

Minutes of the meeting of the Logan Municipal Council convened in regular session on Tuesday, September 15, 2020 at 5:30 pm in the Logan Municipal Council Chambers located at 290 North 100 West, Logan, Utah following social distancing guidelines. The number of in-person attendees was limited based on social distancing of 6 feet which resulted in less than 50 people allowed in the Council Chambers. All guests were asked to sign in and it was required that all those in attendance wear a mask. Overflow space was available with appropriate social distancing and video access. Logan Municipal Council Meetings are televised live as a public service on Channel 17, City of Logan Facebook page: <https://www.facebook.com/cityoflogan> and KSL live at <https://live.ksl.com/>.

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

Chair A. Anderson welcomed those present. There were approximately 12 in attendance at the beginning of the meeting.

OPENING CEREMONY:

Bryce Lancaster from CAPSA gave the opening thought and led the audience in the pledge of allegiance.

Meeting Minutes. Minutes of the Council meeting held on September 1, 2020 were reviewed and approved with no changes.

Meeting Agenda. Chair A. Anderson announced there are five public hearings scheduled for tonight's Council meeting.

ACTION. Motion by Councilmember Bradfield seconded by Councilmember M. Anderson to approve the September 1, 2020 minutes as presented and approve tonight's agenda. Motion carried unanimously.

Meeting Schedule. Chair A. Anderson announced that regular Council meetings are held the first and third Tuesdays of the month at 5:30 pm. The next regular Council meeting is Tuesday, October 6, 2020 and will be a public meeting.

QUESTIONS AND COMMENTS FOR MAYOR AND COUNCIL:

Chair A. Anderson explained that the Questions and Comments portion of the agenda is suspended at this time. She indicated that comments or questions can be emailed to: teresa.harris@loganutah.org, who will distribute to the Mayor and Councilmembers. She stated that under Other Considerations on tonight's agenda the Council will be taking the

time at the end of the meeting the Council will address any comments or questions that come to them during the open comment and question period as well as address any emails that are received. This is being done in order to better connect with the appropriate person to answer those questions and so the Council can react and include all those that might be impacted or affected.

MAYOR/STAFF REPORTS:

Residential Solar Net Metering/Renewable Goal Energy Update – Mike Taylor

Mike Taylor, member of the Logan Power Advisory Board and the Renewable Energy Conservation Energy Board addressed the Council.

Residential Solar Net Metering Annual Update - He reported that the Logan City Council updated the Light Light & Power Department's Solar Net Metering Policy on May 21, 2019 and he referenced Resolution 19-24. He stated that net metering allows solar customers to offset their electricity usage with solar generation to lower their electric bill each month. All customers are charged for the electricity they use based on three levels that range from 9 to 11.7 cents per kilowatt-hour. The more they use in a month, the more it costs, which encourages electric conservation. The solar buyback rate has four levels that change as the total kilowatt of residential solar in the City goes up. One kilowatt is equal to about four solar panels. As the solar buyback rate is lowered in future levels, solar customers can compensate by shifting some evening usage to daylight hours, so the customer has less solar buyback. Examples include running your dishwasher, doing laundry, or charging your electric vehicle during the day rather than in the evening.

Renewable Energy Goal Update – In 2019, Logan had an estimated 50.5% renewable electricity. The forecast is that Logan will have 49.3% renewable electricity in 2030 based on the currently planned portfolio of power plants and contracts. In 2019 Logan approved the 5 MW Red Mesa Solar contract which will begin operation in 2022. This forecast does not include the NuScale Nuclear Project.

On December 5, 2017, The Logan City Council passed a renewable energy goal of getting 50% of its electricity from a renewable energy source by 2030. Examples of renewable energy sources include hydroelectric, solar, wind, methane capture, waste heat, and geothermal. No new renewable energy contracts can be signed without the City Council's approval if its cost is greater than that of a new traditional power plant. Natural gas is currently the lowest priced traditional power plant with an estimated net present value contract price of 5.5 cents/kWh.

Logan Light & Power will provide an annual renewal electricity update to keep citizens, the City Council, and other stakeholders abreast of progress toward meeting, maintaining and possibly expanding on the renewable electricity goal of 50% by 2030.

Logan City currently has 12 power plants and contracts in its power generation portfolio, each with different fuel sources, sizes, costs, and expiration dates. Together they have a weighted average wholesale cost of about 5.4 cents/kWh. Five of these are renewable or have renewable content and total about 49.5% of the electricity delivered to Logan customers:

1. Logan River hydroelectric power plants (6 megawatts)
2. Colorado River hydroelectric power contract (22 megawatts)
3. Pleasant Valley wind power contract (5 megawatts)
4. Veyo Heat Recovery power contract (2 megawatts)
5. Mixed market power purchases (25 megawatts)

In addition, Logan signed a five-megawatt contract with the Red Mesa Solar project in northern Arizona in 2019. The contract price was very competitive at 2.9 cents/kWh over 25 years, not including transmission losses and costs. This project will add an additional 2.3% renewable electricity once it begins operation in 2022.

In the coming years, Logan Power has several decision points around potential portfolio changes as they relate to renewable electricity:

1. When Red Mesa Solar begins operation in 2022 (or other plants in the future), what other power plants and contracts will be used less and how will that impact the renewable portfolio.
2. The cost and benefits of additional solar power plants, which are low cost but have added generation variability.
3. Replacement or renewal of the Pleasant Valley Wind project in 2029.
4. Replacement or renewal of the Hunter Coal Plant in 2032

Board Appointments (Civil Service Commission) – Mayor Daines

Mayor Daines asked the Council for ratification to reappoint Jeff Miller and asked for ratification of a new appointment, Bill Peterson to both serve on the Civil Service Commission. Mayor Daines also thanked Doug Thompson who retired from serving on the Commission.

