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3 Minutes of the meeting of the Logan Municipal Council convened in regular session on
4 Tuesday, March 7, 2023, in the Logan Municipal Council Chambers located at 290 North
5 100 West, Logan, Utah 84321 at 5:30 pm. Logan Municipal Council Meetings are
6 televised live as a public service on Channel 17 and the City of Logan YouTube channel
7 at: https://www.youtube.com/channel/UCFLPAOK5eawKS_RDBU0stRQ

8

9 Council Members present at the beginning of the meeting: Chairman Ernesto López, Vice
10 Chair Amy Z. Anderson, Councilmember Jeannie F. Simmonds, Councilmember Mark
11 Anderson, and Councilmember Tom Jensen. Administration present: Mayor Holly H.
12 Daines, City Attorney Craig Carlston, Finance Director Richard Anderson, City Recorder
13 Teresa Harris, and Deputy Recorder Esli Morales.

14 Chairman Ernesto López welcomed those present. There were approximately 8 in
15 attendance at the beginning of the meeting.

16 **OPENING CEREMONY:**

17 USU Professor of Marketing Ed Stafford Ph.D. gave the opening remarks.

18 Professor Stratford thanked the Council for the opportunity and explained the purpose of
19 the Air Quality Poster Contest. The contest teaches teens about local air pollution, its
20 causes, how to preserve air quality, and marketing communication strategies. This is the
21 8th year of the contest with over 800 contestants from nine high schools (two from
22 Southern Idaho). There are 60 finalists, and 35 judges, each selecting his/her top ten
23 favorites. 18 state winners and two honorable mentions. The total prize amount is \$6000
24 in cash awards, gift cards, and merchandise.

25 The research findings are that there is an educational gap. Most students tell us that the
26 contest is the only formal education they receive on Utah's air pollution. Some parents
27 believe pollution may be difficult politically to talk about in school.

28 The challenge of the contest encourages teens to engage parents, families, and friends for
29 help in developing their public service announcements. Interactions lead to conversations
30 about air pollution. Thus, contest education extends beyond the classroom. Teen's
31 influence their parents about not idling and other clean air actions. Parents report being
32 generally accepting and welcoming.

33 The contest instills a commitment to clean air actions. The features of commitment-
34 making are active, public, effortful, and voluntary/freely chosen. Thereby they initiate an
35 education outreach in elementary schools. Engaging youth in active, public, and effortful
36 anti-idling activities. Prepare take-home materials for parents. And instruct children to
37 tell their parents because children will engage parents in clean air actions.

38 Vice Chair A. Anderson asked if the implementation applied to elementary-level students
39 as well and if there would be opportunities for funding.

40 Professor Stratford responded the hope is for all age levels including elementary students.
41 However, funding for another age group would have to be managed by another group. He
42 would be pleased to share his expertise as he already manages the High School group.

43 Professor Stafford also led the audience in the pledge of allegiance.

44 Councilmember Simmonds expressed her appreciation for all of the those who p-
45 participated in the Air Quality Poster Contest.

46 **Meeting Minutes.** Minutes of the Council meeting held on February 21, 2023, were
47 approved with no corrections.

48 **Meeting Agenda.** Chairman Ernesto López announced there are three public hearings
49 scheduled for tonight's Council meeting.

50

51 **ACTION. Motion by Councilmember M. Anderson seconded by Councilmember**
52 **Jensen to approve the February 21, 2023, minutes and approve tonight's agenda.**
53 **Motion carried unanimously.**

54 **A. Anderson: Aye**

55 **M. Anderson: Aye**

56 **Jensen: Aye**

57 **López: Aye**

58 **Simmonds: Aye**

59

60 **Meeting Schedule.** Chairman Ernesto López announced that regular Council meetings
61 are held on the first and third Tuesdays of the month at 5:30 pm. The next regular
62 Council meeting is Tuesday, March 21, 2023.

63

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

65

66 Chairman Ernesto López explained that any person wishing to comment on any item not
67 otherwise on the agenda may address the City Council at this point by stepping to the
68 microphone and giving his or her name and address for the record. Comments should be
69 limited to not more than three (3) minutes unless additional time is authorized by the
70 Council Chair. Citizen groups will be asked to appoint a spokesperson. This is the time and
71 place for any person who wishes to comment on non-agenda items. Some items brought
72 forward to the attention of the City Council will be turned over to staff to respond to outside
73 of the City Council meeting.

74 Dr. Gail B. Yost, a resident of Logan invited the public to attend the Wilson Neighborhood
75 meeting on March 24th at Wilson Elementary from 5:30 p.m. to 7 p.m.

76 Joshua Molitor, a resident of Logan read a quote by Nikolas Tesla, “A new world must be
77 born, a world that would justify the sacrifices offered by humanity. This new world must
78 be a world in which there shall be no exploitation of the weak by the strong, of the good
79 by the evil; where there will be no humiliation of the poor by the violence of the rich;
80 where the products of intellect, science and art will serve society for the betterment and
81 beautification of life, and not the individuals for achieving wealth. This new world shall
82 not be a world of the downtrodden and humiliated, but of free men and free nations,
83 equal in dignity and respect.” Mr. Molitor expressed his concern over the lack of single-
84 family housing and the increase in rentals. He wonders what can be done as a community
85 and what the council can do.

86

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

88 **MAYOR/STAFF REPORTS:**

89

90 **Sexual Assault Awareness Month – Madison McCormick, Community Coordinator,**
91 **CAPSA**

92

93 Matty (Madison McCormick) from CAPSA addressed the Council.

94

95 *April is Sexual Assault Awareness Month. This year we are focused on HOPE.*

96

97 *We know that HOPE begins when we start by believing. HOPE begins when survivors*
98 *feel supported by their community. HOPE happens when we connect survivors to CAPSA*
99 *and our supporting agencies.*

100

101 *CAPSA has several programs and services that work collaboratively to support*
102 *survivors. This month we want to highlight our outreach casework program.*

103

104 *We have 6 outreach caseworkers and 4 outreach casework interns. Our caseworkers are*
105 *often the first to have these hard and personal conversations with survivors of sexual*
106 *assault and rape. During these conversations, our caseworkers go through a pamphlet*
107 *with survivors to help them understand their feelings, their reactions, and their choices of*
108 *resources and help normalize all of it. We want to ensure that we help give power back to*
109 *survivors.*

