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## PLANNING COMMISSION MINUTES

### Meeting of February 11, 2016

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City Hall Council Chambers \* 290 North 100 West Logan, UT 84321 \* [www.loganutah.org](http://www.loganutah.org)

Minutes of the meeting for the Logan City Planning Commission convened in regular session Thursday, February 11, 2016. Chairman Davis called the meeting to order at 5:30 p.m.

Planning Commissioners Present: Amanda Davis, Dave Newman, Russ Price, Tony Nielson, Eduardo Ortiz, Sara Sinclair

Planning Commissioners Excused: David Butterfield

Staff Present: Mike DeSimone, Russ Holley, Amber Reeder, Aaron Smith, Kymber Housley, Debbie Zilles

Minutes as written and recorded from the January 28, 2016 meeting were reviewed. Commissioner Sinclair moved that the minutes be approved as submitted. Commissioner Price seconded the motion. The motion was unanimously approved.

### **PUBLIC HEARING**

#### **PC 16-001 Hillcrest Neighborhood Plan Adoption** *[continued from January 14 & 28, 2016]*

Logan City is requesting adoption of the Hillcrest Neighborhood Plan which addresses how change, both within and outside the Hillcrest boundaries, will affect the neighborhood, and devise strategies to mitigate negative impacts and protect the character of the neighborhood.

#### **PC 16-002 Hillcrest Future Land Use Map Amendments** *[continued from January 14 & 28, 2016]*

Logan City is requesting to amend the Future Land Use Plan Map (FLUP) for those areas identified in the Hillcrest Neighborhood Plan as suitable for map amendment.

**PC 16-003 Hillcrest Rezone** *[continued from January 14 & 28, 2016]* Logan City is requesting a rezone of areas identified in the Hillcrest Neighborhood Plan as suitable for rezone.

**STAFF:** Aaron Smith reviewed an analysis of the Deer Pen area constraints which show how site constraints and critical areas interface with the proposed areas. Several physical feature constraints exist on the site; these include a series of drainage swales that connect to retention basins on the western edge. Based on individual analysis of the contour map of the site, there are significant slopes along the southeastern edge that are also adjacent to the drainage swale. Overall most of the site is sloped, but grades do not exceed 30%, which would inhibit development. Along the western edge, south of 1500 North, there is a perennial water feature that is fed by the piped canal that is adjacent to the feature, north of 1500 North the canal is piped. To determine areas that should not be developed due to physical constraints, a 20' buffer on each side of the feature was established; the buffer was determined by estimating a reasonable distance to protect the physical features on the site. In addition to restraining development based on physical features, a 150' buffer was established from existing homes in order to preserve open space along the established neighborhood interface. The map shows 30' buffers along all existing and many potential trail connections. These trails follow the existing water feature and connect up to the Bonneville Shoreline Trail and foothills. Many of the potential trails are also adjacent to existing drainage swales. The 30' buffer was determined by

estimating a reasonable distance to protect the corridors from developmental encroachment and to allow room for trail alignment to vary in areas where no trails currently exist. While much of the Deer Pen site is sloped, a few areas exist that are relatively flat. The highlighted areas are based on visual analysis of contour maps. Aside from the bottom of retention basins, much of the western portion of the area north of 1500 North has low slopes, as well as a pocket south of 1500 North. Overall the primary recreational and open space areas in Deer Pen are along the western edge, with corridors leading up to the foothills and trail. While the value of the natural beauty of the interior and eastern edge of the Deer Pen site must also be considered, the areas of the site of critical importance for recreation and open space, as well as physical constraints located along the western edge. This area is ideal for preservation as public space due to its connection to the existing neighborhood and park, unique features, such as the canal and water features, and including areas of high and low slope. The site is also ideally designee to incorporate existing drainage features with potential trail corridors.

Mr. Smith reviewed the height transition standards for the Mixed Use zone as requested by the Commission at the previous meeting.

