

Minutes of the meeting of the Logan Municipal Council convened in regular session on Tuesday, May 4, 2021, in the Logan Municipal Council Chambers located at 290 North 100 West, Logan, Utah 84321 at 5:30 pm. Logan Municipal Council Meetings are televised live as a public service on Channel 17 and the City of Logan Facebook page: <https://www.facebook.com/cityoflogan> and the City of Logan YouTube channel at: https://www.youtube.com/channel/UCFLPAOK5eawKS_RDBU0stRQ COVID-19 Safety and Social Distancing Protocols were followed.

Council Members present at the beginning of the meeting: Chairman Mark A. Anderson, Vice Chair Jeannie F. Simmonds, Councilmember Ernesto López, Councilmember Amy Z. Anderson, and Councilmember Tom Jensen. Administration present: Mayor Holly H. Daines, City Attorney Kymber Housley, Finance Director Richard Anderson, Planner Russ Holley, City Recorder Teresa Harris, and Deputy City Recorder Esli Morales.

Chairman M. Anderson welcomed those present. There were approximately 15 in attendance at the beginning of the meeting.

OPENING CEREMONY:

Pastor Ron Flessner offered the opening ceremony and read the following proclamation announcing the National Day of Prayer:

CITY OF LOGAN, UTAH A PROCLAMATION FOR A NATIONAL DAY OF PRAYER

WHEREAS: The 70th observance of the National Day of Prayer will be held on Thursday, May 6, 2021, with the theme “Lord, we pray: Pour out Your Love, Life and Liberty” based on 2 Corinthians 3:17, “Now the Lord is the Spirit, and where the Spirit of the Lord is, there is liberty.”; and

WHEREAS: A National Day of Prayer has been part of our national heritage since it was declared by the First Continental Congress in 1775 and the United States Congress in 1952 approved as a Joint Resolution, “That the President shall set aside and proclaim a suitable day each year, other than a Sunday, as a National Day of Prayer, on which the people of the United States may turn to God in prayer and meditation in churches, in groups and as individuals” and

WHEREAS: The United States Congress, in 1988 by Public Law 100-307, as amended, establishes, “An act to provide for setting aside the first Thursday in May as the date on which the National Day of Prayer is celebrated,” and

WHEREAS: Leaders and citizens of our communities, cities, states, and nation are afforded the privilege of prayer with the joy of seeking divine guidance, strength, protection, and comfort from Almighty God; and

WHEREAS: Recognizing the love of God, we, citizens of ___, treasure the freedom to gather in prayer, exercising reliance on God's power in the face of present challenges and threats, asking for His blessing on every individual of our city; and

NOW, THEREFORE, I, Holly H. Daines, Mayor, of the City of Logan, do hereby proclaim, **May 6th, 2021**, as a

DAY OF PRAYER

throughout the City of Logan and I commend this observance to all citizens.

IN WITNESS WHEREOF, I have hereunto set my hand and to be affixed on this 4th day of May 2021.

Meeting Minutes. Minutes of the Council meeting held on April 20, 2021, were reviewed and approved with no corrections.

Meeting Agenda. Chairman M. Anderson announced there are four public hearings scheduled for tonight's Council meeting.

ACTION. Motion by Councilmember A. Anderson seconded by Councilmember Jensen to approve the April 20, 2021 minutes and approve tonight's agenda. Motion carried unanimously.

Meeting Schedule. Chairman M. Anderson announced that regular Council meetings are held on the first and third Tuesdays of the month at 5:30 pm. The next regular Council meeting is Tuesday, May 18, 2021.

QUESTIONS AND COMMENTS FOR MAYOR AND COUNCIL:

Chairman M. Anderson explained that the Questions and Comments portion of the agenda is suspended. In the meantime, comments can be emailed to City Recorder Teresa Harris teresa.harris@loganutah.org, who will distribute them to the Mayor and Councilmembers.

MAYOR/STAFF REPORTS:

Youth of the Year – Dustin Smith, Boys & Girls Club of Northern Utah

When I walked into the club for the first time, my world was so small, and my loneliness was so big. It was consuming. My journey to the club started three years ago when my mom recently divorced and lost her job. She was at a new job working way too many hours at a convenience store and she needed a place for us kids to go. So, we started at the club. I am a big guy and wear 16 size shoes. Yet when I walked into the club that day, I felt small. I suffered from depression and I felt so alone. I had lost my trust in people. I was suicidal and recently diagnosed with post-traumatic stress disorder (PTSD). I am a middle child with 8 siblings, but I am responsible for my younger siblings. My dad is disabled and though we no longer live with him, we still have scheduled visits where I am responsible to keep them safe. When I was younger, I felt so lonely with my dad. I felt no one would help if I told what was happening, so I didn't.

The club was a place for me, my brother's, and my sister. At the club, we help people with projects, friends, and food. It is a place where I started to trust, and I started to grow. I volunteered and helped out with programs. For the last two years, I have been helping out with the Boys & Girls Club, and these years have been the best part of my life. Life can be hard that's why you need to find something that you are passionate about and let it help you face your problems. I am passionate about cooking. Cooking for me is a way to escape from reality and be in my own world. It's a way for me to take care of others. Fulfill a need that was not always filled for me.

