

PLANNING COMMISSION MINUTES

Meeting of February 25, 2021

Logan City Council Chambers (290 N 100 W Logan, UT 84321) www.loganutah.org

Minutes of the meeting for the Logan City Planning Commission convened via electronic session on Thursday, February 11, 2021. Chair Dickinson called the meeting to order at 5:30 p.m.

Commissioners Present: Roylan Croshaw, Regina Dickinson, Sandi Goodlander, Jessica Lucero, Tony Nielson, Eduardo Ortiz

Commissioners Excused: Dave Newman

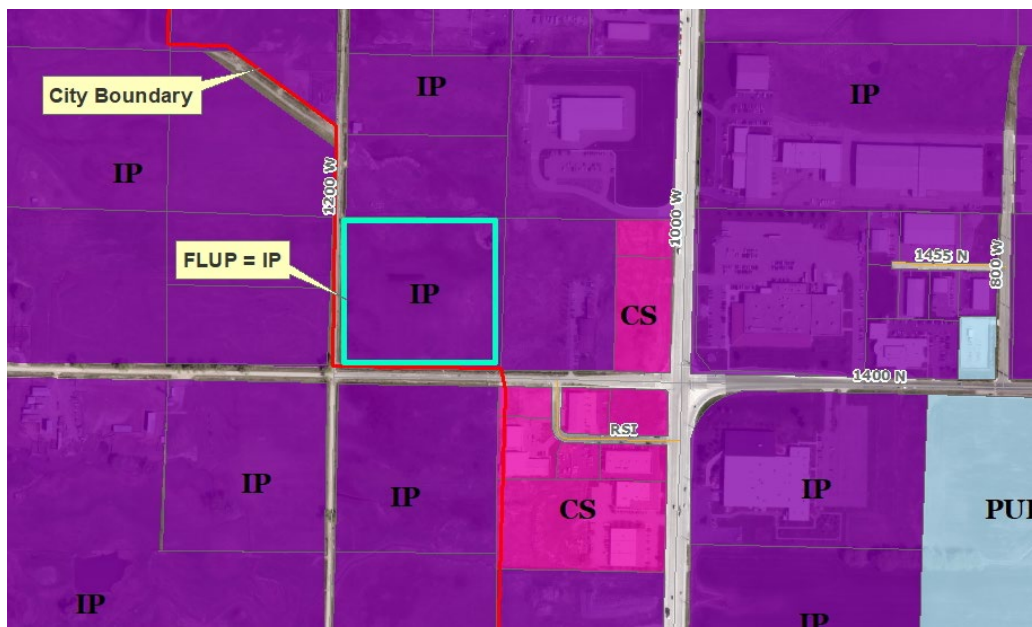
Staff Present: Mike DeSimone, Russ Holley, Tanya Rice, Debbie Zilles, Kymber Housley, Bill Young, Paul Taylor, Hart Wybrow, Mayor Holly Daines, Jeannie Simmonds (City Council Liaison)

Commissioner Nielson moved to approve the minutes from the February 11, 2021 meeting as submitted. Motion seconded by Commissioner Lucero. The motion was approved unanimously.

PUBLIC HEARING

PC 21-006 1200 W 1400 N Rezone [Zone Change] Craig Winder/Conley & Diana Krebs, authorized agent/owner, request a rezone of approximately 10 acres from Industrial Park (IP) to Mixed Residential (MR-20) located at approximately 1400 North 1200 West; TIN 04-078-0005.

STAFF: Mr. Holley reviewed the request to rezone one (1) parcel that totals approximately 10 acres at the northeast corner of the intersection of 1200 West and 1400 North. The square-shaped vacant parcel has historically been used for agricultural purposes. This flat, lower-elevation area of town appears to have some sensitive lands that may include wetlands, low water tables, and unique soil compositions. Although 1000 West is a highly developed, high traffic corridor in the City, the area immediately surrounding this parcel is rural and undeveloped.



The Future Land Use Plan (FLUP), adopted in 2008, identifies this property as Industrial Park (IP). The General Plan, a nonregulatory visioning plan, describes IP areas as being intended for large employment, industrial, storage, shipping, and production uses. Typical development will be larger in scale and may include heavy equipment usage and noisy operations. IP areas are not intended for residential use.

The IP zone should be considered incompatible with residential uses because of the heavy, noisy, dusty, and impactful land uses permitted. Placing residential uses adjacent to industrial uses can result in poor living conditions. It is unfair to residents to allow substandard and undesirable living situations, especially when planning efforts have been made to accommodate multi-family growth in areas in and around downtown. These areas are better suited and more compatible for multi-family residential uses. Staff recommends that this property remain zoned Industrial Park (IP).

PROPONENT: Craig Winder has been involved in several developments throughout the valley. This property came to his attention several months ago, he is friends with current property owners. Due diligence was done this past fall. He thinks this would make a great mixed-residential project. The land, as it currently exists, and the surrounding uses are not industrial. The FLUP is not binding and is frequently revised due to circumstances such as housing demand and future growth. There is pasture to the north, west, and south of the project site, so although this is not consistent with the current FLUP, mixed-residential would not be inconsistent with existing uses in the area. He referenced the Homestead project that was recently approved on 600 West 200 North which has industrial uses all around it. He understands the Commission must balance priorities; however, the entire state is dealing with housing affordability. Households is the highest priority for any community. He pointed out the recent article in the newspaper about the rising costs of condos and townhomes. This 10-acre property, on the edge of the City/County line, could be a good mixed-residential community. He does not think this is an unreasonable request.

