

Minutes of the meeting of the Logan Municipal Council convened in regular session on Tuesday, December 4, 2018 at 5:30 p.m. in the Logan City Municipal Council Chamber, 290 North 100 West, Logan, Utah. Vice Chair Jeannie F. Simmonds conducting.

Councilmember's present at the beginning of the meeting: Vice Chair Councilmember Jeannie F. Simmonds, Councilmember Amy Z. Anderson, Jess W. Bradfield and Councilmember Herm Olsen. Administration present: Mayor Holly H. Daines, Finance Director Richard Anderson, City Attorney Kymber Housley and City Recorder Teresa Harris. Excused: Chairman Thomas C. Jensen.

Vice Chair Simmonds welcomed those present. There were approximately 34 in attendance at the beginning of the meeting.

OPENING CEREMONY:

Cynthia Matthews from the English Language Center gave the opening thought, and led the audience in the pledge of allegiance.

Meeting Minutes. Minutes of the Council meeting from November 6, 2018 were reviewed and approved with minor changes.

ACTION. Motion by Councilmember Anderson seconded by Councilmember Olsen to approve the November 6, 2018 minutes as amended and approve tonight's agenda. Motion carried unanimously.

Meeting Agenda. Vice Chair Simmonds announced there are two public hearings scheduled for tonight's Council meeting.

Meeting Schedule. Vice Chair Simmonds announced that regular Council meetings are held the first and third Tuesdays of the month at 5:30 p.m. The next regular Council meeting is Tuesday, December 18, 2018.

She also announced the upcoming Council meeting schedule as follows:

December 18 – Regular Meeting

January 1 – Canceled

January 14 – Cost of Service Study/Net Metering – 5:30 p.m.

January 15 – Regular Meeting

QUESTIONS AND COMMENTS FOR MAYOR AND COUNCIL:

Logan resident Keith Schnare addressed the Council and reported that the Parking Appeals Board met and reviewed 116 parking appeals which produced approximately \$2,200 in fines. He stated that 40% of the parking citations were snow related, 40% were resident related and 20% were expired parking time.

Mayor Daines reminded the Council that the current parking system is management driven, not revenue driven.

Logan resident Jeff Hoedt addressed the Council and expressed his thanks for the sidewalk going in at 200 West between 1300 and 1400 North.

There were no further questions or comments for the Mayor or Council.

Vice Chair Simmonds welcomed a local scout group that was in attendance at tonight's meeting.

Councilmember Bradfield also welcomed students from the Utah State University Government Relations Council.

MAYOR/STAFF REPORTS:

Mayor Daines informed the Council that she needs to be excused from tonight's Council meeting at approximately 6:00 p.m. to attend the Cache County Council meeting in regard to funding for the South Main Redevelopment project.

Recognition: Land Donation to the City of Logan – Mayor Daines

Mayor Daines stated that land was donated to the City of Logan by Roger C. Jones and his sister Gloria Jones Leonhardt. This gift of land contains 3.59 acres and is located between 900 and 1000 West on what will become 1230 South near the Countryside Village Subdivision, West of the Logan River Golf Course. The 3.59 acre donation is comprised of 0.83 acres of land for the construction of 1230 South and 2.76 acres of land for a future park to be connected to the Willard R. Dahle Memorial Park. The naming of Willard R. Dahle Memorial Park has historical significance to Logan and the Jones Family.

Mayor Daines said on behalf of Logan City she thanked Roger and Gloria for their contribution to the City and gave them each a Logan City pin.

Roger Jones addressed the Council and said the Jones and Dahle Family roots go deep in the City of Logan. Willard R. Dahle was an 11-year veteran of the Logan City Police Department when on May 4, 1929, he was shot and killed in the line of duty. Officer Dahle was 53 years old and left a wife and three children. At the time of his death, Officer Dahle owned and farmed 20 acres of property where the Countryside Village Subdivision and Memorial Park are now located. Mr. Jones' mother was the daughter of William R. Dahle. Another Logan City police officer was also killed in the line of duty in 1959 while transporting prisoners. His name was Edwin Edwards and his plaque is also posted with Willard R. Dahle.

