



Minutes of the North Logan City
Planning Commission
Held on December 16, 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.)*

***00:00:02**

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: Bob Strebel, Barbara Middleton, Bonnie Flandro, Herond Hoyt, Bob Strebel, Emily Schmidt, Alan Luce, Spencer Burt and Marie Henschman.

The Pledge of Allegiance was led by Eric Hansen.

An invocation was given by Lyndsay Peterson.

Adoption of Agenda

00:01:44

Nan Isaacson made a motion to adopt the agenda as presented. Eric Hansen seconded the motion. A vote was called and the motion passed unanimously.

Approval and Follow-up of Minutes for October 21, 2021 Planning Commission Meeting

00:02:10

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

Follow-up

00:02:22

Spencer Burt gave an update on the City Council's approval of a commercial subdivision.

He also discussed the Smiling H subdivision and said that it was pushed from this week's City Council meeting due to some issues on the applicant's part relating to a property acquisition issue, and will be discussed at the first meeting in January.

He also gave an update on the Malouf subdivision, which he said was approved without the special approval, which he explained later.

He said the code modifications regarding the RE-5 and RE-2 zones were tabled to be discussed again later, and explained further.

New Business

Consideration and possible recommendation of a request for Post Division approval of an improper subdivision including approximately 6.3 acres located at approximately 2100 East 2500 North (parcels 04-050-0085, 04-050-0087, 04-050-0086). The proposed Post Division Approval includes 3 lots in the RE-1 zone and all lots proposed include at least 1 acre. (Grey Wilson & Bob Strebel)

00:04:02

Spencer Burt said this situation is using the post-division approval ordinance that was approved by the City Council previously, and said it's the first application submitted under that ordinance. He used a map of the site to display the three lots that are included in this; and said each lot is at least one acre, with two of them being larger than that, which he said more than meets the zoning density requirements in this zone. He said with this post-division approval being the first one, it has been a bit "tricky," and said there has been a disagreement about 2500 North, going up to this subdivision. He explained that staff's position initially was that that road would need to be improved in order for this post-division approval to have adequate access; but said the applicant feels differently, and believes that the road should just be improved in front of their lots. He said because of this disagreement, we

are kind of at a standstill. He said we asked the City Attorney to take an objective look at this; and that if it turns out the City is wrong, so be it, and we will admit that and put it in a staff report. He said the City Attorney has been looking at it, but has been busier than usual, and was unable to finish reviewing it before tonight's meeting. He said that he and Alan Luce had a call with him this evening at 5:00 p.m., and said that the City Attorney basically stated that this is one of the most difficult reviews he has done in his recent memory. Spencer said therefore, it is not a simple, straight-forward fix. Spencer said the staff recommendation for this application at this time, would be to wait until we get that honest review from our legal counsel. He said the item was put on the agenda and the applicant is still able to request action to be taken, but said it is just not the staff's recommendation, as explained.

Spencer said that everything he has explained to the commission is in the staff report. He said the road would have to be developed according to our City standards; in the very least, in front of these lots. He reiterated that the disagreement is whether the road qualifies as access further west, where it narrows down significantly, as well as in relation to fire requirements [for the road].

Per a question from Jeff Coleman, Spencer explained the process for moving forward.

Per a question from Dwight Whittaker, Spencer explained details relating to road improvements; including that 2500 North is designated as a rural road, and said there are very few roads [in North Logan City] that are designated this way. He said it means there are maximum of 30 homes that can be built along there. He said it also has a very compressed cross-section that would need to be built. He explained that it is 22 feet of asphalt, two-foot ribbon curb on either side and the swale. He said outside of the post-division boundaries, staff's position is to have just the bare minimum to get the road up to current fire code, which would be 26 feet of hard surface. He said the rural road standard would apply to in front of the lots, and we are in agreement with the applicants on that. He said it's the area that is not in front of the lots that we are in disagreement on. Jeff asked if that is to 1600 East, which Spencer said was the case.

Spencer explained how adjacent roads would be affected, per a question from Lyndsay Peterson. He also said that regarding the area in front of their lots that would be improved, in terms of the ribbon curve, they would not be required to do anything on the south side of the road, only the north half. He said the south side would be the City's responsibility at a future date, when the City determines it is necessary.

Spencer addressed various questions from the commission, including regarding a road needing to meet fire code for there to be sufficient access. He explained additional details further.

At this time during the meeting, staff had to deal with technical issues which took just a few minutes to resolve.

Jeff asked whether there was a staff report. Spencer explained that because there is a disagreement, he didn't want to write the staff report from his point of view, but wanted it to be more objective and have [the City Attorney] really go through the code; and that whatever he comes back to the staff with, even if it's not in favor of the City's opinion, we will support that. Spencer said he [the City Attorney] is writing a report that can be shared with the Planning Commission as well as the applicants, but said it just wasn't quite completed in time.

00:15:11 Start of discussion with applicant and Planning Commission.

