

Minutes of the meeting of the Logan Municipal Council convened in regular session on Tuesday, February 21, 2023, 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 YouTube channel at: https://www.youtube.com/channel/UCFLPAOK5eawKS_RDBU0stRQ

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

Excused: Deputy Recorder Esli Morales.

Chairman Ernesto López welcomed those present. There were approximately 10 in attendance at the beginning of the meeting.

OPENING CEREMONY:

Vice Chair Amy Anderson gave the opening remarks. She spoke about National Caregiver Day, which was recognized on Saturday, February 18, 2023. She said this day is celebrated nationally during the month of February to recognize the role that caregivers provide in the community.

Vice Chair A. Anderson also offered a word of prayer and led the audience in the pledge of allegiance.

Meeting Minutes. Minutes of the Council meeting held on February 7, 2023, were approved with no corrections.

Meeting Agenda. Chairman Ernesto López announced there are five public hearings scheduled for tonight's Council meeting.

ACTION. Motion by Vice Chair A. Anderson seconded by Councilmember M. Anderson to approve the February 7, 2023, minutes and approve tonight's agenda. Motion carried unanimously.

A. Anderson: Aye

M. Anderson: Aye

Jensen: Aye

López: Aye

Simmonds: Aye

Meeting Schedule. Chairman Ernesto López 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, March 7, 2023.

QUESTIONS AND COMMENTS FOR MAYOR AND COUNCIL:

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

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

MAYOR/STAFF REPORTS:

Introduction of new Assistant City Engineer Derek Kimball – Mayor Daines

Logan City Engineer Darren Farar introduced Derek Kimball as the new Assistant City Engineer.

Mr. Kimball addressed the Council and gave a brief background of his work history and expressed his appreciation for working at Logan City.

City Hall Temporary Parking Plan – Mayor and Sam Odd, Public Works Program Manager

Mayor Daines introduced Public Works Program Manager Sam Odd, who explained the temporary parking plan for City Hall as parking construction commences for new parking for the Library and City Hall. There will be more parking spaces as a result.

Mr. Odd addressed the Council and reviewed the City Hall Parking Plan. He said starting February 27, 2023, the contractors will begin working on the South parking lot area and work will continue through May 2023.

Councilmember Jensen emphasized the importance of signage for the public's awareness.

Mr. Odd confirmed there will be signage in place as well as notifications on the City's social media and the City website.

CIGNA Wellness Award – Mayor Daines

Mayor Daines recognized Human Resource Director Ambrie Darley who recently received an award from CIGNA for being a Healthy Workforce Designation.

Ms. Darley addressed the Council and stated there are multiple wellness programs available to employees. This year the City was nominated and only 10% of representatives are ever nominated. CIGNA likes what Logan City is doing such as our

Annual 5K walk/run, and a golf tournament, during employee appreciation month. The City also provides monthly challenges from drinking water to exercising. It is all about promoting employee wellness.

Councilmember Simmonds inquired if employees have access to the Recreation Center.

Ms. Darley responded yes, employees have access to the Recreation Center, Logan River Golf Course and the Aquatic Center. Employees that are not residents of Logan also receive access to the Library.

Mayor Daines said on behalf of the employees she thanked Ms. Darley for all her efforts in promoting the wellness program and making it a successful program.

As a side note, Councilmember Simmonds asked about whether the brick on the new Library will be full bricks or panels.

Mayor Daines responded they are full-sized bricks. They will have a patterned in the brick which show a mountain design.

No further Mayor/Staff Reports were presented.

COUNCIL BUSINESS:

Planning Commission Update – Councilmember Simmonds

Councilmember Simmonds reported that the Planning Commission met and had a lengthy discussion regarding the Mountainside Development on 1200 East. There was a proposal to subdivide a few of the lots but it was determined that the lots were on too steep of a slope. The Planning Commission denied the request due to a lack of HOA functionality and the possibility of a detrimental impact on the slope. The Planning Commission determined that the feasibility of the project is not safe for human occupation. The proposal of the lots creates an unsafe condition for the northern lots without reasonable assurances. It was a close vote of 3-4, the majority vote was against it.

There were also several land code amendments that were passed and will come before the Council in the coming weeks.

Vice Chair A. Anderson asked if there is an expectation for an appeal regarding the Mountainside Development project.

Councilmember Simmonds responded there is an appeals process for the developer. The developer may submit an appeal to the Land Appeals Board. She requested Community Development Director Mike DeSimone provide further clarification.

