hardware would need to submit a site plan application to proceed with locating a propane tank on their property and matters such as screening and other aesthetic features would be considered at that time.

Chairman Waite invited the applicant to address the Planning Commission.

Philip Child, 1353 E. 2450 N., stated he appreciates the opportunity to talk to the Planning Commission about his interest in locating a propane tank at his business location. He has been part of the North Ogden community for 52 years as a private citizen and has been in business for 38 years; the past 15 years he has owned his own store. He has an Ace Hardware location in South Ogden and recently built the new Ace Hardware in North Ogden. He was very excited to build in North Ogden since he has lived here for such a long time; he wanted to build something he and the community could be proud of. He has invested a lot of money to bring Ace Hardware to the City and he has worked hard to make it something that consumers will be attracted to and that they will be happy with. He stated he understands the concerns about preserving the aesthetics of the building and the desire for a propane tank to blend in with the building and he assured the Commission that he shares those desires; he is very diligent in ensuring proper upkeep and maintenance of his business properties. He then noted offering bulk propane sales will help him to generate the much needed revenue to keep his store profitable and it will also generate revenue for the community via increased sales tax

revenue. Offering bulk propane sales will benefit the citizens of North Ogden as they currently have no access to this service in the City; the closest location that offers bulk propane sales is three miles to the west. Allowing bulk propane sales will save consumers on the cost they are currently paying to lease propane tanks from existing businesses in the City and it will fill a void in a much needed service for the community. Dispensing propane is a lot of work and he will be required to train someone and ensure they are certified to dispense the propane, but he is willing to do that in order to provide this service. He reiterated offering propane will increase sales tax revenue in the City; many people will come to fill their propane tanks and they will then purchase other supplies they may need for grilling from his store or from Smith's Marketplace. He discussed his store in South Ogden and indicated his propane tank at that location is located behind the building; that was not his first choice, but he did not have a choice but to put it behind the building due to space restrictions in the front. Bulk propane sales in South Ogden generate approximately \$8,000 per year, but his volume would be three to four times greater if the tank were in front of his store. He stated he feels the amount could be even greater in North Ogden and he could generate between \$75,000 and \$100,000 per year based on the need for the service for the demographics in the City. He reviewed a photograph of the Ace Hardware site in North Ogden and identified the location where he desires to place the tank; there would be adequate parking for large recreational vehicles that may come to the location to fill their tanks. In anticipation of locating the tank on the southeast corner of the site, the contractor ran utility conduits under the cement to that location and he has installed an auto-shut off switch for the propane tank as well. Locating the tank in front of the building is key for sales and for safety purposes; staff will be able to more closely monitor the tank in front and liability of those trying to access the tank in front of the building versus in back will be much lower. He concluded the State Fire Marshall has approved the plan and the tank will be seismically anchored so that it is very safe; annual inspections will be performed by the Fire Marshall to ensure continued safety of the site. He stated he would prefer authority to install a 1,000 gallon tank rather than a 500 gallon tank just to provide increased capacity for the consumer and reduce the frequency by which the tank would need to be refilled. This would reduce costs and he can pass those savings on to consumers. He stated that over holiday weekends when propane sales are very busy, it is possible he could run out of propane in a 500 gallon tank. The tank would be painted to match his building and to meet safety requirements for propane tanks; he will use red lettering to advertise propane sales and to ensure safety as people will be aware it is a propane tank and should be approached with caution. He stated he is committed to making the tank look nice and he appreciates the Commission's consideration of this matter.

Commissioner Nancarrow asked if there is room to place two tanks side by side and meet all safety regulations. Mr. Child stated it would be very tight to place two tanks side by side in a vertical fashion. He is required to place safety bollards around each tank and that would be difficult to achieve if there were two tanks.

Commissioner Barker asked if the safety bollards must be a certain distance from the tank. Shannon Bruce of Suburban Propane in Salt Lake City stated the bollards must be three feet from the tank and there is not space for two tanks in the area. He stated that one

vertical tank, whether it is 5,000 or 1,000 gallons, would make efficient use of the available space. Commissioner Barker stated he visited the site and he believes that a 500-gallon tank placed horizontally would be pretty tight. Mr. Bruce agreed and stated especially when bollards and landscaping are placed around the tank, the site would be fairly tight.

