

Minutes of the meeting of the Logan Municipal Council convened in regular session on Tuesday, June 19, 2018 at 5:30 p.m. in the Logan City Municipal Council Chamber, 290 North 100 West, Logan, Utah. Chairman Thomas C. Jensen conducting.

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

Chairman Jensen welcomed those present. There were approximately 32 in attendance at the beginning of the meeting.

### **OPENING CEREMONY:**

Richard Steele gave the opening thought and led the audience in the pledge of allegiance.

**Meeting Minutes.** Minutes of the Council meeting from June 5, 2018 were reviewed and approved with minor corrections.

**ACTION. Motion by Councilmember Olsen seconded by Councilmember Bradfield to approve the June 5, 2018 minutes as amended and approve tonight's agenda. Motion carried unanimously.**

**Meeting Agenda.** Chairman Jensen announced there are six public hearings scheduled for tonight's Council meeting.

**Meeting Schedule.** Chairman Jensen 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, July 17, 2018.

### **QUESTIONS AND COMMENTS FOR MAYOR AND COUNCIL:**

Logan resident Sara Bakker addressed the Council. She lives at 319 North 200 East and said there is a neglected home next to her and she asked when the home is removed, what recourse she will have to make sure the home is removed safely. She is concerned about lead paint and meth contamination.

Mayor Daines asked Community Development Director Mike DeSimone to respond to Ms. Bakker regarding her concerns.

Logan resident Jeff Hoedt addressed the Council and read a prepared statement regarding the Proposed Road Project on 1000 North between Main Street and 200 West. A copy of the statement was given to each of the City Councilmembers. Mr. Hoedt feels the current project for 1000 North needs to be reassessed, and he encouraged the Council to improve

the planning, implementation, and measurement systems in a way that will truly enhance the service provided to the public.

Logan resident Sean Isaacs addressed the Council. Mr. Isaacs said his wife is a cat breeder and they recently learned there are strict rules regarding the number of pets that someone can have which is 4 dogs or 4 cats. He asked if there is way to allow a cattery that would be strictly indoors and his wife could breed cats and sell them online. He asked if exceptions can be made for cats because he would like to remain in Logan City.

Mayor Daines asked Mr. DeSimone to respond to Mr. Isaacs questions regarding a cattery.

Logan resident Tim Chenette addressed the Council and suggested that improvements be made to the City's notification process of projects that are being discussed. He suggested an email list that people could sign up for and receive notification for a specific neighborhood would be helpful. He also said that Logan needs to keep up with the need for affordable housing. He spoke with Chairman Jensen regarding this issue who said that it's difficult to get a political will when it comes to affordable housing. He offered the Council his assistance to serve on a committee to further discuss affordable housing in the future.

Vice Chair Simmonds suggested that neighborhood emails we currently have could be used for email notification.

Logan resident Roger Yost addressed the Council regarding Merlin Olsen Central Park. He stated they are building one new tennis court in the park and he suggested that two tennis courts and one practice area be built.

Chairman Jensen asked about the status of the traffic light at 300 South 100 East.

Mayor Daines responded that if a light is placed in this location, traffic will back up from Main Street to this location and would not solve the problem. There are also narrow spaces along this road so the City is trying to determine how best to solve this issue.

North Logan resident Jake Call addressed the Council regarding customer service in the City of Logan. He has concerns about Community Development and the fines imposed to tenants. He does not understand the balance between customer friendly service with tenants/homeowners. He feels that improvements can be made in regards to customer service.

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

### **MAYOR/STAFF REPORTS:**

Mayor Daines had nothing to report at tonight's meeting.

## **COUNCIL BUSINESS:**

### **Planning Commission Update – Vice Chair Simmonds**

Vice Chair Simmonds reported that she attended the last Planning Commission meeting and there are two items that will come before the Council.

### **July Council Meeting Schedule – Chairman Jensen**

Chairman Jensen announced that the July 3, 2018 Council meeting has been cancelled due to activities centered around the July 4 holiday.

No further Council items were presented.

## **ACTION ITEMS:**

***(Continued from the June 5, 2018 Council Meeting) - Town Center Rezone – Consideration of a proposed rezone. Logan City requests to rezone multiple parcels on approximately 173 acres from Town Center (TC), Neighborhood Residential (NR-6) and Public (PUB) to Town Center 1 (TC-1), Town Center 2 (TC-2), Public (PUB) and Recreation (REC) – Ordinance 18-07***

At the May 1, 2018, May 15, 2018, and June 5, 2018 Council meetings, Community Development Director Mike DeSimone and Planner Russ Holley addressed the Council.

Mr. DeSimone said what will be presented tonight are two separate items, but are somewhat related. Part of the Town Center Rezone includes aspects of the Land Development Code Updates. The Council will act on the Town Center Rezone Map on its own merit and the Council will also act on the Land Development Code Updates which includes the Town Center information as a separate item.

Mr. DeSimone reviewed the following information regarding the Town Center Rezone.

### **REQUEST**

The Logan City Community Development Department is requesting to create two new zoning districts (TC-1 & TC-2) and rezone approximately 173 acres of property located in various areas, in and around Downtown Logan from TC, NR-6, PUB & REC to TC-1, TC-2, PUB & REC. The fundamental reason for this proposal is the creation of two new zoning districts (TC-1 & TC-2), that create a two-tier downtown. TC-1 is designed to be higher intensity urban development areas positioned along the Main Street and 400 North corridors. TC-2 is designed to be a lower intensity zone for areas positioned around the edges of downtown. Both TC-1 and TC-2 would be considered commercial zoning districts, with the main difference being that TC-2 requires lower building heights, larger setbacks and would allow stand-alone multi-family residential projects.