Vice Chair Simmonds thanked Mr. Jones and his family for the land donation which will benefit many generations to come.

**Presentation: Power Cost of Service Analysis/Rate Study – Mark Montgomery,
Light & Power Director**

Consultant David Berg addressed the Council regarding the Electric Cost of Service and Rate Design Study. He showed a projection out to 2023 which shows that Operating Revenues remain in place and do not change. The report also shows they have assumed no real net growth in overall sales. There is no need for additional revenue through a rate increase. The City has a built-up reserve amount in electric utilities that can be used if needed. The final projected level of reserves will be above the 42% of operating revenue left for electric utility. He does not propose any kind of overall rate increase.

He said although he is not recommending a rate increase he is recommending a restructuring of the rates. For the City's residential and commercial customers there is no customer charge in place where there is a fixed amount per month regardless of whether or not they are utilizing any energy. There are very few electrical companies in the country that don't have fixed monthly customer charges. The recommended rate adjustments have been made based on overall revenue and cash reserve needs of the utility and the results of a cost of service analysis. No overall increase in revenues from rates is recommended at this time. However, certain cost of service based adjustments are recommended. These changes will impact different customers and customer classes in different ways. Some customers will see slight increases and other slight decreases in their bills.

Mr. Berg said in regards to net metering and solar customers, the current City policy is those solar customers get paid the full retail rate for all the energy they produce from solar power. A lot of utility companies are looking at net metering with regard to how they can be fair to the solar generators but also remove some of the subsidies that exist from regular customers.

Mr. Berg explained that under the current Logan net metering rate, a customer receives full retail rate credit for energy it delivers to the utility during periods when the on-site generator is producing more energy than the customer requires. Excess generation credits can be carried over from month to month, but each year in April any remaining excess generation is zeroed out and the customer receives no compensation for the accumulated annual excess. This is a common approach to net metering in the industry.

Within the electric industry, there are numerous discussions about the economic and operational 'fairness' of net metering programs. Distributed generation advocates argue that net metering programs help promote this beneficial program. Others argue that net metering customers do not contribute sufficiently to the fixed cost of the electric grid, resulting in subsidies from non-net metering customers. There are several potential rate approaches addressing the need for net metering customers to make a contribution to the fixed costs of the grid, even if their net use of energy during a billing period may be zero.

Mr. Berg reviewed a list of Net Metering Options which are the following:

1. Maintain current policy
2. Higher monthly customer charge
3. Retail demand/energy rate
4. Grid access fee
5. Higher minimum bill provision
6. Feed in tariff – buy all/sell all

Mr. Berg explained the following table for each of the Net Metering Options. These are cost based rates based on the FY 2018 test year included in the rate study. The footnotes contain a brief explanation of the basis for the calculations.

Net Metering Alternatives FY 2018 Test Year	
Item	Rate
Current net metering policy ⁽¹⁾	Current rate
Higher monthly customer charge ⁽²⁾	\$28.54/mo. \$0.06/kWh
Retail demand charge ⁽³⁾	\$8.13/mo cust \$6.89/kW-mo demand \$0.0490/kWh energy
Separate charge based on solar capacity ⁽⁴⁾	\$5.28/kW-mo
Minimum bill provision ⁽⁵⁾	\$28.54/mo.
Feed-in-tariff ⁽⁶⁾	\$0.06/kWh

(1) No change in current rate policy
(2) Customer unit cost plus distribution fixed cost average customer plus wholesale power and transmission costs in energy.
(3) Cost based three part rate for all services.
(4) Local Transmission/Distribution fixed cost per kW.
(5) Equals higher customer charge computation.
(6) Allocated residential production cost.

Other Utah municipally-owned utilities were asked if they have instituted any special rate provisions for residential solar net metering customers. Many of them responded that they have not yet implemented anything new, but they are continuing evaluation of alternatives. St. George, Nephi and Salem have implemented a version of the separate solar grid access charge based on the capacity of the solar installation. Payson has implemented a feed-in-tariff rate for purchasing all excess energy produced by the generator with no carryover of net excess generation from month to month.

Provo has also implemented a feed-in-tariff rate for purchasing excess energy produced and has also implemented a slightly higher monthly customer charge for solar customers.

