CITY OF LOGAN
ORDINANCE NO. 06-01

AN ORDINANCE AMENDING THE ZONING MAP OF LOGAN CITY, UTAH

BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE CITY OF LOGAN,
STATE OF UTAH AS FOLLOWS:

That certain map or maps entitled “Zoning Map of Logan City, Utah” is hereby amended
and the following property is hereby zoned from Agriculture (AG) to Single Family
Traditional – PD with a density limitation of 4.0 dwelling units per acre (SFT-PD-
4.0du/ac.) as follows:

TIN#
03-005-0002,
03-005-0004,
03-005-0041 thru 46

Also identified as “Golden Pond Rezone,” approximately 52 acres at approximately 1600
West and 2200 South.

This ordinance shall become effective upon publication.

PASSED BY THE LOGAN MUNICIPAL COUNCIL, STATE OF UTAH, __________
AYES: [Signatures]
NAYS: None
ABSENT: Taylor

Chair

ATTEST:
Lois Price, City Recorder

PRESENTATION TO MAYOR

The foregoing ordinance was presented by the Logan Municipal Council to the Mayor for
approval or disapproval on the __________ day of January, 2006.

Chair

MAYOR’S APPROVAL OR DISAPPROVAL

The foregoing ordinance is hereby __________________ this __________ day of

Mayor
Staff Report for the Planning Commission meeting of 27 October, 2005

PC Docket #05-080

Zoning Map Amendment for the Golden Pond Property
Located at approximately 1600 West and 2200 South
TID #'s 03-005-0002, 03-005-0004, 03-005-0041 thru 46

REPORT SUMMARY

Project Name: Golden Pond Rezone
PropONENT/Owner: Bill Bertolio
Project Address: Approximately 1600 West, 2200 South
Request: Rezone to Single Family Residential (SFR)
Current Zoning: Agriculture (AG)
Type of Action: Legislative (rezone)

Staff Recommendation: Recommend rezone to Single Family Traditional with a Planned Development (PD) and density limitation of 4.0 dwelling units per acre

PROJECT

The proponent is requesting a rezone from the Agriculture (AG) zoning district to facilitate the development of the Golden Pond Property, which was annexed into the City earlier this year. The property was zoned AG when it was annexed, which is a holding zone in Logan City until property is rezoned. There are eight parcels totaling approximately 52 acres affected by this rezone.

Surrounding Zoning/ Land Uses
North: MH (manufactured home) / Spring Creek Subdivision
South: Cache County: AG / Agriculture and residential
East: Cache County: AG / Agriculture and residential
West: Cache County: AG / Agriculture and residential

Annexation Policy Plan

The proponent has requested a zone change to SFR which would allow a maximum of 7 dwelling units per acre. Staff is concerned that his density is not in keeping with the intent of this area described in the official Annexation Policy Plan (APP). The APP describes this area as a future new zone call Rural Reserve Area. The Rural Reserve Area as defined in the APP follows: “This portion of the Annexation Map identifies lands within the unincorporated County of Cache that are intended to remain in agricultural use, for very low density residential development open space, or low intensity recreation. Much of this area contains agricultural soils of state and national significance. All development in this area will be required to preserve, to a large extent, the agricultural and natural qualities of properties. New development will be required to recognize and plan to protect existing rural residential properties. Where this area boarders existing arterials, vehicular access will be extremely limited and urban development will be required to preserve open space and group development away from total arterial frontage. The purpose of this area is to provide a rural separation between the City of Logan and other incorporated communities. These primarily agricultural lands will be retained in larger parcels. New development will be compact and at lower densities to maintain a separation between the City of Logan and other urban areas in the County.”
The adopted Annexation Policy Plan also clearly identifies future annexation areas adjacent to the city where urban services at higher densities are appropriate. This property is not include in the Urban Services Area of the APP.

The preservation of agricultural land, while a goal for future annexations, is not yet realistically accomplishable. A large portion of the land involved in this request is classified as agricultural land of national significance. Also some of the property is adjacent or involves sensitive land, wetlands, surface water and riparian vegetation. During the subdivision and design review phases, the design of the project will require open space preservation to preserve critical lands.

When this property was annexed, staff prepared a report which analyzed future density, revenue and costs to develop the land. The report said this, "The ultimate, intended purpose of this annexation is for clustered residential development planned around prime agricultural land and riparian amenities of the Spring Creek drainage and the Spring Creek Reservoir. This project has not been planned or designed.... There are 11 existing residential properties located within the proposed annexation boundary. Based on the Future Land Use Plan, this area would be developed at a density low enough to allow some preservation of open land surrounding critical lands and resources. Staff estimates that the future development of this land would yield about 150 dwelling units with a future population of 480 new residents of Logan..” See the full annexation staff report (attached).

