

REPORT OF THE CITIZENS COMMISSION TO REVIEW THE ADOPTION OF LOGAN CITY'S LAND DEVELOPMENT CODE AND ZONING MAP

Following is the report of the Commission appointed by the Logan City Council (Council) to review the history leading to the adoption of the Logan City Land Development Code (Code), the insertion in the City's Zoning Map (Map) of a high density residential zone in the area of 10th North and 6th East in Logan, Utah (10th North and 6th East) and the exploration of any improper relationships between the developer of the land in question and the Logan City Planning & Zoning staff (Planning Staff) in the process leading to the adoption of the Code and Map. This Commission received its charge in the form of a letter from the Council dated October 17, 2011, a copy of which is Appendix I to this report.

METHODOLOGY

In pursuance of its charge, the Commission interviewed all members of the Council, members of the Logan City Planning Commission (Planning Commission), the Logan City Attorney, members of the Planning Staff, including the current City Planner, a member of the Adams Neighborhood Council and Mark Lunt, an interested citizen who attended various meetings of the Council and Planning Commission during the process leading up to the adoption of the Code and Map. The names of the persons interviewed are set forth in Appendix II to this report. The committee also reviewed the minutes of the joint Council and Commission meeting held November 30, 2010, minutes of the meeting of the Planning Commission held December 9, 2010, minutes of a workshop on the Code and Map held January 4, 2011, minutes of the Council meeting held January 4, 2011 and minutes of the Council meeting held February 1, 2011. The Code and Map were adopted by the Council in its meeting on February 1, 2011. The Commission also reviewed the legal notices of the various Planning Commission and Council meetings.

Based upon the foregoing, the Commission made the following:

FINDINGS

1. The Code and Map were provided to members of the Council prior to the joint meeting of the Council and Planning Commission held on November 30, 2010. Some members of the Council stated that they examined the Map and read the Code in its entirety prior to the November 30, 2010 meeting.
2. At the time of the combined meeting of the Council and Planning Commission held on November 30, 2010, the Map did not show the area at 10th North and 6th East as being in a high density campus residential zone.
3. In the joint Council and Planning Commission meeting held November 30, 2010, Mr. Lunt recommended that the area around 10th North and 6th East be zoned campus residential. This recommendation was not approved at the November 30, 2010 meeting.
4. In response to Mr. Lunt's recommendation, Jay Nielson, the City Planner at the time, stated that the "general plan does not recommend this and the neighborhood was involved in the entire process" (see Code Revision Rezone Summary).
5. The issue of rezoning the area at 10th North and 6th East was considered again by the Planning Commission in its meeting on December 9, 2010. This meeting concluded with the motion of John Kerr that the Planning Commission "...recommend adoption of the Land Development Code with a couple of reservations: the information that we have received today is beneficial, they both represent on-going studies and input from the public, but allowing for that continued input and consideration, I think that the Code should not be delayed beyond the present time". (Emphasis added) (see minutes of December 9, 2010 Planning Commission meeting). John Wuthrich seconded the motion and all members of the Planning Commission present in the meeting voted yea.
6. Although there is some ambiguity in the meaning of the terms "a couple of reservations" and "allowing for that continued input and consideration" in Mr. Kerr's motion, it appears that the reservations referred specifically to the rezoning of 4th North and 10th North and 6th East.
7. This Commission finds on the conflicting recollections of persons interviewed, that the reservations in the motion of the Planning Commission to recommend the adoption of the Code and Map referred specifically to the proposed 4th North and 10th North and 6th East rezones.
8. The next time the Code and Map were considered by either the Council or the Planning Commission was by the Council in its meeting in January 4, 2011. The Zoning Map had not been changed at this time.

9. The change on the Map occurred after the January 4, 2011 meeting. The change of the Map was made in the City Planning office.
10. The change in the Map after January 4, 2011 to make the 10th North and 6th East area a campus residential zone was the only change of the Map after it was first given to the Council in September of 2011.
11. The Council adopted the Code and Map in its meeting on February 1, 2011. At this time the 10th North and 6th East zoning change had been made in the Map but the change was not brought to the Council's attention by the City Planner nor any one else. No inquiry was made by the Council of any changes. At this time of the adoption of the Code and Map none of the members of the Council were aware of the 10th North and 6th East zoning change.
12. Although the required legal notices for adoption of the Code and Map were given, it was the consensus of virtually all persons interviewed that adopting the Code and Map in combination was too large an undertaking for a project as significant as this and that more specific notice of the zone changes should have been given to affected residents.
13. The development of the Code was a lengthy process. The push to pass the Code and Map before Jay Nielson's retirement combined with the need to finish the project may have contributed to the un-reviewed inclusion of the 10th North 6th East property in the campus residential zone.
14. This Commission has found no improper relationship between the developer of the property in question and the City's Planning Staff or the Planning Commission.
15. Given the large volume of the Code and the difficulty in reading the Map, the Council probably should not have been expected to identify the changes in the Map to include the 10th North and 6th East property as being in a campus residential zone when it adopted the Code and Map on February 1, 2011.
16. Notwithstanding Finding Number 15 above, the Council had a duty to inquire of the Planning Office of any changes in the Code and in the Map after the Council originally reviewed the Code and Map and the date these documents were adopted.
17. The Planning Office had a duty to inform the Council of any changes in the Map and/or Code from the time the Council first received these documents and the date they were approved. The Planning Staff did not so notify the Council.