110

1. *On average in 2022, there were 3.25 Code Rs per month, which are forensic*
111 *medical exams for sexual assault and rape cases. But this range can fluctuate*
112 *widely. Some months we may have 5 or 6 and some months we may have 0.*

113

2. *In 2022, CAPSA responded to 39 Code R exams at the Cache Valley Hospital.*

114

3. *In 2022, 52% of CAPSA clients disclosed sexual assault as a primary or secondary*
115 *victimization.*

116 4. In 2022, CAPSA assisted a total of 631 sexual assault clients last year.
117 In order to best support survivors, CAPSA has developed incredible relationships with
118 law enforcement, investigators, and the hospital. CAPSA's caseworkers know these
119 systems and processes and can prepare individuals and empower them to make decisions
120 to help them.
121
122 I want to share a recent success story that highlights the value of these collaborations,
123 and CAPSA's efforts to support survivors of Sexual Assault.
124
125 One of our caseworkers recently assisted a veteran who was making a report of sexual
126 assault that occurred while she was in the military. The military flew in investigators to
127 meet with the client. The client requested her caseworker join her for the interview. The
128 investigators were able to use the police department as a space to conduct the interview.
129 After the interview, the investigators asked the caseworker to stay back for a minute and
130 expressed their gratitude to the caseworker for being present. They told the caseworker
131 that the work we do is life changing.
132
133 This collaboration, the collaboration we share with your community, is what it takes to
134 give HOPE to survivors. Thank you!

135
136 **Enforcement Statistics (2022 Year-End Report) – Aaron Smith, Neighborhood**
137 **Improvement Manager**

138
139 Neighborhood Improvement Manager Aaron Smith addressed the Council.

140
141 LOGAN CITY CODE ENFORCEMENT:

- 142
143 • Primarily responsible for enforcement of Logan City's land use, zoning, nuisance,
144 and property maintenance codes.
145 • Snow, weeds, front yard parking, over-occupancy, signs and banners, property
146 maintenance, etc.
147 • Initiate civil enforcement cases when violations are found. Legal proceedings
148 (small claims court, liens).
149 • Request notice, citation, Notice of Violation, and Fee collection.

150
151 Staff:

152 2 Code Compliance Inspectors, 1 Admin Secretary, 1 Neighborhood Improvement
153 Manager.

154
155

156 2022 Summary:

157 Total cases created 756. Total courtesy notices issued 507.

158

159 2022 Case Initiation:

160 Proactive Enforcement 371 with a goal to increase proactive enforcement for nuisance
161 issues such as snow, weeds, and property maintenance.

162

163 2022 Violations:

164 The most common violations are:

- 165 • Signs (146)
- 166 • Landlord licensing (105)
- 167 • Parking (101)
- 168 • Weeds (99)
- 169 • Parkstrip Maintenance (57)
- 170 • Business licensing (57)
- 171 • Sidewalk obstruction (46)
- 172 • Snow and ice clearance (42)

173

174 The most intensive are:

- 175 • Over Occupancy (24)
- 176 • Vacant or Unsafe
- 177 • Properties (6)
- 178 • Property Maintenance (15)
- 179 • Driveway Violations (10)

180

181 2022 Neighborhood Enforcement:

- 182 • Adams - Case: 245; Courtesy Notices 204
- 183 • Ellis - Cases: 160; Courtesy Notices 114
- 184 • Woodruff - Cases: 160; Courtesy Notices 114
- 185 • Bridger - Cases 105; Courtesy Notices 71
- 186 • Wilson - Cases: 88; Courtesy Notices 108
- 187 • Hillcrest - Cases: 44; Courtesy Notices 86

188

189 Vice Chair A. Anderson asked if the overoccupancy correlated with the start of the school
190 year.

191

192 Mr. Smith confirmed that is the case, especially in certain neighborhoods such as Adams.

193

194 Councilmember Jensen inquired what is the time frame for snow removal.

195

196 Mr. Smith answered the code specifies the time frame for the removal of snow on
197 commercial properties. The residential side does not specify a time frame. As a policy, the
198 department does not go until 24 hours.
199
200 Councilmember Simmonds requested clarification if commercial properties applied to a
201 rental home.
202
203 Mr. Smith responded a rental unit is a residential property based on its residential use.
204
205 Vice Chair A. Anderson asked if the residents are cooperative.
206
207 Mr. Smith replied most residents are cooperative, but there are days when it is difficult.
208 Overall, most residents are responsive and courteous.
209
210 Vice Chair A. Anderson inquired if the notices are available in Spanish.
211
212 Mr. Smith said the notices are not in Spanish.
213
214 Vice Chair A. Anderson suggested that a line be printed in Spanish with a phone number
215 for residents to reach out to have the notice explained.
216
217 Mr. Smith thanked the Council for their comments and suggestions.
218
219 **City Trails Update – Russ Akina, Parks & Recreation Director**
220
221 Parks & Recreation Director Russ Akina addressed the Council.
222
223 Kunzler Conservation Easement – Extension of the Logan River Trail, (Estimated start:
224 2024). The Logan River Trail extends across the Logan River at Trapper Park in two
225 directions: 1) northwest downstream approx. 2,900 linear feet; 2) east and northeast
226 approx. 7,600 linear feet to 1000 West and 1100 South.
227
228 Logan Middle Canal Trail at 1400 North, (Estimated Completion: June 30, 2023)
229
230 Logan River Blue Trail – (Completed: December 12, 2022). Park Avenue to 1000 West:
231 Hazard Debris Removal 47 loads/147.5 tons of debris hauled to the Landfill.
232
233 1800 South Trail – to Logan River Trail, (Estimated Completion: June 30, 2023)
234
235 Watercraft Access Ramp Planning, (Estimated Completion: June 30, 2023)
236