ACTION. Motion by Councilmember Simmonds seconded by Councilmember Anderson to approve ratification of Jeff Miller and Bill Peterson as presented. Motion carried unanimously.

Turn Your Key, Be Idle Free Pledge and Declaration – Mayor Daines

Mayor Daines announced that Logan City is part of a group of cities who have joined the Idle Free Declaration and said that Governor Herbert issues this Declaration every year, this being the 13th Anniversary of the Declaration. In the Declaration it states that ten visionary cities have been declared Idle Free and Logan City is one of those cities. She

also announced that more *Turn Your Key, Be Idle Free* signs will be posted throughout the City this coming year.

Report on Nibley Boundary Discussion – Mayor Daines

Mayor Daines stated that the Logan City Council met with the Nibley City Council in a joint meeting. She reported that Logan felt they had a compromised position and Nibley's compromise was to have subcommittee with two Logan City Councilmembers (Mark Anderson and Jeannie Simmonds) and two Nibley Councilmembers. The task of the subcommittee is to come back to both Council's within 30 days with a recommendation.

Open & Public Meetings Act Training – Kymber Housley, City Attorney

Logan City Attorney Kymber Housley addressed the Council and gave an update on the Annual Open and Public Meetings Act training which is required by law to be completed annually. He stated the Open and Public Meetings Act was enacted upon the premise that the State, its agencies, and its political subdivisions exist to aid in the conduct of the people's business. As such, a public body should deliberate and act openly. The Open and Public Meetings Act requires that members of a public body be provided with annual training on the requirements of the Open and Public Meetings Act.

Mr. Housley reminded the Council about the definition of a meeting which, is a convening of a public body or a specified body with a quorum present to discuss, receive public comment about, or act upon a matter over which the public body or the specified body has jurisdiction or advisory power. A meeting does not include a chance or social gathering, a convening of a public body that has both legislative and executive responsibilities. The Council cannot deliberate as a body outside of a public meeting with more than one Councilmember if not in a public setting. This also applies to electronic correspondence. The Council should ere on the side of caution and when in doubt it should be noticed as a public meeting.

Mr. Housley reviewed the requirements for the Council to hold a Closed Session. The Council must still meet publicly with the standard noticing, they vote to go into a Closed Session which must be made publicly with individual votes either for or against the Closed Session. The main reasons for the Council to go into a Closed Session are discussion of the behavior, competence or mental health of an individual; strategy session to discuss pending or reasonably imminent litigation; strategy session to discuss the purchase, exchange or lease of real property but only if there is a finding that it could disclose the appraisal or value of the property under consideration; discussion regarding the deployment of security personnel and investigative proceedings regarding allegations of criminal misconduct. Meeting minutes are taken but they are not considered a public record and can only be disclosed with a court order.

He added this year there were a few executive orders that allowed for virtual meetings for the public to attend because of COVID but those are all temporary changes and have not

been codified. He also reminded the Council regarding the use of their personal social media accounts and when they might qualify being used for government business. He said the general principle is that if the Council uses their personal social media to do government type business, they could be subject to the requirement that they have to open their social media to everyone. They cannot block users and cannot block comments. He recommended that the Council does not use their personal social media for Council business but if they do, they will be subject to some of these restrictions and they must allow all comments.

More information regarding the Open and Public Meetings Act can be found in Utah Code Section 52-4-102 and was included in the Council packet.

No further Mayor/Staff Reports were presented.

COUNCIL BUSINESS:

Planning Commission Update – Councilmember Bradfield

Councilmember Bradfield reported that the Planning Commission met on September 10, 2020 and neither he nor Councilmember Simmonds attended because of the Joint meeting with Nibley City. A rezone request from the A-OK RV Park was discussed and will be a workshop item at tonight’s Council meeting.

Other Committee Updates – Council

Councilmember M. Anderson reported that the Library Board met and discussed the proposed plans for the new Library which, the Board is very excited about. Library Director Karen Clark will be submitting a name to Mayor Daines to replace an outgoing board member. He also reported that the Downtown Alliance met last week, and the Logan Marathon will be held this weekend and is the only marathon being held in Utah this year.

Councilmember Simmonds reported that the Airport Authority Board met and discussed the new runway. She also reported on the Logan Election Districting Committee who recently met via Zoom. They are working on a final report that will be delivered to the Council in the next few months.

Chair A. Anderson reported that RECAB met on Friday and discussed doing a survey on the business perspective on community solar rates. For those interested from now through September 25, the Bike & Pedestrian Advisory Committee is doing a bike/walk count as part of the National Bicycle and Pedestrian documentation project. They need help from volunteers to be at certain locations and those interested in helping should contact Carly Lansche at Cache County or email Carly at carly.lansche@cachecounty.org.

No further Council Business items were presented.

ACTION ITEMS: Chair A. Anderson explained that those wishing to speak during the public hearing portion of the meeting must sign in and queue up with social distancing maintained. Chair A. Anderson explained that masks can be removed when speaking at the microphone.

PUBLIC HEARING - Budget Adjustment FY 2020-2021 appropriating: \$4,000 a grant that was awarded to the Justice Court from the State of Utah for a new metal detector for the Court - Resolution 20-40

At the September 1, 2020 Council meeting, Finance Director Richard Anderson addressed the Council regarding the proposed budget adjustment.

Chair A. Anderson opened the meeting to a public hearing.

There were no comments and Chair A. Anderson closed the public hearing.