Mr. DeSimone clarified that first, the appeal will appear before the Land Appeals Board after which a second appeal can appear before the courts.

Logan Anti-idling Ordinance Discussion – Chairman López

Chairman López stated the Council received a letter from the Renewable Energy Sustainability Advisory Board (RESAB) advising that the City needs to do a better job of enforcement and education on anti-idling.

Vice Chair A. Anderson also feels the Logan City School District and USU should be notified and encouraged to do more in regard to anti-idling education.

Mayor Daines added that the law is that police officers must give 3 warning tickets and only then a ticket afterward. *(This was clarified afterward by City Attorney Craig Carlston. State Code UCA s. 41-6a-208) has changed in the past couple of years and now the ordinances passed by cities must require just one warning before a citation (not three warnings). The City's ordinance requires three warnings before a citation can be issued this is consistent with State Code ("...person must be issued at least one warning citation before imposing a fine.")* A ticket cannot be given on private property only on a public lot. Furthermore, there are only 7-8 police officers on duty during each shift and they are responding to other calls.

Councilmember Simmonds asked if we could enhance our online posts and education about anti-idling.

Mayor Daines stated Emily Malik has done a lot of idling education and she could be asked to do more in this regard.

Vice Chair A. Anderson asked if the City can do more public service announcements (PSA's) which should not cost anything for the City to do on the radio, etc.

Councilmember Simmonds asked if the Mayor could mention anti-idling in her monthly radio show and remind residents to be more aware of idling their vehicle. She feels we need to enhance what we are currently doing.

Police Chief Gary Jensen said he is not aware of what other cities are doing in regard to anti-idling. He said there are State laws that do not allow a person to run their vehicle with the keys in the ignition. This is not only an anti-idling issue but an auto theft issue. Leaving a car alone with the key in the ignition is an easier law to give a ticket than giving someone three warnings and then a ticket.

Councilmember Jensen said anti-idling is a hard thing to enforce and he feels we need to spend more time educating the public and encourage being a good citizen.

Mayor Daines said one of the suggestions is if anti-idling signs have been taken down or removed that they are re-installed.

Chairman Lopez requested the possibility of more signs.

Mayor Daines said there is a budget for renewables, and she will check and see where that budget is at this time and the possibility of ordering more signs.

Chairman Lopez suggested signage in Spanish as well.

Councilmember Simmonds also said the various High Schools can do promotions and have a contest with posters regarding air quality and anti-idling.

Chairman Lopez asked if we could incentivize businesses to place signs at their locations.

Mayor Daines responded that she is uncertain how to incentivize a business and if seeing the sign translates into behavior changes. She also suggested the Council contact the schools they represent to make sure the anti-idling signs are still in place.

No further Council Business items were presented.

ACTION ITEMS:

PUBLIC HEARING – Consideration of a proposed sale and transfer of property to the Utah Department of Transportation (UDOT) for their planned work on SR-30. Parcel #05-122-0001 at 1700 West 200 North .50 acres; Parcel #05-063-0004 at 272 North 2600 West 1.19 acres; Parcel #05-063-0004 at 272 North 2600 West .72 acres – Paul Lindhardt, Public Works Director

Public Works Director Paul Lindhardt addressed the Council regarding the proposed property sale and transfer of property to UDOT. He said the City has been working with UDOT as part of the SR-30 project. The city code requires that if we sell a larger piece of property of over one acre or of value of \$100,000 it is required that we hold a public hearing. The three parcels identified meet the criteria. The total for all pieces is approximately \$600,000. UDOT will make a landscape detention base for storm water run-off for SR-30. A bike lane will also be part of the construction of this project.

Councilmember Simmonds informed for the benefit of the public that the Mayor has the authority to sell city property, but anything of greater value than \$100,000 or one acre must be presented to the Council.

City Attorney Carlston said that is correct and this is stated both in the State and Municipal Code as a public process to ensure the Council and the public are able to give their input.

Councilmember Simmonds inquired when the scheduled start day for the construction of SR-30.

Mr. Lindhardt said the project has gone out to bid but has come back higher than expected. UDOT will now do the project in two phases. Phase One will be the pre-load

and will be done this year and then they will bid Phase Two which is the road construction beginning early spring next year.

Chairman López opened the meeting to a public hearing.

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

No action is required by the Council for this item.

PUBLIC HEARING – CODE AMENDMENT – Consideration of a proposed amendment to Land Development Code Chapter 17.24 “Critical Lands” – Ordinance 23-02 – Mike DeSimone, Community Development Director

At the February 7, 2023, Council meeting, Community Development Director Mike DeSimone addressed the Council regarding the proposed code amendment.