237 Stewart Nature Park, River Heights Bike Trail Re-Route – (Completed Sept. 10, 2022)
238
239 Relocation of the amphitheater as a Learning Circle - Estimated Start: Fall 2023
240
241 South Main Tunnel at 600 South, (Estimated Completion: Fall 2024)
242
243 100 West Realignment, (Estimated Completion: Fall 2023). Logan River Trail Extension
244 to South Main Tunnel, Added Trail Under 100 West to Main Street, Logan River Trail
245 connects to Golf Course Road.
246
247 800 West Regional Trail, (Estimated start: 2024). Extend 800 West Regional Trail
248 from 1800 South to 2200 South.
249
250 1800 South Trail – Proposed (Estimated Completion: June 2023).
251
252 Spring Creek Trail - Proposed (Estimated Completion: Fall 2023), 1800 South to 1600
253 West.
254
255 Councilmember Jensen inquired regarding the Logan River Blue Trail and what the
256 debris removal included.
257
258 Mr. Akina answered that the debris removal included organic (logs, overgrown
259 vegetation, etc.) and inorganic (such as car bodies, etc.)
260
261 Councilmember Jensen asked if invasive willow trees are being systematically removed.
262
263 Mr. Akina replied that invasive willow trees are removed under a permit, if they cause a
264 danger to the stability of the bank/stream they are removed on a case-by-case basis to
265 ensure the structure of the riverbank is not compromised.
266
267 **Logan-Cache Airport – Jason Ririe, Airport Director**
268
269 Airport Director, Jason Ririe addressed the Council and thanked the Council for the
270 opportunity to present since March is Aviation Appreciation Month. This is shown over
271 the past year, there has been a pay increase across the board from pilots to software
272 engineers.
273
274 Mr. Ririe presented information from UDOT for Aviation Development strategy. The
275 information can be found at [https://www.udot.utah.gov/connect/business/airport-system-
276 planning/aviation-development-strategy/](https://www.udot.utah.gov/connect/business/airport-system-planning/aviation-development-strategy/).
277

278 A few facts are Utah is #3 in the entire nation for the growth of total pilots, private,
279 pilots, and commercial pilots from 2014 – 2019. #5 for total aircraft operations from 2000
280 to 2019. #6 in the growth of drone pilots from 2016 to 2019. And #9 in the growth of
281 based aircraft from 2000 to 2019.

282

283 The cost vs. benefits, on average annual funding for the study of airports (excluding SLC)
284 for the next 10 years is \$42.6 million. Presently the average annual is \$33.6 million. In
285 other words, only 79% of capital needs can be met.

286

287 Mr. Ririe referred to the UDOT individual report for Logan-Cache Airport (LGU),
288 [https://www.udot.utah.gov/connect/wp-content/uploads/sites/50/2022/07/UDOT-](https://www.udot.utah.gov/connect/wp-content/uploads/sites/50/2022/07/UDOT-Individual-Report_LGU-2.pdf)
289 [Individual-Report_LGU-2.pdf](https://www.udot.utah.gov/connect/wp-content/uploads/sites/50/2022/07/UDOT-Individual-Report_LGU-2.pdf)

290

291 Mr. Ririe remarked that a new antenna was placed for tracking purposes at the airport.
292 What they learned is that Logan Airport is the number one busiest airport in the state
293 besides Salt Lake International Airport. On average, there are 500 operations per day (be
294 it landing or take-off). As a result, UDOT and FAA will put more regulations on Logan
295 Airport. However, the hope is that it comes with more airport funding.

296

297 Vice Chair. A. Anderson requested confirmation if \$8.6 million will be needed for the
298 development of the Logan Airport to cover costs over the next 10 years.

299

300 Mr. Ririe confirmed that this is correct. The annual investment would be on average
301 \$860,070, but overall bring in \$17.7 million in annual economic benefit.

302

303 Councilmember Simmonds remarked that it is amazing to realize that the airport has been
304 in existence since World War 2. Pilots were trained at the airport and there is still an
305 existing observation tower. There is a request for a tourist or an observation tower to be
306 permitted for the citizens to see the arrival and take off of planes. Furthermore, the airport
307 is managed by the City and Cache County. The airport is an economic source of revenue
308 that is often underappreciated.

309

310 Councilmember Jensen inquired if there is a possibility of commercial service in the
311 future.

312

313 Mr. Ririe responded it is not out of the question, but there are many aspects that go into
314 consideration as part of the decision-making process such as population growth, housing,
315 etc.

316

317 Richard Anderson, Finance Director reminded the Council of the importance of having a
318 stable revenue source. If there is ever a point where significant funds are being put into

319 the airport without a return, it would be time to consider a more equitable distribution.
320 Currently, the citizens of Logan pay 75% of the airport and there are plenty of low-
321 income residents. Some of the county areas have much higher incomes on average. The
322 question is it equitable that low-income per capita citizens of Logan pay 75% for a joint
323 service; instead, it should be a plausible consideration to spread the cost more equitably
324 among the county residents as well.

325
326 No further Mayor/Staff Reports were presented.

327
328 **COUNCIL BUSINESS:**

329
330 **Planning Commission Update – Councilmember Simmonds**

331
332 Councilmember Simmonds reported that the Planning Commission approved a daycare.
333 The Old Ephraim apartments were continued again as there is a parking requirement that
334 has yet to be satisfied. Two land development codes were approved and will come before
335 the Council.

336
337 No further Council Business items were presented.

338
339 **ACTION ITEMS:**

340
341 *(Requesting Continuance to the March 21, 2023 Meeting)* – **PUBLIC HEARING -**
342 **CODE AMENDMENT – Consideration of a proposed amendment to Logan**
343 **Municipal Code Section 15.27 “Flood Damage Prevention” – Ordinance 23-03 –**
344 **Mike DeSimone**

345
346 Community Development Mike DeSimone requested a continuance to the March 21,
347 2023, Council meeting.

348
349 **ACTION. Motion by Councilmember Simmonds seconded by Vice Chair A.**
350 **Anderson to continue Ordinance 23-03 to the March 21, 2023, Council meeting as**
351 **presented. Motion carried unanimously.**

352 **A. Anderson: Aye**

353 **M. Anderson: Aye**

354 **Jensen: Aye**

355 **López: Aye**

356 **Simmonds: Aye**

357

358

359 **PUBLIC HEARING - CODE AMENDMENT - Consideration of a proposed Code**
360 **Amendment. Logan City is requesting a Code Amendment to the Land**
361 **Development Code, Chapter 17.52-Legally Existing Nonconformities clarifying how**
362 **the city regulates nonconforming uses and structures; amend Chapter 17.60-**
363 **Administrative Enforcement to update procedural language and civil fees; and**
364 **amend Chapter 17.62-Definitions to reflect recent and pending LDC changes –**
365 **Ordinance 23-05 – Mike DeSimone**

366
367 At the February 21, 2023 Council meeting, Community Development Mike DeSimone
368 addressed the Council regarding the proposed code amendments.