**General Plan**
The current Logan General Plan does not specifically address future development of this area. However the proposed Future Land Use Plan (FLUP) proposes that this area is developed with low density residential and preservation of resources, consistent with the Annexation Policy Plan.
Rezone
While the new Rural Reserve Area zoning district is not yet adopted, the existing zoning district which most closely compares to the intent of the Rural Reserve Area is the Single Family Traditional district with a Planned Development (PD) overlay and limitation of density.

Initial staff estimates for density were approximately 3 dwelling units per unit. The proponent is requesting one additional dwelling unit per acre. In turn, the developer promises to significantly increase the open space within the development and enhancement of the open space system with higher amenities. The details of this proposed incentive will be determined at the subdivision and design review stages.

Overall, staff believes that a rezone from the AG to SFR is inappropriate for this new developing area. However, zoning at lower densities and preservation of open space is appropriate. A quality, lower density project will be more compatible with the existing area and can help to support more rural desires of the residents in the College and Young Ward areas.

AGENCY AND CITY DEPARTMENT COMMENTS
See annexation staff report (attached) for department comments. Also see Public Works Dept. comments (attached).

PUBLIC COMMENTS
Notices were mailed to 44 property owners located within three hundred feet of the subject property. Notices were also mailed to 16 surrounding and effected entities (cities, county, and districts, etc.). At the time the staff report was prepared, one written comment had been received by the Department of Community Development which is included in the packet.

STAFF RECOMMENDATION
Staff recommends that the Planning Commission approve a motion to recommend that the City Council approve a rezone for Golden Pond Property from Agriculture (AG) to Single Family Traditional with a Planned Development overlay SFT-PD with a density limitation of 4 dwelling units per acre (gross) for properties located at approximately 1600 West and 2200 South. TID #’s 03-005-0002, 03-005-0004, 03-005-0041 thru 46 (see attached map).

RECOMMENDED FINDINGS
The Planning Commission bases its decision on the following findings supported in the administrative record for this project:

1. The development of the subject properties is compatible with the purpose of the Annexation Policy Plan.
2. The subject properties are suitable for development within the SFT zoning district if adopted with a Planned Development (PD) and a density limitation overlay.
3. The City of Logan is in competition for southern expansion of the city with other municipalities. Loss of key parcels of land could render the Annexation Policy Plan infeasible. This parcel is a critical link in the City’s annexation plans. Furthermore, hesitation to allow reasonable development of this land can erode confidence of other land owners to annex into the city.

Respectfully submitted,

Jay L. Nielson, AICP
Director
Report Published: December 15, 2005
during construction and sweep clear any construction debris in order to maintain safe passage by pedestrians and others using the trail/walkway corridor.

United States Postal Service, Logan Post Office – Contact Matthew Adams 752-0413
1. The mode of delivery for the River Park Senior Apartments will be a “Drop” (all mail for tenants will be walked inside the building and dropped off at the office for the apartment managers to sort and distribute). Other delivery options may be available if discussed prior to completion of the project.

RECOMMENDED FINDINGS FOR APPROVAL
1. River Park Senior Apartments has been revised and amended by the conditions of project approval to address the issues and concerns raised within the public and administrative records.

2. River Park Senior Apartments has been revised and amended by the conditions of project approval to conform to the requirements of Title 17 of the Logan Municipal Code, the City of Logan Public Works Standards and Specifications, and the requirements of various departments and agencies.

3. River Park Senior Apartments conforms to the requirements of Title 17 of the Logan Municipal Code.

4. River Park Senior Apartments is compatible with existing land uses and zoning.

5. The design review, conditional use, and boundary line adjustments are issued in conformance with the requirements of Title 17 of the Logan Municipal Code.

6. The design of the project provides architectural style and character that is complementary to the characteristics of other structures in the area and is consistent with General Plan goals to enhance neighborhood character and appearance and the Design Guidelines, Objectives and Policies.

7. The streets providing access and other infrastructure to the subject property has adequate capacities, or a suitable level of service, for the proposed use.

8. The proposed use provides adequate off-street parking in conformance with Title 17 of the Logan Municipal Code.

[Moved: Ms. Morgan Seconded: Mr. Robison Passed: 6.0]
Yes: J. Kerr, G. Kartchner, P. Morgan, B. Morgan, Ray Robison, M. Hinckley
Nay: Abstain

05-080 Golden Pond. Zone Change. Cache Landmark Engineering/Bill Bertolino, applicant/owner, requests a zone change from Agricultural (AG) to Single Family Residential with a Planned Development overlay (SFR-PD) zone at 1600 West 2200 South on 52 acres. TIN #03-005-0002, 0004, 0041, 0042, 0043, 0044, 0045, 0046.

STAFF: Staff reviewed the report as written.

Mr. Ward asked about the small piece of land not included in the rezone on the staff report.

Mr. Nielson stated it had been annexed and is included in the request for a rezone. However, subsequent to the meeting staff found that the parcel was not included in the rezone.