Commissioner Croshaw asked about providing infrastructure to the area. Mr. Winder said there is sewer on the property line between this parcel and Bio-West to the east. They would have to extend all necessary utilities to the property. Commissioner Croshaw asked how this development might impact traffic, especially given the narrow roads in the area. Mr. DeSimone said the developer would be required to put in all the improvements along their side of the development.

Mr. Winder clarified for Commissioner Lucero that there is a natural spring on the northeast corner of the property. He anticipates that there will be some wetlands that will not be able to be developed but to suggest that the entire parcel is a wetland is not accurate. A wetland delineation will need to be completed to determine how best to use, preserve and/or mitigate the area.

PUBLIC: Several emails were received in opposition to the project and distributed to the Commission before the meeting and have been included in the project file.

Chris Sands, from Bio-West (located east of the proposed site), does not think this is a wise location for residential development. It has been zoned IP for many years. There are no sidewalks, parks, or residential housing anywhere near this location. He would like to see this area remain industrial/commercial.

Lisa Aedo, a graduate student at USU who has been studying the Logan River, is concerned about the river, the riparian zone, and the floodplain. She does not agree with building on a floodplain and is concerned about runoff, the increased potential for flooding, and the type of construction, especially impermeable surfaces and basements. She does not think this is the best way to develop this land.

Sid Boudrero is the property owner to the south. He submitted an email (with photos) to the Commission before the meeting. He is currently an agricultural user in the area and runs cattle on his property. One of his concerns with residential development is safety due to traffic because the roads will only be partially developed. Near the end of the 10-acre parcel (on 1200 West) will be a one-lane dirt road. Continuing west on 1400 North is a dead-end gravel road and the road south of Gossner's is a one-lane gravel road. Children will need to cross 1000 West to get to school. This is a poor use for the property; it would be better fitted for an industrial-type use.

COMMISSION: Commissioner Croshaw thinks the proposal is a little ahead of its time for this property. He agrees with Mr. Boudrero's point about the poor road system and poor accessibility. He is also concerned about water problems and thinks this would be better suited for industrial development.

Commissioner Lucero appreciates the argument about housing affordability and agrees this is an important issue to consider. The City and County need to think more thoughtfully and strategically about addressing this problem, rather than putting residential housing on a parcel surrounded contiguously by other types of zoning. Commissioner Goodlander agreed that it does not make sense for housing to be located on this property.

MOTION: Commissioner Goodlander moved to **forward a recommendation for denial** to the Municipal Council for a Zone Change as outlined in PC 21-006 with the findings for denial as listed below. Commissioner Nielson seconded the motion.

FINDINGS FOR DENIAL

1. The Logan City Future Land Use Plan (FLUP) identifies the area as Industrial Park (IP) and not intended for residential uses.
2. The nearest existing residential land use is over 3,600' away.
3. The IP zone allows land uses that would be considered a nuisance and incompatible with residential land use.
4. This land is better suited for industrial uses because it is close to 1000 West and other industrial businesses.

Moved: S. Goodlander **Seconded:** T. Nielson **Approved:** 6-0

Yea: Croshaw, Dickinson, Goodlander, Lucero, Ortiz, Nielson **Nay:** **Abstain:**

PC 21-007 8th & Main Warehouse Addition [Design Review Permit] Tyson Coleman/Todd Yates, authorized agent/owner, request a 6,800 SF addition to the west side of the existing furniture store to be used as warehouse space located on 1.97 acres at 1224 North Main in the Commercial (COM) zone; TIN 05-014-0071.

STAFF: Ms. Rice reviewed the project request. The 1.97-acre project site contains one (1) existing building on the property with fenced outdoor storage areas on the east and west sides of the building. The proposal includes a 7,800 SF building addition to the west side of the existing building and 14 new parking stalls on the east side of the existing building, replacing the outdoor storage areas. The proposed one-story building addition will have one (1) roll-up garage door and two (2) employee access doors. The addition is to warehouse furniture for the existing store.

PROPONENT: Todd Yates said the addition is needed for furniture storage. There will be enough parking. It will clean up the outside storage areas. Many of the trees were installed with the approval of the Quick Quack Car Wash located to the north. They plan on meeting the landscape requirement. The proposed trellises on the south side will complement the Olive Garden building design and will help improve the Main Street appearance and clean up the corner.

Commissioner Croshaw likes the addition and asked if there were more plans (beyond adding trellises) to improve the south side of the existing building (along 1250 North). Mr. Yates said for now there will be paint touch up. Over time, as the budget allows, there will be more upgrades.

PUBLIC: Jeannie Simmonds asked if the addition will occupy the same footprint as the outdoor storage area, if the trellises will have greenery and whether there is a gate where three of the parking stalls will be located.

Francis Bhushan questioned why, considering the many empty buildings in the area, a new building will be constructed. She is concerned about the parking spaces along the east side road.

COMMISSION: Commissioner Croshaw asked about the existing sign. Mr. Holley said it is currently a legally existing nonconforming sign for the movie theatre. If it continues to be used it will remain as is.

Commissioner Lucero asked about information in the Code that would address continuity for building additions (specifically related to the proposed use of galvanized steel trellises in this application). Ms. Rice said this recommendation came from the proponent; the Code requires some form of fenestration. This seemed to be a good compromise to help with the continuity between a blank wall and the new addition. On the south-facing facade along 1250 North, the proposal includes a window, door, and a non-transparent fenestration alternative of three (3) trellises to meet the minimum transparency requirement. In addition, the trellising is replicated on the existing building to provide architectural continuity and improve the overall street appeal along 1250 North (see Figure below).

