



North Logan Planning Commission

March 16, 2023

Minutes of the North Logan City  
Planning Commission  
Held on March 16, 2023

*\*(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 Mullahkhel, 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

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### 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.

56 **00:32:02 Public Hearing Comments**

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

59

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

78

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

82

83 Dear Planning Commission members:

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

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

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

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

104 Best,

105 Susan Durham

106 North Logan

107  
108 Alexis Ault said she wanted to speak for herself, and said she is a resident of North Logan, a

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

138  
139 Clint Farmer said he has been a resident of North Logan for about nine months, and it's been a  
140 great nine months. He said he appreciates the City for doing a great job with roads, it's been  
141 amazing. He said he was a recipient of free sandbags last month, and said thank you. He said  
142 they chose a piece of land that they purchased from the Calderwoods, and it butts up next to the  
143 corner of this development. He said they purchased it because they saw the value in the space  
144 between them, and the ability to have the animals migrating through there, and understanding  
145 that there would be limited development. He said they're not anti-development at all; but said this  
146 decision could push a bunch of homes up into a small area that would affect privacy, and some of  
147 the reasons that they purchased their home. He said he hopes that the Master Plan for roads  
148 and those items are considered. He said they would like to oppose the restrictions, but at the  
149 same time, say thank you for doing a great job.

150  
151 Scott read aloud an email sent in by resident, Jim Evans, as follows (and as emailed by Mr.  
152 Evans to the Planning Commission members, and copied and pasted from his email):

153  
154 Greetings

155 TO: Members of the North Logan Planning commission.

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

157 Many thanks for your service to North Logan.

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

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

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

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

181 Many thanks for considering these comments.

182 Jim Evans

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

186 Dear North Logan Planning Commission:

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

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

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

204 Respectfully,

205 Chris Maughns (sic?)

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

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

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

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

220 Thank you,

221 LISA CAMPBELL

222 North Logan and Canyon Ridge Estates Resident

224 **00:49:38**

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

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

231 **01:07:47 Motion**

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

236 **Commission Work Session:**

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

239 **01:13:01**

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

244 **Staff Business:**

245 Staff Business/Discussion

246 **01:16:44**

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

251 **Set Next Agenda and/or Adjourn**

252 **01:21:03 Motion**

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

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

260 Approved by Planning Commission:

August 3, 2023

262 Transcribed by Marie Power

264 Recorded by

  
Scott Bennett/City Recorder