Applicant Bob Strebel thanked the Planning Commission for all of their work. He said he is disappointed that we're here tonight; and said he had received an email from staff two hours before the meeting stating that things weren't ready, again. He said he wanted to review with the Planning Commission, the timeline of what they've "been through." He said it's now been four years, four months and 13 days since Grey [Wilson] first applied for a building permit. He said he and Grey met with the City staff on October 28th, and said at that time, they promised to talk to the attorney about this very thing; and said they've been waiting on the attorney ever since. He said he thinks the attorney has had enough time, and he is really disappointed that he's not ready to go tonight. He explained the North Logan City code relating to a fire apparatus access road and what the requirements are. He said [the code] also defines the width of the road being 20 feet, not 26 feet. He said he has walked [2500 North] from 1600 East to the canal three times and measured it with a tape measure. He said it is 20 feet all the way up to the canal, with the exception of the area right "of that little home" which he attempted to show on the displayed aerial photo of the area; and said the home is just below the home that Jon Landeen owns. He said there are two big rocks there that stick out into the road and it's less

than 20 feet. He said he met up there the other day with Craig Humphreys, the County Fire Marshal, and said they went over all of this, and that Craig said those two rocks would not be a problem for him. Mr. Strebel said even if they are, he is "more than happy to go up there and move them." He said he thinks the City owns part of that property in front of that old house, so he didn't think he'd have to get the owners' permission, if we had to. He said that fire code also said the road doesn't have to be paved, it only has to support a fire truck. He said furthermore, the fact that the City put in an emergency fire access (which he indicated on the displayed photo of the site) near Wildercrest, the City must feel that this is an adequate fire access road, because the City put it in so Wildfire Trucks can get up to Wildercrest. He said therefore, that he doesn't think there's much question about whether that road is adequate, and that it meets the definitions. He said as far as ingress and egress, which is tied in to the fire code; it's his understanding that the reason the City wants two roads in and out is in case there is an emergency, people can get in and out. He showed ways on the photo of the area to indicate where people could get out of the area, he said if there is a fire in Wildercrest. He said there's no reason that ingress/egress wouldn't work for their lots. He said they feel like they have met all of the requirements for their request to build these two lots. He said the utilities are there; we have egress and ingress; and, we have emergency access. He said he also wanted the Planning Commission to know that he bought this property which he showed on the map, years ago with plans to leave it to his three kids when he dies, and "let them deal with it." He said recently, his oldest daughter Nicky (sic?) has encountered a serious medical condition and wants to move back to the valley and be closer to family; and wants to build one home on there for her and her husband. He said she was never able to have any kids. He said he thinks this has been kicked down the road long enough; and wants to ask the commission tonight to make a decision, and "hopefully a positive recommendation to the City Council." He said he would also like to place our application on the schedule for the next City Council agenda so they can present it to them. He said as he understands it, the Planning Commission's recommendation is "not binding anyhow" and if the [City] Attorney comes up with something earthshaking "or finds time to look at it this time," he said he guesses the City Council could deal with it. He said he forgot to mention, that as far as asking them to do improvements all the way down the road, it says right in the post-division application, (which he said he was reading from) "...lot pursuant to a post-division review shall be limited to those improvements or dedications that are required by the development regulations found in North Logan City code, and the Design Standards Technical Manual and that are located on the improper lot. Mr. Strebel said it states in there that we only have to make the improvements in front of our lot, not down the whole street. He said he asks, please, for the Planning Commission's positive recommendation tonight.

Lyndsay asked how long the lane is from 1600 East to the "dirt portion" which Spencer said is about 3892 feet.

Lyndsay said where she has an issue is when the City Attorney says it's a complicated issue that he can't give us a straight answer to, she's reluctant to say it's a simple thing. She said she knows there's a lot of nuances with this and is very sympathetic to the duration of this process. She said we have definitely tried to come to the table with the improper lot ordinance, and said that was the beginning of the attorney's involvement with this. She said she's sympathetic, but wants to make the right decision here, with a sound legal basis.

Mr. Strebel said he doesn't know why there needs to be a legal basis. He said he can't imagine that there's many times in the City when someone asks to build two homes, where it has to be given an attorney's opinion, especially when we meet all of the requirements.

Jeff said he agreed with Lyndsay and said the codes are there to protect everybody; the landowners, people that are new, people that are existing, etc. He said their job is to navigate and work through this; and said this is very complex, because there are different interpretations of the land and the road and commented further on the varying numbers he's heard for the width of the road. He said there is a lot of information out there that we need to sort through and try to understand. He said the legalities of this make him nervous. He said they're making a subjective decision that we don't have City code and an ordinance to back it, and say it's okay; and said if there's an incident, that legal liability comes back on the City. He said he wants to take the time, and wants that legal information from the City Attorney to be able to understand the complexities; and said he is therefore not prepared tonight to take action on it.

Lyndsay said there are some objective facts that we don't have before us, like what the existing width of that road is, and commented further. She said she would like to know what the width of the road is and what the applicable code is to that before we make a decision. She said she thinks it would be

improper for the commission, in the interest of moving it along, to make a decision without a sound basis.