The majority of properties under consideration currently contain some form of development, with most being commercial uses and structures. Many of the properties are considered historic, with buildings dating back to the early 1900's. This proposal also

includes several civic, public and recreational properties located in various areas throughout downtown. In one area along 100 East, the proposal includes an up-zone of NR-6 properties to TC-2.

### **GENERAL PLAN**

The Future Land Use Plan (FLUP) adopted in 2008 identifies the entire downtown area as TC with the exception of Garff Wayside Gardens and Pioneer Park shown as REC. In 2008, the General Plan did not contemplate a tiered or step-down Town Center pattern. With numerous debates in recent years focused on development compatibility, a step-down transition to lower intensity neighborhoods should increase compatibility while remaining consistent with the General Plan. And the creation of the TC-2 zone should spark additional multi-family residential development around downtown, which is something the General Plan identifies as important for downtown vibrancy and a way to reduce the demand and pace of outward sprawling suburban development.

### **ZONING**

The TC-1 zone is proposed as being the inner core of Logan City with a mix of retail, office, commercial, entertainment and residential land uses. Projects must contain commercial space and are prohibited from stand-alone residential. The TC-1 zone is proposed with building heights at 80', front yard setbacks at 0' and 70 residential units per acre. The TC-2 zone is proposed in areas off Main Street and 400 North, with a mixture of commercial and residential uses encouraged. Projects in the proposed TC-2 zone could be commercial or stand-alone multi-family residential. The TC-2 zone is proposed with building heights at 45', front yard setbacks at 25' and 50 residential units per acre. Residential bonuses are proposed in the TC-2 zone. The PUB and REC zones are described as areas for public use, such as parks, civic and governmental projects.

### **SUMMARY**

As proposed, the TC-1 and TC-2 concept should preserve prime commercial properties for commercial uses and tax base along Main Street and 400 North within downtown. The TC-2 zone should spark additional housing, being in high demand, in areas around downtown that will create vibrancy, better walk-ability and contribute to downtown business development. With such high demand for housing, Cache Valley is seeing unprecedented amounts of agricultural land, green space, bench land and low-land wildlife habitat being consumed for suburban residential development. This type of development pattern increases reliance on the automobile, worsens traffic congestion and degrades air quality and natural environments. This pattern does not supply a wide-ranging housing stock that meets the wide range of household types and various stages of life for the citizens of Logan. This proposal is attempting to fulfill the saying, "Keep the country, county and the city".

### **AGENCY AND CITY DEPARTMENT COMMENTS**

No comments.

## **PUBLIC COMMENTS**

Notices were mailed to property owners within 300 feet of the subject property. As of the time of this report, numerous phone calls and comments have been received.

## **PUBLIC NOTIFICATION**

Legal notices were published in the Herald Journal on 1/14/18, posted on the City's website and the Utah Public Meeting website on 1/14/18, and noticed in a quarter page ad on 1/14/18 , and a Public Notice mailed to property owners within 300' was sent on 1/9/18.

## **RECOMMENDED FINDINGS FOR APPROVAL**

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

1. The location of the subject properties is compatible in land-use with the surrounding commercial, residential and civic uses.
2. The subject properties can fulfill the purpose of the General Plan, Downtown Specific Plan and Land Development Code by providing a compact vibrant and urban downtown.
3. The surrounding streets and infrastructure are sufficient in size and capacity to handle uses permitted in the TC-1 and TC-2 zoning districts.

## **RECOMMENDATION**

Staff recommends that the Planning Commission recommend **approval** to the Municipal Council for a Rezone of approximately 173 acres of property located in and around Downtown Logan from Town Center (TC), Traditional Neighborhood Residential (NR-6), Recreation (REC), and Public (PUB) to Town Center 1 (TC-1), Town Center 2 (TC-2), PUB and REC.

On April 12, 2018, the Planning Commission unanimously recommended that the Logan Municipal Council approve the Town Center Rezone project that amends the Official Logan City Zoning Map.

Planner Russ Holley addressed the Council and reviewed several proposed maps for TC-1 and TC-2. He stated that staff looked at other cities such as Provo and Ogden and how they are developing and what types of densities and heights they require. Also considered were how these cities are handling the "fringe" areas and how they interface with lower density residential. Logan has single family neighborhoods adjacent to downtown or lower density neighborhoods adjacent to the downtown, a step-down or buffer is appropriate. Doing this will preserve and keep the neighborhood vibrant. He said one area of slight contention was the religious properties and how they should be designated. Originally it was thought that TC-2 would be appropriate, Commissioner Butterfield was adamant about rezoning all of the religious properties to a Recreation Zone. Staff had some hesitation with changing to a Recreation Zone because this zone is geared toward public uses such as a golf course or a park. The other Planning Commission members voted to keep the way they are as NR-6 or Town Center.

Mr. Holley reported that staff received 80 written comments with the majority being in opposition. Over the course of the Planning Commission meetings that were held, there were more favorable comments but they were mostly 70/30 in opposition in comparison to the written comments. The proposed Garff Garden project was the main topic of a lot of the comments with others referring to density and other issues. He will provide the Council with a summary of the top comments received.

Mr. DeSimone referred to the Comparison Chart of Town Center (TC), TC-1 and TC-2.

