



**Minutes of the North Logan City  
Planning Commission  
Held on March 16, 2023  
At the North Logan City Library, North Logan, Utah**

*\*(The time stamps throughout the minutes below, located next to an item, indicate the time an item begins in the recording of the meeting.)*

**\*00:00:02**

The meeting was called to order by Jeff Coleman at 6:33 p.m.

Commission members present were: Jeff Coleman, Herond Hoyt, Kenny Reese and Teresa Theurer. (Nan Isaacson and Heather Ericson were excused.)

Others present were: Geoffrey Braden, Barbara Braden, Owen Denison, Steven Alderman, Mike & Lya Bankhead, Dennis Newell, Alexis Ault, Clint Farmer, Micah Thornley, Daniel Neeley, Nic Porter, Buzzy Mullakhel, Emily Schmidt, Scott Perkes, Alan Luce and Marie Power.

The Pledge of Allegiance was led by Kenny Reese.

An invocation was given by Herond Hoyt.

**Adoption of Agenda**

**00:01:50 Motion**

*Kenny Reese made a motion to adopt the agenda as presented. Herond Hoyt seconded the motion. A vote was called and the motion passed unanimously.*

**Follow-up**

**00:02:11**

Scott Perkes discussed the ADU application that the Planning Commission previously denied, and the subsequent appeal hearing that took place. He said the Appeals Authority sent back a written decision stating that the Planning Commission did not have enough findings of fact in their decision to deny the application. Scott further explained that the decision was being remanded back to the Planning Commission for additional discussion.

Scott also explained the Wilson-Strebel appeal decision and that recently, the District Court upheld the City's Administrative Appeal Hearing Officer's decision, which Scott detailed further.

Scott addressed questions from the commission regarding the ADU appeal hearing, and what will need to happen in the future with it.

**New Business**

**Regular Commission Business:**

Item#1 - 6:35 p.m. PUBLIC HEARING - ZTA-2022-04: A city-initiated zoning text amendment to the subdivision and development standards for the Residential Estate 5 Acre Zone (RE-5). The proposal modifies various standards for the RE-5 zone including the base density calculation methodology under the Density Determinant subdivision option, as well as the lot dimension and setback standards. Additionally, the proposal makes various modifications to multiple sections of the land use and zoning code intended to add clarity, resolve duplications, and correct inconsistencies.

**00:05:16**

Scott Perkes explained the proposed text amendment to the subdivision and development standards; and detailed the various, recommended modifications, and the reasons necessitating the changes. The Planning Commission discussed this in detail, and Scott addressed comments and concerns from the commission, and they discussed this further, at length.

**00:32:02 Public Hearing Comments**

*Jeff Coleman read aloud the guidelines for speaking at a public hearing, and opened the public hearing at 7:06 p.m.*

Dennis Newell said he is a resident of North Logan. He said he is a homeowner and tax payer; and said he reviewed the proposed changes and agrees that cleaning up the code is a great idea, and has obviously led to confusion in the past. He said he is in opposition to the proposed legislative rule changes to the RE-5 zoning, and said he has some specific reasons for that. He said zoning exists for a reason, and that he assumes that this was changed from RE-1 to RE-5 in the past through a process very similar to this, with a lot of smart people who thought about it, and that change was made. He said it has been shared with "us" that maybe people didn't quite understand that, but that process went through, and it was zoned this way for a reason. He said he looks at these changes, and he thinks that they are arbitrary and for the sole purpose to maximize development on this land. He said not all land can support high-density development, and zoning exists for a reason: it's to protect the property rights of North Logan City residents, it's to have responsible development and responsible maintenance of our infrastructure, and that's why zoning exists. He said he knows this is about the legislative change, but all of these numbers were "shared with us"; and said he did a quick calculation, and said if 80% is non-buildable it is roughly 35 acres, there's about seven acres available that [are] actually buildable space. He said that is seven lots at one acre each, which is the same as RE-1. He said because it is 74 lots, doesn't make any sense, because most of that is non-buildable anyway and would never be approved.

Alexis Ault said she is speaking on behalf of a couple of different people. She said that Susan Durham gave her permission to read her letter, which is as follows (and as emailed by Ms. Durham to the Planning Commission members, and copied and pasted from her email):

Dear Planning Commission members:

I have read and considered the proposed amendments to portions of ordinances 12C and 12D. For the most part, I feel that the proposed modifications achieve the stated intention "to add clarity, resolve duplications, and correct inconsistencies".