369
370 **RECOMMENDATION**

371 Staff recommended that the Planning Commission recommend **approval** to the
372 Municipal Council of the proposed amendments to Chapters 17.43, 17.52, 17.60 and
373 17.62 of the Land Development Code.

374
375 **REQUEST**

376 This is a proposal to remove Murals/Wall Art from Design Review permitting
377 requirements, update the non-conforming standards, update the Administrative
378 Enforcement Chapter, and update the Definitions Chapter.

379
380 **SUMMARY OF CHANGES**

381
382 **17.43 Design Review Permits** - remove Murals/Wall Art from the list of activities
383 required to obtain a Design Review Permit.

384
385 **17.52 Legally Existing Nonconformities** - updated the Chapter to clarify the intent and
386 purpose of how the City regulates nonconformities; clarified that an expansion of a
387 nonconforming structure or use needs to be reviewed and approved by the Planning
388 Commission; updated this Chapter to standardize our approach & processes for all of the
389 different types of nonconformities; and made grammatical edits.

390
391 **17.60 Administrative Enforcement** - updated language to reflect that we collect a filing
392 fee and what it is used for; increased the general civil fee from \$50 to \$100 and the civil
393 fee for an occupancy violation from \$250 to \$500 to help cover our costs associated with
394 these types of infractions; and other minor grammatical edits.

395
396 **17.62 Definitions**- added/changed definitions for Brew Restaurant, Critical Lands,
397 Driveway Approach, Geologically Unstable Area, Lands above 4,850', Mural, Riparian,
398 Useable Outdoor Space, Wetlands, and Wildland Urban Interface.

399

400 **STAFF RECOMMENDATION AND SUMMARY**

401 The proposed changes to the LDC Chapters identified above are relatively minor
402 amendments and help to clarify the City's regulations.

403
404 **GENERAL PLAN**

405 The proposed amendments continue to implement the vision of the General and are
406 consistent with the General Plan.

407
408 **PUBLIC COMMENTS**

409 As of the writing of this report, there has not been any public comment.

410
411 **PUBLIC NOTIFICATION**

412 Legal notices were published in the Herald Journal on 12/31/22, posted on the City's
413 website and the Utah Public Meeting website on 1/02/23, and noticed in a quarter page ad
414 on 12/29/23.

415
416 **AGENCY AND CITY DEPARTMENT COMMENTS**

417 As of the time the staff report was prepared, no comments have been received.

418
419 **RECOMMENDED FINDINGS FOR APPROVAL**

420 The Planning Commission bases its decisions on the following findings:

- 421 1. Utah State Law authorizes local Planning Commission to recommend ordinance
422 changes to the legislative body (Municipal Council).
- 423 2. The Code Amendments are done in conformance with the requirements of Title
424 17.51 of the Logan Municipal Code.
- 425 3. The proposed Code Amendments are consistent with the Logan City General
426 Plan.
- 427 4. The proposed Code Amendments to the Design Review Permits,
428 Nonconformities, Administrative Enforcement, and Definitions are relatively
429 minor in nature.
- 430 5. No public comment has been received regarding the proposed amendments.

431
432 On February 7, 2023, the Planning Commission recommended to the Municipal Council
433 **approval** of the following Land Development Code Amendments:

434
435 Land Development Code (LDC) Chapter 17.43 "Design Review Permits," Chapter 17.52
436 "Legally Existing Nonconformities," Chapter 17.60 "Administrative Enforcement," and
437 Chapter 17.62 "Definitions." **Planning Commissioners vote (7-0).**

438
439 Chairman López opened the meeting to a public hearing.
440

441 Dr. Gail B. Yost, a resident of Logan requested a brief summary for the benefit of the
442 public.

443
444 Mr. DeSimone gave a brief summary of the amendments, they primarily include wall art,
445 modified language regarding nonconforming structures, and changes to civil fees.

446
447 There were no further comments and Chairman López closed the public hearing.

448
449 **ACTION. Motion by Councilmember Simmonds seconded by Vice Chair A.**
450 **Anderson to adopt Ordinance 23-05 as presented. Motion carried unanimously.**

451 **A. Anderson: Aye**

452 **M. Anderson: Aye**

453 **Jensen: Aye**

454 **López: Aye**

455 **Simmonds: Aye**

456

457 **PUBLIC HEARING - CODE AMENDMENT – Consideration of a proposed Code**
458 **Amendment. Land Development Code Amendment 17.09, 17.29, 17.30, 17.31**
459 **(Residential Driveway & Parking Standards) Logan City is requesting a Code**
460 **Amendment to the Land Development Code, Chapter 17.07-General Development**
461 **Standards; Residential Zones to remove residential driveway requirements; amend**
462 **Chapter 17.29-Standards, Specifications, and Improvements to include residential**
463 **driveway requirements; amend Chapter 17.30-Supplemental Development**
464 **Standards to modify street connection requirements; and amend Chapter 17.31-**
465 **Parking to update RV & Utility Trailer Parking in Residential Neighborhoods –**
466 **Ordinance 23-06 – Mike DeSimone**

467

468 At the February 21, 2023 Council meeting, Community Development Mike DeSimone
469 addressed the Council regarding the proposed code amendments.

470

471 **RECOMMENDATION**

472 Staff recommended that the Planning Commission recommend approval to the Municipal
473 Council of the proposed amendments to Chapters 17.09, 17.29, 17.30 and 17.31 of the
474 Land Development Code.

475

476 **REQUEST**

477 This is a proposal to update driveway, parking, accessory structures and storage
478 requirements on residential lots.

479

480

481

482 **SUMMARY OF CHANGES**

483

484 **17.09.020 & 030** – added a street classification to each alternative in the graphic
485 contained in 17.09.020; removed parking standards in 17.09.030 as these are located in
486 Chapter 17.29; and updated the residential accessory language in 17.09.030.

487

488 **17.29.060 Driveway Specifications** – updated the residential driveway standards for
489 single driveways, second driveways, and circular driveways.