**Comparison of Town Center (TC), TC-1 and TC-2**

	Town Center (TC)	TC-1	TC-2
Density	70	70	30
Lot Coverage	100%	100%	80%
Building Frontage	75% Main/40% Other	75% Main & 4 <sup>th</sup> /50% Other	50%
Ground Floor Commercial	Unclear (Policy language yes - regulatory language no)	Required on Main & 4 <sup>th</sup> North only/Other streets no	No
Free Standing Residential	Unclear	See above	Yes
Commercial Setbacks	Front: 0'-5'; Side: 0'-5'; Rear: 0'	Front: 0'-5'; Side: 0'; Rear: 5'	Front: 0'-10'; Side: 0'-8'; Rear: 5'
Residential Setbacks	Same as above	Front: 0'-10'; Side: 0'-8'; Rear: 10' with design flexibility based on project/location	Front: 0'-10'; Side: 0'-8'; Rear: 10' with design flexibility based on project/location
Height/Setback Transitions	Yes	Yes	Yes
Building Heights	68' – Main/45' other streets	55' all street frontages & up to 80' internal to block	45'
Ground Floor Height	15' – 20'	Commercial/MU – 12'	None
Transparency/Fenestration	Ground Floor 60%/Upper 20%	Same	Same
Parking (Residential)	0.5 stall/unit – 2.0 stalls/unit	Studio/1 BR – 1.5 stalls/unit & no shared parking 2 + BR – 2.0 stalls/unit & with up to 50% shared	2.0 stalls/unit & with up to 25% shared
Parking (Commercial)	Based on Use Type	Based on Use Type & with up to 50% shared	Based on Use Type & with up to 50% shared
Land Set-asides	No	No	Open Space - 10% & Useable Outdoor Space – 10%

Chairman Jensen announced that a public hearing regarding Ordinance 18-07 would not be held at tonight's meeting.

City Attorney Kymber Housley suggested that the Council hold one more public hearing after tonight's discussion before making a final decision.

Chairman Jensen announced that the public will have another opportunity to provide input before the Council votes on Ordinance 18-07 and 18-08.

Chairman Jensen reviewed the following:

**HEIGHT**

Chairman Jensen said currently the building height in TC-1 is 80'. The Fire Marshall has stated at 75' the code requires too many things to be changed in the building that would make a project not economical.

Chairman Jensen suggested the maximum building height be changed from 80' to 75'. This is the height that was proposed to the Planning Commission by staff and the Planning Commission then recommend the 80' height to the Council.

Mr. DeSimone asked if the Council still approves 55' along the street frontage and 75' in the internal block area.

Vice Chair Simmonds suggested that the height be left at 80'.

Councilmember Bradfield suggested changing the height to 75' because the additional 5' would be cost prohibitive for a builder.

Councilmember Olsen asked Fire Chief Brad Hannig in terms of ladder capacity, is there a break in height.

Chief Hannig responded that he doesn't feel that 5' is relevant and doesn't think that anyone will build to 80'.

The Council all agreed to change the maximum building height from 80' to 75'.

### **TRANSPARENCY**

Vice Chair Simmonds said the transparency issue is related to the density bonus. She has the desire that the first floor be built with a greater transparency because she feels it will look better at the street level. She suggested transparency for residential projects in the TC-2 zone be increased on the ground floor for residential from 20% to 40%.

The Council all agreed to change transparency from 20% to 40%.

### **TC-1 PARKING**

Councilmember Bradfield said he made two campaign promises to the residents along 100 East. One is that if a project were built in their neighborhood that the cultural significance would remain and the second is that if a project were built, there would be adequate parking. At the time, the neighborhood understood that there will be higher density in Logan but that if more housing were to come that it must be attractive and be consistent with the current neighborhood. In TC-1 he proposed less parking and in TC-2 no shared parking.

Councilmember Anderson said she preferred that shared parking be incorporated into density bonus.

Vice Chair Simmonds said the Planning Commission reviewed the percentages for shared parking. The concern of the Planning Commission regarding parking in TC-1 is that we don't want to have an entirely paved downtown, we would all much rather have projects and provide shared parking that works with residents and the City. In TC-2, the Planning Commission wanted to have a small amount of shared parking but not 50% shared.

Chairman Jensen said TC-1 is more isolated from neighborhoods than TC-2. He agrees with Vice Chair Simmonds and the Planning Commission and feels that shared parking in TC-1 is better than paving the entire downtown.

Councilmember Olsen said we don't want an entirely paved downtown but, the alternative is we have less parking downtown and people will end up parking on the street or in other people's parking areas. He does not want to create a situation similar to what is happening on 600 East with the lack of parking. He proposed having 2 parking stalls per unit for both TC-1 and TC-2 and no shared parking.

Chairman Jensen said TC-1 is away from the residential neighborhoods and his opinion is that urban/city areas should have more shared parking.

Mr. DeSimone stated the definition of shared parking is a formal agreement that the City would sanction between two compatible uses.

Councilmember Bradfield commented that we can always reduce parking but we can never go back and add more parking.

Councilmember Anderson stated that people will make choices depending on what they have to work when it comes to parking. As people consider whether or not they want to live in downtown Logan if they have 2 cars and a boat, they most likely will not live downtown. The right person will need to decide if they can get along with one parking stall or if they need more.

Councilmember Olsen said there is also the situation of visitors and where can they park.

Councilmember Anderson said it doesn't make sense to her to have more parking for 5-10 days out of the year when the rest of the year only one parking stall is adequate. She feels there is currently enough parking downtown even when several events are going on at the same time. Parking might not be located right in front of the store or location that someone wants to go but, there is parking.

Vice Chair Simmonds said the original intent in regards to Campus Residential is less parking would be allowed onsite but there had to be alternative parking arrangements. Sadly, those arrangements were not based on contracts that went along with the land. She feels if we have something in place that runs with the land, that is consistent, and agreed to by all parties will work.

Chairman Jensen said if the developer of a project determines there is not enough parking for the renters/owners, they will go elsewhere to build their project.

Councilmember Olsen said his primary concern are the neighbors who could have people parked in front of their home and will have to deal with parking problems. He would like two parking stalls for all units including studio apartments.

Councilmember Bradfield said he would prefer no shared parking and also feels there should be visitor parking.