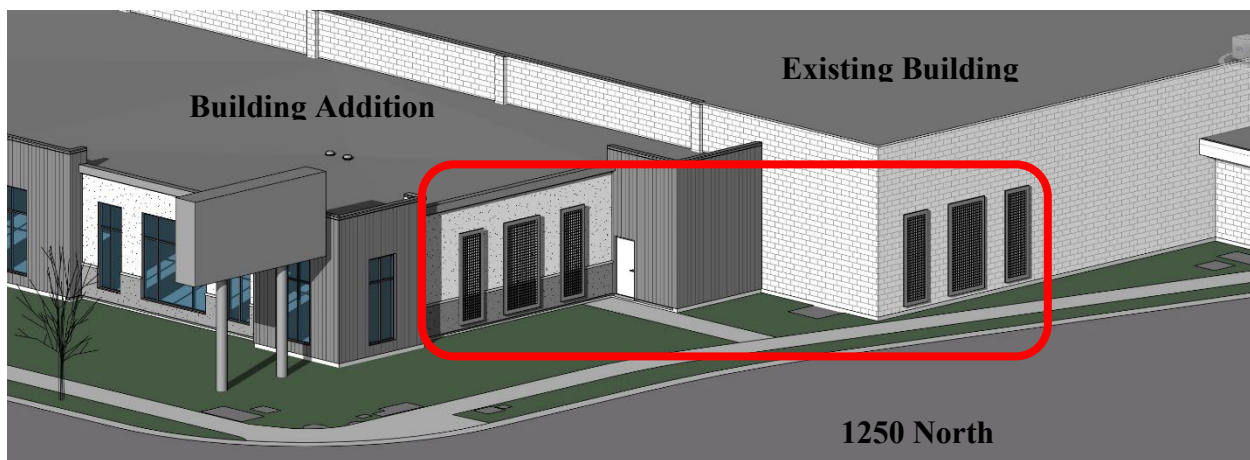


Figure 3 shows the trellising on south-facing facades of the new and existing buildings.

Mr. Holley pointed out that the Code does not require anything to be added retroactively to an existing building. In this case, the applicant has agreed to do so to help with the aesthetic of that side of the existing building. Trellises can be used in place of windows/transparency with

Commissioner Goodlander asked for clarification about the proposed parking to the east. Ms. Rice said they will pull in/out of the stalls from the driveway (that runs along the east side of the building and into the mall and other businesses in the area). The staff feels this plan is acceptable and there is enough room. Commissioner Goodlander is concerned that this southeast corner could be a hazard and the “driveway” seems more like a road. She asked if there will be enough parking and/or do they have an agreement with the mall property. Ms. Rice said the store has 35 stalls, the addition requires 4 more and with the proposal, there will be a total of 40 which meets the requirement.

Commissioner Nielson asked about the landscape requirement when the Quick Quack Car wash was approved. Mr. Holley said there are 4-5 trees located near the theater sign that have been installed. Ms. Rice said condition 5 addresses the fact that a landscaping plan will be required, and the developer will be required to meet the condition.

Commissioner Nielson asked if there is a rule regarding how far parking needs to be located away from a front door. He asked if the north entrance will be used, especially related to the proposed 16 new stalls on the southeast corner. Ms. Rice said that entrance may not be used now but may be in the future. Mr. Holley said as long as the stalls are located on the site, within the setbacks, there is not a proximity requirement in the Code. Commissioner Nielson asked if there is any requirement about backing out onto the mall property road or if that would require a cross-access agreement. Mr. Holley said that issue can be double-checked, but stalls can back into a driveway (this road is private). Commissioner Nielson is not in favor of the trellises, he would prefer windows.

Commissioner Goodlander agreed with Commissioner Nielson's concern with trellises in general, she would prefer to see windows. Often the greenery on trellises is not attractive. Chair Dickinson generally does not like the idea of trellises either, transparency is an important component, however, there cannot be a requirement for windows to be added to the south side of the existing building. In this situation, trellises make sense.

Commissioner Nielson clarified that his comment was not an inference to adding windows to the south side of the existing building. Ms. Rice explained that the trellises were suggested to be put on the addition and existing building for continuity in design (to help break up the blank south wall). Commissioner Goodlander said she understands this compromise. Commissioner Croshaw said greenery on the south facade might do well and agreed that the trellises seem like a good compromise and can be an attractive improvement. Commissioner Ortiz said he would be fine with either windows or trellises.

Commissioner Goodlander noted, in response to Ms. Bhushan's comment about using existing buildings versus new construction, that the applicant owns this building and it is not always feasible to expand a business to another location. Mr. DeSimone, the Community Development Director, pointed out that the City cannot dictate who can and/or cannot build a new building, the Commission's role is to ensure that it meets all applicable requirements.

Commissioner Nielson said Condition 2 indicates three (3) trellises but the proposal is for six (6) and suggested changing this. Mr. Housley, the City Attorney, said it can be conditioned because the property owner is agreeing to it.

MOTION: Commissioner Lucero moved to **conditionally approve** a Design Review Permit for PC 21-007 with the amended conditions of approval as listed below, including the change from three (3) trellises to six (6) trellis in Condition 2. Commissioner Goodlander seconded the motion.