490

491 **17.30.170 – 190 Connectivity Standards** – modified the minimum number of street
492 connections by number of lots in 17.30.170; modified the infill/flag lot applicability
493 thresholds for infill subdivision types in 17.30.180; and updated the code language in
494 17.30.190.

495

496 **17.30.200** – updated the prohibited storage and accessory structures in the commercial
497 and industrial zones.

498

499 **17.31.080** – updated the parking standards for recreational and utility vehicles in
500 residential areas.

501

502 **STAFF RECOMMENDATION AND SUMMARY**

503 Many of these proposed LDC updates are the result of code enforcement issues and a
504 lack of clarity in the LDC. Others are the result of problems we have seen through the
505 subdivision process, especially when a second or third street connection is required for a
506 relatively small subdivision. The driveway standards in 17.29.060 are especially
507 important as we have seen increase in the illegal or unpermitted installation of a second
508 driveway and, while there is a demand for people to have a second driveway to store a
509 boat or RV behind their house, we currently lack clear standards for multiple driveways
510 on residential lots.

511

512 **GENERAL PLAN**

513 The Land Development Code was prepared and adopted to implement the vision
514 expressed in the General Plan. The proposed amendments continue to implement the
515 vision of, and are consistent with, the General Plan.

516

517 **PUBLIC COMMENTS**

518 As of the writing of this report, there has not been any public comment.

519

520

521

522

523 **PUBLIC NOTIFICATION**

524 Legal notices were published in the Herald Journal on 12/31/22, posted on the City's
525 website and the Utah Public Meeting website on 1/02/23, and noticed in a quarter page ad
526 on 12/29/23.

527

528 **AGENCY AND CITY DEPARTMENT COMMENTS**

529 As of the time the staff report was prepared, no comments have been received.

530

531 **RECOMMENDED FINDINGS FOR APPROVAL**

532 The Planning Commission bases its decisions on the following findings:

- 533 1. Utah State Law authorizes local Planning Commission to recommend ordinance
534 changes to the legislative body (Municipal Council).
535 2. The Code Amendments are done in conformance with the requirements of Title
536 17.51 of the Logan Municipal Code.
537 3. The proposed Code Amendments are consistent with the Logan City General
538 Plan.
539 4. The proposed Code Amendments to Chapters 17.09, 17.29, 17.30 and 17.31
540 clarify driveway, parking, connectivity, accessory use, and storage standards on
541 residential properties.
542 5. No public comments have been received regarding the proposed amendments.

543

544 On February 7, 2023, the Planning Commission recommended to the Municipal Council
545 **approval** of the following Land Development Code Amendments:

546

547 Land Development Code (LDC) Chapter 17.09 "General Development Standards:
548 Neighborhood Residential Zones," Chapter 17.29 "Standards, Specifications, and
549 Improvements," Chapter 17.30 "Supplemental Development Standards," and Chapter
550 17.31 "Parking." **Planning Commissioners vote (7-0).**

551

552 Chairman López asked what the distance between the sidewalk is and the 40-degree
553 angle (in regard to secondary residential driveway standards).

554

555 Mr. DeSimone replied the angle begins from where the sidewalk is.

556

557 Councilmember Simmonds inquired if there is no setback and rather paving will continue
558 forward (in regard to secondary residential driveway standards).

559

560 Mr. DeSimone answered a numerical number was not put in place rather an angle for an
561 area was to maintain a green area in the park strip.

562 Councilmember Jensen requested clarification on 17.31.080 regarding the residential
563 parking of an RV.

564 Mr. DeSimone clarified an RV can legally be parked in the garage, the area behind the
565 house, or on the side of the back of the house. The driveway does not count as legal
566 parking.
567

568 Councilmember Jensen added if residents can claim an existing use or grandfathering of
569 being able to park their RV in front of their home.
570

571 Mr. DeSimone explained parking a vehicle or an RV in front of a home is a type of use,
572 but it is not a use to be recognized.
573

574 Chairman López opened the meeting to a public hearing.
575

576 There were no comments and Chairman López closed the public hearing.
577

578 **ACTION. Motion by Councilmember Simmonds seconded by Councilmember**
579 **Jensen to adopt Ordinance 23-06 as presented. Motion carried unanimously.**

580 **A. Anderson: Aye**

581 **M. Anderson: Aye**

582 **Jensen: Aye**

583 **López: Aye**

584 **Simmonds: Aye**
585

586 **PUBLIC HEARING - CODE AMENDMENT – Consideration of a proposed Code**
587 **Amendment. Land Development Code Amendment 17.28, 17.32 (Open Space,**
588 **Landscaping, Useable Outdoor Space). Logan City is requesting a Code**
589 **Amendment to Land Development Code, Chapter 17.28-Open Space to eliminate**
590 **open space code language and consolidate useable outdoor space requirements into**
591 **landscaping requirements for new development; amend Chapter 17.32-Landscaping**
592 **to incorporate useable outdoor space into landscaping requirements – Ordinance**
593 **23-07 – Mike DeSimone**
594

595 At the February 21, 2023 Council meeting, Community Development Mike DeSimone
596 addressed the Council regarding the proposed code amendments.
597

598 **RECOMMENDATION**

599 Staff recommended that the Planning Commission recommend approval to the Municipal
600 Council of the proposed amendments to Chapters 17.28 and 17.32 of the Land
601 Development Code.
602
603
604

605 **REQUEST**

606 This is a proposal to eliminate the open space language in Chapter 17.28 and consolidate
607 minimum useable outdoor space requirements with the landscaping requirements for new
608 development in Chapter 17.32. The Commission is also considering another pending
609 amendment (Ord 23-06) which updates the residential and commercial spec sheets to
610 reflect this change (Landscape & Useable Space Requirements versus Open Space &
611 Useable Outdoor Space Requirements).

612

613 **SUMMARY OF CHANGES**

614

615 **17.28 Open Space** – eliminate Chapter 17.28, consolidate “open space” into “useable
616 outdoor space” and move minimum land set aside requirements (useable outdoor space)
617 into Chapter 17.32 Landscaping.