The Council recommended the following for the TC-1 Parking:  
Studio/1 bedroom – 1.5 parking stalls/unit with no shared parking  
2/bedroom – 2 parking stalls/unit with up to 50% shared  
Add a requirement for visitor parking at 1 parking stall per 10 units

## **TC-2 PARKING**

Chairman Jensen said the TC-2 zone is property that is adjacent to neighborhoods so the Council will need to be more sensitive in determining parking.

Councilmember Anderson said it's also important to keep in mind that these guidelines are to encourage development within a compact, walkable, urban form. The Council needs to encourage the intent of the entire area.

The Council recommended the following for the TC-2 Parking:  
All units – 2 parking stalls/unit with up to 25% shared  
Add a requirement for visitor parking at 1 parking stall per 10 units

## **DENSITY**

Chairman Jensen said currently proposed is 70 units per acre in TC-1 and 30 units per acre in TC-2. His feeling is with 30 units per acre we will get a substandard project and will not have the amenities that people want. What makes the difference is parking, noise, and how the units are managed. He suggested a density bonus based on design.

Vice Chair Simmonds said there are three categories that she would consider for a density bonus but, if the Council considers density bonuses, it would have to go back to the Planning Commission since they will need to enforce the bonus. She said one measure of quality that we can absolutely define and will make sure that we get a quality building is to require someone to use LEEDS standards. In TC-2 the ground floor could be built as if it were going to be commercial someday. There could also be parking within the perimeter of the building (underground parking). If a developer were to be given the choice of one of these three things mentioned, she feels we would get a better project. She is adamant this should go to the Planning Commission for them to decide.

Chairman Jensen added that he would like there to be an onsite full-time manager of the units.

Vice Chair Simmonds said she doesn't feel that an onsite manager should be one of the choices in regards to density bonus.

Mr. Housley said a manager is a good idea but doesn't know how it would be enforced.

Councilmember Anderson suggested we could make the fines so egregious for not having an onsite manager.

Mr. Housley said the developer would already have the bonus and if the manager were to leave there is no nothing we can do to enforce the manager remaining onsite.

Chairman Jensen said he feels an onsite manager is needed for a 30 or higher unit project and this would be for rentals or owner-occupied units.

Mr. Housley said fines don't work either because it would not be in violation of an ordinance. An onsite manager is a good idea and we can try and encourage it but, but we could not enforce it. He said building materials is something that we can define and we should focus on things that can be defined or verified at the time the project is built and not afterward.

Chairman Jensen stated at the July 17, 2018 Council meeting there will be further discussion regarding density, density bonus, and boundaries.

**ACTION. Motion by Councilmember Bradfield seconded by Vice Chair Simmonds to continue Ordinance 18-07 to the July 17, 2018 Council Meeting as a public meeting, not a public hearing as presented. Motion carried unanimously.**

***(Continued from the June 5, 2018 Council Meeting)* - Land Development Code 2018 Updates – Consideration of proposed code amendments. Logan City requests to amend and update the Logan Land Development Code as follows: Delete Chapters 17.07-17.11; re-number and update 17.12-17.61; consolidate 17.12 & 17.15; consolidate 17.16 & 17.19; divide Town Center Zone into TC-1 & TC-2 and add TC-1/TC-2 language into 17.10-17.12; amend 17.09 & 17.12 to add building orientation, massing, length and articulation standards; update 17.36 Home Occupations; amendment includes minor grammatical corrections throughout the entire document; update 17.60 Administrative Enforcement to increase civil fee for over occupancy; add Footnote #4 Food Service Establishments in the Neighborhood Commercial Zoning District are prohibited from serving alcohol due to the nature of the Neighborhood Commercial Zone and its proximity to single family residential areas – Ordinance 18-08**

At the May 1, 2018, May 15, 2018, and June 5, 2018 Council meeting, Community Development Director Mike DeSimone addressed the Council regarding the 2018 Land Development Code Updates. The proposal is to update and re-adopt the entire Land Development Code as amended. The amendments can be divided into either “general” changes and “specific” changes. The general changes including formatting or grammatical corrections, chapter consolidation, document renumbering, and overall document content streamlining and are considered relatively minor. The specific amendments include eliminating vague or general policy language from the regulatory document, eliminating multiple references to specific development standards or regulations, clarifying building design standards regarding orientation, massing, articulation and building length, and replace Town Center (TC) with two separate and distinct (TC-1 & TC-2).

The proposed “general” amendments or changes to existing LDC Chapters are as follows:

**Preface:** Changed dates, eliminated Amendment/Rezone Tables and updated Table of Contents.

**Chapters 17.01 – 17.11, 17.13, 17.20 - 17.35, 17.37, 17.39 – 17.42, 17.44 – 17.59, 17.61 – 17.62.** Minor grammatical corrections, updated references and eliminated reserve chapters.

The proposed “specific” amendments or changes to existing LDC Chapters are as follows:

**Chapters 17.12 & 17.15.** Consolidate these two chapters by eliminating the general descriptions for each specific residential zone, adding a purpose statement to each spec sheet, and eliminating the redundant regulations from the spec sheets already listed elsewhere in the LDC, e.g., fencing, parking, etc. The general language for each of the different zones in Chapter 17.12 is non-regulatory language, or General Plan language, is generally very subjective, difficult if impossible to apply and enforce, and has created confusion when applying the regulatory provisions of the code.

**Chapter 17.14.** Add building length standards targeted to each of the different multi-family zones to replace the generic spec sheet maximum building length language of 120’ (note: this is in wrong location in draft, should be inserted at 17.14.040.C.3).

**Chapter 17.15.** Residential Spec Sheets. Eliminate this chapter and move refined spec sheets into Chapter 17.12 (old) or Chapter 17.07 (new).