At the club, I am well aware of what I have to be really passionate about is my future. Not only what I can do with my life, but what I can be. I decided that I am a kind, good person with a big heart. I will be an example to others, who will have similar experiences. This shows that you cannot only take care of yourself but take care of others. We can be more than we were raised to be. I have decided that I can be a better man than my father and to help my mother raise my little sister and brother to be even better than me. Now my world is so much bigger, and my loneliness is so much smaller. I am a sterling scholar. I know university presidents and business leaders. I have toured campuses and met with professors. I have mentors and adults that have shown me options for my future. I have friends and skill sets that will last me a lifetime. I don't have much and I started this journey with a few strikes against me. Both the club and I have decided that I will not be defined by my father, poverty, or my PTSD. Being named Youth of the year is just another steppingstone into the big, wide, world.

Board Appointment (Planning Commission) – Mayor Daines

Mayor Daines asked the Council for ratification to appoint David Lewis Rich and Ken Heare to serve on the Logan City Planning Commission.

ACTION. Motion by Councilmember Jensen seconded by Councilmember A. Anderson to approve ratification of David Lewis Rich and Ken Heare as presented. Motion carried unanimously.

Budget Presentation FY 2021-2022 – Mayor Holly H. Daines

We are fortunate to live in this beautiful valley, with good, conscientious citizens who have responded well during this difficult past year. There is light at the end of the tunnel. We count ourselves as fortunate that the devastating economic consequences of the pandemic have been largely avoided locally. Certainly, many of our citizens and business owners have endured significant hardships and losses, but collectively we are fortunate to be in the position we are in today.

Our guiding budget philosophy in all funds of the City has been to budget for revenues conservatively. Conservative revenue projections cause us to examine expenditures and expenses carefully. Furthermore, when actual results exceed our conservative projections, those funds in turn are dedicated to the next most critical capital project, which further reduces pressure on future operating budgets. Conservative projections pay dividends in the future, while overly aggressive projections can actually borrow from an uncertain future. I am happy to report that the proposed budget continues to project revenues conservatively and to scrutinize spending carefully.

In the prior year, due to the economic uncertainty that existed at the time, we were unable to propose wage increases. We are pleased that we are able to propose a 3 percent pay for performance increase to wages. In addition, we propose to restore the 401(k) match for those employees who elect to defer up to 2 ½ percent of their earnings for retirement. We have also designated some funding for administrative adjustments, including market adjustments. These adjustments will be under the direction of the Human Resources department as they work with departments to identify specific areas of concern.

We are able to fund these wage increases in part due to a more reasonable increase in health care insurance than we have experienced over the past several years. For the current year, we have budgeted for a 5 percent increase in health care premiums. This is down from 9 % in the prior year and a trend over the last few years of 10 to 13 percent.

Uncertainty in the prior year's budget caused us to decrease our capital spending in the general fund by approximately \$700,000. We are pleased to propose restoring that funding and increase it by a relatively modest \$200,000 for a total of \$900,000 of additional capital spending in the General Fund. We must continue to be vigilant in our funding of capital infrastructure as we move forward, this is particularly important as we replace and improve our aging transportation infrastructure.

We are requesting one new employee in the General Fund to deal directly with managing capital projects. This employee will help our Public Works department to manage the significant number of capital projects we currently have in process and those capital projects proposed in this budget and in the future.

One significant change from prior year's budgets is the creation of our Emergency Medical Services (EMS) Fund. When CCEMS ceased ambulance operations on January

1, 2021, the City created this new fund to account for ambulance services. Those employees and operations previously accounted for in the Ambulance division of the Fire Department were relocated to this new fund, along with the corresponding revenue. The change you will see in the budget is a reduction of charges for services revenue in the General Fund, a reduction of Fire Department Ambulance expenditures in the General Fund, and the creation of a new Emergency Medical Services enterprise fund to account for these revenues and expenses separately.

We are happy to report that the construction of the sewer treatment plant continues on target and on budget. This project is the largest and most significant capital project we have undertaken as a City. The proposed budget includes all currently anticipated annual expenses necessary to operate the treatment plant, including a request for four new full-time positions. In addition, the proposed budget includes a request for necessary one-time equipment and supplies necessary to make the plant operational.

Several years ago, we increased the water and sewer collection rates in anticipation of several future capital projects. It is now time to address one of those capital projects. The proposed budget includes a request to appropriate \$20 million of reserves toward the island/lower zone water storage tank, a project we need to complete to be in line with state standards. We anticipate being able to complete this project without bonding due to the foresight and cooperation of the administration, water advisory board, Council, and our citizens.

The trimming of tree limbs below and around power lines is a necessary maintenance practice to keep the power on. The Logan City Electric department has an impressive track record of providing reliable power to our citizens and businesses. We want to keep it this way. We believe the best way to do this is to better utilize the resources we already have. We propose adding two new employees to the Forestry division of the Environmental Health Fund. Those employees will be assigned to perform line clearance under the direction of the Forestry division of the Environmental Health Fund. The Electric Fund will compensate the Environmental Health Fund for this service. Our hope is that this will provide a win-win for our citizens; more capacity in our Forestry division, much better care of our city trees, and better service for the Electric Fund. We have been outsourcing this function to a private contractor, but believe we'll be able to provide more responsive and higher quality service by placing it under the direction of the Forestry division.