CONDITIONS OF APPROVAL

1. All standard conditions of approval are recorded and available in the Community Development Department.
2. The Commission permits the alternative of six (6) trellises to meet the minimum transparency requirement on the south facade.
3. A minimum of 39 parking stalls shall be provided.
4. A bike rack shall be provided to accommodate a minimum of four (4) bikes.
5. A performance landscaping plan, prepared in accordance with LDC §17.32, shall be submitted for approval to the Community Development Department before the issuance of the building permit. The plan shall include the following:

- a. Open and usable outdoor areas shall total a minimum of 20% (17,162 SF).
 - b. Parking lot perimeter landscaping along with the north parking stalls.
 - c. A total of 39 trees and 98 shrubs, perennials and ornamental grasses, be provided.
 - d. Street trees shall be provided every 30' along adjacent streets.
6. All dumpsters shall be visually screened or buffered from public streets by using fencing, walls, and landscaping.
7. Rooftop mechanical and/or building wall mechanical equipment shall be placed out of view from the street or screen from view from the street.
8. Exterior lighting shall be concealed source, down-cast, and shall not illuminate or cast light onto adjacent properties.
9. No signs are approved with this permit and shall be permitted by staff in accordance with the LDC.
10. No fences are approved with this permit and shall be permitted by staff in accordance with the LDC.
11. 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. There are front-load dumpsters currently on site.
 - b. Engineering
 - i. Address how truck access to the north warehouse door will not impact the safety of vehicles accessing/leaving the mall site from this primary access point.
 - ii. Address utilities to new addition (including fire sprinklers) as part of the permit review.
 - d. Water
 - i. Water main must have a DC (ASSE1015) installed and tested before any branch-offs or possible connections
 - ii. If the fire riser is not relocated, then no action is needed because it has a passing backflow assembly that is currently tested.
 - iii. The project shall comply with all current plumbing codes, Utah state amendments, Utah Division of Drinking Water rules and regulations including but not limited to, those pertaining to backflow protection and cross-connection prevention.
 - e. Fire-contact
 - i. Fire sprinkler and fire alarm plans will be required with the building permit application

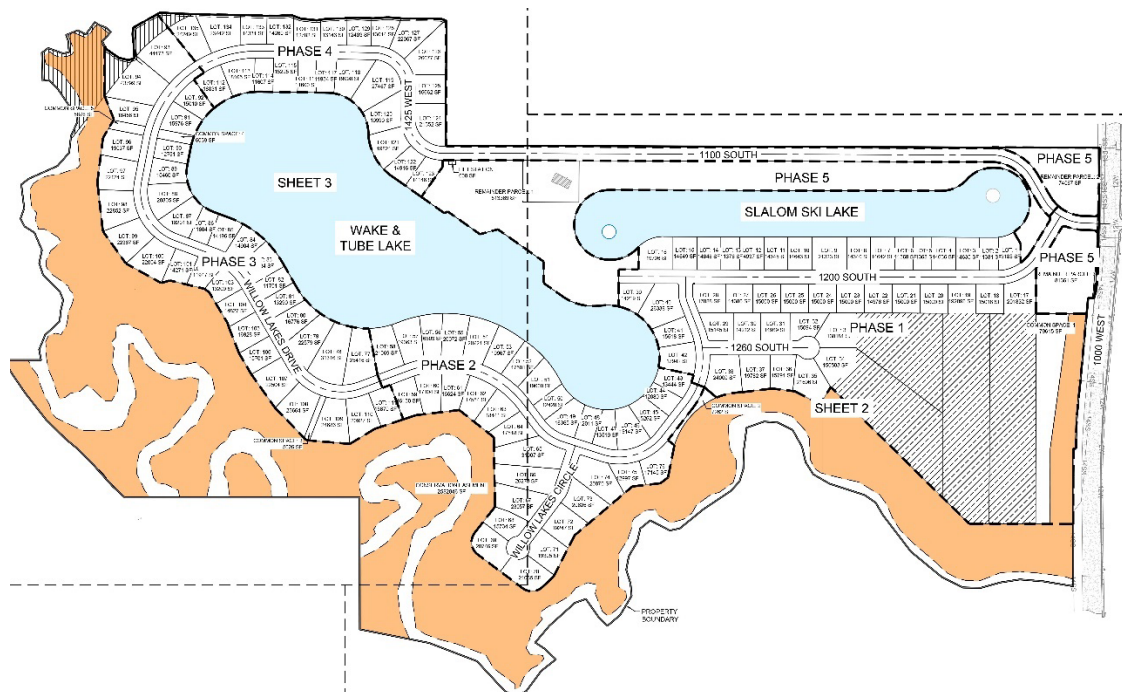
FINDINGS FOR APPROVAL.

1. The project is compatible with surrounding land uses and will not interfere with the use and enjoyment of adjacent properties because of the building design, site layout, materials, landscaping, and setbacks.
2. LDC 17.43.080 authorizes the Planning Commission to make design adjustments not associated with numerical standards and requirements if they are consistent with surrounding areas and do not compromise future approvals.
3. The project provides required off-street parking.
4. The project complies with maximum height, density and building design, open space standards and is in conformance with Title 17.
5. The project met the minimum public noticing requirements of the Land Development Code and the Municipal Code.
6. Main Street and 1250 North provides access and is adequate in size and design to sufficiently handle all traffic modes and infrastructure related to land use.