**Chapters 17.16 & 17.19.** Consolidate these two chapters by eliminating the general descriptions for each specific commercial/industrial zone, adding a purpose statement to each spec sheet, eliminating the redundant regulations from the spec sheets already listed elsewhere in the LDC, and replacing the existing Town Center (TC) zone with both a Town Center 1 (TC-1) and a Town Center 2 (TC-2) zones.

**Chapter 17.17.** Add TC-2 to the Use Table and define those uses appropriate for this zone. We also have proposed to eliminate some of the specific uses listed in the table as they can be accommodated under the more general sales/service category. A number of the uses formerly permitted in the Town Center zone are outright permitted in the TC-1 zone while listed as a conditional use in the TC-2 zone.

**Chapter 17.18.** Delete redundant language found elsewhere in the Code, e.g., design, parking landscaping, etc. as well as include specific commercial design language regarding building orientation, four-sided architecture, building massing and building articulation. The following proposed changes have already been workshopped with the Planning Commission.

**Section 17.18.010.D.** Eliminate 17.18.010.D as these items are codified elsewhere in the code.

**Section 17.18.020.C.2.** Clarify that 4-sided building design is required for all projects.

**Section 17.18.020.C.4.** Change Subsection C.4 to clarify this section is about regulating Building Mass through two subcategories (1) Horizontal Articulation and (2) Vertical Articulation.

Horizontal Articulation – changed language to require at least 3 of the 6 different elements. Changed the square feet of surface area and distinct planes listed in subsection a and went to a maximum wall plan length of 40 feet instead, which means that a building shall be broken up into individual components no greater than 40’ in length using at least 3 of the 6 different horizontal articulation elements.

Vertical Articulation – added limitations on the vertical height of a blank wall to 12 feet.

Removed the language regarding adaptive reuse in subsection 5 as it isn’t regulatory and not any different than rest of design standards.

### **Section 17.18.030. Building Orientation**

**Section 17.18.030.A.** We think it is important to keep the overall purpose of orienting buildings towards a public street, but also need to address the reality that each project is different, each site is different, each location or setting is different, each property owner’s preference is different, so it is not always realistic to expect that the front door will face the street. The movement away from only requiring that the primary door face the public street allows for flexibility for all parties engaged in the design and review processes.

**Section 17.18.030.C.** Same concept. The City believes that the best side of a building should be oriented towards the street and this can be done regardless of where the front door is located. So, if a developer wants to orient his front door towards the parking lot, which by code is located either to the side or rear of the building (not between building and street), we want to ensure that the side of the building facing the street is equally as attractive.

**Section 17.18.040.** Transition Areas. Included changes to 17.18.040.C by removing references to the height transition standards in the residential section and instead putting those same standards in the commercial section.

**Chapter 17.19.** Commercial Spec Sheets. Eliminate chapter and move refined spec sheets into Chapter 17.16 (old) or Chapter 17.10 (new).

**Section 17.36.020.** Removed figures/drawings of typical cross sections and instead referenced Public Works to eliminate confusion between the LDC and actual engineering requirements which are based on adopted MUTCD and City road standards.

**Section 17.38.040.** Added a parking standard for call centers of one stall per one employee at largest shift.

**Chapter 17.43.** Simplifying the Home Occupation language to line up with recent changes to the Logan Municipal Code and State Law. We are proposing to eliminate the listing of types of Home Occupations, consolidated 17.43.040 with 17.43.050, and eliminated 17.43.150 and 17.43.160.

**Section 17.60.440.** Increased the civil penalty fee for over occupancy violations from \$50.00 to \$250.00.

Also proposed to add a new Chapter on Residential Density and Height Bonuses (17.37) which is discussed under a different memo. Add Footnote #4 Food Service Establishments in the Neighborhood Commercial Zoning District are prohibited from serving alcohol due to the nature of the Neighborhood Commercial Zone and its proximity to single family residential areas.

### **GENERAL PLAN**

The Land Development Code was prepared and adopted to implement the vision expressed in the General Plan. The proposed amendments to update the Land Development Code, along with specific changes to the commercial design standards and the modification to the Town Center zone, are consistent with the General Plan.

### **STAFF RECOMMENDATION AND SUMMARY**

The proposed changes to the Land Development Code will help eliminate ambiguous and conflicting language, works to streamline the implementation of the Code, provides additional flexibility to both applicants and the City in designing and reviewing commercial projects, and works to better execute both the Logan General Plan as well as the Downtown Specific Plan. Staff would recommend that the Planning Commission forward a recommendation of approval to the Council for their consideration.

### **PUBLIC COMMENTS**

As of the time the staff report was prepared, no public comments had been received.

### **PUBLIC NOTIFICATION**

Legal notices were published in the Herald Journal on January 14, 2018, posted on the City's website and the Utah Public Meeting website on January 14, 2018, and noticed in a quarter page ad on January 14, 2018.

Vice Chair Simmonds asked how many Neighborhood Commercial Zones we have in Logan City.

Mr. DeSimone responded there are four Neighborhood Commercial Zones which are, the Island Market, Herm's Inn, Tandori Oven, and USU Credit Union located on 1000 North.

Vice Chair Simmonds said the Council is now considering adding to the code that alcohol will not be served in a Neighborhood Commercial Zone.

Mr. Housley clarified the proposed code is for onsite consumption. Tandori Oven would be grandfathered in regards to alcohol being served. The reason this is coming before the Council is there are neighborhoods that do not want alcohol to be sold for consumption near their neighborhood.

Mr. DeSimone stated the City has received emails that the neighborhood in the area of Herm's Inn do not want alcohol served.

Vice Chair Simmonds said we are encouraging people to walk and encouraging people to patronize local businesses. We are encouraging all residents to be part of their community

and she does not feel it's appropriate to single out one zone. She feels the City has enough alcohol control with the State and have not any concerns or problems with alcohol being served at Crumb Brothers and other locations.

Councilmember Anderson stated that establishments are responsible to make sure they are not over serving their patrons alcohol.

