



PLANNING COMMISSION MINUTES

Meeting of February 14, 2019

Logan City Council Chambers (290 North 100 West Logan, UT 84321) www.loganutah.org

Minutes of the meeting for the Logan City Planning Commission convened in regular session on Thursday, February 14, 2019. Chairman Butterfield called the meeting to order at 5:30 p.m.

Commissioners Present: David Butterfield, Roylan Croshaw, Regina Dickinson, Sandi Goodlander, Dave Newman, Tony Nielson, Eduardo Ortiz

Staff Present: Mike DeSimone, Russ Holley, Aaron Smith, Debbie Zilles, Kymber Housley, Bill Young, Jeannie Simmonds (Council liaison)

Minutes from the January 24, 2019 meeting were reviewed. Commissioner Croshaw moved that the minutes be approved as submitted. Motion seconded by Commissioner Dickinson. Approved unanimously.

PUBLIC HEARING

<u>PC 19-001 Logan Gateway Office Building</u> – <i><u>request continuance to February 28, 2019</u></i>

MOTION: Commissioner Nielson moved to **continue** PC 19-001 to the February 28, 2019 meeting, per the applicant's request. Commissioner Ortiz seconded the motion.

Moved: T. Nielson **Seconded:** E. Ortiz **Approved:** 7-0

Yea: Butterfield, Croshaw, Dickinson, Goodlander, Newman, Nielson, Ortiz **Nay:** **Abstain:**

<u>PC 19-003 Peard Daycare Increase</u> [Conditional Use Permit] Jennifer Peard, authorized agent, request an increase in the number of allowed children for an in-home daycare to a maximum of 16. The home is located at 465 East 900 North in the Neighborhood Residential (NR-6) zone; TIN 05-029-0004. (Adams Neighborhood).
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STAFF: Mr. Smith reviewed the request for a Conditional Use Permit for a daycare with a maximum of 16 children. The Land Development Code (LDC) allows Family Group Care with a maximum of 16 clients in the Neighborhood Residential (NR-6) zoning district as a Conditional Use. Jennifer Peard currently operates a daycare with up to 8 children at the location, a permitted use in the zone. The daycare operates Monday through Friday from 8:00 am to 5:00 pm.

PROPONENT: Jennifer Peard currently operates a daycare for eight children with a morning and afternoon session. She would like to be able to provide full-day care. She has several clients who bring more than one child, so increased traffic should not be a problem. She confirmed for Chairman Butterfield that the state does annual inspections and approves the number of children based on the square footage. She will have one employee (her daughter).

PUBLIC: A letter from Fred Duersch, Jr. outlining his concerns regarding traffic, parking and safety was received and distributed to the Commission prior to the meeting.

COMMISSION: None

MOTION: Commissioner Goodlander moved to **conditionally approve** a Conditional Use Permit as outlined in PC 19-003 with the conditions and findings for approval as listed below. Commissioner Ortiz seconded the motion.

CONDITIONS OF APPROVAL

1. All standard conditions of approval are recorded and available in the Community Development Department.
2. The daycare shall not have children outside earlier than 7:00 am.
3. One dedicated off-street parking stall within the driveway shall be provided during business hours for employee parking.
4. Drop-off and pick-up times shall be scheduled and staggered so that no more than three (3) client vehicles are at the home at any one time.
5. The proponent shall comply with all State and local regulations and licenses regarding in-home daycare facilities for up to 16 clients.
6. Prior to issuance of business license, the Director of Community Development shall receive a written memorandum from each of the following departments or agencies indicating that their requirements have been satisfied:
 - i. **Fire Department**
 - a. Passing inspection required prior to opening for 16 children.
 - ii. **Water/Cross Connection**
 - a. A hazard assessment should be done at this property to look for the possibility of a cross connection to ensure the safety of the water for the home owner, the children, and the City's water supply.
 - iii. **Business License Division**
 - a. Business license required for daycare use for up to 16 children.
 - iv. **Environmental**
 - a. Additional collection bins are available.