ACTION. Motion by Councilmember Simmonds seconded by Councilmember Bradfield to approve Resolution 20-40 as presented. Motion carried unanimously.

PUBLIC HEARING - Consideration of a proposed ordinance vacating public utility easements between parcels 02-296-0022 and 02-296-0023 located between Johnson Cove Subdivision Phase 2, Lots 22 and 23 located at 783 & 771 Johnson Lane – Ordinance 20-26

At the September 1, 2020 City Engineer Bill Young addressed the Council regarding the proposed vacation. He stated the City of Logan received a petition to vacate a portion of public utility easement between Lots 22 and 23 in the Johnson Cove Subdivision Phase 2.

Chair A. Anderson opened the meeting to a public hearing.

Logan resident Troy Blauer addressed the Council. He lives at 910 Canterbury Drive and was told by the developer that once the boundaries were made, they could not be changed and now they want to change the boundary. He had a boundary dispute in his backyard when he first moved into this home 28 years ago and went ahead and planted trees and finished his yard. Then it was surveyed, and it was discovered that the boundary was wrong, and he asked if it could be changed and was told it could not. He feels it is a fairness issue and he asked for the same consideration that is being given to the developers of Johnson Cove. He said on the petition that he received in regard to the vacation there is no place to object but there are nine places that LeGrand Johnson can sign to petition. On the East side of the Johnson Cove entrance there is a plot map that indicates what has been sold and none of the lots in the 300 ft radius of the proposed easement are owned by Johnson except for maybe the two lots indicated in tonight's easement which are lots 22 and 23. He said that goodwill has not been shown and if the proposed homes are built in this area it will block his view of the Wellsville mountains and there has been no consideration on the part of the developer of him or his wife who

have lived there for 28 years. He said if fairness cannot be given then he is against the easement boundary line being changed.

Councilmember Simmonds asked if Mr. Blauer could purchase 10 feet from the developer.

Mr. Blauer said he would like to purchase additional property, but the developer is not willing to sell.

Councilmember Simmonds said it was her understanding that the only reason they asked to vacate this property was because they are combining two lots. When you plat a subdivision, the City requires an easement on every property line for water, sewer, etc and when lots are combined, we do not have a need for that, so we are not giving away anything. It is her understanding that if you own two lots you have the right to combine those two lots.

Logan City Attorney Kymber Housley explained the reason we have a public hearing is because that is what the State Code requires when an easement or road is vacated. It is required to find cause to vacate and it cannot cause harm to others. By vacating the proposed easement there is no violation to the subdivision code so unless you can find that it does harm to the public in general or an individual there is really no basis not to allow the vacation. In this case, The Blauer's are entitled to the same law that everyone else is but the difference is there are adjoining lots that are owned by the same owner and they have decided to adjust the property line. Mr. Blauer could do the same thing, but he would have to convince his adjoining property owner to adjust the property line and if they do not agree then it cannot be done.

Mr. Blauer said he really did not think that the Council would vote against this vacation, but he wanted to express his strong objection to what has been happening at the Johnson Cove development and it has not been a pleasant experience.

There were no further comments and Chair A. Anderson closed the public hearing.

Mr. Young clarified that both lots are owned by the same person.

Councilmember Simmonds said she wished that something could have been worked out for Mr. Blauer to acquire the 7 or 8 feet in his backyard, so he does not lose all of his trees. But it does not have anything to do with the two lots that are being combined.

ACTION. Motion by Councilmember M. Anderson seconded by Councilmember Simmonds to adopt Ordinance 20-26 as presented. Motion carried unanimously.

PUBLIC HEARING - Consideration of a proposed ordinance vacating a public right of way along the West right of way line of 1400 West at approximately 2054 South 1400 West in the Spring Creek Village Phase I – Ordinance 20-27

City Engineer Bill Young explained that the ordinance was noticed and sent to the Council with the address as 2054 North 1400 West and it should be 2054 South 1400 West. Because of this error the ordinance/vacation will be re-noticed and continued to the October 6, 2020 Council meeting as an action item and public hearing.

WORKSHOP ITEMS:

Consideration of a proposed resolution appropriating funding for architectural and other related fees for the design of a new library to be located on the City Block at 300 North Main Street in the amount of \$999,990 – Resolution 20-42 – Mayor Daines

Mayor Holly Daines addressed the Council and said the City is currently in the process of finalizing a contract with Design West. The option of a new site plan was presented to the City Council to replace the current Library. Design is expensive and is based on the size of the project. The proposed amount would be for all of the architectural drawings, construction drawings, interior design, and landscape design on the plaza. The design team is ready to move ahead quickly and the design would be completed in approximately 10 months. The City has 9 million dollars set aside for a new library and discussions have been held with the Council that to complete the entire library building we would have to address some type of property tax levy for the library as part of next year's budget and truth in taxation process which, would occur in August 2021. The \$999,990 would allow staff to move ahead with the design of the Library and that is what is being requested at this time.

Kent Craven with Design West addressed the Council and stated that he has been involved in the Library process since 2017 as well as Hacker, who is the design team from Oregon. He is very excited about the Library being proposed at the original site and he feels it will be an asset to the community. It has the parking it needs and is a very viable project at this time. Regarding the fee, on a typical project there will be 12 professionally licensed disciplines that will work on a project. If you break out the fee between those 12 professional disciplines, they would each receive about \$85,000. This includes his firm which will work with the contractor for a time period for 14 months throughout the entire project. He guarantees the new Library will be a flagship project for the community.

Councilmember Simmonds said she knows it was important for Logan City to have both the expertise of Hacker and the local support of Design West and she is excited about the location.