PROPOSENT: Mr. Bill Bertolino stated the subdivision had been designed to enhance the area. Four units per acre was a compromise and will allow a revenue source to enhance the area for the community.

Mr. Kartchner asked Mr. Bertolino if he understands that a Planned Development overlay means that the homes will be clustered so there are areas of open space.
3. The City of Logan is in competition for southern expansion of the city with other municipalities. Loss of key parcels of land could render the Annexation Policy Plan infeasible. This parcel is a critical link in the City’s annexation plans. Furthermore, hesitation to allow reasonable development of this land can erode confidence of other land owners to annex into the city.

[Moved: Mr. Kerr  Seconded: Mr. Robison  Passed: 5, 1]
Yea: J. Kerr, G. Karchner, P. Morgan, Ray Robison, M. Hinckley  Nay: B. Morgan  Abstain:

Workshop Items
Staff and the Planning Commission reviewed the projects for the meeting of November 10, 2005, in a workshop setting.
- 05-081  600 West Commercial
- 05-082  Ballard Industrial Park

The meeting adjourned at 8:55 p.m.

Minutes approved as written and recorded on 2 tapes at the PC meeting of October 27, 2005.

Jay Nielson
Director of Community Development

Karl Ward
Chairman

Tammy Firth
Administrative Secretary
17 October 2005

TO: Logan City Planning Commission
RE: Golden Pond Zoning Application

The following represent the point of view of a adjacent landowner and also the point of view of a member of the board of directors of the Spring Creek Irrigation Company as it applies to the Golden Pond Zoning Application.

As an adjacent land owner, owning most of the land immediately west of 1600 West, I have concerns about the impact of this development on my farming operation. The problem is particularly acute given the narrow, gravel 1600 West road. I have repeatedly appeared before the Logan Planning Commission and the City Commission to press the impacts of Logan’s development on 1600 West. My most recent experience in pressing that issue resulted in this statement by Mr. Tom Kerr: “Logan does not own that road and has no interest in that road.” His statement was the first such clarification by a city official, but it raises the question—If Logan has no interest in that road, how then does it in good conscience continue to feed increased traffic at high speed along that road because of the convenience to dwellers of the 1800 South mobile home park? The Golden Pond development and the Marvin J. Hansen/Arbor Meadows developments will only increase traffic on 1600 West, and in spite of this, Logan has no interest in this road? I urge the planning commission to weigh the impacts of traffic along 1600 West and provide for answers to those impacts. As a land owner west of 1600 West, I have no interest in part of my property being taken in a road widening project. If such be the City’s plan, please understand that any additional width to 1600 West must come from the land to the east of 1600 West.

As a member of Spring Creek Irrigation Company, which draws irrigation water from the Spring Creek that runs along the north boundary of the Golden Pond development, the position of our company is several fold: (1) We will not accept into Spring Creek nor into the canal that runs through the Golden Pond land any run off or storm drainage from parking lots, drainage, etc. (2) We have easement rights along the canal and will insist that any developments along the canal provide access for a backhoe to travel in cleaning the length of the canal. (3) As this proposed development brings increased human contact with the dam and reservoir below the Johnson development, we have grave concerns that this dam become a danger to small children who may venture onto the dam and fall into the deep water. We request that any development in this area provide for adequate public safeguards around the dam location. And if the city would like to take ownership of the dam, as a company we would be interested in that discussion. (4) Finally, annually the canal company uses a herbicide to de-moss the canal. That is a fact of canal operation, and anyone purchasing land around the canal must recognize that this practice will continue.

Respectfully,

Ed Jensen, 1645 W. 2200 S., College Ward, 84339

RECEIVED
OCT 18 2005
BY:
(Civil)

PROOF OF PUBLICATION

STATE OF UTAH
COUNTY OF CACHE, et al.

On this 20th day of January, A.D. 2006

personally appeared before me, Rachelle S. Thomas, who being first duly sworn, deposes and says that she is the chief clerk of the Cache Valley Publishing Co., publishers of The Herald Journal, a daily newspaper published in Logan, City, Cache County Utah, and that the advertisement

LEGAL NOTICE

LOGAN MUNICIPAL COUNCIL

a copy of which is hereto attached, was published in said newspaper for One (1) issue


Signed Rachelle S. Thomas

Subscribed and sworn to before me, the day and year above written.

Signed Catherine K. Fullman
Notary Public


LEGAL NOTICES

ORD. 06-01. An ordinance was adopted and approved January 17, 2006 amending the Zoning Map of Logan City to rezone from Agricultural (AG) to Single Family Traditional with a Planned Development Overlay (SFT-PO) and density limitation of 4.0 dwelling units per acre, the following parcels: TIN 003-005-0002, 0004, 0041, 0042, 0043, 0044, 0045, 0046. Also identified as "Gold- en Pond Rezone," 52 acres, more or less, located at approx. at 1600 West, 2200 South.

Lois Price, Recorder
Publication Date: January 20, 2006