FINDINGS FOR APPROVAL

1. This daycare is compatible with surrounding land uses and zoning designations and, as conditioned, and will not interfere with the use and enjoyment of adjoining properties.
2. As proposed, the streets, providing access to the subject property have adequate capacity for the proposed use and parking/drop-off/pick-up management will be provided and regulated.
3. Other infrastructure to the subject property has adequate capacity, or suitable levels of service, for the proposed use.
4. The project conforms to the requirements of Logan Municipal Code Title 17 as an identified conditional use.
5. The project was noticed as required and proper procedure was followed in processing this request.

Moved: S. Goodlander **Seconded:** E. Ortiz **Approved:** 7-0

Yea: Butterfield, Croshaw, Dickinson, Goodlander, Newman, Nielson, Ortiz **Nay:** **Abstain:**

PC 19-004 Meadow Creek Subdivision [Subdivision] Visionary Homes LLC, DHI Builders LLC, authorized agent/owner, request to subdivide the property into 143 clustered, single-family homes on 33 acres located at 2200 South 1400 West in the Mixed Residential (MR-9) zone; TIN 03-005-0054;-0062;-0061;-0053;-0004;-0057;-0002;-0046. (Woodruff Neighborhood).

STAFF: Mr. Holley reviewed the request to subdivide ~33 acres into 143 single-family building lots. The cluster-style design will allow for better consolidated open-space and natural area preservation for trails and amenities indicated on the submitted plans.

The property is currently vacant, but contains an open-ditch canal, ponds, streams, and underground utilities associated with the Spring Creek Village Subdivision to the east. The cluster style layout allows for native area preservation in exchange for clusters or pockets of housing while adhering to an overall density. The overall gross density of the project is proposed at 4.33 homes per acre. The property was recently rezoned from NR-6 to MR-9 to allow for more clustering options. Prior to the rezone, the applicant placed a voluntary deed restriction limiting future development to only single-family homes. No multi-family or attached housing will be allowed.

There are several unique issues associated with this proposal. The area was originally approved for the Spring Creek Village project in 2007 but only one phase was constructed before being abandoned and sold. Meadow Creek will occupy the subsequent areas of Spring Creek Village. Utilities and infrastructure will require cooperation between both Spring Creek Village and Meadow Creek for effective layout and serviceability. The sewer system was originally constructed as a private system, but could be upgraded into a public system. Meadow Creek is proposing these upgrades to be done to avoid long-term maintenance and repair costs. All sewer users will need to agree to this conversion. Open space development should be proportionately improved with each phase to ensure balanced development. The existing open-ditch canal will need to be piped and aligned inside the public rights-of-way to avoid private property conflicts. This will need to be done in a way that does not impact water conveyance and per canal company specifications. Piped canals present additional challenges for public rights-of-way, especially when sewer lines, water lines, power lines and other underground infrastructure are placed near and crossing piped canals. The phasing plan will need to provide adequate emergency vehicle access during build-out.

Staff considers these issues challenging and unique, but not insurmountable. If completed as proposed and as conditioned, this subdivision will provide housing options for our growing populations with the unique benefit and character of native areas and trail amenities.

PROPONENT: Jeff Jackson, from Visionary Homes, said their intention is to upgrade the existing sewer lift station to City standards and then deed it over to the City. The developer will bear all the costs for the upgrade. He met with Steve Thatcher, the president of the canal company, and they will do their best to ensure that it is in the public right-of-way, however, there may be areas where a lot line will have to be adjusted. He recommended changing Condition 13 so that it does require that every inch has to be in the public right-of-way. Mr. Housley said Utah Code Title 73 regulates this issue; a property owner can relocate the canal; however, the canal company has the opportunity to review the change. These issues should be left to the property owner and the canal company. If there is an easement on a property, it is recorded. Mr. Jackson said the canal maintenance easement will be 15'. Mr. Holley said if the easement is 15' or less it would be possible to run it in between lots if necessary and not impact a building envelope. Mr. Jackson said the goal is to keep it in the public right-of-way as much as possible. There have been discussions about relocating the curb and gutter against the sidewalk and removing the park strip to make a larger area for garbage trucks.

PUBLIC: Dayton Crites, Cache County Trails Planner, sent an email prior to the meeting to point out that this proposal intersects with the adopted Logan City Bicycle & Pedestrian Master Plan. A planned shared use path is indicated immediately east of this proposed development. This will provide an opportunity for residents to walk or bike to central Logan without having to use the highway. The adjacent Spring Creek Canal Company has indicated that they would be interested in supporting a trail project on their property, which would then connect directly to the existing Logan River Trail to the north of this development.