Chairman Waite opened the public hearing at 7:17 p.m.

Ronald Anderson, 2175 N. 538 E., stated he has lived in North Ogden for 54 years; over the years he has found that sometimes the City Council and Planning Commission have not been friendly to businesses, but they should be friendly because the City is growing rapidly. He stated he wanted to talk about Mr. Childs' character; he has known Mr. Child ever since he moved to North Ogden and he has always been a wonderful person. Mr. Anderson stated he also owns a business in North Ogden. He noted he has visited Mr. Childs' business in South Ogden and it is first class; additionally, Mr. Child has spent a lot of money to bring his business to North Ogden and the tax dollars generated by his business will make the community better for everyone. He stated Mr. Child did not ask the City for any help from the City to start his business and, instead, he has done everything on his own. He stated Mr. Child started as a 'box boy' in the Wangsgards grocery store in Ogden and he was always a hard worker. He worked his way up and eventually purchased that store from the former owner when he retired. He concluded Mr. Child is an outstanding citizen in the community.

There were no additional public comments.

**Commissioner Mason made a motion to close the Public Hearing.  
Vice-Chairman Thomas seconded the motion.**

**Voting on the motion:**

<b>Chairman Waite</b>	<b>yes</b>
<b>Vice-Chairman Thomas</b>	<b>yes</b>
<b>Commissioner Mason</b>	<b>yes</b>
<b>Commissioner Nancarrow</b>	<b>yes</b>
<b>Commissioner Barker</b>	<b>yes</b>
<b>Commissioner Prisbrey</b>	<b>yes</b>

**The motion carried.**

The public hearing was closed at 7:20 p.m.



b. **ZTA 2017-09 CONSIDERATION AND ACTION OF A LEGISLATIVE APPLICATION TO ADD BULK PROPANE SALES AS AN ACCESSORY USE IN A COMMERCIAL ZONE**

Vice-Chairman Thomas noted the Planning Commission is making a recommendation to the City Council and that body will make a final decision regarding the requested use. Before the Planning Commission tonight is an actual code amendment to allow the land use; the body is not considering Ace Hardware's site plan at this time. Chairman Waite stated that is correct, but added that it is helpful to have the site plan for Ace Hardware in order for the Planning Commission and ultimately the City Council to understand the potential implications of the proposed ordinance amendment. Vice-Chairman stated that he likes the way the ordinance language has been crafted; however, it would be his preference that sub item b in the chart regarding propane retail sales and accessory use be amended. The proposed language currently reads "tank located outside of any required setback be located on side or rear yards, however, the planning commission may approve a front yard location for a 500-gallon horizontal tank if sufficient landscape screening is provided around the tank", but he prefers the look of a 500-gallon vertical tank instead because it takes up less space and would be less intrusive. Commissioner Mason agreed. He would like to amend that language to allow horizontal or vertical tanks. Commissioner Mason stated he would support that change, but wondered how a 10 foot tall vertical tank would be screened. He stated the tank will be smooth in nature and painted to match the building and any screening may detract and make the site look less attractive. Chairman Waite stated that fencing would not be appropriate, but landscaping and vegetation could be used as screening. He added that screening of each individual tank would be considered at the site plan application step for this type of project.

Chairman Waite then stated he would like to reconsider the allowed maximum tank size. He visited the site a few times and spoke with Mr. Child to gain an understanding of how the tank would look at his site and he wondered if it would be appropriate to reduce the tank size to reduce the height of any tank to be located at a commercial business. Vice-Chairman Thomas stated it important to think about how the ordinance will be applied globally in the City versus specific to the Ace Hardware site. He reiterated his preference to amend the language in Section 11-8A-7(b) relative to propane retail sales as an accessory use to allow both horizontal and vertical tanks and indicating that screening will be considered at the site plan phase. He stated he would also be comfortable allowing signage on the tank to label the tank as a propane tank. Mr. Scott stated staff needs clear direction from the Planning Commission relative to the type and size of signage that should be allowed on the tank. Vice-Chairman Thomas stated he would prefer to allow the word 'propane' to be painted on the tank, but that no other signage be allowed.