**PUBLIC:** Numerous emails were received and distributed prior to the meeting (copies have been included in the project file)

Jordan Brough, 1362 North 1720 East, shared an excerpt from the Logan General Plan *“Why is it important to protect open space when there is already so much public land around Logan. Our citizens and community as a whole benefit from their preservation and have expressed a desire and a willingness to pay to protect many of these special places in perpetuity. Open lands are a vibrant part of the City of Logan’s identity, creating an indelible impression as one arrives into the valley. Most agree that there is inherent value in open, undeveloped land. Open lands serve many different purposes and have numerous tangible and intangible benefits. Open lands are an important ingredient of a healthy and prosperous community. Once open lands are developed or surrounded by incompatible uses, their inherent value is lost or diminished. These lands are irreplaceable. They are too important to be squandered.”* The Logan Recreation Master Plan states *“Logan City Parks & Recreation Department is responsible for numerous facilities that do not meet the definition of a true park, but that do serve a recreation need. Logan City open spaces such as Cliffside open space and the Deer Pen property ... Logan City intends to protect important landscapes as open space. The City identifies open space as land that has been identified as critically important landscape or can be part of a larger network of spaces.”* In 2005 there was a debate and a compromise was made to sell off a portion of the land and preserve the remainder as open space.

Craig Watts, 1710 East 1550 North, provided a brief history of the Deer Pen property and said “he City is not in the business of “doing subdivisions”. It should remain the way it is, it does not matter which neighborhood it is located in. It will be a terrible place for a cemetery. He suggested extending Lundstrom Park across the canal and up the hill.

Greg Podgorski, 1802 East 1700 North, said plans for development in Deer Pen came as a complete shock to residents, including steering committee members. The Logan General Plan states *“Many open space lands are being developed and if this course continues, Cache Valley will soon reach a tipping point where existing uses are no longer viable and their overall quality is diminished by the encroachment of development”*. One of the value statements from the Hillcrest Plan is *“A strong connection to open space and recreational opportunities in the community”*. Hillcrest is defined by its access to open space and recreation. Residents expressed this sentiment throughout the planning process. This strong connection will help to keep Hillcrest a desirable neighborhood for folks that enjoy easy access to recreation amenities. There is no value statement indicating that residents want the area filled in with homes. He urged the Commission to not support this any development in the Deer Pen area.

Michael Sowder, 1626 East 1400 North, said “it sounds like the City is wringing its hands” over the fact that there are not more people moving into Logan. He suggested talking to people in Hillcrest and determining what they like about the area, which is keeping the Deer Pen area as open space.

Dean Wada, 1620 North 1770 East, agreed that demographically this is the oldest area in the City and thus, there will be turnover in the future. He wholeheartedly encouraged the Evergreen property to be zoned Community Commercial (rather than Mixed Use) if it is not kept as residential.

Kristi Andersen, 1701 North 1770 East, said residents have been down this road before and she hopes they will not have to come back and debate this again in the future. She plans on being in the neighborhood for a long time. She asked what she could do to ensure this area remains open space and if it comes down to purchasing it, she asked how much the price would be. Chairman Davis advised Ms. Andersen to contact Mayor Petersen.

Gary Korth, 1555 North 1600 East, walks in the Deer Pen area many times a week and really appreciates the paved trail. The accessible open area is why he likes to live in that neighborhood.

Chris MacMurdo, 1735 Foothill Dr, said maximizing value for residents does not always come from development. Open space has value; he has young children and having open space for them to explore is very important.

Patricia Hancey submitted a letter concerning property she owns at 1200 East-1400 East and 1200 North-1500 North (approximately 30 acres owned by the Berntson family). She requested that the property remain Neighborhood Residential on the Future Land Use Map. Mr. DeSimone said the property was rezoned to NR-6 a few years ago; this request will match the current zone (with the exception of the road frontages) with the FLUP. He noted that this excludes the Sackett piece to the south. That property was zoned MR-20 (front 8 parcels) and NR (east 12 acres) which was the consensus of a committee that was created to discuss that particular property. The Commission agreed that this request should be respected.