Jeramie Murray, a resident of Spring Creek Subdivision, sent an email prior to the meeting, expressing concerns about increased traffic, snow removal, emergency access and parking.

Glenn Bair has no concerns with the proposed development and he likes the idea of open space areas, however is very concerned with traffic. Traffic comes out onto 2200 South, which is quite dangerous as it intersects Hwy 89 at an angle; increasing traffic will only aggravate the problem. Traffic entering the highway from 1000 West and then turning left on 2200 South creates quite a problem to turn northbound from 2200 South. There needs to be a plan on how to handle increased traffic. Another concern is the three homes that will be built along Johnson Ridge Lane; he signed a document with the previous developer that he would relinquish his right-of-way on the road and allow it to be closed. The developer was then going to put up a fence between the homes and the existing home to the north. He asked if that was still going to happen.

Ed Jenson said state law is very clear that canals cannot be changed or altered without the consent and approval of the canal company. They do not want canals running through yards, the easement needs to provide easy access for maintenance. Piping is a low maintenance option. Commissioner Goodlander asked if a 4' pipe would be sufficient. Mr. Jenson said that 4' would be the minimum they would recommend.

Jeannie Simmonds advised that when the City Council considered and approved the rezone there was discussion about extending the trail. She is disappointed with the plan being proposed, as it is not as nice as the plan that was considered during the rezone request. Speaking on behalf of the Cache Water District, she said there is some concern because this is a great opportunity for water shares – it could be completely irrigated with secondary water which would have less impact on culinary water. There is no code in place to require it, however, she encouraged the developer to consider it. She is concerned with how the canal will be aligned and if a subdivision is approved whether it will actually look like how it is being presented tonight.

Cynthia Feller echoed the concerns regarding traffic. She owns a home in Spring Creek Phase 1 and turning on 2200 South is quite difficult, additional traffic will create a more dangerous situation.

Alex Mertlich re-emphasized that Johnson Ridge cannot sustain more traffic. It is at 20% of capacity and is full of potholes and extremely dangerous. He would like the conditions to clearly define that the developer will have the financial responsibility for upgrading the sewer lift station. The requirement of 10% open space does not seem congruent with the plan that is being proposed with 0.6 acres in pocket parks; assuming the trails will be 4,000' long and 10' wide, would result in less than an acre of open space (which is less than 10%).

COMMISSION: Chairman Butterfield asked if the HOA could afford to upgrade the lift station. Mr. Holley said that would be a question for the applicant and/or HOA to answer.

Mr. Holley confirmed for Chairman Butterfield that the canal company would have to approve any changes to the canal.

Commissioner Croshaw questioned whether consideration was given for wetlands/natural habitat. Mr. Holley is not aware of any identified wetland areas; there are enhanced setbacks required next to riparian areas and the proposed clustering design accounts for that requirement. He said the canal is used for irrigation.

Commissioner Nielson asked about garbage collection in the cul-de-sacs; if they meet the City standards he does not understand why garbage cans would need to be taken to the main road for collection (as required by the Environmental Department). Mr. Holley said the concern is that if cars park on the street, there may not be enough room for the garbage trucks to maneuver. There is a possibility that the area could be signed No Parking. Mr. Young, the City Engineer, explained that the design standard is intended for emergency vehicles to be able to turn around in the cul-de-sac, if there is an issue, the City can prohibit parking. Mr. Housley, the City Attorney, said the Fire Department has reviewed the project.

Commissioner Goodlander asked if there was an easement for the third road connection. Mr. Holley said the property to the west is not included in this project, the road will be stubbed and future development will be required to connect to the stub.

Commissioner Dickinson said the concern about the garbage cans was not adequately addressed. Mr. Holley explained that the project was reviewed by the Environmental Department and that is the requirement they placed upon it. Mr. Housley said the developer can work with the Environmental Department to come up with other options, however, this is the Environmental Department's decision. There are other areas in the City with similar situations. Commissioner Nielson said he lives in a cul-de-sac and does not face this same situation. Mr. Housley said the Environmental Department reserves the right to make a change if they feel they cannot pick up cans safely. Mr. Young said the proposed cul-de-sacs meet the minimum design standards with a 55' radius. Chairman Butterfield said the Commission does not have jurisdiction over this issue.