Commissioner Nancarrow stated she was skeptical about the proposed use during the last discussion of this item, but after driving by the Ace Hardware site and visualizing the proposal, she was not bothered by it.

Commissioner Mason stated the reason he supports the 500-gallon maximum tank size limitation is because he believes that is the largest size tank that Mr. Child will be able to

locate on his property. He added he did not want to extend the ability to locate a larger tank to another commercial business in the City because that may create unfair competition. He indicated he would prefer limiting the maximum tank size to 500 gallons to the entire City, which would require amendment to the section of the proposed ordinance that references a maximum tank size of 1,100 gallons. Vice-Chairman Thomas stated he can support that recommendation. Commissioner Mason then stated that he is willing to allow the owner of the tank to include the word 'propane' in red lettering; however, there is something about big red letters – in his opinion – that seem industrial in nature and that may restrict walkability in the Town Center. Vice-Chairman Thomas stated the industrial feeling of a tank will be limited if the tank is painted to match the commercial building. Commissioner Mason agreed. Chairman Waite stated it can be difficult to regulate the appearance of this type of structure because each individual has their own opinion about what may be attractive and what may be ugly.

Commissioner Mason asked Mr. Bruce how he feels about the regulations that have been discussed. Mr. Bruce stated he feels the Commission's desires are reasonable, but it is important for the City to keep in mind that first and foremost the tank must comply with clear safety standards and any person working in the emergency response field would agree with him that it is important to locate the word 'propane' in big red letters on the tank. He stated he likes the idea of the paint for the tank to match the building to which it is connected, but the red paint for advertising that the tank contains propane is very important. He then stated that 500 gallon tanks will be filled twice as often as 1,000 gallon tanks; this means a bobtail truck will be visiting the site twice as often. A 500 gallon tank holds approximately 400 gallons of propane and a 1,000 gallon tank holds 800 gallons; this is to allow room for vaporization.

The Planning Commission then discussed staff's recommendation that a member of the Planning Commission attend the January 9 City Council public hearing regarding this matter to communicate to the Council the recommendation of the Planning Commission. Chairman Waite indicated he is able to attend that meeting.

**Vice-Chairman Thomas made a motion to forward a positive recommendation to the City Council regarding application ZTA 2017-09 to add bulk propane sales as an accessory use in a commercial zone, with the following changes:**

- **Amend 11-8A-7(b) to remove the word 'horizontal' to allow the applicant to choose between a horizontal or vertical tank.**
- **Amend 11-8A-7(d) to limit maximum tank capacity to 500-gallons.**
- **Amend 11-8A-7(f) to allow the tank owner to include the word 'propane' on two sides of the tank.**
- **Dictate that propane tanks, including signage size and color, tank sizing, and tank colors are subject to site plan review.**

Mr. Bruce stated that tank sizes are fairly standard, but some horizontal tanks may be more than 16 feet in length and some vertical tanks may exceed 10 feet in height. However, limiting the tank capacity to 500 gallons may limit the tank size to no more than

16 feet in length. Vice-Chairman Thomas stated the City may consider a different length or height at the site plan phase of a propone tank application.

**Commissioner Barker seconded Vice-Chairman Thomas’s motion.**

**Voting on the motion:**

<b>Chairman Waite</b>	<b>yes</b>
<b>Vice-Chairman Thomas</b>	<b>yes</b>
<b>Commissioner Mason</b>	<b>yes</b>
<b>Commissioner Nancarrow</b>	<b>yes</b>
<b>Commissioner Barker</b>	<b>yes</b>