618

619 The City requires minimum land set asides with most project types, the purpose of which
620 is to protect important resource areas, provide landscaping around parking areas and
621 buildings, break up the monotony of development, provide screening and buffering
622 between uses, add green areas, walking paths, trails, etc., while contributing to an overall
623 betterment of the community. The City has used minimum “Open Space”
624 interchangeably with minimum landscaping and which, over time, has led to some
625 confusion when designing, reviewing, and permitting projects. The current Open Space
626 Chapter (17.28) is written as if the norm of development experience involves large,
627 greenfield areas with vast amounts of open, natural areas that are going to be set aside
628 and preserved along with the construction of a new project. This is clearly not the norm
629 as most projects are designed lot line to lot line with buildings, parking areas, driveway
630 accesses, and are generally located within a developed area, or a partially developed area,
631 with minimal natural features worthy of preservation.

632

633 Currently, projects are required to meet minimum set asides for useable outdoor space
634 and open space, as well as provide minimum amounts of landscaped areas. Both open
635 space and useable outdoor space include landscaped areas within their definitions, so by
636 default, when staff and the Commission are reviewing a project for land set asides, the
637 proposed landscaped areas are included in the calculation of set aside percentages.

638

639 The purpose of the proposed language changes is to clarify what the City is requiring for
640 land set asides and call it what it is – useable outdoor space and landscaped areas. The
641 removal of this Chapter won’t change how we address open space areas as part of a
642 development; rather, the broader definition of open space, e.g., rivers, creeks, trails, and
643 natural areas, is still in the useable outdoor space category which is a required minimum
644 set aside for new development, and also regulated under the Critical Lands regulations
645 (Chapter 17.24) for avoidance and setbacks. The recategorization of open space, useable

646 outdoor space, or landscaping does not alter the amount of land set asides required for
647 each type of development.

648

649 **17.32 Landscaping** – incorporate useable outdoor space requirements into this Chapter
650 and made some text changes/updates throughout the document.

651

652 **17.32.010 & 020** – update Purpose, Intent and Applicability language.

653

654 **17.32.030** – update Exemption language to clarify that single family residential uses and
655 some types of public/private utility developments are exempt.

656

657 **17.32.040** – update the general Landscaping Requirements.

658

659 **17.32.050** – added a new section on Useable Outdoor Space Standards by pulling in the
660 requirements from 17.28; added useable outdoor space requirements in Mixed Use
661 projects; folded into this category natural open space areas that are unbuildable and
662 regulated under Chapter 17.24 (Critical Lands); and included an updated Table that
663 shows the minimum set aside requirements based on useable outdoor space or
664 landscaping.

665

666

Table 17.32.050: Required Useable Outdoor Space and Landscaping according to Development Type

Development Type	Minimum Area Required for Useable Outdoor Space (gross land area)	Minimum Area Required for Landscaping (gross land area)
Multi-Family Residential	10%	20%
Commercial	10%	10%
Industrial	10%	10%

667

668

669 **17.32.060 & 17.32.070** – updated the Minimum Landscaping Requirements and Parking
670 Lot Landscaping language.

671

672 **17.32.080** – updated the Maintenance of Landscaping and Park Strips section to include
673 tying landscape maintenance to an entity’s business license.

674

675 **STAFF RECOMMENDATION AND SUMMARY**

676 The proposed changes to 17.28 and 17.32 clarify the set aside requirements to reflect the
677 reality of development projects we typically see in Logan. The requirement that projects
678 set aside Open Space has been confusing especially when 95% of the time it really means
679 landscaping is the set aside.

680 **GENERAL PLAN**

681 The Land Development Code was prepared and adopted to implement the vision
682 expressed in the General Plan. The proposed amendments continue to implement the
683 vision of, and are consistent with, the General Plan.

684
685 **PUBLIC COMMENTS**

686 As of the writing of this report, there has not been any public comment.

687
688 **PUBLIC NOTIFICATION**

689 Legal notices were published in the Herald Journal on 12/31/22, posted on the City's
690 website and the Utah Public Meeting website on 1/02/23, and noticed in a quarter page ad
691 on 12/29/23.

692
693 **AGENCY AND CITY DEPARTMENT COMMENTS**

694 As of the time the staff report was prepared, no comments have been received.

695
696 **RECOMMENDED FINDINGS FOR APPROVAL**

697 The Planning Commission bases its decisions on the following findings:

- 698 1. Utah State Law authorizes local Planning Commission to recommend ordinance
699 changes to the legislative body (Municipal Council).
- 700 2. The Code Amendments are done in conformance with the requirements of Title
701 17.51 of the Logan Municipal Code.
- 702 3. The proposed Code Amendments are consistent with the Logan City General
703 Plan.
- 704 4. The proposed Code Amendments to Chapters 17.28 and 17.32 clarify set aside
705 requirements, strengthens the landscaping requirements, clarifies useable outdoor
706 space, and eliminates the confusion on when open space is being regulated versus
707 when the City is just requiring landscaped areas.
- 708 5. No public comment has been received regarding the proposed amendments.

709
710 On February 7, 2023, the Planning Commission recommended to the Municipal Council
711 **approval** of the following Land Development Code Amendments:

712
713 Land Development Code (LDC) Chapter 17.28 "Open Space" and Chapter 17.32
714 "Landscaping." **Planning Commissioners vote (7-0).**

715
716 Councilmember Simmonds inquired if useable outdoor space (the patios, decks, etc.) is
717 accessible to everyone or only accessible to a particular unit.

718
719 Mr. DeSimone answered the outdoor space should be accessible to everyone. A balcony
720 would not count as it is not accessible to everyone.

721 Chairman López opened the meeting to a public hearing.

722

723 There were no comments and Chairman López closed the public hearing.

724

725 **ACTION. Motion by Vice Chair A. Anderson seconded by Councilmember M.**
726 **Anderson to adopt Ordinance 23-07 as presented. Motion carried unanimously.**

727 **A. Anderson: Aye**

728 **M. Anderson: Aye**

729 **Jensen: Aye**

730 **López: Aye**

731 **Simmonds: Aye**

732

733 **WORKSHOP ITEMS:**

734

735 **Budget Adjustment FY 2022-2023 appropriating: \$65,466 funds engineering**
736 **received from the State of Utah to be used for improvements to stabilize the bank**
737 **along the Logan River – Resolution 23-05 – Richard Anderson, Finance Director**

738

739 Finance Director Richard Anderson addressed the Council regarding the proposed budget
740 adjustment.

741

742 The Council inquired about the river area needing stabilization.

743

744 Mr. Anderson replied the area needing stabilization is where the river turns a sharp corner
745 to the west.

746

747 Mayor Daines added that the funds are for the design and later they will return to request
748 funding for the actual project.