UPDATE FROM 11/17/22 PC HEARING

The Commission held a hearing on the proposed modifications to LDC 17.24 (Critical Lands Overlay) on November 17, 2022, and identified the following items:

Included Definition of Riparian Area (17.24.010.B):

Riparian Areas. Lands within 150 feet as measured from the Annual High-Water Line (AHWL) of a stream or river draining a basin size greater than one square mile, and the land within 25 feet of centerline of a stream draining an area less than one square mile.

Changed the Review Process for Reasonable Use Exceptions from Track I to Track II (17.24.120):

A reasonable use exception will be reviewed by the Planning Commission according to the Track II procedures contained in Chapter 17.48.

Made minor grammatical edits that were pointed out by the Commission.

Also added the following applicability statement to the wetland section (17.24.110.A) to clarify when the wetland regulations apply and when they do not:

Applicability. These requirements only apply to formally delineated wetlands determined by the U.S. Army Corp of Engineers to be waters of the United States as regulated under Section 404 of the Clean Water Act. Delineated wetlands that are considered by the U.S. Army Corp of Engineers to not be waters of the United States are not regulated under this Section.

RECOMMENDATION

Staff recommended that the Planning Commission recommend **approval** to the Municipal Council of the proposed amendments to Chapter 17.24 of the Land Development Code.

REQUEST

This is a proposal to modify the standards and regulations for development activity within or adjacent to Floodplains, Riparian Areas, Geologically Unstable Areas, Wildland Urban Interface Areas, Lands above 4,850', and Wetlands. The proposed code changes also eliminate Prime Agricultural Lands and Critical Wildlife Habitat from the list of Critical Lands regulated by Logan while adding a Reasonable Use Exception section.

SUMMARY OF CHANGES

Application & Review Process - the proposal is to require more detailed information regarding the presence, type and location of a Critical Land present on a property at the time of application. For example, if a site contains an area that appears to be a wetland as shown on the City's latest wetland inventory maps, the applicant will be required to submit a formal wetland delineation with their application. The purpose of these changes is to require a more comprehensive project design that incorporates the critical lands into the overall design, provides a greater level of site information and detail to decision makers, and explicitly defines those areas that will be evaluated and permitted for loss, fill, removal, etc.

Floodplains- Lands with a potential flood hazard as defined in Logan Municipal Code 15.27 Flood Damage Prevention Ordinance) using FEMA floodplain mapping. It is important to note that Special Flood Hazard area (floodplains) are regulated under Logan Municipal Code 15.27 which has a separate approval process; however, the proposed changes are included in this discussion for your input to the Council. The proposed changes to LMC 15.27 include requiring that a Base Flood Elevation (BFE) delineation be submitted with an application involving a project within a Special Flood Hazard area, increase the lowest floor elevation of new construction currently at one (1) foot above BFE to a minimum of two (2) feet above BFE, require BFE data for all subdivisions regardless of lot numbers or parcel size, and prohibit the construction of critical facilities in Special Flood Hazard areas. Any changes to LMC 15.27 will be included with the amendments to LDC 17.24 as they move through the Municipal Council process.

Riparian Areas - Lands within 150 feet as measured from the Annual High-Water Line (AHWL) of a stream or river draining a basin size greater than one square mile, and the land within 25 feet of centerline of a stream draining an area less than one square mile. The proposal divided riparian areas into three (3) distinct zones, each zone less restrictive as one moves away from the water body. These regulations establish a building setback line at 100' from the Annual High-Water Line, establishes limitations on the amount of disturbance and vegetation clearing within each zone, provides for routine maintenance and repair, and limits certain types of activities in a riparian zone.

Geologically Unstable Areas - Lands that are geologically unstable due to potential erosion hazards, unstable slopes, steep slopes (slopes in excess of 30 percent), in proximity to Quaternary Faults, susceptible to debris flows, containing soils unsuitable for development, and susceptible to a high-water table. Minor updates to this section.

Wild/and Urban Interface - The line, area, or zone where structures and other human development meet or intermingle with undeveloped wildland or vegetation fuels (Lands with potential of wildfire as determined by the Logan City Fire Chief). Minor changes to this section.

Lands above 4,850' - Residential building lots located on the eastern bench of Logan City at an elevation at or above 4,850' mean sea level. Minor changes to this section.