We are committed to providing excellent services and quality of life for our citizens. As Mayor -- along with my outstanding team -- we pledge to do our very best to adapt and move forward in a positive way to meet the challenges of the future.

Councilmember Jensen inquired as to the 5% decrease in Healthcare.

Mayor Daines replied that they have been fortunate with a good partner in Cigna and have been able to maintain low rates.

Finance Director Richard Anderson interjected that COVID could have been a possible factor. There were fewer elective procedures performed which decreased the overall cost.

Chairman M. Anderson asked that with the changes with vaccination how would that affect the Fire Department and adjustments.

Mayor Daines referred the question to Assistant Fire Chief Craig Humphreys to report in more detail. Mr. Humphreys explained that the demand for the clinic has decreased. The clinic will run again next Tuesday, but there are no more planned nor scheduled, but that will be evaluated with the Bear River Health Department on an as-needed basis. As of today, closing at 6:00 p.m. there have been 850 vaccinations in the Fire Station today, and in helping with the Health Department, 9,489 vaccinations have been given. It has been a great success.

Vice Chair Simmonds inquired if mobile clinics would be done by the Health Department.

Mr. Humphreys replied that as far as he is aware, the Bear River Health Department is still researching more on the subject. He believes that it would aid the community as there are members of the community that struggle to get out of the house to receive their vaccination.

No further Mayor/Staff Reports were presented.

COUNCIL BUSINESS:

Planning Commission Update – Vice-Chair Simmonds

Vice Chair Simmonds reported that the Planning Commission met last week. There are two rezones that will be workshopped with more information coming to the Council. There is also a proposed addition of three lots in the Quail Meadows subdivision. Vice Chair Simmonds also reported that the Planning Commission approved the Downtown Plaza project.

Council Budget Workshops: Tuesday, May 11 and Tuesday, May 25 at 5:30 p.m.

Chairman M. Anderson announced that budget workshops will be held on Tuesday, May 11, and Tuesday, May 25 in the Council Chambers. Both workshops begin at 5:30 p.m. and the public is invited to attend.

No further Council Business items were presented.

ACTION ITEMS:

***(Continued from April 6, 2021)* – PUBLIC HEARING – Consideration of an annexation petition filed by Mark Daines on behalf of Paul Campbell for the purpose of annexing 37.45 acres, more or less, into the City of Logan located North of 2200 South and East of 800 West – Ordinance 21-04**

Community Development Director Mike DeSimone explained the need for a continuance to the annexation until the May 18, 2021 Council meeting. The Boundary Commission will not meet until May 6, 2021 and there should be a response by then.

ACTION. Motion by Vice Chair Simmonds seconded by Councilmember López to continue - Ordinance 21-04 as presented to the May 18, 2021 Council meeting. Motion carried unanimously.

PUBLIC HEARING - Budget Adjustments FY 2020-2021 appropriating: \$42,264 Communication Center reserves for COVID related grant expenses – Resolution 21-22

At the April 20, 2021, Council meeting, Finance Director Richard Anderson addressed the Council regarding the proposed resolution.

Chairman M. Anderson opened the meeting to a public hearing.

There were no comments and Chairman M. Anderson closed the public hearing.

ACTION. Motion by Vice Chair Simmonds seconded by Councilmember Jensen to approve Resolution 21-22 as presented. Motion carried unanimously.

PUBLIC HEARING - Consideration of a proposed ordinance amending Title 13, Article III, Sections 13.08.380, 13.080.390, 13.008.400, 13.08.410, 13.08.420, 13.08.430, 13.08.440, 13.08.450, 13.08.460, 13.48.470, 13.48.480, 13.08.490 of the Logan Municipal Code Regulating Cross Connections – Ordinance 21-08

At the April 20, 2021 Council meeting, Public Works Director Paul Lindhardt addressed the Council regarding the proposed ordinance. He stated that the ordinance has not been updated in over 10 years and the cross-connection continues to be changed at a State level. Most of the changes come in the form of changes to definitions and language found within the code. The largest change came in Section 470 where language states if certified testers do not meet testing requirements consistently then the City can restrict their ability to test in the City until they meet the testing requirements.

Chairman M. Anderson opened the meeting to a public hearing.

There were no comments and Chairman M. Anderson closed the public hearing.

ACTION. Motion by Councilmember Jensen seconded by Councilmember A. Anderson to adopt Ordinance 21-08 as presented. Motion carried unanimously.

PUBLIC HEARING - Consideration of a proposed resolution to acknowledge and support a grant application (deadline May 1, 2021) to the Land and Water Conservation Fund by the City of Logan for Capital Improvements at the Willow Park Sports Complex – Resolution 21-23 – Russ Akina, Parks & Recreation Director

At the April 20, 2021, Council meeting, Parks & Recreation director Russ Akina addressed the Council regarding the proposed resolution. He explained that the resolution is regarding the Parks & Recreation Department applying for a mini-application for improvements to the sports complex, but with the application, the Department is also submitting a letter stating the request for the grant and that funds will come thereafter. The Minutes must be recorded stating that is indeed the case with the letter forthcoming as presently they are in the process of discussion. Yet as part of the application process, the requirement is to discuss the application and subsequent steps for the grant application. The improvements for the sports complex involve the replacement of the dugouts in all four fields. The replacement of tubes in fields, backstops, and outfield fences. The project is estimated at 300,000. The grant provides up to half of the qualified expenses.

