

## ORDINANCE 25-14

### AN ORDINANCE ADOPTING A TEMPORARY LAND USE REGULATION PURSUANT TO UTAH CODE §10-20-504 ESTABLISHING A DEVELOPMENT MORATORIUM WITHIN A DEFINED AREA OF NORTH LOGAN CITY DUE TO DOCUMENTED WATER STORAGE AND CONVEYANCE INFRASTRUCTURE DEFICIENCIES

**LEGISLATIVE INTENT** - It is the intent of the North Logan City Council to protect the public health, safety, and welfare by ensuring that development within the City does not proceed in advance of essential public infrastructure capacity.

This ordinance is adopted to allow the City reasonable time to evaluate and pursue solutions to documented deficiencies in water storage, conveyance, pressure, redundancy, and fire protection capacity, including the planning, financing, acquisition, design, and construction of public infrastructure improvements.

The City Council further declares its intent to evaluate alternative land use strategies, including the potential rezoning of the subject area to lower-density designations, should planned infrastructure improvements be unable to be implemented due to constraints such as lack of property owner collaboration, inability to secure necessary water conveyance or storage easements, unavailability of funding, or increased costs resulting from delayed implementation efforts.

This ordinance is intended as a lawful exercise of the City's police power and is not adopted for the purpose of permanently restricting development or diminishing property rights, but to ensure that future land use decisions are aligned with the City's ability to safely and reliably provide essential public services.

WHEREAS, North Logan City ("City") is authorized under Utah Code Title 10, Chapters 9a and 20 to regulate land use and development to protect the public health, safety, and welfare; and

WHEREAS, Utah Code §10-20-504 authorizes municipalities to adopt a Temporary Land Use Regulation when reasonably necessary to protect the public interest while land use or infrastructure issues are studied or resolved; and

WHEREAS, the City Council has reviewed the 2023 North Logan City Water Master Plan, which documents existing and projected deficiencies in the City's public water system, including insufficient storage capacity, inadequate conveyance infrastructure, lack of redundancy, and fire flow limitations; and

WHEREAS, the City Council has reviewed a recently provided engineering summary from the city's engineer (dated December 12th, 2025) detailing current water system constraints within certain areas of the city (see **Exhibit A**). These identified constraints include present storage deficits, continuous reliance on well pumping, compromised fire protection capacity, and the inability of the existing system to serve additional development within certain areas without major capital improvements, including a 4.0 million gallon storage tank and associated supply and distribution pipelines; and

WHEREAS, the City Council finds that approval or processing of additional development applications within certain areas of the City would materially worsen these deficiencies and increase risk to public safety, property, and essential municipal services; and

WHEREAS, the City Council further finds that in the event planned infrastructure improvements cannot be timely implemented due to external constraints, reevaluation of permitted land use intensity within the affected area may be necessary to ensure consistency with available public facilities; and

WHEREAS, the City Council finds that a narrowly tailored moratorium affecting a defined geographic area is a reasonable and proportional response to the documented infrastructure constraints.

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NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF NORTH LOGAN CITY, UTAH, AS FOLLOWS:

### **SECTION I: ADOPTION OF TEMPORARY LAND USE REGULATION**

Pursuant to Utah Code §10-20-504, the City hereby adopts a Temporary Land Use Regulation establishing a moratorium on development approvals and application processing within the area described herein.

### **SECTION II: AREA SUBJECT TO THE MORATORIUM**

This land use regulation shall apply to all real property located south of the Canyon Gates Phase 1A and Phase 1B subdivisions and east of 1600 East, as more particularly depicted and described in **Exhibit B**, attached hereto and incorporated by reference.

### **SECTION III: PROHIBITED ACTIONS**

For the duration of this regulation, the City shall not accept, process, review, approve, or issue any permits, entitlements, or authorizations for new development within the regulated area, including but not limited to:

1. Subdivision plats or amendments;
2. Site plan approvals;
3. Conditional use permits;
4. Building permits for new structures associated with development;
5. Development Agreements and
6. Any other discretionary or ministerial approvals required to initiate or advance new development.

### **SECTION IV: FINDINGS**

The City Council hereby makes the following findings:

1. **Necessity** - The moratorium is necessary to protect the public health, safety, and welfare due to documented deficiencies in the City's water storage, conveyance, pressure, and fire protection infrastructure.
2. **Substantial Evidence** - The moratorium is supported by substantial evidence contained in the 2023 Water Master Plan and the accompanying engineering analysis demonstrating existing system deficits and projected impacts of additional development.
3. **Reasonable Scope** - The geographic scope of the moratorium is limited to properties most directly affected by the identified infrastructure deficiencies and is not broader than reasonably necessary.
4. **Proportional and Adaptive Response** - The moratorium is a proportional response designed to prevent further degradation of public facilities while the City evaluates infrastructure improvements and, if necessary, alternative land use strategies, including potential reductions in permitted development density.
5. **Interim Regulatory Measure** - The moratorium is adopted as an interim regulatory measure while the City undertakes planning, coordination with property owners, acquisition of necessary easements, evaluation of funding availability, and assessment of cost impacts associated with delayed implementation.
6. **Non-Arbitrary Action** - The moratorium is not arbitrary or capricious and is based on legitimate governmental objectives supported by factual and technical analysis.