Wetlands - Areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions as delineated during a formal wetland delineation and approved by the U.S. Army Corps of Engineers. The proposed changes to this section include requiring a complete wetland delineation be submitted with the development application on a site that appears to have wetlands, establishes a minimum 50' setback from the Ordinary High-Water Mark of a delineated wetland and a 20' setback from the Ordinary High-Water Mark of an irrigation ditch or canal regulated by the Corp, and have defined uses and activities that are permitted within or adjacent to a wetland area.

The wetlands section does not create a separate permitting process for wetland impacts nor does it prohibit wetland impacts as those are still subject to U.S. Army Corps of Engineers permitting. A landowner or project proponent is still able to obtain wetland permits from the Corp for wetland impacts and any mitigation requirements.

We also removed the two sections dealing with Prime Agricultural Lands and Critical Wildlife Habitat from the City's list of Critical Lands because we lacked any clear guidelines for these areas in the current regulations and there are other governmental entities responsible for regulating and/or protecting these areas.

We also included a Reasonable Use Exception section establishing a process whereby a landowner, believing that these regulations are denying them of all their reasonable economic uses of their property, can request the Director consider a reasonable use exception and allow for limited impacts to a critical land. It is important to note that expectations of future development plans are not considered a reasonable economic use.

STAFF RECOMMENDATION AND SUMMARY

The goals of the proposed changes to 17.24 are to better protect critical lands, require a more comprehensive project design that incorporates critical lands into overall project design while providing a greater level of site information and detail for decision makers.

GENERAL PLAN

The Land Development Code was prepared and adopted to implement the vision expressed in the General Plan. The proposed amendments continue to implement the vision of the General Plan by further clarifying development standards for projects within or adjacent to critical lands. These proposed amendments are consistent with the General Plan.

PUBLIC COMMENTS

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

PUBLIC NOTIFICATION

Legal notices were published in the Herald Journal on 10/15/22, posted on the City's website and the Utah Public Meeting website on 10/17/22, and noticed in a quarter page ad on 10/13/22.

AGENCY AND CITY DEPARTMENT COMMENTS

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

RECOMMENDED FINDINGS FOR APPROVAL

The Planning Commission bases its decisions on the following findings:

1. Utah State Law authorizes local Planning Commission to recommend ordinance changes to the legislative body (Municipal Council). The Code Amendments are done in conformance with the requirements of Title 17.51 of the Logan Municipal Code.
2. The proposed Code Amendments are consistent with the Logan City General Plan.
3. The proposed Code Amendments to the Critical Lands Overlay Zone will further protect important resource areas without impeding the development plans of private landowners.
4. The proposed Code Amendments will further the public health, safety and welfare by providing for the safe, orderly and beneficial development of areas characterized by development hazards and valuable natural conditions.
5. No public comment has been received regarding the proposed amendments.

On January 12, 2023, the Planning Commission recommended to the Municipal Council **approval** of the Code Amendment (6-0).

Councilmember Simmonds stated the Council received direct comments in regard to the proposed code amendment for and against.

Vice Chair A. Anderson said one of the comments received was that if the code amendment is approved it would prevent development projects like the Willow Lake subdivision.

Mr. DeSimone responded there would be no direct impact rather it would require development projects to provide more information upfront. The Willow Lake subdivision has gone through the process through the Army Corps to delineate wetlands along with analysis of the plain with the city's engineers. At this point, the Willow Lake development is preparing for construction. The change in the code would not prevent the construction nor development of Willow Lakes. Though it may change the project such as setbacks.

Councilmember Jensen said he spoke with Mr. DeSimone this afternoon regarding building on a floodplain. Development can occur in this area under certain conditions.

Mr. DeSimone said that is correct. The emphasis of building in a flood plain is to ensure the structure is above the flood plain. The current proposal is to increase the lowest finished floor from 1 foot above base flood elevation (BFE) to 2 feet above BFE.

City Engineer Darren Farar clarified the Corps has responded, but there are additional items that must be worked out with the developer and the city engineer.

Chairman López opened the meeting to a public hearing.

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

ACTION. Motion by Councilmember Simmonds seconded by Councilmember Jensen to adopt Ordinance 23-02 as presented. Motion carried unanimously.

A. Anderson: Aye

M. Anderson: Aye

Jensen: Aye

López: Aye

Simmonds: Aye

PUBLIC HEARING - REZONE – Barak Stephens/Shon Hender TRS, authorized agent/owners are requesting a zone change of a vacant .25-acre lot located at approximately 745 East Canyon Road from Traditional Neighborhood Residential (NR-6) to Mixed Residential Low (MR-12) Zone (Wilson Neighborhood) – Ordinance 23-04 – Mike DeSimone

At the February 7, 2023 Council meeting, Community Development Director Mike DeSimone addressed the Council regarding the proposed rezone.