Vice Chair Simmonds thanked Mr. Berg for his presentation.

Mayor Daines was excused from the meeting at 6:10 p.m.

Report: Freedom Fire 2018 – Russ Akina, Parks & Recreation Director

Parks & Recreation Director Russ Akin addressed the Council and gave a report on Freedom Fire 2018. He stated the Freedom Fire event was held on July 3, 2018 at the USU Maverick Stadium. He thanked Logan City Departments and staff for their help with this year’s event. He presented the following:

2018 Freedom Fire Actual Budget & 2019 Proposed

Revenue:	<u>2017 Actual</u>	<u>2018 Projected</u>	<u>2018 Actual</u>	<u>2019 Proposed</u>
Ticket Sales	49,592	50,000	52,764.00	52,000
RAPZ	45,000	45,000	45,000.00	47,000
Sponsorships	34,000	34,000	36,500.00	36,000
Donations	504	500	572.16	500
RAPZ Pop. Split	<u>52,982</u>	<u>48,030</u>	<u>35,900.19</u>	<u>36,000</u>
Total Revenue:	182,078	177,530	170,736.35	171,500
Expenses:				
Professional Services	18,000	18,000	18,000.00	18,000
Production Services	<u>3,476</u>	3,500	3,339.00	3,400
Staging, Light, Sound	30,750	45,000	40,450.00	41,000
Facilities Fee	11,943	12,000	12,062.83	12,000
Ticket Printing	473	500	529.77	530
Print Advertising	<u>2,219</u>	2,300	2,493.01	2,500
Entertainment	99,500	80,000	77,764.65	78,000
Radio Advertising	<u>2,589</u>	2,600	2,640.00	2,650
Social Media Promo	30	50	27.12	30
Signs	135	140	0	0
Event Insurance	5,000	<u>5,000</u>	5,000.00	5,000
Master of Ceremonies	200	200	200.00	200
Stage Handling	2,250	<u>2,500</u>	2,500.00	2,500
Live Camera	<u>2,000</u>	2,200	2,200.00	2,200
Sales Tax	<u>3,263</u>	3,290	3,472.00	3,430
Sign Lamination	<u>250</u>	<u>250</u>	<u>57.97</u>	<u>60</u>
Expense Total:	182,078	177,530	170,736.35	171,500

Note: Event-related labor costs from Parks and Recreation, Police, Fire, Public Works, and Environmental estimated at \$13,430.

Mr. Akina said in 2016 lasers were introduced as part of the entertainment and in 2017 that amount was increased because of the feedback they received of people liking the laser show. As they prepared for 2018 the committee wanted to make a change and decided not to include lasers and focus more on live entertainment.

Mr. Akina added that in 2019 he will be requesting \$2,000 additional from RAPZ. One of the things he is watching and is of concern is funding in the population split which could be used for capital needs instead of a firework show. He feels this is a discussion that needs to be held in the future and he is trying to provide a good event that people want to attend.

No further items were presented.

COUNCIL BUSINESS:

Planning Commission Update – Vice Chair Simmonds

Vice Chair Simmonds reported that the next Planning Commission meeting is scheduled on December 13, 2018.

No further items were presented.

ACTION ITEMS:

(Continued from the November 6, 2018 Council meeting) - Zone Change – Consideration of a proposed zone change. Kevin McGaha/Michael K. Jones Trustee of Ralph L. Huber Family Trust, authorized agent, owner, requests to have a 1.54-acre parcel rezoned from Recreation (REC) to Commercial (COM) as it was previously zoned (2006-2012) located at 114 East 1000 North – Ordinance 18-14

Planner Russ Holley addressed the Council and gave an update on the project which has been continued several times.

BACKGROUND

The proponent is requesting to rezone approximately 1.5 acres of property from REC to COM. This property was developed in 1964 as the “Municipool” and used as a public indoor swimming pool for several decades. The ownership and management has varied over the years between the City of Logan and the Logan City School District. In 2006 the property was acquired by Lowell Huber and was operated as a scuba diving training facility. Recently, the property has been poorly maintained and is currently accruing Logan City code enforcement fines for refuse and unauthorized business activities. Based on visual inspections, used cars are being displayed and offered for sale on the property. The REC zoning district does not permit used car sales. The COM zone allows used cars sales after a Conditional Use Permit is approved. The current Cache County parcel map and recorded legal description show the southern property line on this parcel bisecting the north portion of the Middle School building creating a setback violation. In 2011, there was a property boundary dispute along the southern property line adjacent to the school. Staff was unable to locate a recorded document concerning the parcel line adjustment.