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#### **SECTION V: DURATION AND EARLY TERMINATION**

This Temporary Land Use Regulation shall remain in effect for a period not to exceed one hundred eighty (180) days from the date of adoption.

The City Council may terminate the moratorium prior to expiration upon a finding that the identified water storage and conveyance deficiencies have been adequately resolved, or that sufficient interim measures are in place to safely serve additional development.

#### **SECTION VI: NO VESTED RIGHTS**

Nothing in this ordinance shall be construed to create any vested right in the processing or approval of development applications submitted after the effective date of this ordinance....

#### **SECTION VII: SEVERABILITY**

If any provision of this ordinance is held invalid or unenforceable, such invalidity shall not affect the remaining provisions, which shall continue in full force and effect.

#### **SECTION VIII: EFFECTIVE DATE**

This ordinance shall take effect immediately upon adoption and publication as provided by law.

ADOPTED AND PASSED by the City Council of the City of North Logan, Utah, this 18th day of December, 2025.

NORTH LOGAN CITY, A Utah Municipal Corporation

ATTEST:

By \_\_\_\_\_  
Lyndsay Peterson, Mayor

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Scott Bennett, City Recorder

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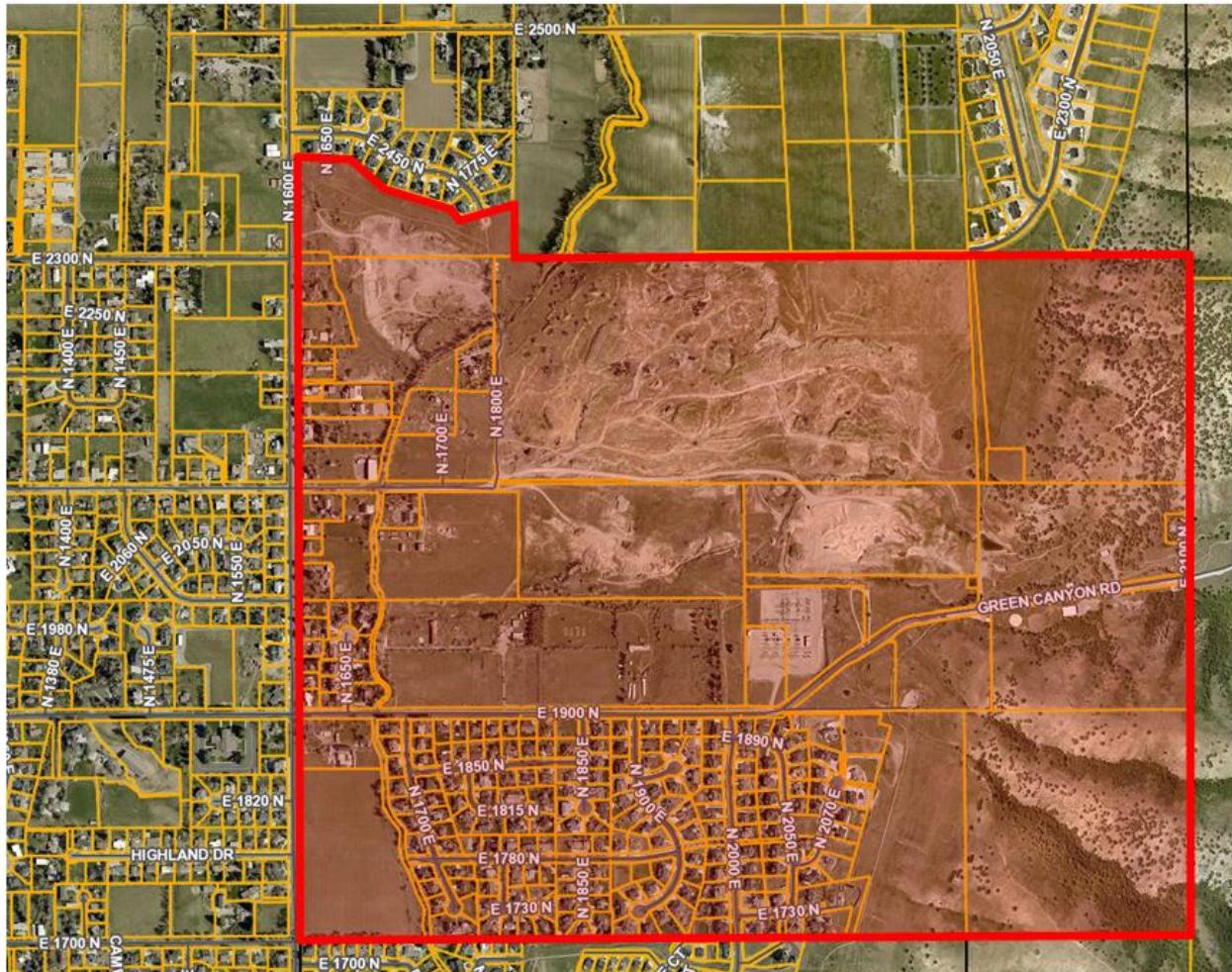
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EXHIBIT A: Sunrise Engineering Memorandum of Water Infrastructure Deficiencies

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#### EXHIBIT B: Area Map of Temporary Land Use Regulation Applicability



**Legend:** Area of Temporary Land Use Regulation Applicability -