**The motion carried.**

**c. DISCUSSION OF FORM BASED CODE**

Associate Planner Bell facilitated continued review of the draft version of the Building Types section (11-8F-6) of the Form Based Code; he indicated in the last discussion of this section, the Planning Commission ended with a focus on store front building types in the downtown neighborhoods. There was discussion about allowing mixed use type buildings in the downtown areas so long as they contain residential or office uses on the second floor of the buildings. He reviewed the building types table on page eight of the section and asked if office should be allowed on the ground floor of store front buildings. The Commission indicated they did not see a problem with mixing office and retail uses on ground floors of storefront buildings, but that retail should not be an allowed use on the second floor. Mr. Bell then suggested that just one storefront building be allowed per commercial block. The term ‘block’ is defined earlier in the form based code. The Commission supported the recommendation to limit the building type to one per block. Mr. Bell then moved on to review of the additional building types listed in the Section, including general stoops, mid-scale shops, terrace buildings, yard buildings, and civic buildings and he noted the Code would identify the zones or sub districts in which each building type would be permitted. He then noted that earlier this summer when the form based code was presented to the Mayor, he suggested that the number of subdistricts be reduced from six to two, but the final number of subdistricts included in the code is three: Downtown Main Street, Downtown Neighborhood, and Central Market. He asked that the Commission decide which of the three subdistricts should be maintained in the code. There was a focus on building heights and setbacks for building types to be allowed in each of the three subdistricts. For the Main Street and Central Market Subdistricts, the Commission indicated they were comfortable with a maximum of four stories in building height, residential use allowed on the second floor, and 10 to 20 foot setbacks for buildings.

Mr. Bell then continued review of the entirety of the Building Types section of the Code with a focus on language highlighted in orange text to represent language for which staff

is seeking direction from the Commission. He indicated he will use this feedback to make changes to the document before further consideration/review of the document.

**d. DISCUSSION ON BOUNDARY LINE ADJUSTMENTS**

A staff memo from Planning Director Scott explained when the Planning Commission is acting as a recommending body to the City Council, it is acting in a legislative capacity and has 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 decision, related to a legislative matter, require compatibility with the general plan and existing codes.

North Ogden City has provisions for lot line adjustments as part of the subdivision process. The City also processes boundary line adjustments for parcels outside of subdivisions under state code provisions. State law allows both lot line adjustments or a boundary line adjustments in lieu of going through a complete subdivision process, however, North Ogden's subdivision ordinance does not identify local standards for boundary line adjustments. The purpose of this discussion is to identify local standards for boundary line adjustments.

The following State codes for lot line adjustments, parcel boundary line adjustments, and subdivisions are below:

10-9a-103. Definitions.

(33) "Lot line adjustment" means the relocation of the property boundary line in a subdivision between two adjoining lots with the consent of the owners of record.

(39) "Parcel boundary adjustment" means a recorded agreement between owners of adjoining properties adjusting their mutual boundary if:

(a) no additional parcel is created; and

(b) each property identified in the agreement is un-subdivided land, including a remainder of subdivided land.

State code also provides that some adjustments may be allowed if city ordinances provide for these adjustments. They are contained in the definition of a subdivision where 5 exceptions are made; 4 of the exceptions require a city ordinance.

The definition of a subdivision is below:

(57)

(a) "Subdivision" means any land that is divided, re-subdivided or proposed to be divided into two or more lots, parcels, sites, units, plots, or other division of land for the purpose, whether immediate or future, for offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms, and conditions.

(b) "Subdivision" includes:

- (i) the division or development of land whether by deed, metes and bounds description, devise and testacy, map, plat, or other recorded instrument; and
  - (ii) except as provided in Subsection (52)(c), divisions of land for residential and nonresidential uses, including land used or to be used for commercial, agricultural, and industrial purposes.
- (c) "Subdivision" does not include:
- (i) Bona fide division or partition of agricultural land / subject to local regulations
  - (ii) Adjoining un-subdivided properties / no new lot created / subject to local regulations
  - (iii) Combine two parcels into one parcel or a subdivided parcel with an undivided parcel / subject to local regulations
  - (iv) Combine two subdivided lots / no new dwelling lot created / subject to local regulations
  - (v) A bona fide division or partition of land in anticipation of further land use approvals / subject to local regulations
  - (vi) A parcel boundary adjustment is allowed if two parcels of record make adjustments to their boundaries.
- (d) The joining of a subdivided parcel of property to another parcel of property that has not been subdivided does not constitute a subdivision under this Subsection (57) as to the un-subdivided parcel of property or subject the un-subdivided parcel to the municipality's subdivision ordinance.

Staff Comment: North Ogden City has interpreted these provisions relating to lot line and boundary line adjustments as follows:

- Lot line adjustments between lots in a subdivision. Changes to lot lines in a subdivision require a subdivision amendment.
- Parcel boundary line adjustments. Changes to parcel lines where no additional parcels are created and the parcels were in existence prior to December 31, 2000 are allowed to be combined or reconfigured. They are approved by the planning commission.
- Subdivision lot combined with a parcel. Changes where a subdivision lot is combined with a parcel are treated as a subdivision amendment.