GENERAL PLAN

The Future Land Use Plan (FLUP) adopted in 2008 identifies this property as REC. REC zones are described in the General Plan as areas for recreation and park facilities. They are typically publicly owned, but may also be privately owned facilities such as, but not limited to, campgrounds and golf courses. REC lands may also be designated as open space for trails and nature preserves. COM areas are intended for retail, service and hospitality businesses that serve city-wide populations. COM zoning districts allow for the widest range of commercial uses within the City.

ZONING HISTORY

From 2011 to present, the zoning is REC. From 2007-2011 the zoning was COM. From 2000-2007 the zoning was SFR. From 1968-1999 the zoning was R2. Other than a short period of time between 2007-2011, the property has been zoned as lower density residential or recreation.

SUMMARY

Given the proximity to existing commercial developments along Main Street and 1000 North the COM zone designation is a logical designation for this property. Aside from the Middle School interface along the southern property boundary, the neighborhood and streetscapes in the area are commercial in nature. With commercial developments and services already established along three sides of the Middle School property (west, south, north), the City is unaware of property incompatibilities or complaints.

The property appears (cars parked on the property with writing on the windshield saying; "For Sale") to currently operate as a used car lot, which is not permitted in the REC zone. The Planning Commission may choose to hold this action request until the apparent unauthorized use is completely removed. If the property is successfully rezoned, a Conditional Use Permit would be required prior to the legal establishment of a car sales business.

Based on a newspaper article from 2011, an apparent property agreement changed the boundary between the middle school and this property that would potential eliminate building setback violations and create a buffer between the two buildings. This agreement has not been recorded with the County Recorder and staff is unaware of its whereabouts. Again, the Planning Commission could choose to hold this request until this agreement is reviewed, considered and recorded.

Staff recommended that the Planning Commission recommend approval to the Municipal Council for a rezone of approximately 1.5 acres of property located at 114 East 1000 North from Recreation (REC) to Commercial (COM).

On July 26, 2016, the Planning Commission recommended that the Municipal Council approve the 114 East 1000 North rezone project that amends the Official Zoning Map.

Logan City Attorney Kymber Housley reported that the boundary line adjustment has been completed and recorded by the proponent.

Property owner Lowell Huber addressed the Council and also confirmed that the boundary line adjustment has been recorded.

ACTION. Motion by Councilmember Olsen seconded by Councilmember Bradfield to adopt Ordinance 18-14 as presented. Motion carried unanimously.

PUBLIC HEARING - Budget Adjustment FY 2018-2019 appropriating: \$25,000 additional funding the Parks & Recreation Department received from the Utah Department of Transportation (UDOT) for construction of the Canyon Connector Sidewalk; \$104,475 funds for the After-School Quality Improvement Grant that was awarded to Parks & Recreation. These funds will be used to create, expand, and support After-School programs - Resolution 18-50

At the November 6, 2018 Council meeting, Finance Director Richard Anderson addressed the Council regarding the proposed budget adjustments.

Vice Chair Simmonds opened the meeting to a public hearing.

There were no comments and Vice Chair Simmonds closed the public hearing.

ACTION. Motion by Councilmember Anderson seconded by Councilmember Olsen to approve Resolution 18-50 as presented. Motion carried unanimously.