Mr. Holley explained that this project will have to go through Cache Access Management Planning (CAMP) where UDOT will consider traffic issues and impacts. Johnson Ridge Lane, a private road, was supposed to be gated with the Spring Creek development but was not.

Mr. Young said 2200 South will be built out to be a 66' right-of-way. This project will make the improvements along their frontage. There are other sections along the road that will need future improvements as development comes in. The intersection of 2200 South and Johnson Ridge Lane is under UDOT jurisdiction and will be handled at the CAMP meeting. UDOT can impose a traffic impact study if they feel it is warranted. Municipalities along Hwy 89 have entered into some access management agreements with UDOT regarding potential locations for another signalized intersection between 1000 West and 3200 South. 3200 South was slated to be one, however, that plan failed. In the Master Transportation Plan, 1600 West is anticipated to be an arterial road, the City has preserved the corridor for years by requiring 100' of right-of-way dedication.

Mr. Jackson is working with the property owner to the west to purchase, or partner on a project, which would then improve all of 2200 South to the intersection and 1600 West to the cul-de-sac at the north end.

Mr. Housley pointed out that if the three lots along Johnson Ridge Lane are put in, the developer would be responsible for improvements to the road along those lots. Johnson Ridge Lane is a separate parcel owned by Spring Creek Logan LLC. Before the lots can be developed, there would need to be a written and recorded access agreement between the property owner and the developer.

Commissioner Goodlander asked how much open space there would be if the pond area was not included. Mr. Holley said the majority of open space is around the pond and the riparian area to the north.

Commissioner Croshaw is concerned about approving a project before all information is received (such as canal alignment and road decisions). Chairman Butterfield pointed out that if the conditions cannot be adequately met, the project cannot move forward.

Mr. Housley advised that Utah Code Title 73-1-15.5 Relocation or alteration of easements for water conveyance (effective 5/8/18) states that *"Unless prohibited by the terms of a written grant of easement or an agreement for which consideration was given, a property owner may make reasonable changes in the location and method of delivery of a water conveyance facility located on the property owner's real property after*

a) having a licensed engineer:

- i. *redesign the water conveyance facility, which may include relocating the water conveyance facility to a new location on the property owner's real property or on the real property of another person who consents to the relocation; and*
- ii. *certify that the engineered redesign of the water conveyance facility and method of delivery meets the requirements of Subsection 4:*
 - b) *providing the plans designed by a licensed engineer to the facility owner;*
 - c) *allowing the facility owner, a reasonable time to review the plans designed by the licensed engineer and provide comments to the plans, require changes and approve the planned redesign before commencing the modifications;*
 - d) *allowing the facility owner to inspect the modified water conveyance facility during construction of the modification and require reasonable changes if construction of the modification is not occurring according to an approved redesign plan."*

If the canal is relocated in the public right-of-way, it will need to be approved by the City, otherwise it will be between the property owner and the canal company. The Commission should not make that decision. If it is not resolved, the project will have to be redesigned and reapproved. The issue of the lift station is also between the developer and the HOA, the City will only take over the maintenance if it is upgraded to meet the City standards.

Mr. Young explained that by state law, if a canal is located within 300' of a subdivision the canal company is required to sign the plat. Construction drawings must be approved, so if the canal is realigned, it will be reviewed and approved before the plat is recorded. Mr. Housley said this will be somewhat self-regulating because building permits will not be approved if the canal runs through the lots.

Commissioner Ortiz asked how many lots would be affected by a realignment. Mr. Holley said that is unknown, it could range depending on the alignment. If the layout is significantly changed it will come back to the Commission for review.

Chairman Butterfield is concerned that 2200 South is not sufficient to handle the increased traffic; especially if 80% is improved but 20% is not. Commissioner Dickinson asked when the City would require a traffic impact study. Mr. Young said the City has provided impact data to UDOT, who will make that determination in this situation. The City requires that it be a 66' right-of-way, but does not have control over future development and improvements to the road. Mr. DeSimone said a developer can only be required to make improvements along the frontage of their development. Commissioner Dickinson asked how road improvements are put on the capital improvement list. Mr. Housley said it is based on prioritization and determined by the City Council. Mr. Holley reminded the Commission that this might be affected by a future signalized light on Hwy 89.