**COMMISSION:** Commissioner Nielson disclosed he has a personal interest in the corner property from 1200-1400 East and 1200-1500 North (owned by his mother-in-law).

Chairman Davis noted that the Commission has received over 30 emails regarding the Deer Pen area and she appreciates the public input.

Commissioner Ortiz asked about a crosswalk between 700 North and 1000 North along 1200 East. Mr. Smith said the Plan does not address this specific issue. Mr. Housley, the City Attorney, said the City generally does not implement midblock crossings because they are more dangerous.

In reference to the property at 900 North 1200 East proposed to be changed from NR-6 to Mixed Use, Commissioner Sinclair said she would prefer to keep that area residential. Commissioner Nielson agreed that the change to Mixed Use may make it difficult on nearby residents. He would not mind seeing more commercial near Fredrico's. Mr. DeSimone pointed out that there is a need for some neighborhood-scale commercial in the Hillcrest area. Chairman Davis agreed that there seems to be some appetite for small-scale commercial and wondered if it would be best to specify potential areas for this type of development, but leave specific projects up to developers. Mr. DeSimone said the problem with that idea is the City cannot issue a rezone based on a project. The idea is to stimulate something different to happen as Hillcrest evolves. Chairman Davis agreed that Hillcrest would benefit from small-scale community; however, she is not convinced that the City should determine where that should be. Commissioner Price generally agrees with densification and has no problem increasing density where appropriate. In this particular situation, the 58' height limit of the Mixed Use zone seems inappropriate for the location. He would feel more comfortable changing to Community

Commercial. He agrees that commercial will eventually find its way into neighborhoods providing for more walkability.

Chairman Davis brought up the idea of increased housing standards (as called out in the Plan) and asked if it were included in the recently adopted Adams Neighborhood Plan. Mr. DeSimone said most residents agree to the idea conceptually. Occupancy, enforcement and maintenance are all issues; the question is whether this is the appropriate place for that discussion. The City cannot prohibit owners from renting homes. Currently the standard is that as long as it is not a health/safety or nuisance issue, the City does not get involved. Chairman Davis thought this discussion may be better suited for the Municipal Council. Mr. Housley pointed out that this is not a land use issue, therefore, the most the Commission could do is send a recommendation to the Council to review the issue. Chairman Davis noted that this should be a city-wide standard and is not an owner/renter issue, but a property ownership issue.

Commissioner Sinclair asked if there is a system in place for educating property owners about their responsibilities. Mr. DeSimone said the City encourages landlords to attend a "Good Landlord" class in order to reduce the license application fee. Commissioner Sinclair asked how many landlords are certified. Mr. DeSimone said it is currently 45%. The process is quite difficult to enforce. Mr. Housley advised that state law prohibits random inspections.

Commissioner Price asked if there was a way to use the data (i.e. the number of citations issued to certified vs. non-certified rentals) to create a basis for discussion. Mr. DeSimone noted that violations are enforced with due process. He also noted that there are some behavioral issues related to being a "college town". The Municipal Council will be assembling a steering committee to address neighborhood revitalization.

Mr. Smith reviewed that during the first open house, the question about what should happen to the Deer Pen area was asked. The recommendation was a desire to preserve open space; if there should be development it should include large areas of open/recreation space. Three visualizations of development with varying densities (while protecting critical areas) were created and presented at the second open house. The low-density option was the favored choice. Mr. DeSimone explained that once the City realized this area would not be needed or used for a cemetery, there was a discussion about what should happen; the City is going to issue an RFP to sell the property. Open space is important and that is why the City believes the modified development is a compromise (with a 50/50 split of open space and development) between what the residents want and the revenue the City needs to replenish funds for City services.