PUBLIC HEARING - REZONE – Consideration of a proposed ordinance to rezone approximately 0.84 acres of property at 1300 West 200 North (Amber Fields Phase 3) from Neighborhood Residential Traditional (NR-6) to Industrial (IP) – Ordinance 18-19

At the November 6, 2018 Council meeting, Planner Russ Holley addressed the Council regarding the proposed rezone. The proponent is requesting to rezone a 0.84 acre parcel within phase three of the Amber Fields subdivision from NR-6 to IP. The area was originally designated as open space with the 2009 Amber Fields Planned Unit Development (PUD) subdivision permit. PUD subdivisions required open space in exchange for smaller lot sizes or cluster developments. That original 2009 PUD subdivision permit expired and a subsequent March 2017 standard single-family subdivision (PC #17-014 Amber Fields) was approved by the Planning Commission for 89 lots. The area under consideration for rezone, was labeled as a 1.49 acre remainder parcel with an approximate 9,000 SF detention pond for storm water runoff. Now the area is shown as a 0.88-acre common space for the detention pond and a 0.84-acre remainder parcel. During the PC #17-014 Amber Fields subdivision permit process, the applicant was made aware of the Landfill Overlay Zone, which prohibits residential land uses within a ¼ mile radius of the landfill. The Landfill Overlay zone prohibits residential land uses, but does allow non-residential base-zone land uses along with some limited agricultural and plant nursery land uses.

Mr. Holley continued and said given the proximity to phase 3 and 4 of the Amber Fields single family subdivision, staff is concerned with IP and NR zoning compatibility because of the potential negative impacts IP developments pose to immediate non-industrial neighbors. If rezoned, this would be the only industrial land in the vicinity south of 200 South and would become a very small isolated area surrounded by larger areas of PUB and NR zoning. The CS zone across the street to the north and nearly 600 feet away, are far enough away making any sort of cohesion difficult to achieve. The FLUP didn't envision any sort of Industrial uses in the area. This particular area hasn't had any expectation for development documented on official Logan City maps or plans. The applicant was aware

of the Recreation Zone, Landfill Overlay and the previous Open Space designations during the March 2017 subdivision permit process. Staff recommends that the Municipal Council deny this rezone request.

On October 25, 2018, the Planning Commission recommended that the Municipal Council deny the Amber Fields Rezone project that amends the Official Zoning map.

Vice Chair Simmonds opened the meeting to a public hearing.

There were no comments and Vice Chair Simmonds closed the public hearing.

Proponent Craig Winder addressed the Council and said the proposed project is an attempt to develop a remainder piece of property that is subject to an overlay. The property borders Amber Fields Phase 3 and a portion of the property is dedicated for storm water retention. Across the street from this property is zoned Industrial which, they are requesting that if they record a restricted warranty deed, they are restricted from any other industrial use except storage units. He recognizes there is a residential subdivision nearby and it would be restricted for approximately 55 storage units.

Councilmember Olsen asked if were the Covenants, Conditions and Restrictions (CCR's) that Mr. Winder presented tonight, were filed at the time the Planning Commission recommended denial.

Mr. Winder responded that it's his understanding, that the proposed restricted warranty deed was presented after the Planning Commission meeting.

Mr. Housley said the concept of a restricted warranty deed was discussed at Planning Commission meeting and there were some who thought that maybe it would work but ultimately, it was decided that long term, once the landfill is closed the property could be used for recreational property. The Planning Commission wasn't sure they wanted storage units to be built there and that is why it was denied. The Planning Commission did not have an actual copy of the warranty deed.

Mr. Winder asked if the rezone is denied would the Council consider purchasing this property based on the fact that in the future it could be park space.

Councilmember Olsen responded that staff and the Planning Commission recommended denial and so based on that he feels that if the rezone is amended in any way it would need to go back to the Planning Commission.

Planner Russ Holley said some of the reasons why the Planning Commission recommended denial were the proximity to Phase 4 of Amber Fields where the Industrial area would be directly adjacent to residential homes. There are also concerns about storage units being in this location and the Planning Commission felt in the future if the landfill is closed and the property becomes a recreational area then there will be an isolated industrial piece of property.

ACTION. Motion by Councilmember Olsen seconded by Councilmember Anderson to deny Ordinance 18-19 as presented. Motion carried (3-1) Bradfield voted nay to deny.

Consideration of a proposed ordinance repealing Logan Municipal Code Chapter 2.06 “Officers’ Bonds and Oaths” – Ordinance 18-20

At the November 6, 2018 Council meeting, City Attorney Kymber Housley addressed the Council regarding the proposed ordinance. He explained there is a State law requirement that we have to follow and a City ordinance in regards to penal bonds. The Utah Local Governments Trust is considering proposed legislation that will modify the State law to allow us to have penal bonds or a crime policy. Currently, we have a crime policy with a \$5,000,000 limit and the language in the penal bonds are smaller amounts. Rather than have potential conflicts, he proposed removing language from the Municipal Code and just rely on the State law.