Moved: J. Lucero **Seconded:** S. Goodlander **Approved:** 5-1
Yea: Croshaw, Dickinson, Goodlander, Lucero, Ortiz **Nay:** Nielson **Abstain:**

PC 21-009 Willow Lakes Subdivision [Subdivision Permit] M. Brett Jensen/Darrell Kunzler Landholdings, Charles & Sally Carles, Willard & Elain Jessop, authorized agent/owner(s), request a 135-lot subdivision on 175 acres located approximately 1000 North 1100 South in the Neighborhood Residential (NR-6) zone; TIN 02-080-0003;-0006;-0008;-0007;-0010;0011;0012;0013;02-079-0021;-0003;02-081-0004.

STAFF: Mr. Holley reviewed the request for the Willow Lakes Subdivision located west of 1000 West and south of 1100 South on approximately 164 acres of land. The proposal is to create 135 residential building lots with four (4) remainder lots. The subdivision includes two man-made recreational watersport lakes, one for tube and wake sports and the other for slalom waterskiing. Most of the building lots orient around the shape of the two lakes. To the south of the property, the Logan River meanders, creating oxbows and riparian lands. The City of Logan, in conjunction with other agencies, is currently finalizing the purchase of a Conservation Easement for approximately 47 acres along the north side of the Logan River for non-motorized trails and native land conservation. 23.58 acres of the project site, adjacent to 1100 South, is currently in the review and comment period of the Logan City annexation process.



The proposed subdivision is located in the NR-6 zone which limits density to six (6) homes per acre of land and minimum lot sizes of 6,000 SF. Minimum lot widths are set at 50' measured at the midpoint of the lot and maximum building heights are limited to 35'. Considering the conservation easement area and the remainder lots for future phases and wetland mitigation, the single-family gross areas total approximately 101 acres. With 135 lots proposed, this would equal a density of 1.3 homes per acre. New building lot sizes in the subdivision range from 201,832 SF to 11,381 SF. Four of the larger lots contain unbuildable easement areas adjacent to wetlands and the conservation easement. As conditioned, with the common/easement areas being designated as not buildable, the subdivision meets density and lot size requirements in the LDC. The properties total 19.7 acres along the south side of 1100 South along with additional acreage for a full 1100 South right-of-way totaling 23.58 acres of land are in the process of being annexed into Logan City. This process is in the review and comment stage and will likely be finalized in the coming weeks. This subdivision permit approval is conditioned on the annexation being approved and finalized.

PROPONENT: Brett Nelson & Brett Jensen have been working with the City and County for over a year and have received good feedback from City officials for the project. They understand the concerns related to flood zones, channeling, and water usage. Both applicants are native to Cache Valley and Mr. Nelson grew up in the Woodruff area. They recognize the beauty of the area and understand that the preservation and conservation of the river is a high priority. They are aware of the Logan River Conservation Action Plan (CAP) and the various elements in that plan on what should be done to ensure that the river is conserved. High in priority is recreational access with extensive trails. They have been working with the City to carve out the 45-acre conservation easement (indicated in orange on the diagram) which will allow homes to sit back 100-300' away from the riverbank. The easement will preserve riparian areas and wildlife. They have agreed to spend money on making sure trails are installed and are working with the City on the idea that a sidewalk along 1000 West may not make as much sense as it would be to tie a pathway into the trails and down into the development. They recognize the desire to maintain the river and to have access to do so, therefore, the conservation easement will be held within a single ownership. They have done an extensive delineation report which has identified all potentially impacted wetlands. The southeast portion of the property is the largest accumulation of dedicated wetland area. Quite a bit of mitigation planning has been done to avoid the impact of the natural wetlands. The wildlife and wetland areas are being viewed as a feature of this development rather than a challenge. Extensive modeling for the 100-year flood events has been done, they have not just considered a swell or contour but have taken a further step by proposing a buffer. The swell will be the first measure to redirect some of the water and the two lakes can be used as retention ponds and redirection conduits in a flood event. Many people are not familiar with the concept of water usage for large ponds, lakes, or lagoons. When developed properly, it would be using essentially 2.2 times the amount of water that the lakes will use, in terms of consumptive use. The only use for the ponds is evaporative, which is quite low. Compared to regular agricultural land, it uses roughly 30% less water. There is not much impact other than the fact that not as much water will be used. From a water standpoint, this is highly socially responsible by transitioning to a water use that is less consumptive overall. This would be a great addition to the Woodruff area and be a draw for permanent residents.

Commissioner Lucero asked about water shares. Mr. Nelson said this property has quite a bit of water rights associated with it (they are rights, not shares). Water shares are typically associated with a canal company. This property has rights that were granted with it. There are 500 acre-feet associated with this property currently. To put this into perspective, the lake usage is about 65 acre-feet of water annually – at the peak of evaporation. There is adequate water for the proposed homes. The lakes are a relatively minor use of water rights, the homes are a larger use. Commissioner Lucero asked if groundwater would be used to fill the lakes and if so, do they have rights to the groundwater. Mr. Nelson clarified that the lakes can be used to mitigate any flood problems, which is not to imply that floodwater would be used to fill the lakes. Approximately 1/3 of the water rights are drain rights.

Commissioner Goodlander asked if the lakes would be open to the public. Mr. Nelson said it will be private access to the homeowners, the boats/tubes will be owned and managed by the HOA. Commissioner Goodlander asked if there would be any improvements in the conservation easement along 1000 West. Mr. Nelson said there has been a strong desire along this easement to leave it undisturbed and natural. According to the wetland delineation report, there is a fair amount of wetland that does not make it completely undevelopable but would be suited to be preserved in its natural state. They will be putting effort into the area with various wetland vegetation. Mr. Nelson pointed out the culvert that goes underneath 1000 West for Commissioner Goodlander.