RECOMMENDATION

Staff recommended that the Planning Commission forward a recommendation of Denial to the Municipal Council for a rezone of approximately .25 acres of property located at approximately 745 E Canyon Road (TIN# 06-048-0011) from Traditional Neighborhood Residential (NR-6) to Mixed Residential Low (MR-12).

PROJECT

The proponent is requesting to rezone a vacant lot approximately .25 acres from NR-6 to MR-12 on the north side of East Canyon Road for the purpose of constructing multi-family residential dwellings. The rezone request does not include any formal development plans. The existing lot size of .25 acres would accommodate one SFR in the NR-6 zoning designation or up to three residential units in the proposed MR-12 zoning designation.

GENERAL PLAN

The Future Land Use Plan (FLUP), adopted in 2008, identifies this property as Detached Residential. The Logan City General Plan states that in areas designated Detached Residential (DR), all new development, whether infill between existing homes, replacement of existing homes or new development on vacant land, will be detached single family structures. The site is surrounded by DR (east, west, south) and PUB to the north. The nearest MR FLUP designations are located off of 400 East/600 North or at Canyon Road/600 East.

LAND DEVELOPMENT CODE

The Land Development Code (LDC) regulates land uses and entitles properties with specific development allowances. The NR-6 zone permits single family residential dwellings with minimum lot sizes of 6,000 square feet and a maximum gross density of six units/acre. The current zoning would permit one SFR while the proposed MR-12 would allow for up to three units.

STAFF SUMMARY

The property is a vacant lot located on the north side of East Canyon Road. The surrounding land uses are predominately single-family residential uses interspersed with some multi-family residential uses. Portions of Canyon Road are unimproved or lack curb, gutter, & sidewalk. A parking lot used by Utah State University is located to the north and across the canal. The site sits below the canal and is constrained with steep slopes which will present a challenge for any type of development. The nearest multi-family zoning designation is located approximately 900' to the west near the 600 East/Canyon Road intersection. From staff's review, the site is zoned and planned for single family residential uses, and a rezone to a more intensive residential use is contrary to the overall goals and vision expressed in the General Plan and the adopted Zoning. The site contains slopes and the development costs associated with developing on this type of a site are going to be higher than an adjoining level site. However, the additional development costs, as suggested by the applicant, are not adequate grounds for a rezone on this site to a more intensive residential use. Staff recommended denial of this rezone request.

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 12/31/22, posted on the City's website and the Utah Public Meeting website on 1/02/23, and noticed in a quarter page ad on 12/29/23.

RECOMMENDED FINDINGS

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 Detached Residential (DR).
2. The surrounding zoning is NR-6 with the nearest multi-family zoning located approximately 900' to the west.
3. The predominate land use pattern in the area is detached single family residential uses.
4. This site fronts onto East Canyon Road with adequate utilities present.
5. The site contains severe slopes which, while not prohibiting development, make any type of development on this site challenging.

On January 12, 2023, the Planning Commission recommended that the Municipal Council **deny** the rezone (6-0).

Mr. DeSimone reviewed the rezone and reminded the Council the recommendation from the Planning Commission is to zone to MR-12.

Councilmember Simmonds asked if there are any setbacks associated with the property that will permit a curb, a gutter, and a sidewalk.

Mr. DeSimone responded the property would need to develop the property according to city standards.

Chairman López opened the meeting to a public hearing.

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

Vice Chair A. Anderson said she understands the desire to have an economically viable project but would be reluctant to approve a development due to the steepness of the slope.

The Council expressed similar sentiments of concern.

ACTION. Motion by Vice Chair A. Anderson seconded by Councilmember Jensen to deny Ordinance 23-04 as presented. Motion carried unanimously.

A. Anderson: Aye

M. Anderson: Aye

Jensen: Aye

López: Aye

Simmonds: Aye

PUBLIC HEARING - Consideration of a proposed resolution approving Waiver Guidelines for Development Permit Fees and Impact Fees for Moderate Income Housing – Resolution 23-03 – Mike DeSimone

At the February 7, 2023 Council meeting, Community Development Director Mike DeSimone addressed the Council regarding the proposed resolution.