ACTION. Motion by Councilmember Olsen seconded by Councilmember Anderson to adopt Ordinance 18-20 as presented. Motion carried unanimously.

Mayor Daines returned to the Logan Municipal Council meeting at 7:00 p.m.

Certification of Annexation Petition – Consideration of an annexation petition filed by Travis K. Lish on behalf of Darrell Kunzler Landholdings LLC and Bernice L. Kunzler LLC for annexation of property located between approximately 1000 South and 1500 South on the West side of 1000 West, consisting of approximately 145.06 acres – Mike DeSimone, Community Development Director

Community Development Director Mike DeSimone addressed the Council regarding the proposed annexation. A petition/application has been filed to annex property owned by Darrell Kunzler located between approximately 1000 South and 1500 South on the West side of 1000 West, consisting of approximately 145.06 acres. If the Council is in agreement, City Recorder Teresa Harris will sign the Annexation Certification which starts the process of moving the annexation forward. There will be a public hearing held in January requesting approval from the Council.

Councilmember Olsen stated he has a long-standing resistance to annexing anything into Logan City due to the fact that the taxes from the proposed annexed property will continue to flow to the Cache County School District rather than the Logan City School District.

Mr. DeSimone explained the process of the annexation which is the Council accepts the petition/application at tonight’s meeting. The next step is the City Recorder will certify the petition. Community Development will notify the affected entities surrounding the property. It will also be noticed in the newspaper three times and a public hearing will be held on January 15, 2019. He agreed that Councilmember Olsen’s concern is valid but is something that is handled through the State Legislature and is beyond the control of Logan City. This proposed annexed property straddles Trapper Park so there is the potential for the City to have future recreational opportunities. Having this property

annexed into Logan will help with future discussions regarding trails and parks. There are also City services available and ready on 1000 West which will create jobs, tax base and housing.

ACTION. The Council voted by roll call to accept the annexation petition as presented.

Anderson: Aye

Bradfield: Aye

Olsen: Nay

Simmonds: Aye

WORKSHOP ITEMS:

Consideration of a proposed ordinance vacating Public Utility Easements between Parcels 05-107-0029 and 05-107-0030 in the Westfields Subdivision Phase 2 located at approximately 100 South 1200 West in Logan, Utah – Ordinance 18-22 – Paul Lindhardt, Public Works Director

Public Works Director Paul Lindhardt addressed the Council regarding the proposed request to vacate Public Utility Easements located at approximately 100 South 1200 West in Logan. Both parcels are owned by the same property owner. In conjunction with the vacation the property owner has also made application for a boundary line adjustment to combine the parcels into one for the purpose of expanding his business. He anticipates that the boundary line adjustment will be recorded by the December 18 Council meeting.

Councilmember Olsen asked if the proposed public utility easements have a fair market value.

Mr. Lindhardt responded no, there is no value to the proposed easements.

Mr. Housley explained there never will be any value associated with the proposed easements. We either use it as a utility easement or we don't use it at all.

The proposed ordinance will be an action item and public hearing at the December 18, 2018 Council meeting.

Consideration of a proposed contract authorizing the Providence Fire Suppression Agreement – Mayor Daines

Mayor Daines reported that the Fire Protection Contract with Providence City has been resolved and has been signed by Providence Mayor John Drew. The contract has not changed for 30 years and costs and usage have gone up increasingly so Providence City was notified a year ago that the contract would be reviewed and changes made.

City Attorney Kymber Housley explained the contract needs to be ratified by the Council. Changes made to the contract include the term which terminates June 30, 2025. The payment schedule is the same and the numbers have been clarified.

ACTION. The Council voted by roll call to ratify the proposed Providence Fire Suppression agreement as presented.