Mayor Daines requested that Russ Akina, Parks & Recreation Director report on the recently approved grant application.

Mr. Akina reported that the Parks & Recreation Department had applied for the Utah Outdoor Recreation grant. This year, the legislature put more funds into the grant. It is an annual grant and the last grant funding received was for the bike park. This last grant application was for improvements on the Blue Trail project that will have a kayak map at 600 South Park Side. The grant funds were for a parking lot, restroom, and a walkway with a kayak ramp. The notice of funds was only just received for around \$200,000.

Councilmember Jensen asked if the location for the kayak ramp would be at 600 South.

Mayor Daines explained the property was owned by the City and has wanted to develop the park but did not have the funding. The kayaks can be placed in the river at Rendezvous Park and eventually as part of the Blue Trail project, they would like to put one at the Stewart Nature Park as well. As funding is received, there will be expansions, but if there is a location for the kayaks to be launched, there must also be a place for them to exit.

Councilmember Jensen asked would the Logan River be safe of entanglements and debris for the kayaks

Mr. Akina replied that along with the Utah Outdoor Recreation money received for the bike park; the City also received funding for the Blue Trail project. A portion of the received funds will be used to catalog debris removal. A group of volunteers from 1st dam to 600 South have identified 183 debris locations that have been accurately pinpointed with GPS.

Councilmember Jensen said that he has done kayaking and one of the risks is entanglement with long hanging branches.

Mr. Akina responded that the tricky part to tree branch removal is to ensure that only just enough is being removed to be safe, but not completely removing all of the tree shade for the fish. A balance must be kept as removing the shade increases temperature in the water for the fish who must not have direct sunlight on the river.

Chairman M. Anderson opened the meeting to a public hearing.

There were no comments and Chairman M. Anderson closed the public hearing.

ACTION. Motion by Councilmember A. Anderson seconded by Councilmember Jensen to approve Resolution 21-23 as presented. Motion carried unanimously.

PUBLIC HEARING - Consideration of a proposed ordinance vacating certain public utility easements in the Airport Industrial Park Amended, between Lot 2 (Tax ID 04-062-0302), Lot 3 (Tax ID 04-062-030), and Lot 4 (Tax ID 04-062-0304), all located at 631 West, 681 West and 731 West 2200 North in Logan, Utah – Ordinance 21-09

At the April 20, 2021 Council meeting, Public Works Director Paul Lindhardt addressed the Council regarding the proposed public utility easements. The owner of the lot will be combining the area and is attempting to vacate the easement.

Chairman M. Anderson opened the meeting to a public hearing.

There were no comments and Chairman M. Anderson closed the public hearing.

ACTION. Motion by Vice Chair Simmonds seconded by Councilmember Jensen to adopt Ordinance 21-09 as presented. Motion carried unanimously.

WORKSHOP ITEMS:

REZONE – Consideration of a proposed rezone of approximately 2.07 acres of property located at 721 South 100 West from Mixed Residential Medium (MR-20) to Mixed Residential High (MR-30) – Ordinance 21-10 – Russ Holley, Planner

Planner Russ Holley addressed the Council regarding the proposed rezone.

RECOMMENDATION

Staff recommends that the Planning Commission recommend approval to the Municipal Council for a rezone of approximately 2.07 acres of property located at 721 South 100 West (TIN# 02-063-0035) from Mixed Residential Medium (MR-20) to Mixed Residential High (MR-30)

Land use adjoining the subject property

North: NR-6: Residential Uses East: COM: Commercial Uses
South: COM: Commercial Uses West: MR-12: Residential Uses

PROJECT

The proponent is requesting to rezone a 2.07-acre parcel from Mixed Residential Medium (MR-20) to Mixed Residential High (MR-30). This area was part of the Logan Gateway project that included a large four-story 68,000 SF office building and four small commercial pad sites near Main Street. The original 7.8-acre property site was divided into two areas when the 100 West street right-of-way extended south over the Logan River. In addition to the commercial development approvals in 2019, the applicant requested and successfully rezoned the project site from Mixed Use (MU) to a combination of Commercial (COM) and MR-20. That resulted in the current configuration of approximately 5 acres of COM and 2 acres of MR-20.

GENERAL PLAN

The Future Land Use Plan (FLUP), adopted in 2008, identifies this property as a Mixed-Use Center (MUC). The General Plan, a nonregulatory visioning plan describes MUC areas as having concentrations of commercial and office uses with residential uses integrated. MUC developments are required to have both residential and commercial components designed in a compact dense form for people to live, work, and play within a walkable center. The plan describes MR areas as intended to provide a range of housing options for all stages of life and all levels of income. New developments should provide a diversity of housing types that are located near employment centers and commercial service areas for better walkability and transportation alternatives. Structures in this designation will range in density up to 30 units per acre and designed similar to Logan's traditional block pattern. The General Plan does not describe or distinguish the differences between MR-20 and MR-30.