The Logan City Moderate Income Housing Plan was adopted November 15, 2022 with eight specific goals the City would pursue to further the provision of additional Moderate Income Housing (MIH). Goal 4 considers waiving the City's development fees & impact fees for moderate income housing, Goal 1 considers investing in the rehabilitation of existing, uninhabitable housing to create more Moderate Income Housing, and Goal 3 considers a re-evaluation and expansion in the use of Accessory Dwelling Units. The focus of this resolution is the three specific State Strategies targeting impact and permit fee waivers for certain MIH projects and detached Accessory Dwelling Units. The other specific elements or strategies associated with Goals 1 and 3 will be addressed in subsequent discussions & actions. The three specific State strategies are as follows:

- (D) identify and utilize general fund subsidies or other sources of revenue to waive construction related fees that are otherwise generally imposed by the municipality for the construction or rehabilitation of moderate income housing;
- (R) eliminate impact fees for any accessory dwelling unit that is not an internal accessory dwelling unit as defined in Section 10-9a-530;
- (L) reduce, waive, or eliminate impact fees related to moderate income housing;

Resolution No. 20-03 and LMC 3.36 authorize Logan City to assess and collect water, wastewater, parks, power, and transportation impact fees for most new development projects (attached). These impact fees are used for service and infrastructure improvements in accordance with the Impact Fee Facilities Plan (IFFP) and Impact Fee Analysis (IFA) prepared by Lewis Young & Burningham, Inc.

Resolution No. 20-09 and LMC 15.04.030 authorize Logan City to assess and collect permit and plan review fees for new construction projects and as prescribed

through the International Building Code Council and the State of Utah (attached). These fees are used to fund the City's expenses associated with reviewing development activities across the City. The fees listed in Resolution 20-09 do not include connection fees assessed by other departments, e.g., water connection fee, etc., as those fees are used for the specific equipment, materials and labor necessary for a project to tie into the City's infrastructure.

Logan City Municipal Code 3.36.070 allows the Mayor to make adjustments to impact fees for low income housing.

3.36.70 : FEE EXCEPTIONS AND ADJUSTMENTS:

- A. The City may adjust the impact fees imposed pursuant to this ordinance as necessary in order to:
 - 5. Exempt low income housing and other development activities with broad public purposes from impact fees and establish one or more sources of funds other than impact fees to pay for that development activity.
- B. The Mayor or his designee shall have the authority to make such adjustments based upon reliable information submitted by an applicant and any recommendation from the City staff.
- C. The Mayor may adopt policies consistent with this ordinance and any resolutions passed by the Municipal Council to assist in the implementation, administration and interpretation of this ordinance related to impact fees.

The purpose of Resolution No. 23-03 is to provide policy guidance for the implementation of a fee waiver program for MIH projects and authorize the waiving of impact fees for detached ADU's. This proposal does not include waiving the typical connection fees nor does it include waiving the wastewater Treatment Impact Fee as that fee is designated for a regional facility held jointly by multiple entities.

Below are the typical fees the City would collect for three different types of new residential construction projects (detached single family, attached townhomes, multi-level apartments) based on three current projects underway in the City. It is important to note that while impact fees are assessed on a per unit basis and partially driven by capacity needs, permit fees are assessed based on the value of a project. For example, a single-family residential dwelling valued at \$250,000 will be assessed different permit fees than a single family residential dwelling valued at \$1,000,000; however, the impact fees for each dwelling unit are typically the same.

Depending upon the type of MIH residential units, the amount of a typical fee waiver could range from approximately \$3,000 for a multi-family unit in an apartment project, to \$7,500 for an attached townhome, and up to \$9,200 for a detached single-family

dwelling. It is important to note that this is just an approximate range and will vary based on an individual project.

In order to meet the State's MIH strategies "D" & 11L" we are proposing to waive impact fees (excluding wastewater treatment fees) and permitting fees for Moderate Income Housing projects as follows:

