

**Minutes of the North Logan City
Planning Commission
Held on July 15, 2021
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.)*

***00:00:18**

The meeting was called to order by Lyndsay Peterson at 6:30 p.m.

Commission members present were: Eric Hansen, Nan Isaacson, Lyndsay Peterson, Jeff Coleman and Dwight Whittaker. (Craig Cartwright was excused.)

Others present were: Nic Porter, David & Patsy Marx, John Ke... (illegible), Blake Parker, Steve Hansen, Alexis Ault, Brad Crookston, Spencer Burt and Marie Henschman.

The Pledge of Allegiance was led by Jeff Coleman.

An invocation was given by Dwight Whittaker.

Adoption of Agenda

00:02:14

Dwight Whittaker said he would like to add an item to the agenda, namely "Items from the Planning Commission," at the end of the meeting during Staff Business; and asked that it be added to all future agendas, and explained further. The Planning Commission agreed with adding this to the agenda, and Spencer Burt said that can be added to future agendas.

Dwight Whittaker made a motion to adopt the agenda as amended. Nan Isaacson seconded the motion. A vote was called and the motion passed unanimously.

Approval and Follow-up of Minutes for June 17, 2021 Planning Commission Meeting

00:03:52

Eric Hansen made a motion to approve the minutes as presented. Jeff Coleman seconded the motion. A vote was called and the motion passed unanimously.

Follow-up

00:05:31

Spencer Burt said the ADU ordinance was approved by the City Council the previous evening at their meeting.

New Business

6:35 Public Hearing to receive public input on a proposal to rezone parcel 18-006-0004, approximately 28.6 acres at approximately 2350 East 2700 North from Residential Estate 5 acre (RE-5) to Residential Estate 1 acre (RE-1). (Nic Porter)

00:05:53

Spencer Burt explained that this project came before the Planning Commission previously as a concept plan, and said there was a subsequent workshop/meeting that took place after that to review this project further, which included the applicant, members of the Planning Commission and the Design Review Committee. He said density was discussed, and explained our code that specifies that any slopes greater than 30% can't be counted towards the total land in the density calculation; and said that comment made it so that this parcel would not be able to have the seven lots that were proposed, which Spencer explained further, including that this rezone would allow the applicant to have the seven lots they originally anticipated. He explained the original plans for a road to go through this site, using an aerial photograph of the area to further explain, and said that was not feasible due to the steep terrain. He said the compromise was to allow a smaller number of lots at each end in a cul-de-sac, and done with five-acre zoning, to have six or seven lots, before

they noted the code regarding the slopes; and explained that this is the reason for this rezone request. He also mentioned that there were other issues raised in the workshop, but that they are just dealing with the density and rezone at this point.

00:09:01

Lyndsay Peterson read aloud the instructions for speaking at a public hearing, and opened the public hearing at 6:41 p.m.

Alexis Ault said she is an associate professor in the department of geosciences at USU, and is a resident of Wildercrest in lot 34 in Phase 2A; and said she lives in the home that immediately abuts this property. She said she was there representing herself and her husband and that she has a number of concerns as a homeowner who will be greatly affected by this development, and also as a geologist with expertise in seismic hazards. She said the issues she has center on resources. She said she would like to better understand from the developer and the City, what their plans are for water delivery to the neighborhood. She said it is her understanding that there would be a line that connects from the tank, over, and said this would solve her and her husband's water problems. She said routinely, her home runs dry and they have no water and commented further. She said there is a larger problem in the valley with concerns about development, and water supply and demand. She said there is not enough snow-pack in many years to recharge the water to the springs, and said she knows that the spring in Green Canyon is running low. She said she recognizes that this is only a handful of lots, but that these are going to be large homes. She asked what the plans of the developer are going to be for water conservation within that neighborhood. She said if this is to move forward, this is an opportunity for change and to set best practices in terms of landscaping. She said she is therefore very interested in what the CC&Rs would be that would limit lawn-size and encourage the use of xeriscaping. She said regarding water delivery and bringing that water line across those drainages like the road, that she would like to know what plans are in place for that, and what does the developer have; and, what is North Logan City going to require, in the event of 1,000-year flood, or a 100-year flood, coming down that drainage, for taking out those water lines. She said if you walk around that slope, you see massive boulders perched there, and explained how they got there. She said there are also significant seismic hazards for this particular parcel, and explained the fault that runs through this area, and said therefore, there are concerns there. She said she would also like to comment that the road has a 15% grade; and that it is her understanding that the limitation on the grade somehow got through and should have been 10%. She said there is a massive 20-foot escarpment there, and does not see how [the City and developer] are going to be able to get the road up onto that surface without literally excavating half of the land. She said there are a variety of concerns that she wondered if the developer has thought through about developing land, that she said she would encourage the City to keep natural.

As there were no further comments, Lyndsay Peterson closed the public hearing at 6:46 p.m.

Lyndsay told Alexis that many of the issues that she raised are things that the Planning Commission has discussed in some of the meetings about this; but that she appreciates her input on this.

Nan Isaacson concurred with Lyndsay and said those concerns are really worth considering.