LAND DEVELOPMENT CODE

The Land Development Code (LDC) regulates land uses and entitles properties with specific development allowances. The MR-20 zone allows for multi-family residential housing projects at a maximum density of 20 dwelling units per acre of land. Building heights are limited to 45 feet and front yard setbacks are set at 10 feet. Open space and outdoor space are required to total 30% of the project site.

The MR-30 zone allows for multi-family residential housing projects at a maximum density of 30 dwelling units per acre of land. Building heights are limited to 55 feet and front yard setbacks are set at 10 feet. Open space and outdoor space are required to total 30% of the project site.

STAFF SUMMARY

Originally designated as MUC in the FLUP and subsequently zoned MU, the intent of this project site was a development that included both commercial and higher density residential land uses. Although similar to MU zoning in density and development pattern, COM does not require residential and is more automobile-oriented by nature. The MR-30 zoning district is similar to MU in density, height, and development pattern with the exception of required commercial uses. The landowner requested MR-20 in 2019 but the MR-30 is actually closer to the FLUP designation of MU and will allow more residential units in an area of town that is located centrally, near high-capacity utilities and infrastructure. Efficient, well-designed, centrally located higher density housing will continue to relieve pressure on suburban and rural agricultural areas farther outside of town, increase housing supply, provide diverse housing types, and reduce miles driven. With housing supply at historic lows and housing demand at historic highs more efficient housing units will help satisfy demand, improve affordability, and increase supply. The river along the west border of the property along with enhanced setbacks required in the LDC will create adequate buffers to soften the additional 10-units per acre (max. density for MR-20 = 41 units & MR-30 = 62 units) and design compatibility with the surrounding diverse mixture of structures and land use. The planned trail extension along the river through this property will increase recreation and alternative transportation options for area residents and employees.

AGENCY AND CITY DEPARTMENT COMMENTS

No comments have been received.

PUBLIC COMMENTS

Notices were mailed to property owners within 300 feet of the subject property. As of the time of this report, no comments have been received.

PUBLIC NOTIFICATION

Legal notices were published in the Herald Journal on 4/10/21 and the Utah Public Meeting website on 4/10/21. Public notices were mailed to all property owners within 300 feet of the project site on 4/5/21.

RECOMMENDED FINDINGS FOR APPROVAL

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

1. The Logan City FLUP identifies the area as MU and the MR-30 zone is similar in nature and density to MU.
2. This area is positioned along 100 West, a street that is planned for expansion to the south with high-capacity infrastructure.
3. Infill and redevelopment are more efficient ways to handle population growth and reduce pressure on rural/suburban sprawl.
4. Centrally located, higher density housing developments reduce vehicle miles driven, increase housing supply and affordability.
5. Design incompatibles can be mitigated through Design Review processes.

On April 22, 2021, the Planning Commission recommended that the Municipal Council approve the Logan 100 West Rezone (6-1), (nay - Dickinson).

Mr. Holley explained that the proponent chose Mixed Residential High (MR-30), but at present, the area is zoned Mixed Residential Medium (MR-20). There were no public comments at the time of the approval for the rezoning.

Vice Chair Simmonds inquired if there is any other area in the City that is zoned as MR-30.

Mr. Holley replied in the Zollinger neighborhood, but he will research further and return with a response.

Vice Chair Simmonds expressed concerns as she could not find another zoning area for MR-30 in the City, and the proponent had requested the original zoning to be MR-20. She asked what the specific differences are between MR-20 and MR-30, beyond the commercial component.

Mr. Holley answered that the setbacks are closer in Mixed-Use, but beyond are similar in height, density, construction, etc. However, the applicants from 2019 and the current applicant are different. In 2019, the applicant was not interested in residential development only in their commercial project.

Vice Chair Simmonds asked if the property had been sold.

Mr. Holley replied that he was uncertain, but different partners have come aboard.

Mayor Daines stated that the RDA at that time did provide an incentive for multi-family housing if completed in a specific amount of time.

Councilmember A. Anderson asked if there were truly no public comments. She asked how many individuals lived within range of the possible development. She is astonished that there truly was no public feedback.

Mr. Holley explained that he did not receive any written comment nor were there any produced at the Planning Commission meeting. He is unaware of the total number of letters sent, but he will return with an exact figure.

Chairman M. Anderson explained that he was concerned that the river would be isolated all on its own.

Mr. Holley replied that the river would be 300 feet from the property.

Vice Chair Simmonds agreed with Councilmember A. Anderson's concerns on broader notification. Notification for developments is only up to 300 feet in any direction.

Mr. Holley replied that was the notification required by the State and any more would increase the expenditures for notification.

The proposed ordinance will be an action item and public hearing at the May 18, 2021 council meeting.

REZONE – Consideration of a proposed rezone (Riverside RV Park) of approximately 4.7 acres located at 447 West 1700 South from Recreation (REC) to Mixed Residential Medium (MR-20) – Ordinance 21-11 – Russ Holley, Planner

Planner Russ Holley addressed the Council regarding the proposed rezone.

RECOMMENDATION

Staff recommends that the Planning Commission recommend denial to the Municipal Council for Project #21-018 Riverside RV Park Rezone, located at 447 West 1700 South, TIN# 02-089-0028.