However, I take issue with the proposal to modify how the number of lots is determined in Subdivision by Density Determinants in RE-5 zones by including non-buildable area in the calculation. In addition, subdivisions in RE-5 zones do have "Roads, etc."; in fact, if the subdivision is on steep land, there actually could be more roadways to accommodate slope. The proposed modification that removes the 10% allocation—essentially changing it to 0%, labelled "Not Applicable"—makes no sense. I ask that you reject both of these proposed exceptions for the RE-5 zone.

Section 12D-202.2 Method 2: Density – Determinant Subdivisions states, "Subdivisions based on density determinants are designed to help protect the city's basic zoning density and also provide some flexibility for lot sizes within a zone." Allowing the number of lots to increase in subdivisions under the density-determinant method by including non-buildable area is inconsistent with protecting the basic zoning density. The inclusion of non-buildable area is a de facto rezoning which lacks transparency and eludes the public input that is a critical element of the rezoning process.

These density-determinant exceptions for RE-5 zones appear to cater to the desires of one landowner and one developer. Tailoring ordinances to individuals rather than the public is poor policy, and I urge you to reject these exceptions.

Best,

Susan Durham

North Logan

Alexis Ault said she wanted to speak for herself, and said she is a resident of North Logan, a

homeowner, a taxpayer and a geologist. She said she appreciates the City's efforts to address inconsistencies in the North Logan City code, and said she knows that developer, Nic Porter, pointed out some of those. She said she appreciates and she values that our development and zoning code, right now, includes provisions that are designed to protect the residents, which "includes you" of North Logan and preserves the character of this special place. She said, however, tucked into these provisions, is the significant change that you all have heard about, that Scott [Perkes] mentioned, which is to allow non-buildable area and roads to count in this density determinant method. She commented further and said this results in a higher density of homes on some of our most sensitive land. She said she wants to be transparent and that she lives adjacent to one of those parcels of land and she can appreciate the rights of the property owner, James Malouf, to develop that land at RE-5. She said, however, what's happening now is this sort of weird attempt at rezoning, effectively to RE-1; and said that attempt was made in the past and was not successful. She said at the last two planning meetings, it really hit her that this is not just about her and her family; that it is about the residents of North Logan; and that these proposed changes extend to these other parcels of land that are behind these properties. She said this has ramifications beyond land that is just next to her; and said she has therefore been going door-to-door and that the Planning Commission has a document that she's circulated and said she wanted to clarify some of the items she wrote in there, which she did briefly. She said every, single person that she spoken to opposed this; and that some of the things they opposed were things she hadn't even considered. She said this is because this over-development of RE-5 land has significant short-term and long-term costs, not only to all of us as residents, but also to the land itself. She said this plays out in terms of infrastructure maintenance and is borne out by the taxpayers. She said she has realized through all of this process of learning about [the City's] code and everything, that our laws are there for a reason, and they're designed to help protect all of us and the land, to maintain the character of North Logan, and the RE-5 plan. She said while she can understand and appreciate the rights of the landowner, and she fully expects that they could develop at RE-5, she is asking the Planning Commission to reject the specific language that is exclusion of roads and non-buildable space, and put the wellbeing of North Logan residents first.

Clint Farmer said he has been a resident of North Logan for about nine months, and it's been a great nine months. He said he appreciates the City for doing a great job with roads, it's been amazing. He said he was a recipient of free sandbags last month, and said thank you. He said they chose a piece of land that they purchased from the Calderwoods, and it butts up next to the corner of this development. He said they purchased it because they saw the value in the space between them, and the ability to have the animals migrating through there, and understanding that there would be limited development. He said they're not anti-development at all; but said this decision could push a bunch of homes up into a small area that would affect privacy, and some of the reasons that they purchased their home. He said he hopes that the Master Plan for roads and those items are considered. He said they would like to oppose the restrictions, but at the same time, say thank you for doing a great job.

Scott read aloud an email sent in by resident, Jim Evans, as follows (and as emailed by Mr. Evans to the Planning Commission members, and copied and pasted from his email):

Greetings

TO: Members of the North Logan Planning commission.

From: Jim Evans, North Logan Resident; professional geologist (Utah and Wyoming)

Many thanks for your service to North Logan.

I won't be able to attend this evening's meeting, but I want to briefly comment on the proposal to modify how the number of lots is determined in Subdivision by Density Determinants in RE-5 zones by including non-buildable area in the calculation.