Fee Waiver Guidelines for New Construction of Moderate Income Housing Units

1. The total number of combined fee waivers Logan City will issue in a calendar year for new Moderate Income Housing units, regardless of the number of projects, is 30 new MIH units/year.
2. The fee waivers will include waiving the water, wastewater collection, transportation and parks impact fees, and the building permit and plan review fees. The wastewater treatment impact fee is not included in this. This represents a potential annual financial impact to the City of approximately \$100,000 - \$300,000 for up to 30 new MIH units.
3. A project seeking a fee waiver shall have a recorded Land Use Restriction Agreement (LURA) that is approved by a federal or state agency. This approach assumes that any LMI project we offer fee waivers to are also qualifying for other types of State or Federal tax credits, and are being financed, constructed and managed consistent with State and Federal requirements for low-income housing. This is also important because it helps to ensure that the units designated as MIH will have a life of anywhere from 15 - 99 years (as determined in the LURA).
4. The City may allow fee waivers for MIH units designed and built to meet a very specific need, e.g., transitional housing for domestic abuse survivors, etc., provided a LURA is approved by the City, a qualified non-profit entity is the owner & operator of the project, and 100% of the units are designated as MIH units serving individuals whose income is 60% or less of the area median gross income. These units will count towards the annual maximum of 30 units.
5. Any project seeking fee waivers shall have at least 50% of the total units restricted as MIH units while the occupancy of those units is limited to individuals whose income is 60% or less of the area median gross income.
6. Fee waivers are to be prorated to the number of MIH units in a project, meaning that if a project contains 20 units, and 10 of those are MIH units, the City will only grant a fee waiver for the 10 MIH units.
7. A qualified non-profit organization is required to own an interest in the project (directly, partnership, or limited liability corporation) and materially participate (within the meaning of Internal Revenue Code 469(h)) in the development and

operation of the project throughout the extended use period prescribed in the LURA.

8. A project designed to house students, or a project located in the Campus Residential (CR) Zone, is ineligible for a fee waiver.

Conversion of Existing, Uninhabitable Housing into New Moderate Income Housing Units

Goal 1 of the City's MIHP considers the conversion of existing, uninhabitable housing into new moderate-income housing as a priority for meeting our needs for additional affordable housing. The City maintains a registry of vacant residential properties which currently contains 16 residential structures on the registry which will be updated in May. According to the City's MIHP, in 2024 the City will explore the feasibility and details of converting uninhabitable housing stock into new MIH in greater detail. Currently, if a residential property is remodeled or updated, while we will collect permit fees, we generally do not collect impact fees. For a residential property being legally modified with an overall increase in the number of new units and an associated increase in service demand, we will collect permit fees and generally impact fees. The guidelines for waiving fees for converting uninhabitable housing into new MIH are as follows:

1. The total number of combined fee waivers Logan City will issue in a calendar year for the conversion of existing, uninhabitable housing into new MIH is 5 MIH units/year. The water, wastewater collection, parks, power, and transportation impact fees will be waived. The building, electrical, plumbing, mechanical, and land disturbance permits fees, and plan review fees will be waived.
2. A project seeking a fee waiver shall have a recorded Land Use Restriction Agreement (LURA) that is approved by the City along with a deed restriction specifying the use of the units are limited to MIH units are in perpetuity.
3. The City may allow fee waivers for MIH units designed and built to meet a very specific need, e.g., transitional housing for domestic abuse survivors, etc., provided a LURA is approved by the City, a qualified non-profit entity is the owner & operator of the project, and 100% of the units are designated as MIH units serving individuals whose income is 60% or less of the area median gross income.
4. Any project seeking fee waivers shall have at least 50% of the total units restricted as MIH units while the occupancy of those units is limited to individuals whose income is 60% or less of the area median gross income.
5. Fee waivers are to be prorated to the number of MIH units in a project, meaning that if a project contains 4 units, and 2 of those are MIH units, the City will only grant a fee waiver for the 2 MIH units.

6. A project designed to house students, or a project located in the Campus Residential (CR) Zone, is ineligible for a fee waiver.

Accessory Dwelling Units

A specific State MIH strategy 11R" that was included in our MIHP eliminates impact fees for accessory dwelling units that are not internal ADU's. When the City adopted new ADU rules in 2021, we only permitted internal ADU's. We also began assessing permit and impact fees on new ADU's until the State passed legislation prohibiting impact fees on new "internal" ADU's. Currently, the City's Land Development Code does not permit detached ADU's, but as part of our adoption of the initial ADU program, and in accordance with MIHP Goal #3, sometime during 2023, we will be re-evaluating the current ADU program to determine if any changes are warranted. In order to meet the State's MIH strategy 11R" listed above, we are also proposing to provide for an impact fee waiver (excluding wastewater treatment fees) for the construction of a detached Accessory Dwelling Unit (ADU's). While this may seem premature and might appear to presuppose a change to the City's current ADU standards, the proposal to include a fee waiver for detached ADU's at this time is to meet one of the State's MIH strategies while avoiding having to modify our fee policies in the future if a change to ADU standards is warranted. If the City determines that the current ADU program is sufficient, this fee waiver would not be applicable.