Land use adjoining the subject property

North: NR-6: Residential Uses East: REC: Public Recreation Uses
South: IP: Industrial Uses West: COM: Commercial Uses

Request

The proponent is requesting a rezone from Recreation (REC) to Mixed Residential Medium (MR-20) on a 4.7-acre parcel located at 447 West 1700 South. The existing Riverside Recreational Vehicle (RV) Park was originally established and developed in 1988 with 15 sites, the park was expanded in 1995 with five (5) additional sites. The unique and naturally vegetated site fronts the Blacksmith Fork river on three sides and 1700 South on the southern border. The site is relatively flat and experiences flooding in times of high water and spring runoff. The Logan City FEMA Floodplain map shows the vast majority of the property inside the floodplain boundary.

REC Zone

The REC zone is described in the Logan City Land Development Code (LDC) to preserve and enhance natural and recreational areas and intended to be applied to publicly owned parks and recreation facilities. The designation may also apply to privately-owned facilities such as golf courses, campgrounds, and RV parks. The zone allows up to 50% lot coverage with 35-foot maximum heights and 20-foot setbacks for more naturalist or rural development patterns.

MR-20 Zone

The MR-20 zone is described in the LDC as intended to provide a diverse range of housing options for all stages of life and levels of income. Densities are limited to no more than 20 units per acre with building heights capped at 45 feet tall. Setbacks in the front yard are 10 feet unless adjacent to single-family zoning, which are set 25 feet. Open space and outdoor space total 30% of the property.

Historic Zoning

This property was annexed into Logan City in approximately 1985 and zoned R3. In 1989 the property was zoned C2 (commercial). In 2000 the property was zoned REC and has remained in this district (4 years = Residential, 11 years = Commercial, 21 years = Recreational) until the present.

Summary

The Riverside RV Park has been established on this property for nearly 33 years. As per the current REC regulations, the property is underdeveloped and has the potential for expansion. The setbacks from the river, streets, and surrounding property lines will ensure a less impactful and more compatible development on this property. With flooding issues and native riparian habitats, the river setback and buffer are critical in retaining the natural characteristics of this property. With the floodplain designation over practically the entire property, the current land use of RV Park is well suited because of the non-permanent mobile nature of RV's during times of flooding. A multi-family (permanent structure) development would require fill material raising finish floor heights above flood levels. These land grading changes would alter the flood dynamics of the property with the potential of adverse impacts to downstream properties during flood events. Permanent structures on properties only with small to medium portions of land considered floodplain offer better onsite mitigation efforts that create new flood capacities and result in no adverse impacts downstream is the better way to develop in sensitive lands along rivers in staffs view.

AGENCY AND CITY DEPARTMENT COMMENTS

- Engineering

PUBLIC COMMENTS

Notices were mailed to property owners within 300 feet of the subject property. As of the time of this report, there have been no comments from the public.

PUBLIC NOTIFICATION

Legal notices were published in the Herald Journal on 4/10/21 and the Utah Public Meeting website on 4/10/21. Public notices were mailed to all property owners within 300 feet of the project site on 4/5/21.

RECOMMENDED FINDINGS FOR DENIAL

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

1. The Future Land Use Plan (FLUP) designates this property as REC.
2. This property has been zoned REC for over 21 years.
3. The environmental constraints on this property make permanent structures potentially problematic.
4. The permitted current land use is well suited for this location.

5. The project met the minimum public noticing requirements of the Land Development Code and the Municipal Code.
6. Engineering Department Finding. Current Flood Insurance Rate Maps show 100 % of this property in Special Flood Hazard Area (referred to as the 1% Chance Flood Area and previously the 100-year flood area), with some areas in a designated floodway. A proposed Physical Map Revision (PMR) being submitted to FEMA will show the majority of the proposed rezone area to be in a floodway. If the PMR mapping is accepted by FEMA there cannot be any building in a floodway area. Any modifications proposed by the developer to the floodplain will require a CLOMAR/LOMAR approval from FEMA. The proposed current model for the PMR will be designated as the base effective model for any modeling to be done by the developer. All requirements of the Land Development Code shall apply to any changes to the existing and or PMR flood maps.

On April 22, 2021, the Planning Commission recommended that the Municipal Council deny the Riverside RV Park Rezone (6-1), (nay – Dickinson).

Councilmember A. Anderson asked for clarification on the RV Park being zoned C2 in 1989.

Planner Holley explained that back in 1989 the RV Park was permitted. The primary purpose of a C2 is a Commercial Zoning District. Now, the RV Park is not allowed as a Commercial Zoning District.

Vice Chair Simmonds asked that in 2000 when the zoning of C2 was changed to REC are there any records of the public protesting against that change.

Mr. Holley answered that he did not see any such notes in the file, but he can recheck to be certain. There was one public comment from Rex Peterson (the owner) during the recent Planning Commission meeting that voted denial of the rezoning. Mr. Peterson commented about river flooding and clearing the railroad bridge of debris. Mr. Peterson is attempting to sell the entire property hence the rezone request.

Councilmember A. Anderson asked if Mr. Holley would expand on the comments of Mr. Peterson.

Mr. Holley replied that the crux of the conversation at the Planning Commission Meeting is the floodplain of the river. Mr. Peterson commented that as long as the trestle of the railroad is kept clear, the river does not flood as much.

Vice Chair Simmonds asked for further clarification on the MR-20 request by the proponent.