Commissioner Newman said he understands what is driving the idea, however, is concerned with the idea that the value statements which reflect public input do not seem to fit with the implementation strategy and he worries about the public "losing faith". Mr. DeSimone said the desire to retain open space is understood. The question has become "how much open space is valuable to the entire City, not just Hillcrest" and that there is a responsibility to the entire City.

Commissioner Newman asked if there were some way to approach this in a more "straight forward" fashion so that residents will not feel betrayed. He suggested working on the issue with the entire City and not in this Plan. Things can be expected to change over time, but there is no verbiage in this document that indicates it could be up for review in the future. The only way to get around this dilemma is for someone to purchase the property and not develop on it. Mr. DeSimone advised that the City appreciates public input to help flesh out any issues. He also pointed out that the Steering Committee spent a lot of time and worked hard on developing the Plan. The City feels that the compromised visualization helps maximize return value (that all tax payers benefit from), retains critical components of open space and is a reasonable solution. There are no guarantees that the land will never develop, the intent years ago was to use Deer Pen as a cemetery, however, that need has since changed.

Commissioner Newman agreed that there is a responsibility on everyone's part; he can understand the concern of the Hillcrest residents. Obviously the area and the financial obligation belong to the entire City. He wants to ensure that public comments "make a difference". Mr. DeSimone said there is a scale of difference, there are divergent opinions and a compromise is trying to be established. Critical components such as the canal, trails, setbacks and buffers and the ability to recreate are all being kept with the ability to develop to some extent.

Commissioner Sinclair felt the area should remain undeveloped.

Commissioner Ortiz asked about the ratio of open space in Hillcrest compared with other areas. Mr. DeSimone said there is no formalized ratio between neighborhoods. Commissioner Ortiz suggested expanding the conversion to a whole City context. Open space is very important for the entire City.

Commissioner Newman said he does not see a sense of immediate urgency to sell and develop the Deer Pen area. Mr. DeSimone questioned "urgency" and noted that the school district has expressed a need for families; Logan is competing along the east bench with other communities to retain a tax base. This is the oldest neighborhood demographically and there is a need to provide housing for new families.

Commissioner Nielson noted that the majority of residents want it left as open space "perhaps our most valuable asset" and he tends to lean that way. He would like to find ways to encourage people to live in Logan other than just building lots. He does not think development in this area is the right time, there may be other uses for that property and he agrees with the residents.

Commissioner Price noted that open space inventory is included in the Parks & Recreation Master Plan and the Parks accreditation process and wanted to know what the impact of development might be. The trail systems have been positive and provide access to our great environment. Clearly there is no appetite for adjusting prices on currently available building lots in this area. From a planning standpoint, there seems to be no driver at the moment for making a change. It is not clear that the Steering Committee and residents are in favor of anything other than open space. The good things in the Plan are being counterweighted by this issue. He doesn't feel comfortable that this is the right time to make any change.

Chairman Davis expressed concern that the visualizations came toward the end of the Plan and were administrative recommendations. A Neighborhood Plan should honor the wishes of the neighborhood.

Mr. DeSimone, in regard to Chairman Davis' comment, noted that the visualizations have been included in the Plan from the beginning. Chairman Davis said it did not come as a result of residents concerns or comments, rather a Staff recommendation. Mr. DeSimone said all land use recommendations come from the Planning Staff. The notion of the Deer Pen area changing has always been an issue.

Commissioner Price said the City's desire for revenue is not an issue the Commission will be able to deal with, however, in looking at the inventory of land available, the question is when is it best to sell. Mr. DeSimone said there is a need for more land at a certain price point on the east bench.

Chairman Davis does not feel that the Deer Pen area will deal with the school district's concerns because many young families will not be able to afford to build homes in this area. The demographics of Hillcrest are based on some of the highest incomes in the City. The City is trying to revitalize older neighborhoods and this idea seems counterintuitive to that idea. Mr. DeSimone said there is need to do both because Logan is competing with other communities.