Mr. Jackson said the layout was designed to work with the property to the west. There could be houses along the property line, however, that would make the property to the west undevelopable.

MOTION: Commissioner Goodlander moved to remove the requirement to install a gate on Johnson Ridge Lane, allowing for UDOT to make the appropriate determination. Commissioner Newman seconded the motion.

Moved: S. Goodlander **Seconded:** D. Newman **Approved:** 7-0

Yea: Butterfield, Croshaw, Dickinson, Goodlander, Newman, Nielson, Ortiz **Nay:** **Abstain:**

MOTION: Commissioner Newman moved to **conditionally approve** a Subdivision Permit as outlined in PC 19-004 with the amended conditions and findings for approval as discussed and listed below. Commissioner Croshaw seconded the motion.

CONDITIONS OF APPROVAL

1. All standard conditions of approval are recorded and available in the Community Development Department.
2. 143 building lots and remainder open space is approved with this subdivision. The areas labeled as remainder and/or open space shall be listed as non-buildable and only contain landscaping or accessory subdivision amenities.
3. Single-family homes will be the only structure type allowed within the subdivision.
4. Lots sizes shall be a minimum of 4,000 SF.
5. The final plat for the subdivision shall be recorded within one year unless an extension of time is granted as per LDC. The subdivision may be phased as per LDC regulations.
6. Building setbacks shall be reviewed/approved on an individual building basis and comply with the MR-9 requirements of 15' front yard, 8' side yard, 0' common wall side and 10' rear yard.
7. Driveways located in the front yard shall be at least 20' long to accommodate vehicle parking without obstructing or overhanging onto the sidewalk.
8. 20% of the area shall be dedicated as open space. 10% shall be dedicated as usable outdoor space. Open space shall be developed proportionately with each subdivision phase.
9. A phasing plan shall be submitted and approved prior to recordation. The phasing plan shall indicate proportionate per-phase improvements and provide minimum emergency vehicle access and circulation.
10. Three (3) street connections or street stubs to future areas shall be provided.
11. Each home will be reviewed and approved for compliance with LDC regulations concerning garage door width ratios and building design variations with each building permit application.
12. A performance landscaping plan, prepared in accordance with LDC §17.32, shall be submitted for approval prior to the recordation of the final plat. The plan shall include the following:
 - a. Final landscape designs for open space and usable outdoor space shall detail amenity areas, play equipment, trail surfaces and phasing lines.
 - b. Final landscape design shall indicate re-vegetation techniques and undisturbed native areas with the trail network outlined in the submitted drawings.
 - c. Street trees shall be planted every 30' along all streets. Street trees should be planted within a year of occupancy.
13. Canal realignment shall be relocated in accordance with state law and be reviewed and be reviewed and approved by the canal company and the City Engineer.
14. Storm water retention/detention surface ponds or basins shall be positioned outside of the front setbacks, or in areas directly adjacent to City streets. Facilities within view from streets should be screened with vertical vegetation and plant material. Storm water areas designed for parks or open space shall be done in a manner that conceals the storm water function so that they generally appear as parks and not storm water ponds.
15. All streets adjacent to, or within, the development shall be improved to current City standards and specifications.
16. Signage shall be approved and permitted in accordance with the Land Development Code.
17. Fences shall be approved and permitted in accordance with the Land Development Code.
18. Prior to issuance of a building permit, the Director of Community Development shall receive a written memorandum from each of the following departments or agencies indicating that their requirements have been satisfied:
 - a. Environmental
 - i. The three cul-de-sacs on the north are too small to allow large collection trucks to safely maneuver, so residents will need to either bring their containers to the main road for collection or line them up in the entrance. Residents on the small lane in the southwest corner will also need to bring their containers to the main road for collection. An all-weather turn around must be provided at the end of each of the temporary dead-end roads during the construction phases.

b. Water

- i. All water meters must meet current Logan City Standards.
- ii. Any landscape irrigation connected to Logan City water must have high-hazard backflow protection installed and tested.
- iii. All water points of use, during and after construction, must comply with 2015 IPC and Utah State amendments.
- iv. Project shall comply with all Utah Division of Drinking Water rules and regulations including, but not limited to, those pertaining to backflow protection and cross connection prevention.