Mr. Holley answered that the applicant would like to rezone to MR-20 to build townhomes on the property.

Councilmember A. Anderson expressed concern at the request for MR-20 for a townhome development as townhomes are normally zoned around MR-7.

Mr. Holley replied that it would depend on how tight the townhomes are put together. Although typically, townhomes are around MR-12 to MR-16, but it varies.

Councilmember Jensen stated that the area is a 100-year flood plain that is almost the entire property. The issue is if a townhome is built then it must be built a foot higher than the highest level. The site must be built up or built on piers. The first occupiable floor must be at least one foot above the ground.

Mr. Holley explicated that pier homes in South Carolina are fine as they do not affect downstream properties. The water flows naturally downstream, but when fill is brought in then that water is going to go somewhere else. Then the water goes downstream and floods a downstream property that historically has never flooded. That is the issue with developing in a floodplain. A floodplain can be developed, but we have to be careful not to worsen the flooding downstream.

Councilmember A. Anderson asked that if the project was approved, how many townhomes could be built on the property.

Mr. Holley answered that density is taken from gross acreage and then the applicant must solve how to fit that with the setbacks and limitations. The most townhomes that could ever be built on the property are 94.

Chairman M. Anderson replied that houses on stilts are not common in the area, but certainly could always be an option.

Councilmember Jensen asked that if the building department will guarantee that if townhomes are built using fill that worse flooding won't be created further downstream.

Mr. Holley replied that it would go through a series of reviews. The first would be the Public Works Engineering Department, the State Engineering Department, and then FEMA for final review and approval for any kind of development on a floodplain.

Councilmember A. Anderson asked if there was a traffic light on Hwy 89 and Mr. Holley confirmed that was the case.

Councilmember Jensen remarked that it was prudent not to exclude the project completely as the risk can be mitigated through planning efforts.

Vice Chair Simmonds disagreed that such a density development should not be built in such a high-risk area.

Chairman M. Anderson asked how often the area flooded.

Councilmember Jensen replied usually annually, but not as often since the dike was put in place to aid with the flooding issue.

Councilmember A. Anderson asked for the reason why Mrs. Dickinson on the Planning Commission voted in favor of the development, (6-1).

Vice Chair Simmonds replied that Mrs. Dickinson said that an owner should be able to do what they want with their property.

Mr. Holley noted that Mrs. Dickinson had mentioned that the area had been zoned commercial at one point in time.

Councilmember Jensen wondered why the zoning was commercial despite being a floodplain.

Vice Chair Simmonds explained that the regulations were different when in comparison to those of today.

Councilmember López interjected that this property had an alternate rezoning request not too long ago. Based on what is known would the Council ever consider rezoning this area to anything else besides recreational.

Vice Chair Simmonds replied that she would not, but she can only speak for herself.

Councilmember A. Anderson replied that it was a considerable amount of money to mitigate the Country Manor Flooding. It was fairly expensive and as a result a dike was put in place.

Councilmember López commented that he could certainly understand that it would be frustrating as a property owner to be unable to sell or change what can be done with an owned property.

Councilmember A. Anderson said that is why it is relevant to know the public feedback during the rezones. The rest of the Council agreed.

The proposed ordinance will be an action item and public hearing at the May 18, 2021 council meeting.

Consideration of a proposed resolution Designation a Closed Area to Ignition or Use of Fireworks – Ordinance 21-24 – Assistant Craig Humphreys

Assistant Chief Craig Humphreys addressed the Council regarding the proposed ordinance. Several years ago, the State passed a State Statute that put the responsibility of establishing firework restricted areas at the City Council level instead of the Fire Marshall level. Every year, the restricted areas are brought for review to give the Council the option to change or maintain as is. Traditionally, the restricted areas are set around

areas with fires, dry areas, line up with other communities, etc. In review, there is an eastside restriction from the North City boundary 1600 East to Hwy 89; both the North and South slopes of the Island area; East of Gibbons Parkway to the southern border of the City; the gravel pit between 1200 and 1400 East, and 1400 and 1200 North; and westside from the North City boundary to 600 West to 200 South down to 1000 West to the southern border of the City. It is a very dry year and the governor has already signed a drought declaration. Chief Humphreys stated that all the Fire professionals are expecting a rough year with wildfires.

Vice Chair Simmonds asked about the small keyhole-like area shown on the map.

Chief Humphrey's replied that area is in Cache County.

Councilmember A. Anderson asked about the west side being open, agricultural land.

Chief Humphrey's answered that the County will, and the State will sign for all unincorporated areas.

Councilmember Jensen remarked that the area around the gravel pit area has since been developed.

The proposed ordinance will be an action item and public hearing at the May 18, 2021 council meeting.

Budget Adjustments FY 2020-2021 appropriating: \$300,000 State grant funds for the 700 North realignment project; \$4,600 donated funds toward the Police Department banquet; \$11,751 Hazmat training funds received from the State of Utah; \$325,000 Capital Project reserves for the design of a new Fire Station 70 – Resolution 21-25 – Richard Anderson

Finance Director Richard Anderson addressed the Council regarding the proposed budget adjustments to appropriate funds. Mr. Anderson explained that Chief Humphrey's will speak more to the request for reserves for the design of a new Fire Station 70.