The proposed resolution will be an action item and public hearing at the October 6, 2020 Council meeting.

Budget Adjustment FY 2020-2021 appropriating: \$165,992 a grant Logan City received from the State of Utah (pass thru funds). These funds will be used to purchase replacement vehicles for several City Departments; \$7,475 funds the Police Department will receive from the US Department of Justice for the upgrade and installation of a camera system; \$2,862 a grant the Communication Center received from the State of Utah for training of dispatchers; \$40,000 funds the City received from Cigna to promote wellness amount the City employees; \$12,000 a grant the Police Department was awarded from the Internet Crimes Against Children to investigate, protect and educate the community on children exploitation - Resolution 20-43 – Richard Anderson, Finance Director

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

The proposed resolution will be an action item and public hearing at the October 6, 2020 Council meeting.

A-OK RV Park Rezone – Consideration of a proposed rezone. Danny MacFarlane. Stan Checketts Properties LLC, authorized agent/owner, request an RV park with 86 sites, 10 cabins and a 35,000 SF office/administrative building, and to rezone the 7.87 acre property located at 800 West 2000 South from Commercial (COM) to Recreation (REC) (Woodruff Neighborhood) – Ordinance 20-25 – Russ Holley, Planner

Planner Russ Holley addressed the Council regarding the proposed rezone.

RECOMMENDATION

He said the recommendation is for a rezone of 7.87 acres of property located at approximately 2000 South 800 West (TIN# 003-006-0006). Contingent on the outcome of the rezone, Staff recommends that the Planning Commission conditionally approve a Conditional Use and Design Review Permit.

Land use adjoining the subject property

<i>North:</i>	COM: Commercial Uses	<i>East:</i>	Millville City-Industrial/Commercial Use
<i>South:</i>	MR-20: Vacant	<i>West:</i>	COM: Vacant

PROJECT INTRODUCTION

The proponent is requesting to rezone 7.87 acres at approximately 2000 South 800 West. The flat property is vacant but contains a miniature golf course and dirt bike track associated with the former amusement park located directly north of the project site. Most recently, the property to the north is being used for ATV sales and service. The surrounding area is at the urban/rural interface with newer developments replacing agricultural fields and farmlands. To the northwest, Highway 89/91 handles high volumes of traffic at high speeds of velocity. The new traffic signal at the intersection of HWY

89/91 and 1000 West is located approximately 1100 feet away from the proposed RV Park.

REZONE AND LAND USE

The property and surrounding areas to the north are zoned Commercial (COM). The surrounding areas to the south of the project site are zone Mixed Residential Medium (MR-20). The applicant is requesting a rezone to Recreation (REC). The REC zone conditionally permits RV Parks short term occupancy (less than 30 days). The Land Development Code (LDC) defines RV Parks as a property established for the occupancy of recreational vehicles for temporary living quarters for recreation or vacation purposes. The REC zoning district is described in the LDC as intended for publicly and privately-owned parks and recreation facilities such as golf courses and RV parks.

The Future Land Use Plan (FLUP) designates the area as COM. The General Plan describes the FLUP designation of COM as intended for retail, service and hospitality businesses that serve city-wide and regional populations.

DESIGN REVIEW PERMIT

The REC zoning district regulates site layout and design to ensure aesthetics meet high standards and creates a character associated with recreational open spaces and facilities. The zone requires larger setbacks around the perimeter to ensure a lower density/intensity recreation look and feel. Maximum building heights are capped at 35 feet to allow for better views of surrounding areas. Building design standards follow commercial design standards. The proposal includes a 3,500 SF office and 12 cabin sites. The remaining areas are intended for mobile RV vehicles coming and going. The office location is proposed back from the road behind a 9-stall parking lot and dumpster pad. A pavilion is proposed adjacent to the parking lot near the park entrance. Parking lots in the REC zone are required to be placed to the side and rear of the primary structure. Buildings in the REC zone, as per commercial standards, are required 30% transparency on the front elevation and minimum wall-breaks/architectural features every forty feet. As conditioned with the parking lot location moved to the side or rear of the building and the addition of 30% transparency on the front façade, the project meets the requirements of the LDC.

SETBACKS

The LDC requirements for building setbacks in the REC zone are as follows (as measured from property lines):

- Front: 20'
- Side: 20'
- Rear: 10'
- Parking (front): 20'

PARKING

The LDC 17.31 requires one parking stall for every one RV pad site, tent site, and cabin site. Check-in and employee parking are not detailed in the LDC. Office space is required to provide one (1) parking stall per every 300 SF of office space. The proposal includes approximately 1000 SF of office space and would require 4 parking stalls. The proposal provides a parking stall for every RV/Tent/Cabin site and 9 additional stalls for check-in and employee parking. As conditioned with RV and office parking stalls, the project meets the parking requirements in the LDC.

OPEN SPACE AND LANDSCAPING

LDC 17.15.050 does not specify a minimum open space standard for the REC zoning district. The lot coverage maximum of 50% acts as the default open space requirement in the REC zone. The proposal shows approximately 3.4 acres of RV/Cabin/Tent/Office space with the remaining 4.4 (57%) acres as open space/green space. The code requires 20 trees and 50 shrubs/plants per every acre of project site. With 7.8 total acres, the code would require 156 trees and 390 shrubs/plants. As conditioned with tree and shrub requirements, the project meets the LDC standard.