c. Engineering

- i. Provide water shares or in-lieu fee for all indoor and outdoor water demand for development. Shares shall be in accordance with Utah Admin Rule R309-510-7.
- ii. Development shall accept all storm water from Spring Creek Village and provide storm water detention/retention for this per City standards.
- iii. This development shall be part of the Spring Creek Home Owner Association as currently recorded on the existing parcels.
- iv. Development shall upgrade existing sewer lift station to meet Logan City Standards and turned over to the City for operation and maintenance. This shall also include deeding the necessary property needed for access to, and around, the lift station structure.
- v. Develop all road improvements along 1600 West and 2200 South. Must provide a 24' width minimum pavement width on 2200 South and 1600 West for subdivision access for emergency vehicles, maintenance/service vehicles and resident access.
- vi. All existing water and sewer lines shall be in a paved City right-of-way or a graveled public utility easement (PUE) which can be accessed along the full length of the utility by City maintenance equipment. All easements shall account for turning radius of equipment. If existing utilities are not maintained in an easement or right-of-way, they shall be relocated at the developer's expense to be in a right-of-way or public utility easement as approved by City Public Works Department.
- vii. Subdivision site plan shows the existing canal running through the middle of proposed lots. Per City standards, the canal shall have a 15' easement from the top bank along each side of the canal. If canal is relocated and/or piped, this shall be done with the approval of the canal company. All storm water discharges into the canal shall also have canal approval.
- viii. If second access from the subdivision (see Fire Dept. comments) is to 1600 West, it shall be constructed to accept two (2) lanes of traffic with a shoulder per City standards. Johnson Ridge Lane cannot be used as the secondary access from this development per pervious CAMP approvals (Spring Creek Village Subdivision). UDOT should review traffic impacts for this subdivision onto the highway intersections.
- ix. Provide curb, gutter, and sidewalk along frontage on 2200 South. This shall include the piping of the existing ditch to carry irrigation, storm water, and field drainage flows. The piping of this ditch shall also include approval from the shareholders of any irrigation flow.
- x. Previous CAMP approval of Spring Creek Village Subdivision required a gate be placed on Johnson Ridge Lane to prevent traffic access from subdivision. The three (3) lots along this private lane shall obtain access permission from the owner and provide Logan City minimum drive and utility standards.
- xi. The pond located on the open space portion of the development is part of the canal system. Access along canal and pond shall be maintained. Record all easements along the canal and pond and all access easements to the canal and pond on plat.
- xii. Spring Creek storm water was designed to flow to storm water detention/retention facilities. This development shall account for all storm water from Spring Creek Village development per current City storm water standards. Storm water will be addressed during Phase 1 development.
- xiii. All roads accessing subdivision from 2200 South or 1600 West shall be a minimum 66' wide.

d. Fire

- i. Approved fire apparatus access shall be provided within 150' of every portion of every building, as measured by an approved route around the exterior.
- ii. Approved fire hydrants shall be provided within 600' of every portion of every building as measured by an approved route around the exterior.

FINDINGS FOR APPROVAL

1. The development is consistent with the regulations associated with the MR-9 zoning district.
2. The project conforms to the requirements of Logan Municipal Code Title 17.
3. The project meets the goals and objectives of the MR-9 zoning designation in the Logan General Plan by providing housing in transitional areas.
4. The project met the minimum public noticing requirements of the Land Development and Municipal Codes.
5. 2200 South and 1600 West provide access and are adequate in size and design after the required improvements are installed to sufficiently handle traffic and utility demands related to the land use.

Moved: D. Newman **Seconded:** R. Croshaw **Approved:** 7-0

Yea: Butterfield, Croshaw, Dickinson, Goodlander, Newman, Nielson, Ortiz **Nay:** **Abstain:**

Chairman Butterfield strongly suggested that the City consider making improvements to 2200 South.

WORKSHOP ITEMS for February 28, 2019

- ✓ PC 19-005 LDC Amendment – Chapter 17.21 South Gateway Overlay

MEETING ADJOURNED: 7:36 pm

Minutes approved as written for the Logan City Planning Commission meeting of February 14, 2019.

Michael A. DeSimone
Community Development Director

David Butterfield
Planning Commission Chairman

Debbie Zilles
Administrative Assistant