Mayor Daines interceded to give more background on the item and stated that at the May 18, 2021 council meeting, the item will be pulled out and set as a separate item on the agenda. Public comment can be separate and may even be an item that can take a few more weeks to discuss if needed by the Council, before making a decision. Fire Chief Brad Hannig is eager to begin construction on a new station but does not wish to use design funds if the project will not be approved. They have already begun noticing the neighborhood email lists, but full noticing will occur by the date of the actual public hearing. Another consideration is that with the cost of construction the project may want to be put off for several months. The reason for the site plan is that Fire Chief Hannig found a fire station design that functioned well. Chief Hannig has been talking with the architect's and pro-bono have done the rendering using an existing floor plan with a few modifications to fit on the existing site.

Chief Humphrey's explained that the lower fire station portion would run on 100 East and Federal Avenue. The parking will be rearranged to maintain the current parking. In the middle of the parking block, 9 stalls were lost, but a parking stall was gained for the Bear River Mental Health Department, 5 stalls on Church Street, and 3 parking stalls on 200 North. Currently, there are 152 spaces open to the public excluding spaces in the chain-link area for the fire station. The proposal for the project is 150 parking stalls.

Vice Chair Simmonds asked if the plan included any alternations to Church Street.

Chief Humphrey's replied that would not be the case as more stalls would be added at a 45-degree angle from Federal Avenue to 200 North.

Mayor Daines remarked that there have been discussions to possibly narrow Church Street as it is a one-way street. If the parking lot is updated, it is required to add some green space. It would be a three-foot-wide landscaping strip. The inner parking can remain the same without being impacted by the landscaping.

Chief Humphrey interjected that the biking stalls in the lower corner will remain.

Councilmember Jensen asked that if the apparatus can pull through from the West to the East.

Mr. Humphrey answered that more than likely the apparatus will back in. Typically, apparatuses are parked back to back, and very seldom are they both out at the same time.

Mayor Daines said that there is enough room on the apron along the East that vehicles can get out of traffic to maneuver and return to the same position.

Councilmember A. Anderson thanked the Mayor for notifying the Council and nearby neighborhoods of the possible change.

Mayor Daines explained that they have been concerned after last year when the earthquake hit, about the seismic stability of the fire station. The staff looked at knocking it down in phases and that would not work to create the final product that they wanted. Staff looked at other properties including some owned by the City which only increased the cost. In the end, Staff was unable to find a better location for the station that was within the required response time.

The proposed resolution will be an action item and public hearing at the May 18, 2021 council meeting.

OTHER CONSIDERATIONS:

Chairman M. Anderson stated that a letter was received from Hope Summers, a concerned citizen of Logan about the housing market and homelessness.

Councilmember A. Anderson stated that the Homeless Committee wanted to bring up a concern from their recent meeting. There were 33 new families that applied for BRAG housing, and of those 27 families were approved for sub-support. However, the crux is that there is no housing available to convert nor support the sub-housing. These 33 families are losing their housing, but there is no housing available for them. There will be 33 new homeless families in our community in a short period.

Vice Chair Simmonds asked if the families were just in Logan or in the County.

Councilmember A. Anderson replied that she was not privy to where the families were located.

Mayor Daines interjected that is a Federal Law not a State Law, but there are people, who move into affordable housing who qualify at that time. There is a provision that they can remain in the housing even when their income exceeds the low-income levels. Personally, she believes that is wrong. She believes they should be given adequate time to find housing as it is a great steppingstone to stabilize, but then they should move on, and permit another in need to take their place.

Chairman M. Anderson thanked Hope Summers for bringing her concerns to the Council's attention.

Councilmember A. Anderson said that the conversion of the hotel on Main Street to housing is almost full even though they just opened.

She also received an email from Paul Rogers raising a question about the plastic bag ordinance. The ordinance was continued to July 1st and that date is quickly coming up.

Chairman M. Anderson requested that City Recorder Teresa Harris check the dates and remind the Council of the upcoming ordinance on the agenda.

Councilmember A. Anderson reminded the public of Neighborhood meetings for their specific communities such as the Woodruff Neighborhood, Hillcrest, Bridger, and so forth. She thanked all the City citizens who are involved in these neighborhood councils.

Councilmember A. Anderson inquired about posting more visible signs for Planning Commission and other projects being looked at for rezones. She is aware that the City meets the current State guidelines, but they are not always visible when driving by. Community members have also expressed concern that 300 feet is not sufficient notification. Vice-Chair Simmonds agreed with Councilmember A. Anderson on the notification process.

Mayor Daines replied that on occasion a variance is issued for signs on a park strip.

Councilmember A. Anderson pointed out that a new State bike law permits bicyclists to roll through a red stop light if the road is clear. She asked if the City ordinance needed to be adjusted to show the change.

Assistant City Attorney Craig Carlston replied that the ordinance would need to be looked at, but if that was the case the ordinance would need to be changed to reflect the State law.

Chairman M. Anderson expressed safety concerns of the State law change, especially for the bicyclist. He noted that former Senator Lyle Hillyard will attend the next Council meeting on May 18, 2021 to discuss the State redistricting process.

There were no further considerations discussed by the Council.

ADJOURNED. There being no further business to come before the Council, the Logan Municipal Council adjourned at 7:05 pm.

Esli Morales, Deputy City Recorder