CONDITIONAL USE PERMIT

The LDC 17.42 describes the purpose of conditional use permits as providing for discretionary consideration of applications in order to preserve neighborhood character and protect public health, safety, and welfare. Impacts associated with this use are typically parking, traffic, and noise. RV parks are required to obtain a Conditional Use Permit within the REC zone to mitigate any unique impacts associated with the proposal. With surrounding areas to the north being more industrial/commercial in nature, this application could rather focus on mitigating the surrounding impacts onto the subject property. RV Park impacts revolve around traffic as patrons come and go with larger vehicles. Generally, noise levels are low during nighttime hours. Land to the south is zoned MR and will have similar impacts to that of an RV Park with traffic and daytime noises being the most prevalent impact.

SUMMARY

The rezone request is the core of the issue. An RV Park (short term) has similarities to commercial hospitality uses (motel, hotel, bed, and breakfast) and is beneficial to the local economy and tourism. With popular State and National Parks located in the region, Logan often becomes a stopping point for travelers. The appropriate location for an RV Park in Logan City is also a topic of debate. The LDC allows RV Parks in the REC, IP and CS zoning districts, suggesting to staff that these uses should be placed in areas that are not considered prime commercial locations. The difficulty with these locations and the proposed uses are compatibility based. Unlike industrial areas, RV Parks are most appealing in natural settings with attractive green spaces for travelers and vacationers. A question a decision maker should always ask when considering a rezone is, does this request preclude better and more appropriate zone/uses for this area?

One issue staff has seen with RV Parks within the city is their tendency to house long term residents. This type of use aligns with MR zoning more than COM zoning and does not benefit the economy or tourism industries. Long term is not permitted in the REC zone, but duration of time associate with these land uses are very difficult to enforce. Staff would also not consider this an ideal location for an RV Park because of the surrounding buildings and lack of natural setting. RV Parks tend to be located in attractive naturalist areas such as near rivers, canyons, and lakes. This site is big enough to create a natural buffer around the perimeter so that users inside the park feel like they are isolated from the surrounding areas. This will require considerable space and plant material. Staff recommends approval of the rezone on the condition that it remain short term and thus benefiting tourism and the local economy.

AGENCY AND CITY DEPARTMENT COMMENTS

Comments were solicited from the following departments or agencies:

● Fire	● Water/Cross Connection
● Engineering	● Environmental

PUBLIC COMMENTS

At the time of the report no comments have been made.

PUBLIC NOTIFICATION

Legal notices were posted on the City’s website and the Utah Public Meeting website on 8/19/20, and noticed in a quarter page ad on 7/28/20, and a Public Notice mailed to property owners within 300’ were sent on 7/27/20.

RECOMMENDED FINDINGS FOR THE REZONE

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

1. The rezone request from COM to REC is appropriate in this location as the REC Uses, including a short-term RV Park, is commercial in nature benefiting the local economy and tourism industry.
2. The proposed RV Park will better buffer the MR zoning to the south.
3. The property is over 1100 feet from HWY 89/91 and is outside of the South Corridor overlay zone. Because of the location. the property is not considered prime commercial land.

RECOMMENDED CONDITIONS OF APPROVAL PENDING THE OUTCOME OF THE REZONE

This project is subject to the proponent or property owner agreeing to comply with the following conditions as written, or as may be amended by the Planning Commission.

1. All standard conditions of approval will be recorded with the Conditional Use and Design Review Permit and are available in the Community Development Department.
2. 98 total RV/Tent/Cabin sites are approved with this permit.

3. All RV/Tent/Cabin sites are permitted for short term use only. No guests may stay for a period longer than 30 Days.
4. The office building shall have a minimum 30 transparency on the front façade (east), and the associated parking lot shall be located to the side or rear of the building in relation to 800 West.
5. A parking stall shall be provided for every RV/Tent/Cabin site and a minimum of four (4) parking stalls shall be provided for the office building.
6. All trash/dumpster locations shall be place in the side or rear yard areas away from 800 West.
7. The project shall not have more than a 50% lot coverage and less than 50% open space.
8. A landscaping plan shall be submitted and approved prior to any building permits being issued. The landscaping plan shall contain a minimum of 156 trees and 390 shrubs/perennials/ornamental grasses. Plant materials shall be densely placed around the perimeter of the site to buffer surrounding areas and create a setting similar to naturalistic areas in the region. Extensive evergreen trees should be used for year-round solid screening. Street trees shall be planted within the park strip along 800 West at 30-foot intervals.
9. Prior to issuance of a Building Permit, the Director of Community Development shall receive a written memorandum from the following departments indicating that their requirement has been satisfied:
 - a. **Fire —contact 716-9515**
 - Fire hydrants shall be installed. Looped water mains are preferred. Dead end roads longer than 150 ft shall have an approved turnaround. A plan that includes the fire apparatus radius on all fire access roads is required.
 - b. **Engineering —contact 716-9153**
 - Submit proposed Property Line Adjustment to City for approval.
 - Need to correct County Parcel lines to match City along north property line
 - Provide storm water detention/retention per Logan design standards. This includes the onsite retention of the 90% design storm utilizing Low Impact Design Methods
 - Provide City with a written agreement for this development of connect and use the existing private sewer and water lines currently installed for the development to the north of the proposed development
 - Provide private utility agreement and storm water agreement
 - Provide City with water shares or in-leu fee for increased demand for indoor and outdoor water uses for City system.
 - Coordinate with City to run model to ensure that fire flows can be maintained all locations required by Fire Marshall.
 - Provide City with a fixture count (or other approved analysis) showing water flow demand assuming trailer park is completely full to ensure that this flow is within the allowable operating range of a 2” master meter. This analysis to include outdoor flows in the analysis.