Anderson: Aye

Bradfield: Aye

Olsen: Aye

Simmonds: Aye

Budget Adjustment FY 2018-2019 appropriating: \$2,500,000 funds the Public Works Department was awarded from the Cache County Council of Governments (CCOG) for a road improvement project at 1400 North; \$5,040 for a reimbursement the Police Department will receive from the US Department of Justice for overtime the police officers will work; \$6,350 funds received from events for Police Department overtime - Resolution 18-52 – Richard Anderson, Finance Director

Finance Director Richard Anderson addressed the Council regarding the proposed budget adjustments.

The proposed resolution will be an action item and public hearing at the December 18, 2018 Council meeting.

ZONE CHANGE – Consideration of a proposed zone change. Visionary Homes, authorized agent/owner, requests a zone change from Neighborhood Residential to Mixed Residential (MR-9) on approximately 33-acres located at 2200 South 1400 West, Meadow Creek Subdivision – Ordinance 18-23 – Russ Holley, Planner

Planner Russ Holley addressed the Council regarding a proposed zone change.

REQUEST

The proponent is requesting to rezone approximately 34 acres (8 parcels) north of 2200 South and west of 1600 West from NR-6 to MR-9. This area was annexed into the City in 2005 and previously approved as the Spring Creek Village PUD Subdivision in 2007. Spring Creek Village had only the first phase constructed, with some of the lots later being re-platted differently than the original design. Subsequently in 2014, the 80-lot Meadow Creek Subdivision was approved but a final plat was never recorded and has since expired. This area contains a pond (Spring Creek Reservoir) and the Spring Creek waterway that defines the northern border of the project site. A second ditch/canal traverses the site to the southwest corner. The area is generally flat and currently used for agricultural purposes.

GENERAL PLAN

The Future Land Use Plan (FLUP) adopted in 2008 identifies this area as Detached Residential (DR). DR areas are describes as being designated for single family residential homes built at 4-6 units per acres. New development must create traditional neighborhood character with homes oriented towards streets with front porches. Subdivision streets should create block patterns similar to that of historic Logan neighborhoods. Mixed Residential (MR) areas are described in the General Plan as areas being designed to provide a range of housing options for all stages of life. Structures in MR will range from small single-family homes to townhomes and apartments.

LAND DEVELOPMENT CODE

The Land Development Code (LDC) describes the NR-6 zone as being Logan's most established residential areas. Detached single-family homes are permitted at no more than six (6) dwelling units per acre and with 6,000 SF minimum lot sizes. The MR-9 zone is described as allowing a mix of detached and attached housing structures. This zone will also provide a transition between commercial and higher density residential areas to lower density single-family zones. The MR-9 zone allows attached housing units (townhomes) at a maximum density of nine (9) units per acre of land.

ZONING HISTORY

In 2005, this property was zoned Agriculture. In 2007, the zoning was changed to SFT. In 2012 the property was zoned NR-W and in 2014 to the present it has been zoned NR-6.

SUMMARY

Considering the location of this property and comparing the future land use designations, current developments and approved projects within a ¼ mile radius, single-family detached homes are significantly outnumbered by multi-family attached and mobile home units. (approximately 700 multi-family units, 250 mobile/manufactured homes & 200 single family homes). The expired Meadow Creek Subdivision approved in 20014 would have added 80 single family home sites, but this proposal is for that same property. The FLUP indicates this area as detached single-family land uses. There are additional MR areas identified on the FLUP near 1000 West and 2200 South for future multi-family housing possibilities.

The MR-9 zone allows attached housing at a maximum of nine (9) units per acre of land. When considering rezone applications, the entire range of development possibilities should be anticipated. If the entire 34 acres were to be developed with multi-family attached housing at maximum densities, it would create over 300 units. Given the adjacent proximity to the existing homes within the Spring Creek Village phase one and the fact that this area would not be considered a transitional zone as explained in the LDC, staff would recommend against this proposal.

AGENCY AND CITY DEPARTMENT COMMENTS

No comment.

PUBLIC COMMENTS

Several phone calls and one written comment has been received from area residents, all of which have expressed concerns or opposition to the rezone proposal. A copy is attached for your review.

PUBLIC NOTIFICATION

Legal notices were published in the Herald Journal on 10/28/18, posted on the City's website and the Utah Public Meeting website on 11/01/18, and noticed in a quarter page ad on 10/21/18, and a Public Notice mailed to property owners within 300' were sent on 10/8/18.