Mr. Jensen noted that the lower density and lakes resolve many issues concerning wetlands and floodplains. It is a good transition from the conservation easement into a vibrant, ecologically friendly neighborhood. Although this has not been marketed, only by word of mouth, there have been almost 50 people who have expressed interest in reserving a lot. Mr. Nelson confirmed for Commissioner Goodlander that the property is currently under contract.

PUBLIC: Frank Howe, Chairman of the Logan River Task Force, explained that the Task Force is made up of 30 experts in river ecology, river management, river restoration, and public service from local governments, Utah State University, state and federal agencies, non-government organizations, and concerned citizens. The Task Force has two goals, first to develop a long-term management plan that balances the ecological and social values of the Logan River, and secondly, to make recommendations on how to best manage the river. The Logan River Conservation Action Plan (CAP) was completed in 2016. The CAP lists 22 different indicators of the ecological and social importance of the river. These indicators were developed through a 2-year process that included several stakeholders and open public meetings. The Task Force has worked with Logan City, Cache County, private landowners, and other developments in enhancing and restoring portions of the Logan River. With the help of the Task Force, the City and its partners have invested over 2 million dollars in improving river health, as well as providing outdoor recreational opportunities. The Task Force is not opposed to responsible development along the Logan River and appreciates what the Kunzler family has done in managing this property in the past. They also appreciate the family's willingness to consider a conservation easement on a portion of the property. The Task Force supports the family and their property rights, unfortunately, this project cannot be supported. There is support for the conservation easement and public trails along the river in this area, those benefits are far outweighed by the overall subdivision plan which will negatively impact over 100 acres of floodplain and wetland habitats. If built, the development would create a flood hazard for the subdivision, residents, and properties across the river and downstream. This property floods nearly every year. Much of the property has flooded twice in the last 10 years. When the property flooded in 2017, nearly the entire property was underwater. Flooding will be a major issue for the City to have to deal with if this development goes through. Using the lakes as flood retention basins would require them to be drained, which given the high-water table in this area, would be a major engineering feat. In addition to the flooding hazard and loss of floodplain area and wetlands, the development is likely to degrade water quality in the river, leading to a violation of state water quality standards for temperature and dissolved oxygen. This, in turn, will impact fish and other aquatic wildlife in the river. The Task Force believes that the Logan River floodplain is not the place for this development, this subdivision would be ecologically destructive, and it would create a flood hazard for the development, residents, and neighboring properties and a flood-prone burden for the City and taxpayers of Logan

Seth Humphries said there has been a mistake in the proposal because Cache County has a road going through 1420-1440 West. There is a link posted to the Cache Metropolitan Planning Organization (CMPO). This road would go through the middle of the proposed lake. Mr. Holley verified the newest version of the map that he received and displayed it for the Commission to see that this is not an issue. The CMPO website may have not updated the correct map yet.

Melissa Rodemack lives directly across the street from the proposed site and is concerned about traffic safety, especially with possible additional traffic. In the past 6 months, there have been at least three serious accidents. She questioned what can be done to protect current landowners' properties and asked if a protective barrier could be put in and whether there would be exceptions made in the City code allowing a taller barrier for safety. Mr. Holley said anything larger than a fence would require UDOT approval.

Mike Taylor questioned the statement that a change in the use of this land will decrease the amount of water used. That may be true, but it transforms the way the water is disposed of, or where it goes. As agricultural land, the water stays on the property, runs through the soil down into groundwater, across the land, and into the river. With urbanization, the outlook for the water is into the Logan City sewage system and evaporative areas. This transformation of the use of water will change the natural environment of the area.

Carter Lybeck is a student at USU in the Watershed Science Program and spent a significant part of the fall semester studying this exact reach of the river and designing restoration alternatives for it. This proposal is concerning for a lot of reasons, most of which have been addressed. This will cause pollution downstream as these homeowners will use things such as fertilizer, which will runoff into the river and negatively impact the wildlife. There are already some developments on the south side of the river (Trapper Park, and ICON campus). Development on this site will cause a lot of differences in sediment transportation and erosion which will be harmful. This development would cause habitat loss. Habitat fragmentation is a serious problem and there are better ways that this property could be developed.

Jean Lown kayaked across this property in 2017 when it was flooded by the Logan River. She questioned how the time-consuming and expensive wetland mitigation will be and how much it will cost. She also questioned how much the Country Manor flooding cost the City. If the lakes are full of water, how will they become retention ponds.

Todd Hendricks thinks this is a well-thought-out project. There is a very low inventory for available housing, and this is a creative way to provide more housing. He would be interested in one of the lots.

Darren Olsen appreciates the request that a scour analysis be done. He said this area is prone to sediment accumulation and debris dams that backs the water up, which is why some of the flooding is so extensive. He suggested these issues be included in the analysis. Mr. Young agreed that this should be included in the analysis.

Joe Wheaton is a professor at USU and a resident of Logan. He appreciated Mr. Holley's comment about trusting the hydraulic models and engineering reports. He used to work in engineering consulting and develops these types of models. There can be a lot of games played to get to what looks like compelling and convincing answers, however, this entire area is Valley bottom and belongs to the river. It is land use that is increasingly being recognized as critical, natural infrastructure in the ecosystem benefits it provides, but also in preventing flooding and helping accumulate and process excess nutrients, sediment, etc. We are systematically rolling back all over this country and the developed world the efforts to develop floodplains like this and to convince ourselves that we can engineer our way out of it by providing flood passage. It has been a failure over and over, and while it may work for a few years, whose burden does the maintenance associated with this become. What liability does the City take on and what will be told to the residents who are being put into harm's way. This is not a responsible proposal and there is a lot of expertise that has put a lot of effort into the Logan River Task Force (although he is not speaking on their behalf). This project is reasonably well-intentioned and it is nice to see a small sliver of a conservation easement, but there has been flooding in this area due to minor events. The FEMA maps are wrong here because this was an undeveloped area. The reason, as the applicants have mentioned, that this area has not been desirable to develop is because it floods.