- The City is not assuming any responsibility to ensure that the 2” potable water line is adequately sized to distribute potable water at the State required flow rate and pressure.
- Locate 2” water meter in a location near a road for easy access by City staff to read the meter and maintain the meter.
- Construct improvements to 800 West per new City road design standards. This includes the pavement section for any road widening that may be necessary along frontage.
- Dedicate right of way as needed to ensure a 66’ right of way for 800 West.
- All internal roads in development shall be signed as fire lanes/no parking (exception is the main access road from 800 West).

c. *Water/Cross Connection—contact 716-9627*

- The water main serving this whole project must have a RP (ASSE1013) installed and tested before any branch offs or possible connections. (Except fire hydrants)
- The buildings water main needs to have its own RP (ASSE1013) installed and tested on the water main as it enters the building before any branch offs or connections. Properly sized drain required. This is for containment protection only (Cities protection only). Points of use protection will also be needed (occupants protection). Installation criteria of B/F assemblies must be as per 2018 IPC and Utah amendments.
- All landscape irrigation system’s fed from Logan City water must have a high hazard backflow assembly installed and tested. All backflow assemblies must be tested within 10 days of turning in water to them and annually thereafter.
- Fire suppression systems connected to Logan City water (with no added chemicals) must have a minimum DC (ASSE1015) installed and tested. Fire risers and B/F assemblies must be installed as per Logan City standards.
- All points of use of water must comply with the 2018 IPC and State of Utah Amendments, during and after construction.

d. *Environmental Dept. – contact 716-9760*

- Dumpsters will need to be screened from the 800 West road.
- Minimum 60 ft. straight on access to dumpsters is required. Usually best to use an access driveway as the approach if possible as this helps eliminate parking in front of the dumpsters.
- If an enclosure is provided, minimum inside measurement is 12 ft. wide and 10 ft. deep for a single bin enclosure. Provide bollards to protect walls.
- Gates are not required, however if desired, they must be designed to stay open during the collection process. Barrel hinges suggested for the gates. We need the full 12 ft. clearance so gates must be designed to open completely.

RECOMMENDED FINDINGS FOR APPROVAL FOR THE DESIGN REVIEW AND CONDITIONAL USE PERMIT

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

1. The site, as conditioned, conforms to the requirements of Title 17 of the Logan LDC for REC developments.
2. The conditioned land use will not negatively impact the surrounding properties because of the design and landscaping requirements.
3. The project met the minimum public noticing requirements of the Land Development Code and the Municipal Code.
4. Infrastructure and utilities are adequate in size to handle anticipated traffic and use.

Mr. Holley said the original applicants Stan Checketts and Danny MacFarlane handed the management of the RV Park over to McKay Winkle. Mr. Winkle did not realize that our current code does not allow for a long-term RV stay and only short-term stays are allowed. Mr. Winkle has subsequently submitted a code amendment for long term RV Parks that will go before the Planning Commission in approximately one month from now. The current maximum stay at an RV Park is 30 days.

On September 10, 2020, the Planning Commission recommended approval of the rezone (5-1).

Councilmember Simmonds stated that the Planning Commission approved the rezone from Commercial to Recreation, but they want to talk about the long-term stay.

Mr. Holley responded the code amendment will go before the Planning Commission on October 8 and they send a recommendation to the City Council. It will be a Land Development Code Amendment. He said if you look at the pros of this project and from a Commercial standpoint, if it's short time RV then its similar to a hotel/motel hospitality and you get vacationers that are coming through maybe going up to Yellowstone and they are shopping and eating in our restaurants so this is good for Logan's economy and for tourism.

Mr. Holley said the cons for a long-term RV stay would be permemant residents that end of living here 24/7 all year. We have not permitted any new mobile home parks in over a decade. We do have existing RV Parks that were permitted to be long-term in the mid 1990's. There is one on 1700 South near the Logan River and one just West of City Hall called Traveland and is located behind the Comfort Inn. He has looked back at some of the complaints that the City has received in the past for RV Parks and they are usually appearance related such as weeds and refuse which he feels comes more from long term stays rather than overnight travelers. Mr. Winkle feels confident that he can handle these complaints and he would prefer overnigheters all year long but, we have slower seasons and other unique situations such as "snowbirds" that come from Arizona and they might want to stay for three months. There might also be students that want to stay longer. Those type of users in Mr. Holley's opinion feel like the more tourism or commercial user if they are

staying for a week or a couple of months. But it is the year round, permemant residents that the Council might want to reconsider. The other issue is the location and is there a better use for this parcel in the future other than an RV Park.

Mr. Holley said the Planning Commission originally tabled making a decision on the rezone because they thought maybe Commercial Services would be a better zone. The original applicants chose Recreation because it is a very limited amount of uses that the Recreation Zone allows.

Mr. Holley said notification of the proposed rezone went to 12 property owners who were within 300 feet.

Mr. Housley said this is a legislative decision and if the Council feels they need to know what the answer will be to the proposed code amendment that will go to the Planning Commission on October 8 before they make a decision on the rezone then, it would be appropriate for them to continue the rezone until the code amendment is addressed.

ACTION. Motion by Councilmember Simmonds seconded by Councilmember M. Anderson to continue Ordinance 20-25 to the November 3, 2020 Council meeting as a workshop item as presented. Motion carried unanimously.

Consideration of a proposed resolution approving an adjustment of Solid Waste Collection and Disposal Fees and Mandatory Curbside Recycling – Resolution 20-44 – Issa Hamud, Environmental Director

Environmental Director Issa Hamud addressed the Council regarding the proposed resolution. He said the free green waste disposal and composting operation started in 1990 and was improved in 1993/1994. It obtained an operations plan in 1995. The countywide drop sites were established in 1997/1998 and Logan City removed the drops sites in 2006. The number of drop sites are 15-17 and the number of trucks at a minimum for these locations is 3 with a minimum of 3 personnel.