Staff has researched other cities ordinances regarding boundary line adjustments. Based upon the Logan City ordinance; staff has prepared a draft ordinance for discussion.

The following is a summary of the amendment provisions:

- Purpose. A purpose statement is included.
- Application and Approval Authority. Adjoining property owners may submit an application for a boundary line adjustment. The Planning Director is designated as the land use authority.
- Approval Criteria. There are six approval criteria.
  - No new lot or parcel is created.
  - Does not impact a recorded subdivision.

- Parcels meet zoning area and frontage requirements.
- No nonconforming structures are created.
- Includes signatures of the property owners.
- Subject to 11-10-2, each parcel must have been in existence prior to December 31, 2000.
- If the boundary lines cross a special service district boundary then the service district boundary is required to be adjusted to either annex or de-annex the parcel.
- Approval Process. This section identifies the approval process including an application completeness check, optional review by the Technical Review Committee, and required notice of decision.
- Recordation of Approved Boundary Line Adjustment. The applicant is responsible for recording the appropriate documents.
- Plat May Be Required. If there is a need to dedicate right of way then a plat is required.
- Expiration. Boundary line adjustment documents have ninety days to be recorded or they expire.

An additional issue is presented. Should there be a requirement to install public improvements as part of a boundary line adjustment. Cities are required to have a justification / nexus between the required improvement and the impact from the development before making these requirements. Simply adjusting a parcel boundary will be difficult to justify that an impact is being created to require improvements; however, a requirement for a deferral agreement may be in order.

#### CONFORMANCE TO THE GENERAL PLAN

The applicable goals from the General Plan are:

##### Housing Goals

##### Goal #1 – Increase Housing Quality and Variety

- Establish and adhere to high quality building and design standards for all housing types so that development enhances the community character.

##### Strategies

- Proactively evaluate current ordinances and policies to determine whether there are obstacles that can be removed or modified to achieve the community's housing goals.
- Create design standards to improve the overall quality of North Ogden's housing.
- Work with homeowners, landlords, and renters to maintain and improve existing properties.

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

- Is the proposed amendment establishing standards for parcel boundary line adjustments appropriate?
- Should there be a requirement for a infrastructure deferral?
- Does the General Plan support these amendments?

The memo concluded staff recommends that the Planning Commission discuss these issues and give direction on how to proceed.

Mr. Scott reviewed his staff memo.

Vice-Chairman Thomas stated that he is comfortable with the recommendations made in the staff report and indicated that he feels it is appropriate for staff to schedule a public hearing regarding this item. The Commission agreed.

7. **PUBLIC COMMENTS FOR ITEMS NOT ON THE AGENDA:**

There were no public comments.

8. **REMARKS FROM PLANNING COMMISSIONERS**

Commissioner Nancarrow indicated she will be out of town for the next three weeks.

10. **REPORT OF CITY PLANNER**

Mr. Scott discussed upcoming training opportunities available to the Planning Commission, such as the American Planning Association (APA) conference to be held in April 2018. He then recommended that the Commission consider a motion to change the date of the next Planning Commission meeting to January 24.

**Commissioner Barker moved to reschedule the regularly scheduled Planning Commission of January 17 to January 24, 2018. Commissioner Nancarrow seconded the motion; all voted in favor.**

11. **REMARKS FROM CITY ATTORNEY**

Mr. Call recognized Mr. Bell for his hard work on developing the Form Based Code; he has been very thorough in his consideration and review of the items included in the document.

12. ADJOURNMENT

Commissioner Barker made a motion to adjourn, Vice-Chairman Thomas seconded the motion.

Voting on the motion:

Chairman Waite	yes
Vice-Chairman Thomas	yes
Commissioner Mason	yes
Commissioner Cevering	yes
Commissioner Barker	yes

The motion carried.

The meeting adjourned at 9:05 p.m.

  
\_\_\_\_\_  
Planning Commission Chair

  
\_\_\_\_\_  
Administrative Assistant

2/21/18  
\_\_\_\_\_  
Date approved