Jeff Coleman said the action tonight is related to the rezone and commented further, including regarding density. He asked Spencer for clarification on with what is being reviewed and considered tonight, which Spencer explained. Spencer also recommended not approving the rezone until the City has a signed Development Agreement that limits this to seven lots, which he said they have discussed with the applicant, and explained further.

Jeff asked what was behind that specific number of seven. Spencer addressed this and said originally it was negotiated that there would be six or seven lots allowed along with the lot-line adjustment, as that was what was anticipated when it was rezoned.

Dwight Whittaker asked Spencer if there was a possibility that there would be less than seven lots because of the 30% slope. Spencer asked the developer, Nic Porter about this, who explained that they might be able to get two more lots in there, but that it would be very tricky considering the slope that is there, and this is "pretty much maxed." He said he's willing to deed-restrict seven lots, which he said is a mechanism beyond a Development Agreement, and said he would be happy to put that

114 in writing. He said the Development Agreement has a hard time following the next property owner,
115 but that a deed restriction follows the deed of the property, and said they're not trying to get any
116 more than seven lots. He said when this got down-zoned from RE-5 to RE-1, there was the
117 understanding that there would still be a handful of lots between this and UTCO [the adjacent
118 property just to the north of this one]; and said he thought UTCO would be bringing in a similar
119 rezone request, and explained the situation further. This was discussed further, and Spencer
120 commented on the 30% slope.

121 Brad Crookston said it looks to him like the 30% slope only applies to the density determinate
122 method, and every lot in the proposal is two acres or larger; therefore, they could still do the
123 standard subdivision method with the RE-2. He commented further, including on the code relating to
124 residential subdivisions, and the discussion continued.

125 Per a question from Jeff Coleman, Brad discussed some of the history of the zoning for this site.
126 The discussion continued and Brad addressed some of the commission's questions.

127 Nic Porter said he thought RE-2 would work too, but said the issue is in the code, where it refers to
128 the Design Standards Technical Manual, which states that the 30% slope is not eligible for rezoning.
129 This was discussed further.

130 Spencer said whether this is RE-1 and there is a deed restriction and Development Agreement with
131 a maximum of seven done as the density determinate; or if it's RE-2 done as a standard subdivision
132 with a deed restriction limiting it to seven, he said is the same end result, and commented further.

133 Eric Hansen commented and discussed the slope, and said the higher [development] goes up on the
134 hill, the more concerned he gets. He said he hears there are issues with water, as well as the slope;
135 and said when he hears these things, he doesn't see why we'd want to put more houses up there.
136 He said this is why he leans towards not zoning it any smaller than it is right now.

137 Nan said she agrees with Eric for the same reasons; and said water is a large issue, as well as the
138 fact that there is no guarantee that we are only going to have seven lots, and commented further.

139 Spencer said they guarantee the seven lots by putting in that condition as part of the
140 recommendation. He said he also reviewed some of the items he discussed with Nic Porter,
141 including regarding the water line, water amounts, water distribution, and the plans to manage these.

142 Lyndsay Peterson asked what the penalty would be, as well as the enforcement, if they go over with
143 water use. Spencer said that will need to be determined before the concept plan for the subdivision
144 gets approved.

145 Lyndsay said she has a lot of questions as well; and said she doesn't know how helpful it would be
146 to go into these others concerns the Planning Commission has, because the issue on the table is the
147 zoning. She said personally, she does not think it is worth spending the time in this meeting on
148 those issues, because it's not on the table. She said she shares those concerns, and said they will
149 have to be addressed at some point; but the bottom line tonight is whether the Planning Commission
150 is comfortable rezoning this.

151 Spencer addressed this and explained how they could move forward. Per a question from Lyndsay,
152 Spencer said if this development falls through, the land would revert back to RE-5, and commented
153 further.

154 Lyndsay said the most she would be comfortable with is for the developer to come back with a
155 Development Agreement with the conditional rezoning, once they see some of those details, and
156 asked the Planning Commission for their feedback.

157 Dwight Whittaker said he didn't know if there is a major time issue for the developer, but that he
158 wondered if it would be best for the developer and the City to have more discussion on this and
159 come back with more of a specific recommendation.

160 Lyndsay agreed and said she's not comfortable with either of their representations about what the
161 code requires, and that we owe a due-diligence greater than that.

162 Nan agreed and said she wants something more concrete before [she moves forward].

163 Nic asked if what the Planning Commission wants from him are, namely (1) whether the developers
164 can make the RE-2 work versus the RE-1; and, (2) can the City have some teeth in the Development
165 Agreement that dissipates down the road if we are unable to get this approved.

166 Lyndsay said she thinks that's correct, and said her concern is that if the density determinate method

is not used, whether the code really does apply that states that unbuildable land cannot be used. She said she doesn't want in any way for there to be an "open door" and to "shove a bunch of lots in there."

Nan says that's what she senses from the rest of the commission; that we don't want a bunch of lots up there, and we want to control the number of lots, if any, that go up there, because of all of these concerns.