Mr. Housley stated that if a person is impaired the establishment/restaurant is not supposed to serve any more alcohol and each situation is on a case by case basis. There is a civil liability on the part of the restaurant establishment. Logan City does not have the ability to regulate consumption which, is handled by the State. Logan City has the ability to approve consent to get an alcohol license.

Mr. Housley said it would be helpful to know from the Council regarding the alcohol amendment and whether or not it should be part of the code.

Vice Chair Simmonds and Councilmember Anderson said they do not support the inclusion to the code of #4 Food Service Establishments in the Neighborhood Commercial Zoning District are prohibited from serving alcohol due to the nature of the Neighborhood Commercial Zone and its proximity to single family residential areas.

Vice Chair Simmonds said her reason for not supporting the amendment is she feels we are targeting an individual business.

Chairman Jensen said he understands the neighborhood concerns but feels that it's overblown with controls we currently have in place so he does not support the amendment.

Councilmember Anderson, Bradfield and Olsen also do not support the alcohol amendment and the Council agreed to remove from the language in Ordinance 18-08.

**ACTION. Motion by Vice Chair Simmonds seconded by Councilmember Anderson to continue Ordinance 18-08 to the July 17, 2018 Council Meeting as a public meeting, not a public hearing as presented. Motion carried unanimously.**

**PUBLIC HEARING – Consideration of a proposed resolution approving Elected Official's Wages FY 2018-2019 – Resolution 18-23**

At the June 5, 2018 Council meeting, Human Resource Coordinator Ambrie Darley addressed the Council regarding the proposed resolution. She stated that the City has established a pay program which has been adopted and implemented by the Logan Municipal Council. The City annually surveys other local government positions throughout the State of Utah which includes an annual market study in order to identify prevailing wages for comparable positions in Logan City. This survey also includes wage data for local government elected officials.

It is proposed that the annual salary of the Mayor be adjusted to \$93,310 base salary plus a \$6,000 car allowance for a total compensation of \$99,310 per year. The current salary is \$88,866

It is also proposed that the annual salary of the elected City Council Members be adjusted to \$15,006 plus a \$300 car allowance for a total compensation of \$15,306 per year. The current salary is \$14,291.

Human Resource Director Greg Cox addressed the Council and gave an overview of the proposed resolution.

Mayor Daines said the Council could adopt the wage increase tonight and then opt not to implement the increase until the end of the Councilmember's term. If the Council approves the wage increase she will donate the difference of her wage back to the City for a project of her choosing.

Councilmember Bradfield asked how do we determine how the Mayor and Council's service is valued.

Mr. Cox responded that a wage study was completed after checking with various counties regarding mayor and council wages.

Councilmember Bradfield asked how often do police officers receive a wage increase.

Mr. Cox responded for the last six years police officers and other city employees have received a 3% wage increase. One year the increase was 4% and there have also been times when no increase was given.

Chairman Jensen said it's not so much that people would run for Mayor or Council to make a living but, it might prevent someone from running because they can't afford the time commitment.

Chairman Jensen opened the meeting to a public hearing.

Logan resident Keith Schnare commented the Mayor and Council are not volunteers, they are a Board of Directors and need to be compensated. They put in a lot of effort, mileage traveling to various meetings and time away from their family. He supports the proposed wage increase.

There were no further comments and Chairman Jensen closed the public hearing.

Councilmember Bradfield commented that the time and talent of our elected officials and what they go through to get elected are all things that should be considered when determining the wages for elected officials.

**ACTION. Motion by Councilmember Olsen seconded by Vice Chair Simmonds to approve Resolution 18-23 as presented. Motion carried unanimously.**

**PUBLIC HEARING - Consideration of a proposed resolution approving Member Contributions to the Utah Retirement Systems Contributory Retirement Plan FY 2018-2019 – Resolution 18-22**

At the June 5, 2018 Council meeting, Ms. Darley addressed the Council regarding the proposed resolution. The City formally agrees to fund “pick-up” 100% of the required member contribution for all eligible employees required to contribute to the Utah Retirement Systems Contributory Retirement Plan for the 2018-2019 Fiscal Year (effective July 1, 2018) according to the applicable Utah Retirement Systems Retirement Contribution Rates.

Chairman Jensen opened the meeting to a public hearing.

There were no comments and Chairman Jensen closed the public hearing.

**ACTION. Motion by Councilmember Anderson seconded by Vice Chair Simmonds to approve Resolution 18-22 as presented. Motion carried unanimously.**

**PUBLIC HEARING – Consideration of a proposed resolution approving a Property Tax Rate of 0.001952 for Calendar Year 2018 and Fiscal Year 2018-2019 – Resolution 18-24**

Finance Director Richard Anderson addressed the Council regarding the proposed resolution. This is a required public hearing for the Certified Tax Rate and there is not a tax increase being proposed this year. He has talked to Council in the past about the need to increase taxes but this year it is proposed that the Council accept the rate that has been calculated by the Cache County Auditor and the State of Utah. This gives us exactly the same amount of money we received in the prior year so it’s not a property tax increase plus, it will give us any taxes that are collected on new businesses.

Chairman Jensen opened the meeting to a public hearing.

There were no comments and Chairman Jensen closed the public hearing.