Commissioner Sinclair supports the idea of addressing safety issues on 1000 North, but not realigning the intersection. Mr. Smith said wording will be changed to "functional intersection".

Mr. DeSimone advised that the Commission could consider changing the parcel at 900 North 1200 East on the Future Land Use Map amendment (to Community Commercial), however, keep the current residential zoning in place. The Commission agreed.

Chairman Davis questioned the recommendation on page 90 "*Neighborhood scale commercial and mixed use development is acceptable along the 1200 East corridor*" and asked if it should be revised to take out "*mixed use development*" to allow for only small-scale commercial.

Mr. DeSimone pointed out that the City is in a very difficult position being the owner of the property as well as the regulatory entity, there is not an easy answer.

Chairman Davis wondered if it would be better to pull the Deer Pen issue out of the Hillcrest Plan and review it separately. Mr. DeSimone advised that Staff thought this was the best venue for open discussion rather than holding more open houses, meeting and hearings. He pointed out that the Commission could agree that conceptually there could be some changes to that area without making an actual zone change until a project is proposed. Because there are so many concerns, the Future Land Use Map could be changed, which would allow for some future direction. Chairman Davis suggested keeping both the current zone and the FLUP as is and then consider a specific project as it comes it. Mr. DeSimone pointed out that Visualization #3 does contain 50% open space. The problem the City faces is if the property remains open space, it could affect the value of the property when it sells. He encouraged the Commission to consider the factual analysis, the public input and make a decision they feel good with.

Chairman Davis suggested establishing a committee to come up with a compromise (like in the Sackett property). Mr. DeSimone said that recommendation could be forwarded to the Municipal Council.

Commissioner Sinclair suggested allowing the Municipal Council to make the decision/determination to establish a committee to review the Deer Pen area and that it should not be suggested by the Commission. Mr. DeSimone said the idea is to ensure the residents realize that there may be future consideration of change. Chairman Davis agreed, the City owns the property and something will eventually be done.

Commissioner Newman asked about any grants and/or organizations that would be willing to purchase the land and give it back to the City as open space in perpetuity. Mr. DeSimone said he did not think this property had enough aesthetic value for that type of transaction.

Mr. DeSimone confirmed for Chairman Davis that Russ Akina, the Parks & Recreation Director is fine with proposed development and the additional buffering along the canal trail as long as the corridors are maintained.

Commissioner Price was excused from the meeting at 7:15 p.m.

The Commission asked for a strike-through document with the changes that have been discussed for review prior to recommendation to the Municipal Council.

**MOTION:** Commissioner Nielson moved to **continue** PC 16-001 Hillcrest Neighborhood Plan, PC 16-002 Hillcrest (NP) Future Land Use Map Amendment and PC 16-003 Hillcrest (NP) Rezone to the February 25, 2016 meeting to review the changes that have been discussed before making a final recommendation to the Municipal Council. Commissioner Ortiz seconded the motion.

Moved: Commissioner Nielson Seconded: Commissioner Ortiz Passed: 5-0  
Yea: A. Davis, D. Newman, T. Nielson, E. Ortiz, S. Sinclair Nay: Abstain:

**WORKSHOP ITEMS for February 25, 2016**

- ✓ PC 16-004 Blue Haven
- ✓ PC 16-007 Borden Lofts
- ✓ PC 16-008 Second East Subdivision
- ✓ PC 16-009 Roofers Supply

Meeting adjourned at 7:35 p.m.

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Minutes approved as written and digitally recorded for the Logan City Planning Commission meeting of February 11, 2016.

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Michael A. DeSimone  
Community Development Director

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Amanda Davis  
Planning Commission Chair

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Russ Holley  
Senior Planner

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Amber Reeder  
Planner II

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Debbie Zilles  
Administrative Assistant