

**Minutes of the North Logan City  
Planning Commission  
Held on November 19, 2015  
At the North Logan City Library, North Logan, Utah**

The meeting was called to order by Brad Crookston at 6:30 p.m.

Commission members present were: Chris Nelson, Kevin Christensen, Geri Christensen, Brad Crookston and Brett Robinson. (Nathan Hult was excused)

Others present were: Matt Fowers, Joyce Fowers, Arlene Huber, Don Huber, Jeff Jorgensen, Roger Anderson, Lydia Embry, Cordell Batt and Marie Wilhelm

The Pledge of Allegiance was led by Chris Nelson.

An invocation was given by Brad Crookston.

**Adoption of Agenda**

*Chris Nelson made a motion to adopt the agenda as presented. Kevin Christensen seconded the motion. A vote was called and the motion passed unanimously.*

**Approval and Follow-up of Minutes for May 14, 2015, June 11, 2015 and June 25, 2015 Planning Commission Meetings**

*Chris Nelson made a motion to adopt all three sets of minutes, as discussed. Kevin Christensen seconded the motion. A vote was called and the motion passed unanimously.*

**New Business**

**Discussion and possible recommendation to City Council on changes to the city ordinances dealing with fences, shrubs and hedges.**

Jeff Jorgensen mentioned that he had to leave the meeting at a certain time, to be able to attend another meeting in another location. Jeff explained and discussed the situation and used photographs of the Murray and Huber residences and yards to discuss the issues. He also displayed pictures of various properties around the City where there are actual hedges and shrubs. He explained that the Hubers have an issue with the trees that were planted in the Murray's yard behind them, and are stating that the trees can potentially grow into a hedge. He said the Hubers have sent some emails to the City regarding their issues with this; and explained that the City is trying to determine whether the ordinance should be reviewed. He discussed the research he did on this, including asking other City Managers in the valley whether their cities regulate hedges and shrubs and was told that none of them do.

*Brett Robinson arrived at this time, 6:43 p.m.*

Jeff further discussed the parameters of the ordinance, and said that the reason they have the six feet height limit for a fence, is that any structure under six feet is not regulated by the building code, and explained further. He continued to discuss various aspects of this with the Planning Commission.

Brad Crookston said a hedge or shrub would not be considered a "structure" by a structural engineer. Kevin Christensen argued this, but said he did not have definitions used in the code.

The conversation and debate on this continued at length, including the various ways hedges or shrubs can be viewed. Kevin said he does not see a difference between a hedge, a fence, and a wall, and commented further.

Jeff discussed the City's responsibility to regulate things within the building code; and asked if we are regulating a hedge because it provides a barrier, or because of a safety issue, and commented further.

Kevin Christensen commented in relation to hedges, trees, etc., that when we encroach upon our neighbors, the City has the obligation to protect the citizens, and explained further. He said he shouldn't have to live with neighbors' hedges and shrubs, and that there are a lot of areas that he would not want to live by, because of the maintenance and issues [that would occur] on his side of the fence, and further explained. He said he has found ordinances around the country, where a six to eight foot height limitation is common for hedges. He said he also found ordinances that discuss the removal of overhanging tree branches. He discussed this situation being in a "gray" area; and also discussed that this needs to be handled carefully to avoid potential future issues. He said he would like to take more time to review whether or how to change the ordinance; but said this does need to be reviewed, and likely re-written, and commented further.

60 *Jeff had to leave the meeting at this time for his other meeting.*

61 Kevin said he is leery of just eliminating the word "hedge" from the ordinance at this point which could  
62 cause further issues, and commented further.

63 Brad Crookston said when he read this, coming from a structure and building background; he has never  
64 considered a hedge as being a "structure"; and would likely not be considered a structure in the IBC  
65 (International Building Code) which the state adopted, and the City is, in turn, required to accept. He  
66 commented further.

67 Brett Robinson said that as an appraiser, and in relation to the line that states "...no fence or wall or  
68 similar structure..." he did not think at all about relating that to vegetation whatsoever, and commented  
69 further. He said he would be willing to consider vegetation separately.

70 Brad said he thought that this went to the appeal authority, and the lawyer looked at this; and Cordell  
71 Batt explained that the tree and hedge issue specifically had not gone to the appeal authority.

72 Kevin asked if this was ever reviewed by the City Attorney, and Cordell said not at this point.

73 Brad said he believes that Utah code says if a tree is coming into your property, it can be cut back.

74 Geri said the IBS on line does not include hedges or shrubs as a "structures".

75 The Planning Commission continued their discussion.

76 Chris Nelson commented at length and said we just need to set something that is reasonable, and our  
77 ordinance needs to be changed as there is enough ambiguity in our current ordinance, that in going  
78 forward, people need to be clear as to what is allowed.

79 Kevin Christensen asked where "hedge" would go in the City code, and who would enforce it, which was  
80 further discussed.

81 Cordell said as a landscape architect, and having had experience with many years of designing, he has  
82 designed shrubs and hedges, and said some places require trees to be used as barriers, and explained  
83 further. He said a definition of a hedge to *him*, is a shrub that you plant close together and then trim it to  
84 a specific shape.

85 Brett Robinson discussed the issue of whether we are really dealing with this because it is a major  
86 problem throughout the City, or if it is just an issue in one instance, and commented further. Cordell said  
87 he has been here for twelve years and this is the first time he's ever had to deal with this.