**ACTION. Motion by Vice Chair Simmonds seconded by Councilmember Bradfield to approve Resolution 18-24 as presented. Motion carried unanimously.**

**PUBLIC HEARING – Consideration of a proposed resolution adopting the Final Revenues and Expenditures Budget for Fiscal Year 2018-2019 in the amount of \$146,298,580 – Resolution 18-28**

Finance Director Richard Anderson addressed the Council regarding the proposed Final Revenues and Expenditures Budget for Fiscal Year 2018-2019 in the amount of \$146,298,580. Mr. Anderson stated that three new positions are proposed in the budget in the Environmental Department, two new drivers and one equipment operator due to increased service. In the General Fund, it is proposed that we increase the amount that is going towards capital improvements. This is important because we have to make up for the shortfalls where we are not allocating as much as we should specifically to



infrastructure, roads and transportation. We are not increasing the operating budget with the exception of part time employees. Mr. Anderson said we can't increase taxes enough to pay for all the needs we have but we are making progress and going in the right direction. The budget includes a 3% pay for performance and market increase for employees.

Chairman Jensen thanked Mr. Anderson and Mayor Daines for their work on the budget.

Chairman Jensen opened the meeting to a public hearing.

There were no comments and Chairman Jensen closed the public hearing.

Councilmember Anderson asked about the unfunded homeless initiative.

Mr. Anderson responded that the State of Utah is reducing the City's sales tax revenue in the amount of \$90,000.

Councilmember Olsen said the amount is approximately \$90,000 for the City of Logan and \$168,000 for Cache County. He is hoping that we can create a situation where Logan will qualify to have that money returned to deal with our own homeless issues but, that will require an amendment to the current law.

Mr. Anderson said the State did this without the ability for us to compensate and they should have allowed the City to raise property taxes. This was an unfunded mandate from the State.

Mayor Daines said the funding is for law enforcement and not for homeless services. Logan City would need a 60-bed shelter to be exempt from paying the \$90,000.

Councilmember Anderson said we need to decide statewide how to handle the homelessness issues. She does not feel taking \$90,000 from the City is an appropriate way to handle it and doing this affects all local communities.

Councilmember Bradfield asked about the process of the budget and when planning of the budget begins.

Mr. Anderson said the budget is required to be presented to the Council upon or before May 1 and adopted no later than June 22.

Mayor Daines added that staff begins preparing for the budget in January/February. Most of the operating budgets have been flat for 10 years but we do have to consider future projects, especially capital projects.

Mr. Anderson said the budget is a six-month project for the Mayor, Council and the finance staff. City departments come in at certain phases. Starting the process early makes it manageable.

Mr. Housley said the timing of the budget is set by State statute.

**ACTION. Motion by Councilmember Olsen seconded by Councilmember Anderson to approve Resolution 18-28 as presented. Motion carried unanimously.**

**PUBLIC HEARING - Budget Adjustment FY 2017-2018 appropriating: \$75,000 for a grant the Parks & Recreation Department received from the Utah League of Cities and Towns. The funds will be used to promote and encourage healthy activities: \$6,594 funds to reimburse Logan City for Airport snow plowing for FY2018; \$14,835 for a grant the Police Department received from the State of Utah. The funds will be used to purchase camera equipment for police vehicles – Resolution 18-25**

At the June 5, 2018 Council meeting, Finance Director Richard Anderson addressed the Council regarding the proposed budget adjustments.

Chairman Jensen opened the meeting to a public hearing.

There were no comments and Chairman Jensen closed the public hearing.

**ACTION. Motion by Vice Chair Simmonds seconded by Councilmember Olsen to approve Resolution 18-25 as presented. Motion carried unanimously.**  
**WORKSHOP ITEMS:**

**Woodmoore Pointe Rezone – Consideration of a proposed rezone. Sterling Land Holdings, LLC/Wesethel, LLC, authorized agent/owner, request a zone change from Neighborhood Residential (NR-6) to Mixed Residential (MR-9) on 16.69 acres located at approximately 1100 West 1800 South – Ordinance 18-11 – Mike DeSimone, Community Development Director**

Community Development Director Mike DeSimone addressed the Council regarding the proposed rezone. The proponent is requesting to rezone approximately 16.69 acres of property from NR-6 to MR-9 with the intention of development the property as multi-family attached housing and will be approximately 150 units. The property is currently vacant and fronts both onto 1800 South and 1100 West along the North and East side of the parcel. The generally flat property has a canal that bisects the piece running North and South, along with an area of standing water near the South border. Both 1800 South and 1100 West streets do not have curb, gutter and sidewalk along the property frontage. The property has primarily been used for agricultural and grazing purposes in the past.

Staff recommended that the Planning Commission recommend approval of the rezone.

Councilmember Bradfield said this is a very busy road and trying to turn left is dangerous. He lives in this area and feels that if we overpopulate this area it will create an even more dangerous situation with more cars.

Mayor Daines said a traffic light for this area is not in the capital plan and will not go in anytime soon.

Mr. DeSimone said there will be a traffic light going in on 1000 West and Highway 89/91 which, will help.

The proposed ordinance will be an action item and public hearing at the July 17, 2018 Council meeting.

**Consideration of a proposed resolution adopting a New Waste Water Master Plan – Resolution 18-17 – Paul Lindhardt, Public Works Director**

Public Works Director Paul Lindhardt addressed the Council regarding the proposed resolution. He said there is not a rate increase with this master plan.

Logan City hired JUB Engineers to complete a sewer collection system master plan. The main purpose of the master plan is to provide a planning document and tools that help Logan City meet its existing and future sewer collection needs. The primary tools is a computer hydraulic sewer model that is built based on Geographic Information System data provided by the City.

Avoiding the overloading of existing sewer pipes from new development or re-development is of major importance. Re-development can significantly change peak flows in collection pipes near the re-developed area. The sewer model created for this plan is detailed enough to allow each proposed development or re-development to be evaluated to verify its potential impact on the system. Every mapped pipe (with the exception of some dead-end pipes that do not have manholes at the upstream end) is modeled to allow for capacity checks of the pipes in these types of situations.