749

750 The proposed resolution will be an action item and public hearing at the March 21, 2023,
751 Council meeting.

752

753 **CODE AMENDMENT – Consideration of a proposed Code Amendment. Land**
754 **Development Code Amendment 17.20 & 17.33 (Signs & Murals). Logan City is**
755 **requesting a Code Amendment to Land Development Code Chapter 17.20 “Historic**
756 **District Overlay Zone” and Chapter 17.33 “Signs” to update regulatory standards**
757 **for murals and wall art in the Historic District and other minor regulatory**
758 **amendments to the sign code – Ordinance 23-08 – Mike DeSimone**

759

760 Community Development Director Mike DeSimone addressed the Council regarding the
761 proposed code amendment.

762 **RECOMMENDATION**

763 Staff recommended that the Planning Commission recommend **approval** to the
764 Municipal Council of the proposed amendments to Chapters 17.20 and 17.33 of the Land
765 Development Code.

766

767 **REQUEST**

768 This is a proposal to update the Certificate of Appropriateness Standards in 17.20.050 to
769 match the Center Street Historic District Design Guidelines, add Murals to the list of
770 Track 1 reviews in the Historic District, include standards for Murals in the Historic
771 District, and update the Sign Ordinance.

772

773 **SUMMARY OF CHANGES**

774

775 **17.20.050 Certificate of Appropriateness** - updated the language to match the Center
776 Street Historic District Design Guidelines and added Murals to the Track 1 approval
777 process.

778

779 **17.20.070.D Murals within the Historic District Overlay Zone** - added language
780 permitting murals in the commercial areas of the Historic District and standards for their
781 placement. The proposed language:

782

783 D. Murals within the Historic District Overlay Zone.

784 Murals are permitted in the commercial areas of the Logan Center Street Historic District
785 subject to the following:

- 786 1. Murals are prohibited on the primary street facing facade of a building;
787 2. Murals shall be permitted on side, rear or alley walls of a commercial building
788 that lack historic details (cornices, windows, entrances, etc.);
789 3. No mural shall exceed 75 % of the wall area on which it is placed;
790 4. Murals are prohibited on an unpainted wall surface. Murals should instead be
791 painted on removable materials such as metal, plywood, or other suitable
792 outdoor material and anchored to the building;
793 5. Murals are prohibited on a fence;
794 6. Murals shall not be painted on nor shall they obscure any architectural
795 detailing or features of the building; and
796 7. Lighting of a mural is prohibited.

797

798 **17.33 Signs** - There are a variety of minor changes in Chapter 17.33 that include the
799 following: clarifying that Murals/Wall Art are not regulated as a sign; setting a minimum
800 setback for signs from 0 to 18"; clarifying the sight distance triangle for sign placement;
801 construction signs; and allowing for the use of temporary signs in lieu of temporary
802 banners.

803 **2/23/23 Update:**

804

805 There was discussion at the 2/9/23 Commission hearing regarding the proposal to limit
806 temporary signs with a non-commercial nature to 60 days per year with a direction to
807 come back with specific language for political/campaign signs. Temporary signs include
808 campaign or political signs. After discussing this further with Legal, we are eliminating
809 the proposed change to LDC 17.33.110.C that limited temporary signs to 60 days due to
810 a 2015 U.S. Supreme Court Decision in Reed v Gilbert that stated municipalities cannot
811 treat certain signs differently based on their purpose and message. The regulation of the
812 duration of political or campaign signs falls under a violation of the First Amendment.
813 We actually changed the LDC in 2015/2016 in response to this court case to remove
814 political signs as a separate sign category. Attached is the updated LDC language.

815

816 **STAFF RECOMMENDATION AND SUMMARY**

817 The proposed changes to 17.20 and 17.33 are relatively minor amendments, and the goal
818 of the proposed changes are to provide clearer regulatory direction for Murals and other
819 types of signage.

820

821 **GENERAL PLAN**

822 The Land Development Code was prepared and adopted to implement the vision
823 expressed in the General Plan. The proposed amendments continue to implement the
824 vision of, and are consistent with, the General Plan.

825

826 **PUBLIC COMMENTS**

827 As of the writing of this report, there has not been any public comment. Public comments
828 received prior to the preparation of this report will be included as an attachment. Any
829 other comments will be forwarded to the Planning Commission.

830

831 **PUBLIC NOTIFICATION**

832 Legal notices were published in the Herald Journal on 12/31/22, posted on the City's
833 website and the Utah Public Meeting website on 1/02/23, and noticed in a quarter page ad
834 on 12/29/23.

835

836 **AGENCY AND CITY DEPARTMENT COMMENTS**

837 As of the time the staff report was prepared, no comments have been received.

838

839 **RECOMMENDED FINDINGS FOR APPROVAL**

840 The Planning Commission bases its decisions on the following findings:

- 841 1. Utah State Law authorizes local Planning Commission to recommend ordinance
842 changes to the legislative body (Municipal Council).

- 843 2. The Code Amendments are done in conformance with the requirements of Title
844 17.51 of the Logan Municipal Code.
845 3. The proposed Code Amendments are consistent with the Logan City General
846 Plan.
847 4. The proposed Code Amendments to the Historic District Overlay Zone and the
848 Sign Code are relatively minor in nature.
849 5. No public comment has been received regarding the proposed amendments.
850

851 On February 21, 2023, the Planning Commission recommended to the Municipal Council
852 approval of the Land Development Code Amendments with a vote of 7-0.
853

854 Councilmember Simmonds asked if murals painted on unpainted wall surfaces refer to
855 bricks specifically (as it may damage the bricks) and does that apply to cinder block as
856 well.
857

858 Mr. DeSimone replied, there is no desire to see bricks painted, but the cinder block is
859 fine. A permit would not be required for mural art.
860