18. All members of the Council indicated that had they known of the 10th North and 6th East zoning change in the Map at the time the Code and Map were adopted they would not have adopted the 10th North and 6th East rezoning to high density campus residential without further notice to affected residents and further consideration by the Council.

From the foregoing findings this Commission makes the following:

RECOMMENDATIONS

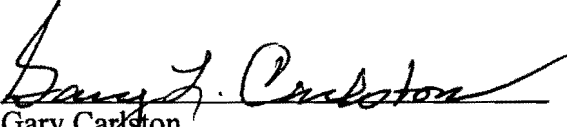
1. The City should not make an assumption that, by meeting minimal legal notification requirements for zoning changes, such action ensures that affected citizens are properly informed of potential changes to their property. The notification process regarding planning and zoning matters must be improved.
2. That any time a change is made in the Map which affects a given neighborhood, notice of that change should be given to all residents within a 300 foot radius of the affected area.
3. Notice given pursuant to recommendation #2 above should be given by mail to each resident and, to the extent possible, by personal delivery by members of the neighborhood Council in which the effected area is located.
4. The Planning Staff should be required, without prompting or question on the part of the Council, to track and hi-light any changes in the Map from the time the Map is first received by the Council until it is ultimately adopted by the Council.
5. The Neighborhood Councils should be strengthened and used as an important resource for informing citizens whose property are effected by any zone change.
6. Adoption of the Code should be separate from adoption of the Map. Adoption of the Map should be done in small segments allowing for the giving of more adequate notices to affected residents.
7. Motions by the Planning Commission should be reduced to writing before submitted for a vote. This should help to limit or eliminate ambiguity in motions by the Planning Committee

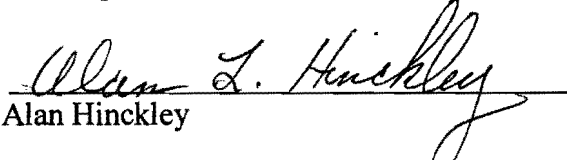
8. The City Planning Staff should have on their check list an item reminding them to bring any changes or suggested changes to the attention of the Council. A copy of the City Planner's check list should be given to each Council member.
9. The Commission focused its attention to the 10th North and 6th East rezone to high density campus residential. This zoning change did not come to the attention of the Council until a developer made an application to construct a very large apartment complex on the property. The City may want to consider undertaking a review of the entire Map to be certain there are no other concerns such as the 10th North 6th East that are just "waiting to happen".

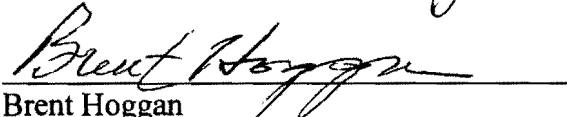
The Commission extends its appreciation and commendation to the Council for authorizing this planning and zoning process review. By so doing, the Council has demonstrated its desire to improve both process and citizen participation in planning and zoning matters.

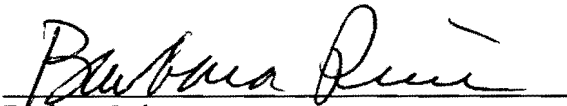
Respectfully submitted this 3rd day of January, 2012


Blythe Ahlstrom


Gary Carlston


Alan Hinckley


Brent Hoggan


Barbara Price

Appendix II

Persons Interviewed by the Citizens Commission

Logan City Council Members

Herm Olsen (Gave Commission its charge and shared his thoughts and views)

Laraine Swenson

Dean Quayle

Jay Monson

Holly Daines

City Attorney

Kymber Housely

City Planning Staff

Mike DeSimone

Kristin Clifford

Glen Goins

Russ Holley

Planning Commission

Jeannie Simmonds

John Kerr

Heather Hall

Konrad Lee

Citizens

Mark Lunt

Marilyn Griffin, Adams Neighborhood Council Chair