**Master Plan Goals**

- Create a detailed calibrated model that is efficient to operate and update
- Identify existing system capacity and condition deficiencies
- Identify future system deficiencies
- Master plan a conceptual collection system to serve undeveloped areas
- Provide a prioritized list of capital improvement projects needed now and for years 2020, 2025, and build out

The master plan combined with the Logan City 20115 Sewer System Management Plan complies with the requirements of the Utah Division of Water Quality's Utah Sewer Management Program including the System Evaluation and Capacity Assurance Plan requirements. The program is authorized under State of Utah Administrative Code.

He introduced Chris Slater with JUB Engineers.

Mr. Slater gave a presentation on the 2018 Sewer Collection Master Plan.

Capital Improvement Projects for the existing Service Area is the following:

- 0-5 years - Projects that should be completed within 5 years of the plan adoption  
\$6,640,000
- 6-10 years - Projects that should be completed 6 to 10 years from plan adoption  
\$233,000
- 11-15 years - Projects that should be completed 11 to 15 years from plan adoption  
\$737,000
- Build Out - Projects that should be completed prior to build out but may depend on  
Development - \$2,452,000

Total Improvements within existing service area - \$10,062,000

Recommendations:

- Construct prioritized capital improvement projects in the existing service area as funding allows.
- Construct future pipes and lift stations to serve new service areas based on the master plan projections.
- Implement stringent requirements for new developments and enforce installation of tight sewer systems to minimize new sources of Infiltration and Inflow.
- Utilize the model to determine impacts from proposed developments and high-density re-developments.
- Update the overall Master Plan projections every 5-10 years.

Chairman Jensen said that through the years as people build homes they would connect their downspouts to their sewer which, created an overload on the capacity of our sewer plant. He asked if this is a problem in Logan and if so, what are we doing about it?

Mr. Lindhardt said this is a big problem and the City is trying to identify those areas and they must be corrected. The hard part is timing and citywide, he doesn't know how big of a problem it might be.

Mr. Slater said there are many other cities that deal with this same issue and there is a continual effort to try and identify these problems.

Councilmember Olsen referred to the Logan City Growth Population Rate which, ends at 2010 showing a population of 48,000. He suggested this also include a population for 2017.

Mr. Slater said they looked at past growth rates and the last census report which, was completed in 2010. They took both of those growth rates and projected them forward to get to the current population.

Councilmember Olsen suggested the updated growth rate information be added to the master plan.

The proposed resolution will be an action item and public hearing at the July 17, 2018 Council meeting.

**Consideration of a proposed ordinance vacating Public Utility Easements between Parcels 05-109-0003, 05-109-0004, 15-109-0005, 05-109-0007 of the Communities in the Deer Crest Subdivision – Ordinance 18-09 – Paul Lindhardt**

Public Works Director Paul Lindhardt addressed the Council regarding the proposed ordinance. The request is to vacate Public Utility and Home Owners Association landscape easements located on the interior lot lines between lots 3 and 4 and between lots 4 and 5 and certain Home Owners Association 20' landscape easement (40' in total) located on the interior lot lines between lots 4-5 and Lot 6-7 combined in The Communities at Deer Crest, Logan, Utah. This is single family neighborhood.

The proposed ordinance will be an action item and public hearing at the July 17, 2018 Council meeting.

**Consideration of a proposed ordinance vacating Public Utility Easements between Parcels 05-109-0044 and 05-109-0045 at 2018 & 2030 Crestwood Lane – Ordinance 18-10 – Paul Lindhardt**

Public Works Director Paul Lindhardt addressed the Council regarding the proposed ordinance. The request is to vacate certain parcels located at 2018 and 2030 Crestwood Lane in Logan, Utah.

The proposed ordinance will be an action item and public hearing at the July 17, 2018 Council meeting.

**OTHER CONSIDERATIONS:**

Vice Chair Simmonds said the Council received an email from a Logan resident who is concerned about a dog breeding business located in a townhome in the area of Riverwalk by the Logan River Golf Course. The business owner is renewing her business license at this time. Vice Chair Simmonds asked, does the City allow residents to breed dogs in a townhome?

Mr. Housley responded that it depends on the definition of breeding. The homeowner can have up to 4 dogs or up to 6 of a combination of dogs and cats. The homeowner can also get a kennel license which, they do not currently have. He is aware of this particular situation and the City will determine if there is a code violation. There are other ordinances that could also address this particular issue and the HOA of the townhome is also reviewing the situation. Under City code, a puppy has to be older than 6 months old before it's considered a dog.

No further considerations were addressed by the Council.

**ADJOURN TO MEETING OF THE LOGAN REDEVELOPMENT AGENCY**

Chairman Jensen welcomed those present. There were approximately 2 in attendance at the beginning of the RDA meeting.

**ACTION ITEM:**

**PUBLIC HEARING – Consideration of a proposed resolution approving the Final Redevelopment Area Budget for Fiscal Year 2018-2019 in the amount of \$2,642,000 – Resolution 18-29 RDA**

Finance Director Richard Anderson addressed the Council regarding the proposed resolution approving the Final Redevelopment Area Budget for Fiscal Year 2018-2019 in the amount of \$2,642,000.

Chairman Jensen opened the meeting to a public hearing.

Logan resident Joe Tennant asked for clarification on how the redevelopment areas work. He asked when the City sets up a redevelopment area, the existing property tax is anything new goes into the redevelopment area, is that correct?

Mr. Housley responded what Mr. Tennant stated is correct.

Economic Development Director Kirk Jensen added the rate is not frozen but the property tax distribution goes to the various taxing entities.

There were no further comments and Chairman Jensen closed the public hearing.

**ACTION. Motion by Vice Chair Simmonds seconded by Councilmember Anderson to approve Resolution 18-29 as presented. Motion carried unanimously.**

**ADJOURNED.** There being no further business to come before the Council, the meeting of the Logan Municipal Council adjourned at 8:15 p.m.

Teresa Harris, City Recorder