Composting Rules – All waste materials collected for the purpose of processing must be processed within two years or as provided in the plan of operation. All materials not destined for processing must be properly disposed.

Funding Options

- **Fund the Compost Program**
- Required fund approximately \$225,634.00
- Number of residents in the service area 41,593
- Cost per dwelling \$255,634 (41,593 x 12) = \$0.45/month
- **Drop Site Funding**
- Required fund approximately \$240,833.55
- Number of residents in the service area outside of Logan 22,057
- Cost per dwelling \$240,833.55 (22,057 x 12) = \$0.90/month

Proposed Alternatives

Alternative 1

- Keep the two month per year plan
- Cut compost product cost
- Fund the compost facility

Pros: Least expensive, will fund the compost program, will allow the public to get compost product at a lower cost.

Cons: The service is not adequate due to the popularity of the program.

Alternative 2

- Provide one to two-month service
- Let every city pay its drop site service after the two months service
- Fund the compost facility shortfall
- Cut compost product cost
- Hauling cost \$126/load

Pros: May cost less if a city decides not to have the drop site, will fund the compost program, will allow the public to get compost product at a lower cost.

Cons: The cities will pay the program from their funds, cities have to address public concerns, potential problem if some cities implement and some cities do not, requires coordination from the host city staff to deal with site management, contamination and adequacy of the service.

Alternative 3

- Provide season long green waste service
- Fund both the collection and compost facility

Pros: Provide season long green waste service, fund both the collection and compost facility, provides affordable compost product, the program will be paid by the service fee (cities pay nothing), Logan will monitor the drop sites to an extent, the host city staff coordination will be limited, will help the compost facility.

Cons: Required minimum of two employees, one new bulk truck \$140,000, required funding: Funding the composting facility by \$0.50/month per household and funding the drop site collection by \$1.00/month per household (communities outside Logan).

Conclusion and Recommendation

Mr. Hamud said it is his recommendation that the Council fund Alternative 3.

Mr. Hamud provided a memo to the Council which read:

The Logan City Environmental Department requests authorization to add a full-time Equipment Operator for the collection and management of green waste drop-sites , and the approval of new service fees to fund the new position. We are requesting this position because the Solid Waste Service Area and the majority of Mayors of the towns we service wants the City of Logan to provide more green waste drop-site services for the citizens of their respective cities. On June 8, 2020 the Solid Waste

Advisory Board unanimously voted to approve a \$ 1.00 / month fee per residential dwelling outside Logan City (later revised to \$0.50/month) for the said services and compost facility fee of \$0.50/month fee for a residential dwelling of every house hold (including Logan City) in the solid waste service area. The approved fee is intended to fund the position we are requesting to add plus other ancillary expenses such as part-time employees on an as-needed basis, over time, equipment maintenance, fuel, and other expenses related to the green waste drop site and compost services.

The new addition al person will allow us to provide adequate drop-site services per the green waste drop-site service schedule. In addition to the drop-site service, this new position will also allow us to quickly process the received green waste at the compost facility. From December to the end of March this position will be assisting the compost facility personnel to grind and compost green waste.

Including the newly proposed green waste fee is the reduction of green waste product fees to allow us to move our products out of the compost facility on time and to allow the public to get compost products at a discount.

He proposed the equipment operator position to be a grade 52, with a beginning salary of \$34,728.

The proposed resolution will be an action item and public hearing at the October 6, 2020 Council meeting.

Consideration of a proposed ordinance amending Section 9.24.130 of the Logan Municipal Code Regulating Children in Vehicles – Ordinance 20-28 – Police Chief Gary Jensen

Chief Gary Jensen addressed the Council regarding the proposed ordinance changing the Logan Municipal Code regarding a child being unattended in a vehicle versus the State Code. Logan City can issue a citation on private property for a child left unattended in a vehicle under the age of 9 years old if the police officer can show risk for hyperthermia, hypothermia, or dehydration. The current Logan Municipal Code also gives officers the option to enforce leaving a child in a car and the City code has an age of 6 years old or under. The City code states that the vehicle is unattended whether it is locked or not upon a public street, alley, or other public property. The amendment he proposed to the Council is to remove the wording from the code of “upon a public street, alley or other public property.”

The proposed ordinance will be an action item at the October 6, 2020 Council meeting.

OTHER CONSIDERATIONS:

Councilmember Bradfield gave an update on the *10-a-Day Flatten the Curve Education Campaign*. He announced that a logo has been selected and several announcements have

been made on the radio by various people. There has been a spike recently coming from the Cache County Jail and Utah State, but it is important to keep moving forward and continue to flatten the curve.

Chair A. Anderson reminded the public to submit their comments on the Logan City Website at www.loganutah.org regarding the Transportation Masterplan which goes for another two weeks. She also announced that the Logan Bike Park located by Bridger Elementary received a Project of the Year Award.

Chair A. Anderson said there is the possibility this could be Councilmember Bradfield's last meeting on the City Council. He has submitted his name to be considered for Cache County Clerk which will be decided on September 19, 2020. Thanks for his service to the Council were offered.

There were no further items to be considered by the Council.

ADJOURN TO MEETING OF THE LOGAN REDEVELOPMENT AGENCY.