Jim Hickman wondered where restricting property use starts and stops. He has seen a beautiful development like this near Boise, ID that is close to the river and probably met some of the same opposition as this project. He does not know all the environmental issues, but there will always be experts in those fields that will differ on what is, and is not, acceptable. The fact that these property owners want to develop this property in a well-thought-out way with engineers who have expressed confidence in their ability to design it, should be something the City should consider.

Shaun Allen grew up in Logan and moved to the Woodruff area 18 months ago. Many people are moving out to surrounding communities to live in newer homes on larger lots. He can't debate the environmental concerns, however for the Logan City School District, a development like this would be good and would provide some long-term stability.

Lisa Aedo commented about the interest the City expresses in developing affordable housing and doing so sustainably. She is concerned that this will create more urban sprawl. She thinks it would be great if Logan concentrated on the urban core, rather than spreading out and creating more traffic problems.

Nick Bouwes, an Aquatic Ecologist, said it is interesting to hear a proposal for flood protection and all the approaches for the protection such as how to deal with the canals, excessive flows, pipe water in the canal. A lot of money has been spent on the emergency watershed protection restoration that occurred several years ago. It is an interesting juxtaposition that this is a proposal for development in a floodplain. We need to realize that this water has to go somewhere and if it is restricted it will move the issue somewhere else (downstream, across the river, back up water upstream). Floodwater must be dealt with and developing a huge portion of this floodplain does not make sense.

COMMISSION: Commissioner Ortiz asked if there had been any recommendations from the Logan River Task Force or a specific report for this area. Mr. Holley said he is unaware of a report for this location.

Mr. Holley clarified for Commissioner Nielson that once 30 homes are built, fire access will have to be put in. The proposal is to put in a road at 1400 West that connects to the neighborhood to the north. As this area develops that will become a fully developed road. The third connection, as conditioned by staff, is a gridded street at 1200 West. 1100 South will be built with at least two (2) stubs. The condition in the report reads *"The proposed 1100 South street shall have a full street stub connecting to the north project border for a future 1400 West street and a future 1200 West street making the total street connections for this project three (3)."*

Per the City Engineer's request, Mr. Holley noted that an Engineering condition will be added to read *"Provide City with a scour analysis of the river and proposed floodplain to ensure no damage to the existing banks and structures along the river."* Mr. Young said in this situation there is a large floodplain that exists on the development site. The applicants are proposing a berm/structure that will separate and raise homes above the flood elevation (once that is determined and established) that area will be reduced greatly. Once it is reduced, the only way to get the same amount of water through there is to increase the velocity at which the water runs through the channel (or reduced area). As the velocity is increased the bank can begin to erode, which is why the study has been requested.

Commissioner Ortiz asked about other developments along the river and what challenges and/or problems the City has faced and is there any liability to the City. Mr. Holley said the Country Manor subdivision has experienced flooding through the years, he does not know if there are any specific liability issues, he trusts the Engineering Department to mitigate those types of issues and concerns.

Commissioner Goodlander asked if there was any way to make the 1260 South cul-de-sac another connection to 1000 West (the east side of the proposed project identified as a conservation easement). Mr. Holley said there may be some delineated wetlands identified which might make it difficult to run a street through the area. Commissioner Goodlander is very concerned about connectivity and access. Mr. Holley said the spacing of accesses onto 1000 West (a UDOT road) would have to be at least 500' apart. Mr. Young said UDOT prefers to match up alignments with other accesses (e.g. aligning access up with Dahle Way across 1000 West).

Commissioner Goodlander said there is a small piece that has not been annexed and asked if the City has a plan to annex that property. Mr. Holley said property owners will come to the City when they are ready to develop and request annexation. The FLUP shows the entire area as residential.

Commissioner Lucero asked about any long-term impact and potential liability. Mr. Housley said there has been a lot of reference to Country Manor flooding, the biggest problem is that a lot of it was not built to the current regulations. Since then, the regulations have been strengthened. From a liability standpoint, the City did not have a single claim or lawsuit filed against the City. The actions of the City were to support the neighborhood, not due to a liability issue. He reminded the Commission that although there have been many good comments and there should have been more public comments during the rezone process to Neighborhood Residential. It is now zone NR-6 and the Code allows for development in floodplains with stricter requirements. The Commission needs to remember that their role is to decide if it meets the requirements of a subdivision. Many of the concerns will not be known until after the analysis is completed. As conditioned, the developer will have to meet all applicable requirements.

Chair Dickinson asked when it was zoned NR-6. Mr. Holley said the Future Land Use Plan (FLUP) was adopted in 2008 and this area was designated as Detached Residential (DR) which is single-family homes. The property was annexed into Logan in January 2019 and assigned the NR-6 zone. The Commission is not involved in annexations – that process takes place at the City Council level. Mr. DeSimone pointed out that annexations are publicly noticed. Mr. Holley noted that there is a condition *“The pending annexation shall be approved prior to the final plat. If the annexation is not approved, the application shall return the Planning Commission for amended future approvals.”*

Commissioner Goodlander asked how the lakes would be retention ponds if they are full of water. Mr. Young explained that the requirement is for a 90% storm event being retained on-site utilizing Low Impact Design Standards. If this cannot be done for some reason, there are other BMPs (Best Management Practice) that the state allows for. These drawings are all preliminary at this point and the development will have to meet all applicable standards.