RECOMMENDED FINDINGS FOR DENIAL

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

1. The location of the subject property is not considered a transitional area between higher and lower intensity land uses.
2. The subject property was never identified in the General Plan and Land Development Code as an area for future multi-family development or MR zoning.
3. The existing single family residential homes in the vicinity are anticipating additional single-family uses not multi-family uses.

Staff recommended that the Planning Commission recommended denial to the Municipal Council for a Rezone of approximately 34 acres of property located at 1500 West 2200 South from Neighborhood Residential Traditional (NR-6) to Mixed Residential Transitional (MR-9).

On November 8, 2018, the Planning Commission recommended that the Municipal Council deny the Meadow Creek Rezone project that amends the Official Zoning Map.

Mr. Holley stated that staff and the Planning Commission recommended denial but there are several things that have changed since the Planning Commission meeting. He explained that the property is currently zoned NR-6 and a lot of comments were received by phone and in writing. There were concerns because the MR-9 allows townhomes. There was an inventory/analysis of the area which shows a total of approximately 700 multifamily units in this area. There could be 250 mobile homes and only 200 single family homes, staff was concerned about these ratios. There were several people that spoke at the public hearing and expressed they would like single family detached housing. Logan City School District Superintendent Frank Schofield attended the Planning Commission meeting and also expressed the need for single family homes. Mr. Holley stated that he did some research and found that the area where the Meadow Creek Subdivision is located is not within the Logan City School District boundaries even though it's located in Logan City boundaries.

Mr. Holley continued and said since the Planning Commission meeting, the developer approached staff and presented updated plans and a voluntary deed restriction on the property which includes 150 detached single-family homes and would be the only structures built with a 4,000 SF lot size. They would be 3 bedrooms, 2 bath homes with no basement. This is a similar project to what is being built in the Amber Fields Subdivision with the difference being the lot size which will not be as deep. There will be common greenspace and an HOA.

Mr. Housley clarified that the deed restrictions are proposed in exchange for the higher zoning and has not been recorded.

The proposed ordinance will be an action item and public hearing at the December 18, 2018 Council meeting.

Consideration of an Interlocal Agreement for Tax Increment from the South Main River Community Reinvestment Project Area between the City of Logan and the Redevelopment Agency of the City of Logan – Kymber Housley, City Attorney

City Attorney Kymber Housley addressed the Council and explained that Logan City is currently meeting with the other two taxing entities (Cache County and Logan City School District). It is now required that all taxing entities enter into an Interlocal Agreement. The Redevelopment Agency Board contracts with the Logan City Council to consent that for fifteen years the Agency shall receive 70% of the tax increment proceeds. This will also be presented to Cache County and the Logan City School District.

Mayor Daines reported that she attended tonight’s Cache County Council meeting and they approved the Interlocal Agreement. There is still a budget portion they will approve at a future meeting.

The proposed Interlocal Agreement will be an action item at the December 18, 2018 Council meeting.

OTHER CONSIDERATIONS:

No further considerations were addressed by the Council.

ADJOURN TO MEETING OF THE LOGAN REDEVELOPMENT AGENCY

Vice Chair Simmonds welcomed those present. There were approximately 6 citizens in the audience at the beginning of the RDA meeting.

WORKSHOP ITEM:

Consideration of a proposed resolution approving Agency assistance for the City of Logan’s Housing Rehabilitation Assistance Program – Resolution 18-53 RDA – Mike DeSimone, Community Development Director

Community Development Director Mike DeSimone addressed the Council regarding the proposed resolution. He said the Housing Rehabilitation Assistance Program is administered by the City of Logan’s Community Development Department. This program provides grants for minor home repairs, excluding repairs to and replacements of appliances and other unattached personal property. The allocation from the Agency’s affordable housing reserves is not to exceed \$50,000.

The proposed resolution will be an action item and public hearing at the December 18, 2018 Council meeting.

ADJOURNED. There being no further business to come before the Council, the meeting of the Logan Municipal Council adjourned at 7:35 p.m.

Teresa Harris, City Recorder