Councilmember's present at the beginning of the Logan Redevelopment Agency meeting: Chair Amy Z. Anderson, Councilmember Mark A. Anderson, Councilmember Jess W. Bradfield, and Councilmember Jeannie F. Simmonds. Administration present: Mayor Holly H. Daines, City Attorney Kymber Housley, Finance Director Richard Anderson, Economic Development Director Kirk Jensen, and City Recorder Teresa Harris. Excused: Vice Chair Tom Jensen.

Chair A. Anderson welcomed those present. There were approximately 6 in attendance at the beginning of the meeting.

Chair A. Anderson explained that those wishing to speak during the public hearing portion of the meeting must sign in and queue up with social distancing maintained. Chair A. Anderson explained that masks can be removed when speaking at the microphone.

ACTION ITEMS:

PUBLIC HEARING - Unspent Appropriations FY 2020 – Carry Forwards - \$175,266 for Emporium Demolition; \$45,198 for a Tunnel Feasibility Study – Resolution 20-39 RDA

At the September 1, 2020 RDA meeting, Economic Development Director Kirk Jensen addressed the Council regarding the proposed resolution. He stated the proposed tunnel will be located at 600 South and will connect the trail system under Main Street.

Chair A. Anderson opened the meeting to a public hearing.

Logan resident Gail Yost addressed the Council. She asked if the Emporium demolition funding is being carried forward and if so, when will the building be demolished.

Mr. Jensen said originally there was money in the budget for the Emporium demolition and some of those costs were incurred such as planning for the demolition and preparing for demolition. The RDA Board appropriated some of the funding that was in the budget for demolition and it was used for the acquisition of property at 46 North 100 West. The \$175,266 is the residual amount and these funds are being carried forward in anticipation of the Emporium being torn down in the near future.

There were no further comments and Chair A. Anderson closed the public hearing.

ACTION. Motion by Councilmember Simmonds seconded by Councilmember Bradfield to approve Resolution 20-39 RDA as presented. Motion carried unanimously.

PUBLIC HEARING = Consideration of a proposed resolution approving Agency Assistance to Mill Creek of Logan, LLC for its multi-family residential housing project in the Downtown Redevelopment Project Area – Resolution 20-38 RDA

At the September 1, 2020 RDA meeting Economic Development Director Kirk Jensen addressed the Council regarding the proposed resolution. He stated this project has been to the Economic Development Committee and Developer Paul Willie is in attendance at tonight's meeting to provide more information to the Council. The Mill Creek Project received a Design Review Permit last fall and due to economic considerations was put on hold. Mr. Willie approached the RDA and the Economic Development Committee reviewed the proposed investment and recommended an incentive package of \$500,000 from the RDA's Affordable Housing Fund upon completion of its project as conditionally approved by the City of Logan Planning Commission in Design Review Permit. Monies from the Fund can be used for market-rate housing projects located in redevelopment project areas where a blight finding exists.

Mr. Willie addressed the Council regarding the proposed Mill Creek project located at 94 West 100 South. He stated this is a six-story, 75-unit, multi-family, residential project. The units will offer studio, 1- and 2-bedroom units and full amenities with a clubhouse, fitness facility, hot tub, sun deck, pet park, covered/secured parking, and open guest parking. The location is next to the old burned out 1868 Thatcher Mill (burned to the ground in 1946) and there has been no clean up since then. Phase II will be to add 72 residential units include mill stream artifacts in cooperation with the Historic Preservation Committee, stream restoration and possible trail system.

Mr. Willie stated that milling was an important industry in Logan. This site can appropriately mark this landmark, preserve history, and tell some of the story behind milling in Logan. There is also the opportunity to historically memorialize the mill site and feature milling artifacts. The canal company has given a nod of approval to pipe

some of the canal and have an open ditch on the remainder so a water feature will also be part of the project.

Mr. Willie showed a chart with the average rents in Logan City. He also reviewed the 10-year proforma without the incentive.

The Economic Incentive Justifications are the following:

- Clean-up of an old gas station with an undisclosed 9500-gallon fuel tank
- Steepness of hillside
- Structured parking costs \$18,000 per stall compared with open parking at \$1,500 per stall. Downtown needs density to accomplish goals of urban development.
- A project with amenities is needed to succeed in downtown in a multi-family setting. Cannot put a “ho-hum” project in downtown.
- Adjacency of the burned-out mill and spillway may necessitate additional costs of excavation, shoring and stabilization.
- Economic impact of the COVID-19 pandemic has stalled a number of projects, increased vacancy and rents are stagnant.
- Economics of the project are dismal at best.

Mr. Willie said the project is ready to go and they will start construction soon once the permits are ready. This is a 12-14-month build depending on weather.

Chair A. Anderson opened the meeting to a public hearing.

There were no comments and Chair A. Anderson closed the public hearing.

Chair A. Anderson read an email comment from Paul Davis who stated the following: *“Just so you know none of the \$500,000 proposed to give to the developer of the Mill Creek project will provide any affordable housing even though it is supposed to be used for moderate income housing. Would like to see a few units fall into the fair market rate HUD calculations. Think using this money for upscale housing defeats the purpose of the set aside”.*

Economic Development Director Kirk Jensen commented that the Downtown Project Area Plan had a blight study done in conjunction with the creation of the Plan and if you look at the State Code which, regulates redevelopment agencies it allows for the use of affordable housing funds for market rate housing in a project area as long as there is a blight finding. Housing is a key component to revitalizing a downtown.

ACTION. Motion by Councilmember Simmonds seconded by Councilmember Bradfield to approve Resolution 20-38 RDA as presented. Motion carried unanimously.

ADJOURNED. There being no further business to come before the Council, the Logan Redevelopment Agency meeting adjourned at 7:50 pm.

Teresa Harris, City Recorder