Commissioner Lucero asked about downstream environmental impacts. Mr. Young said they are essentially channelizing the river during a flood event and routing it through there. As mentioned, fertilizer could potentially get discharged into a stormwater pond before it is discharged, and quality issues can be addressed. Any modifications to the river channel will have to go through the state engineer's office with an application that will go through the Army Corps of Engineers and other state and federal agency reviews.

Chair Dickinson asked for clarification on the condition *“Complete the 1000 West streetscape cross-section with a sidewalk along the project's east frontage.”* Mr. Holley said it is the hope that the City and applicant will work together and put in a trail, setback from the road, rather than a sidewalk along the road. The trail could tie into the bridge that goes underneath 1000 West. Chair Dickinson agrees with this idea, she uses this trail system and is concerned about safety issues.

Mr. Holley confirmed for Commissioner Nielson that the streets will meet the current City standards (currently 60' and 66' wide). 1100 South is the north border of the project. The nearest residential development is located at 940 South (approximately 2 blocks North). Both accesses will be on 1100 South, one at 1400 West, and one at 1200 West. The applicant will be responsible for building a 25' wide road two blocks north, it will be used for fire access and will need to be approved by the Fire Department.

Mr. Holley confirmed for Commissioner Nielson that this project cannot dictate what phase the lakes and/or amenities will be required to be put in because there is no open space requirement in an NR-6 development.

Chair Dickinson asked what would happen if in the future if the HOA dissolved and whether the responsibility would default to the City. Mr. Housley said it does not default back to the City, the property owners will be responsible.

Commissioner Nielson has confidence in staff; however, he still has many concerns. The owner has rights to his/her property; however, he grew up along the Logan River and is very concerned about flooding because he has seen it happen over the years.

Commissioner Ortiz said there are many good things about the project, but he also has quite a few concerns. Although it might be outside of the Commission's purview, concerns about liability, health and safety should be considered. He would prefer a little more time to learn more and review the project more carefully.

Commissioner Lucero noted that there is a massive amount of engineering involved with this project. She appreciates the applicant's thorough description and due diligence in grappling with the many challenges. There have been many well-informed views shared at tonight's meeting. Only having a week to review all the information on a project of this scale is concerning. She is struggling with making a decision that will have such long-term implications. She would like more time to study and consider specific aspects of concern.

Commissioner Goodlander tends to lean to the rights of property owners, this is a beautiful project, however, many well-educated individuals have expressed valid concerns with this project. One of her biggest concerns is the connection and access to the development.

Chair Dickinson generally does not like putting off projects, however, she would like to have more information before she feels like she can make an informed decision. Chair Dickinson said, if the consensus of the Commission is to continue the project, she would like specific questions sent to staff for consideration before the next meeting.

Commissioner Goodlander asked how long a scour analysis would take to complete. Mr. Young said it would likely take 4-6 weeks. The analysis would include the modification of the channel, consolidation of the area where historical flood waters would go, which has the potential to increase velocity, and the potential for erosion of banks and channel bottoms. The analysis can identify potential weaknesses and/or problems and come up with a mitigation plan and/or minimize or eliminate erosion. This analysis will not address water quality or habitat concerns.

Mr. Housley reminded the Commission that there is one standard that needs to be considered, and that is whether the proposal meets the Code requirements. Although there may be some uncomfortableness with conflicting information, being "uncomfortable" is not a defensible position for denial. The project is currently proposed to be conditioned on meeting all the regulations and conditions. If an application is denied there must be findings stating which regulations the

application failed to meet, regardless of whether the Commission or the public believes it to be a good or bad idea.

Commissioner Nielson would like to see a floodplain overlay. Mr. Holley said there is some language in the Code that talks about development in a floodplain, most of the data is conceptual and the engineering firms are in the process of defining it. Commissioner Nielson said this is a very large subdivision with quite a few water issues. He also noted the many letters that have come in (many just today). He understands Mr. Housley's guidance, but he still has concerns and would like a bit more time to study the project.

Mr. Young said on the flood insurance rate maps (FIRM) east of 1000 West there is a detailed study and model of the river provides elevation for the 100-year flood event with cross-sections and profiles. That study ended at 1000 West, so the area west of 1000 West is in an area referred to as a *Zone A*, which means it is recognized as a floodplain, but there is no overlay giving the exact footprint of the floodplain or elevations.

Mr. Housley reminded the Commission that they are a quasi-judicial body and there should be no ex-parte communication before the meeting. All communication should go through the Community Development Department.

Commissioner Lucero is interested in having a better understanding of the Logan River Task Force's concerns in juxtaposition with the engineering on the project. She would like more clarity on these major points, specifically the ones brought up by Mr. Howe.

MOTION: Commissioner Nielson moved to **continue** PC 21-009 to the March 11, 2021 meeting. Commissioner Croshaw seconded the motion.

Moved: T. Nielson **Seconded:** R. Croshaw **Approved:** 6-0

Yea: Croshaw, Dickinson, Goodlander, Lucero, Ortiz, Nielson **Nay:** **Abstain:**

Meeting adjourned at 9:15 p.m.