861 The proposed ordinance will be an action item and public hearing at the March 21, 2023,
862 Council meeting.
863

864 **Accessory Dwelling Units – Mike DeSimone** 865

866 Community Development Director Mike DeSimone addressed the Council. He explained
867 the purpose of this workshop is to discuss the “state” of Accessory Dwelling Units in
868 Logan and determine whether there is a demonstrated need or desire to expand the
869 current ADU program or retain the current ADU approach as is. When Ordinance 21-14
870 was adopted approximately 18 months ago, the Council directed staff to bring back
871 ADU’s for an update to the Council. This workshop also satisfies the City’s commitments
872 under out 2022 Moderate Income Housing Plan to consider the expansion of ADU’s to
873 allow for detached ADU’s as well as expand the program citywide.
874

875 Ordinance 21-14 was adopted on September 21, 2021, amending the Land Development
876 Code to permit internal ADU’s in certain residential areas of the City. The impetus
877 behind the regulations was House Bill 82 mandating “internal” ADU’s effective October
878 1, 2021. The Bill included a provision for cities with a university to be able to limit
879 internal ADU’s to an area equal to 33% of the total land area zoned residential or
880 approximately 1,436 acres rather than permit them citywide. The result was to define an
881 area around the university where ADU’s are not permitted.
882

883 Since the adoption of Ordinance 21-14, five ADU's have been permitted while another
884 one is in the review process.

885

886 The 2022 Moderate Income Housing Plan identifies as one of its goals and supporting
887 objectives evaluating expanding ADU's to permit detached ADU's while also allowing
888 ADU's citywide. This is a specific State strategy for the provision of Moderate-Income
889 Housing, and one that many jurisdictions have adopted. Because the State views ADU's
890 as a way to get less expensive housing quickly into the market, there has been a
891 significant push to expand the types and locations of where ADU's could be permitted.
892 Regardless of the State's viewpoint on ADU's, the expansion of ADU's either
893 geographically or through applicability (internal vs detached), is a local decision that
894 needs local scrutiny especially given the wide range of issues that come with a large,
895 student age population and the demand for rental housing.

896

897 The specific 2022 Moderate Income Housing Plan Goal for Accessory Dwelling Units:

898

899 Objective 1: Evaluate expanding the Accessory Dwelling Unit (ADU) program citywide

900 Objective 2: Evaluate expanding the Accessory Dwelling Unit (ADU) program to also
901 permit detached ADU's

902 State Strategy being addressed: Create or allow for, and reduce regulations related to,
903 internal or detached accessory dwelling units in residential zones.

904

905 **Positive and Negative of ADU's**

906 Some of the Potential Benefits of ADU's are:

- 907 • New Housing in a tight housing market
- 908 • Affordability
- 909 • Capitalize on Existing Infrastructure
- 910 • Allows Aging in Place for Seniors
- 911 • Rental Housing for Students near the University
- 912 • Supplemental Income for Homeowners

913

914 Some of the Potential Downfalls of ADU's are:

- 915 • Undermines Residential Character
- 916 • Parking & Congestion Problems
- 917 • Occupancy & Over Occupancy
- 918 • Questionable whether this creates Affordable housing or just a windfall for some
- 919 • Rental Housing for Students in SFR Areas

920

921

922

923 **Moving Forward**

924

925 We have permitted five internal ADU's with a sixth ADU in the review process. No
926 complaints on these five.

927

928 We get frequent inquiries about ADU's in the "off limits" zone around USU.

929

930 Are we ok with the current state of "internal" ADU's?

931

932 Is there a pressing demand to expand the ADU program? Or will expansion, whether it is
933 geographically or allowing detached ADU's, create additional problems for existing
934 neighborhoods.

935

936 A variety of mitigating factors that could be applied if the decision is to allow for
937 expansion.

938

939 Limit ADU's by Zone, require minimum lot sizes, limit their geographical location as
940 well as their location on a property, mandate min/max ADU sizes (proportionate to
941 primary dwelling), place occupancy limits on them, require minimum design standards,
942 require additional parking, require owner occupancy of primary dwelling, prohibit use as
943 a short-term rental, and require permitting and licensing.

944

945 Councilmember Jensen inquired if there have been any complaints made against the 5
946 registered ADU's.

947

948 Mr. DeSimone answered there have been no complaints made.

949

950 Vice Chair A. Anderson asked how many short-term rentals have been received.

951

952 Mr. DeSimone replied there are a dozen permitted short-term rentals. There may be more
953 in existence, but they cannot by law check Airbnb or any short-term rental sites.

954

955 Vice Chair A. Anderson inquired how many potential internal ADUs can be in the
956 student corridor in the Adams residential zone.

957

958 Mr. DeSimone responded that currently none and also an important factor to consider is
959 that there are very few owner-occupied homes in the Adams area.

960

961 Councilmember Simmonds spoke in favor of maintaining the current boundary for
962 ADUs. That area already has plenty of rentals and she is worried about causing more
963 overoccupancy in that area.

964 Chairman López requested information be collected showing the areas of overoccupancy.

965

966 Mr. DeSimone answered the information can be gathered. He indicated that the area has a
967 tendency for overoccupancy and is primarily complaint driven.

968

969 Chairman López inquired if similar-sized cities like Provo are permitting detached
970 ADUs.

971

972 Mr. DeSimone responded it is all across the board. Universities across the country are
973 dealing with low housing. There are similar concerns of over-occupancy, quality, etc. The
974 impact of the acres, occupancy loads, parking, etc.

975

976 The Council discussed the law of starter homes and how the burden for student housing
977 should not be on the City but rather on the University. They expressed their concerns on
978 how to regulate detached ADUs. If they could be how they envisioned a detached ADU,
979 they would not possess it. However, the question is regulation.

980

981 Councilmember Simmonds requested to leave the code as is but follow up once again in
982 another year. She requested that requests for ADUs in an area be tracked to see where the
983 ADU requests are internal or external.

984

985 Vice Chair A. Anderson agreed with the proposal. She requested further information on
986 guidelines for detached ADUs. And any other considerations that would go into the
987 proposal.

988

989 After further discussion, the Council agreed to review the topic again in March of 2024
990 with the requested information to be provided.

991

992 **OTHER CONSIDERATIONS:**

993

994 Chairman López reminded the public of the invitation to attend the Wilson Neighborhood
995 meeting on March 24th at Wilson Elementary from 5:30 p.m. to 7 p.m.

996

997 No further items were discussed.

998

999 **ADJOURNED.** There being no further business, the Logan Municipal Council adjourned
1000 at 7:58 p.m.

1001

1002

1003 Esli Morales, Deputy City Recorder