Dwight said that since legal counsel has raised some concerns, he thinks we have a responsibility as a commission to wait until we get some kind of recommendation from that legal counsel. He said he is very sympathetic with the applicants' time frame; and that they generally want to do what they can to help the applicant, as well as protect the City; but said he is also in favor of not moving forward without some legal counsel.

Lyndsay asked Mr. Strebel to make his comments at the mic for record-keeping purposes, after he commented from the audience section; and also told him that the Planning Commission is not inclined to make either a negative or positive recommendation, and that this will need to be tabled. She said she does not want to delay this further, but does not see an alternative.

Spencer said staff has been waiting on a definitive, written response from City Attorney, Seth Tait, on this issue, which he explained further, including how to potentially proceed with the code, as well as with this application. Spencer also discussed having some of the Planning Commission members attending a meeting with Seth next week to review this situation, and explained the discussion further. This was discussed further, including how to proceed.

Mr. Strebel asked if this could be on the next City Council agenda, which Spencer and Alan Luce addressed. Alan said because the City Council does not have direction from the City Attorney at this point, they would not take action on it. Mr. Strebel reiterated his desire to have it on the City Council agenda, which was discussed further.

00:31:24 Motion

Eric Hansen made a motion to table this item until a future meeting. Nan Isaacson seconded the motion. A vote was called and the motion passed unanimously.

Spencer discussed with the commission members when they could meet with Seth the following week; as well as discussing the requirement that only two commission members can attend the meeting at the same time.

Discussion and possible recommendation about a potential modification of North Logan City Code and the Design Standards Technical Manual, to adjust requirements for ingress and egress in new development.

00:33:36

Spencer Burt explained for clarification, that the application discussed just previous to this, was submitted prior to this ordinance; therefore, the items discussed in this ordinance are not applicable to that subdivision.

He said this has been before the commission several times for review, and explained some of the issues he's had with the verbiage with this. He said he listed this on the agenda as an item the commission could make a recommendation on, but said that would be conditional on holding a public hearing. He also reviewed and detailed the changes made since their last discussion, including items regarding the ingress/egress as it relates to the maximum number of 30 units and the 750-foot distance to the intersection; and, the modifications made relating to cul-de-sacs. He also discussed the potential option of providing special approval conditions to allow 1000 feet as long as it is along a master-planned road and is a temporary dead-end. He explained this further, and addressed questions from the commission.

Lyndsay Peterson said she is really anxious to get an ingress/egress road passed, but there are still items to work out. Spencer commented on this and the discussion continued.

Spencer continued to discuss what went into some of the changes that were made.

The Planning Commission continued to review the modifications and the discussion continued, at length; including agreeing that this should be conditional upon the City Attorney's review of this, and also discussed how to proceed.

Spencer addressed additional comments and questions from the commission, and the discussion continued.

01:19:03 Motion

North Logan Planning Commission

December 16, 2021

Eric Hansen made a motion to make a positive recommendation to the City Council to approve the modifications to the North Logan City Code and the Design Standards Technical Manual to include items #1, and the second #3, as presented, and striking the verbiage relating to 1000 feet, subject to the review and approval by the City Attorney. Nan Isaacson seconded the motion. A vote was called and the motion passed unanimously.

Discussion about a potential modification of North Logan City Code Water Conservation Plan requirements within North Logan City for new development.

01:20:03

Spencer Burt reviewed and explained the potential changes to the commission. He explained water rates, and said that any new development, post December 2021, that does not have access to secondary irrigation, would be subject to separate water usage fees. He showed some examples on the Water Master Fee Schedule and explained further. He also discussed implementation. He explained that this is a draft and that the City Council is going to review this.

Spencer, Alan Luce and the commission discussed various related items, at length.

Per a discussion with the commission, Spencer said this would come back for discussion at the January 6th Planning Commission meeting.

Nominations of Planning Commission Chair and Vice Chair for 2022

01:56:58

Dwight Whittaker said he wanted to go on record and thank Lyndsay Peterson for her service as chair on the Planning Commission, and to congratulate her on being elected as the Mayor for the City of North Logan. He said he appreciates her leadership and being willing to listen to everyone on the Planning Commission.

Dwight Whittaker made a motion to elect Nan Isaacson as Chair of the Planning Commission, and Jeff Coleman as Vice Chair.

Per a question from Eric Hansen, Nan Isaacson said she spoke to Lyndsay, and said she is willing to take this position on for a few months. Lyndsay commented on this.

Jeff Coleman said he is happy to take the position and to serve.

Eric Hansen seconded the motion. A vote was called and the motion passed unanimously.

Staff Business:

Staff Business/Discussion

02:00:22

Spencer Burt thanked the commission and said it was a pleasure working with them and wished them a Merry Christmas, and commented further.

Eric Hansen said one request he has is that they work on the Master Plan to try to get it as current as they can. This was discussed further.

Nan Isaacson said she wanted to thank Spencer for helping them to get through all of this.

Set Next Agenda and/or Adjourn

02:02:04

Eric Hansen 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: 8:32 p.m.

Approved by Planning Commission:

March 10, 2022

Transcribed by Marie Henschman

Recorded by



Scott Bennett/City Recorder