The utility of RE-5 zoning includes enabling some, limited development to occur in areas that have infrastructure and/or geologic challenges. The current proposal, that aims to rezone a

specific site by rewording an entire part of the zoning code, seems very unwise regarding issues of water supply, street construction and maintenance, and geologic issues, including slope stability, fault hazards, runoff and stormwater control. These issues can be dealt with, but the complexity, costs, and long-term issues increase significantly as the number of housing lots increase. North Logan already has significant issues of water delivery to high-elevation homes, which jeopardizes health and fire safety; people in Hyde Park and North Logan have had to install retaining walls in areas with slope angles of only a few degrees; North Logan has struggled with storm water management in current subdivisions, where streets and drainage developed in the 1980's struggle to handle increase flows due in part to higher elevation development. Road and stormwater management due to over development in RE-5 areas will add a significant short-term and long-term costs to North Logan City in terms of construction and maintenance. RE-5 zone enables some development, typically by people who have the resources to deal with these issues; increasing the number of lots by down zoning will increase the exposure of hazards, and inevitably add costs to all citizens in the long term.

The specific parcel has a significant exposure to these risks, and a rewording of the entire zoning code will expose many people and developers to a wide range of risks that the RE-5 zone helps to reduce.

Many thanks for considering these comments.

Jim Evans

Dennis Newell read resident, Chris Maughns' letter (sic?):

Dear North Logan Planning Commission:

I would like to respectfully express my strong opposition to the exceptions being proposed for the RE-5 zone under consideration at tonight's meeting.

Allowing this exception would appear to set a precedent on other zoning decisions in North Logan. Allowing such changes would continue to place added strain on an already over-burdened infrastructure, such as water and roads. Moreover, the proposed location of this change is even more problematic; exceptionally steep land, recurring costly "train" (sic??) modifications, and new infrastructure that would likely be problematic to maintain. There is, quite honestly, enough development in North Logan right now; and as a resident, have to continue to deal with construction noise, traffic and dramatic changes to the landscape, myself and my family included.

Lastly, I have heard through discussions with neighbors, that the proposed development of this property, Mr. Nic Porter, has suggested that somehow, the landowner, Dr. James Malouf, was somehow wronged in previous zoning decisions on the property. I know Dr. Malouf; and as an orthopedic surgeon and business person, I'm sure he knew exactly the situation with this land, as zoned. The proposed change appears to be catering to the wishes of said developer, without full consideration of the implications and the concerns of adjacent neighbors and North Logan City, in general.

Respectfully,

Chris Maughns (sic?)

Kenny Reese read aloud an email from resident, Lisa Campbell, as follows (and as emailed by Lisa to the Planning Commission members, and copied and pasted from her email):

Dear members of North Logan City Planning Commission and City Council:

I am unable to attend the public hearing this Thursday, March 16, 2023 so I am writing to voice my strong opposition to proposed changes to North Logan development and zoning code. In particular, I am opposed to the text changes that allow non-buildable areas and roads to count in the density determinant method for subdividing land in RE-5.

These and other proposed changes allow for more dense and aggressive development in some of North Logan's most challenging land to build. Our current laws are in place to protect North Logan residents and to protect our land. I am asking you not to change them. In addition, these changes are being initiated by a developer and I am asking that you put the residents and land of North Logan City first.

Thank you,

LISA CAMPBELL

North Logan and Canyon Ridge Estates Resident

**00:49:38**

*As there no further public comments forthcoming, Jeff Coleman closed the public hearing at 7:23 p.m.*

The Planning Commission discussed this at length, and Scott addressed various questions and concerns.

**01:07:47 Motion**

*Herond Hoyt made a motion made a positive recommendation to the City Council to approve the changes, as proposed. Teresa Theurer seconded the motion. A vote was called and the motion passed unanimously.*

**Commission Work Session:**

Item #2 - ZTA-2023-02: Work session discussion regarding the city's current subdivision access requirements and potential updates to facilitate interconnectivity.

**01:13:01**

Scott Perkes briefly explained the impetus behind these changes with the Planning Commission. Scott addressed their questions and said this was just an update at this point, and briefly discussed how this would proceed.

**Staff Business:**

Staff Business/Discussion

**01:16:44**

Scott Perkes explained various items to the commission, including regarding state legislature related to land-use; striping for bike lanes; and, an upcoming water-smart workshop. Scott also said that Planning Commissioner Jeff Coleman is resigning, and thanked Jeff for all of his time and efforts serving on the commission.

Set Next Agenda and/or Adjourn

**01:21:03 Motion**

*Herond Hoyt made a motion to adjourn the meeting. Kenny Reese seconded the motion. A vote was called and the motion passed unanimously.*

The meeting adjourned at: 7:54 p.m.

Approved by Planning Commission:

August 3, 2023

Transcribed by Marie Power

Recorded by


  
 Scott Bennett/City Recorder