Jeff said the other things that haven't been discussed tonight that are bigger issues for him, including regarding density, access, the road with the percentage of the grade going in there, and the water issues. He said all of those items are much bigger things than the zoning; and said he doesn't know how to just focus on the zoning when there are so many of those things that we need to understand and work through.

Spencer addressed this and explained the process when rezoning, which he said is essentially modifying the General Plan and is a legislative action. He said there was discussion about one of the largest items, being ingress/egress, as well as with the City Attorney, which he explained further.

Nic asked if it would be helpful to discuss the other issues, such as water; because, he said, they have spent a lot of time talking about it. Per questions from Lyndsay, he explained further. Lyndsay said the situation does not address any of the grading problems and commented further.

Nic said there is a balance between what the City wants today and what the City already approved. He said the reality is that at some point, a Planning Commission that was North Logan City, and a City Council that was North Logan City approved that existing road.

Lyndsay said it sounds like Nic is trying to assert that [this Planning Commission] is bound to do this, which she said she doesn't think is true. Nic said he wasn't doing that, but *is* asserting that there are rights for property owners to develop, and commented further on what was originally negotiated. Lyndsay said the Planning Commission has to deal with the current situation, and that's different than saying that their hands are tied, now.

Nic asked what the concerns with the road at that grade are; and Lyndsay commented that there are issues including plowing, school busses, utilities, etc.

Eric said the City can't keep indefinitely approving and keep flexing; and that we hit a point that this is not good for the City, and we are taking on liability, and is concerning.

Dwight said it is also a safety issue.

Alexis Ault said as someone who lives there, the snow plow slides down the street, and that she is surprised that the snowplow driver hasn't gotten hurt. She also said the mail has not been able to come up the street, and asked if it would be able to keep going up there. She said she worries about the school bus and said it's very challenging for service vehicles in general to get where their house is.

Lyndsay said she thought there was a fire code issue with the grading, which Spencer addressed.

Lyndsay said she agreed with Eric's comments, and told Nic he is getting a good understanding of what the Planning Commission's feelings are on this.

The commission discussed how to proceed.

00:49:04 Motion

Dwight Whittaker made a motion to table this until the next Planning Commission meeting and recommended that the developer and City get together and try to finalize more of the issues that have been raised tonight. Jeff Coleman seconded the motion. A vote was called and the motion passed unanimously.

Consideration and possible approval of a Conditional Use Permit application for storage units located at 2072 North Main Street in the General Commercial Zone. (David Marx)

00:49:35

Spencer Burt said the Planning Commission has been discussing this use in relation to the Permitted Conditional Use Table, but there is not currently a pending ordinance on it.

Spencer explained the situation and used an aerial photograph of the site to show the location. He said there is an existing commercial building on the site that has multiple tenants, and said this plan would keep that building in place, including the current or future tenants. He said they would

develop the back piece as small multi-unit storage, which use he said requires a conditional use permit, as defined in City code. He described the various surrounding businesses, as well as the layout of the storage units planned for the site.

Developer, Blake Parker explained that this is for storage as well as for office space.

Jeff Coleman asked if this area is zoned for that use, which Spencer said it is, and explained how a conditional use permit is all that is required for this.

Nan asked about parking. Blake explained, via the display of the site, where angled parking would be located, and commented further. Blake said the City's land-use ordinance will guide what can be done.

Spencer and Blake continued to address additional questions from the commission.

01:01:19 Motion

Jeff Coleman made a motion to approve the Conditional Use Permit as presented. Eric Hansen seconded the motion. A vote was called and the motion passed unanimously.

Consideration and possible approval of a Conditional Use Permit application for a telecommunications facility located in the General Commercial (GC) zone at approximately 1800 North 200 East, North Logan. (Verizon Wireless)

01:01:58

Spencer Burt explained that this was approved over a year ago; but that the developers did not have this constructed in the time they had anticipated, and the conditional use permit expired, so they reapplied. He said the location and plans are the same, and they have the wall that matches the stone as the existing building, as previously discussed and depicted in the drawings.

01:03:13 Motion

Nan Isaacson made a motion to approve this Conditional Use Permit. Eric Hansen seconded the motion. A vote was called and the motion passed unanimously.

Set Next Agenda and/or Adjourn

01:03:38

Spencer Burt discussed some upcoming trainings and said he would keep the Planning Commission updated on those dates.

Spencer said the playground at Elk Ridge Park will be expanded and explained further.

He said fireworks restrictions were discussed in the City Council meeting, and they are considering restricting aerial fireworks.

Spencer discussed water restrictions and said the City may go to restricting water to two days a week in the coming weeks, to match what the canal company is doing, and explained further.

Spencer and the commission discussed the pickleball courts briefly, as well as potential designs for the area previously slated for the courts.

Dwight Whittaker said 3100 North is a great addition.

Nan Isaacson asked about 300 East, for which Spencer gave an update.

01:08:02 Motion

Nan Isaacson made a motion to adjourn the meeting. Dwight Whittaker seconded the motion. A vote was called and the motion passed unanimously.

The meeting adjourned at: 7:39 p.m.

Approved by Planning Commission:

August 19, 2021

Transcribed by Marie Henchman

Recorded by



Scott Bennett/City Recorder