88 The Planning Commission continued their discussion and debate, and the pros and cons of both sides.

89 Brett suggested tabling this item and having a public hearing on this.

90 Even though it was not a public hearing, the Planning Commission allowed Don Huber to speak, at his  
91 insistence.

92 Don Huber said that he read a definition that in all cases, a hedge exists because of human action,  
93 which he said he thinks is a structure. He referred to comments made by Cordell that you can't tell  
94 where a tree is going to grow, as incorrect and said you can read about any tree you want and find out  
95 how it is going to grow. He said the fact that these hedges haven't been regulated does not mean that  
96 the ordinance is wrong. He read the code definition in 12C108 for the definition of fences, hedges or  
97 shrubs and said they are not required to be erected in excess of six feet, and asked why this ordinance  
98 had been written. He said it is because we need to be aware of what we do to our neighbors, so we can  
99 live in harmony. He said a hedge of trees whether it is on the property line or a few inches or feet from  
100 the property line is a violation of the code and has the same detrimental effect on the property next to it.  
101 He said allowing a hedge of trees between two residential lots is one of the worst things that can be  
102 allowed and is much more offensive than a fence or wall. He continued that fences and walls do not  
103 send out branches or roots into a neighbor's property, nor do they drop an abundance of leaves that the  
104 neighbors must take care of. He said in addition, they do not use the nutrients, moisture and space from  
105 their neighbor's property; nor compete or block out their neighbor's view of the surrounding area. He  
106 said, what right does an individual have to plant trees so that the branches come over and shade his  
107 neighbor's property, or that the roots come up over and compete with the neighbor's plants for moisture,  
108 nutrients and space. He said he knows a little bit about the effects of trees on plants; he said he spent  
109 40 years as a county extension agent in Cache and Washington counties. He said one of his  
110 responsibilities there was to be invited to people's yards to diagnose plant problems. He said during that  
111 time he visited hundreds of yards and observed how trees can damage and affect the growth of other  
112 plants in their vicinity. He said he thought that hedge rows of trees are restricted to public areas such as  
113 parks, school yards, and along city streets. He said they are used in commercial and industrial areas  
114 where windbreaks or screens are needed. He said most commercial areas have restrictions on the type  
115 and height of trees that can be used. He said he recommended that a hedge row of trees in small

116 residential lots should never be allowed close to a property line.

117 Brad Crookston asked Cordell to get some information, including potentially in Utah law that had to do  
118 with this issue and how it has been dealt with in the past. He said even if we make an ordinance, and it  
119 is against Utah law, we would be "fighting the system"; so it is therefore important for the City to follow  
120 along with what the Utah rule would be, and commented further.

121 The conversation continued briefly.

122

123 Consideration of a concept plan for the Fowers Lane Subdivision (2 lots - .817 acres) located at 1200  
124 East 1800 North (Keller Lane). Joyce Fowers

125 Cordell Batt introduced the item and explained the situation. He said the owners, the Fowers, want to  
126 take less than the back-half of their lot and label it Lot 2. He said this is a minor subdivision, but the  
127 Fowers have decided to do a plat. He explained that they won't need to do certain studies because the  
128 City is already familiar with this area. He used an aerial photograph of the site to explain the location  
129 and situation further. He said staff is recommending approval for this concept plan and these two lots.  
130 Cordell addressed various questions from the commission.

131 The commission continued to discuss various items on this subdivision in general.

132

133 *Brett Robinson made a motion to make a positive recommendation to the City Council for this concept*  
134 *plan along with staff's recommendations and including public works' comments. Geri Christensen*  
135 *seconded the motion. A vote was called and the motion passed unanimously.*

136

137 Continued discussion on developing recommendations to City Council for a time line to revise the Land  
138 Use Element District Plans and how to move forward with public input (committees), hearings and district  
139 planning meetings, etc.

140 Chris Nelson thanked Kevin Christensen and Nathan Hult for going through this document. Chris  
141 proposed to the commission to restructure some of the front page, and include a purpose for the district  
142 committees, and commented further.

143 The Planning Commission continued their discussion and review of this document, and what steps to take  
144 to move forward. Chris Nelson discussed putting together an "executive summary" for the City Council,  
145 and Cordell asked Chris to do that and send it to the Planning Commission members, and commented  
146 further.

147 The Planning Commission agreed to put their comments and edits together and send them to Cordell.

148

149 **Set Next Agenda and/or Discussion**

150 Chris Nelson referred to the September 9<sup>th</sup> letter from the Mayor asking the Planning Commission to  
151 address several items, the "hedge/fence" issue only being one of those. Chris listed the other issues in  
152 the letter, which Cordell addressed, and said that Jeff worked on the first one, the hedge issue; and said  
153 he and Jeff plan on working on the rest of the issues and they will be brought to the Planning Commission  
154 in future meetings. Cordell said that some of the issues will not need to be addressed, which he said will  
155 also be explained to the Planning Commission. Chris recommended keeping them on our actions items  
156 list or the staff business list until the items get worked out.

157

158 *Chris Nelson made a motion to adjourn the meeting. Kevin Christensen seconded the motion. A vote*  
159 *was called and the motion passed unanimously.*

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161 The meeting adjourned at: 8:06 p.m.

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164 Approved by Planning Commission:

February 4, 2016

165

166 Transcribed by Marie Wilhelm

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168 Recorded by

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Scott Bennett/City Recorder