ADU's are viewed more as a way to get less expensive housing quickly into the market rather than just targeting a specific segment of the population (low income). The guidelines for ADU impact fee waivers are different than a MIH project. The typical impact fee associated with an accessory ADU will be less than the average SFR impact fees; however, there will still be a financial impact to the City based on increased demands for some services. Therefore, the recommendation is that Council consider limiting the total amount of impact fee waivers for an accessory ADU to no more than 50% of the total assessed impact fee amount (excluding the wastewater treatment impact fee). This waiver also excludes any building permit or connection fees associated with an ADU project. The guidelines for waiving fees for new detached ADU's are as follows:

1. Up to 50% of the following impact fees will be waived for approved and permitted detached accessory dwelling units: water, wastewater collection, parks, power, and transportation impact fees.
2. The total number of combined fee waivers Logan City will issue in a calendar year for new detached ADUs is 5 new detached ADU units/year.

Councilmember Simmonds inquired about fee waivers if the City receives any assurances that the housing units will remain moderate to low-income units.

Mr. DeSimone replied that is the goal. Since these units will have to report to the State and receive tax credits in return to provide moderate to low-income affordable housing. The life of the tax credits may go from a few years to a longer duration of time.

Chairman López opened the meeting to a public hearing.

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

ACTION. Motion by Councilmember Jensen seconded by Councilmember M. Anderson to approve Resolution 23-03 as presented. Motion carried unanimously.

A. Anderson: Aye

M. Anderson: Aye

Jensen: Aye

López: Aye

Simmonds: Aye

PUBLIC HEARING - BUDGET ADJUSTMENTS FY 2022-2023 appropriating: \$11,611 a grant the Library received from the State of Utah. The Community Library Enhancement Fund (CLEF) grant will be used for purchasing new technology for public use; \$260,723 funds the Public Works Department was awarded from the Cache County Council of Governments (COG) for the 700 South 100 East traffic signal project; \$570 a reimbursement from the US Department of Justice for federal cases worked by police officers; \$950 a reimbursement from the US Department of Justice for federal cases worked by police officers – Resolution 23-04 – Assistant Finance Director Rueben Nelson

Finance Director Richard Anderson addressed the Council and reviewed the proposed budget adjustments.

Chairman López opened the meeting to a public hearing.

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

ACTION. Motion by Councilmember Simmonds seconded by Councilmember M. Anderson to approve Resolution 23-04 as presented. Motion carried unanimously.

A. Anderson: Aye

M. Anderson: Aye

Jensen: Aye

López: Aye

Simmonds: Aye

WORKSHOP ITEMS:

***(Continued from February 7, 2023)* - CODE AMENDMENT – Consideration of a proposed amendment to Logan Municipal Code Section 15.27 “Flood Damage Prevention” – Ordinance 23-03 – Mike DeSimone**

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

Mr. DeSimone stated that Logan Municipal Code 15.27 Flood Damage Prevention regulates development in flood hazard areas. The proposed changes are a result of changes to the Land Development Code 17.24 Critical Land Overlay, additional review by the City Engineer, and are relatively minor. The proposed changes are as follows:

- 15.27.060 – updated reference to the May 9, 2023 Flood Insurance Study.
- Article II – updated Definitions.
- 15.27.140 – updated application and data requirements for projects within a floodplain.
- 15.27.150 – updated the variance and/or appeals process to be conducted by the City’s Land Use Appeal Board under LDC 17.50.
- 15.27.160/170/190 – increased the minimum lowest habitable floor requirement from 1’ to 2’ above base flood elevation. Prohibited the new critical facilities in special flood hazard areas.
- 15.27.180 – updated the subdivision requirements to require additional base flood elevation data.
- 15.27.190 – updated construction requirements in areas of shallow flooding.
- 15.27.210 – added a new section limiting the construction of critical facilities in a floodplain.
- Article VII – added a Severability Clause.
- There are also a number of minor wording and grammatical edits throughout the document.

Most of these changes were discussed with the Planning Commission during their hearings on the LDC 17.24 amendments while some were also required by the State’s Floodplain Program Manager.

Councilmember Simmonds requested confirmation on the basement level above the floodplain.

Mr. DeSimone responded that the current proposal is to increase the lowest finished floor from 1 foot above base flood elevation (BFE) to 2 feet above BFE.

Councilmember Jensen asked if the measurement is from the finished floor or the joist.

City Engineer Darren Farar answered the measurement would be from the finished floor. It would be the actual structure even if there is a crawlspace underneath.

Mr. DeSimone added that this would also apply to mechanical stems such as heating or cooling which would require them to be 2 feet above the ground. The goal is not to prohibit developers but rather to ensure that citizens do not have to make replacements after a flood. It is better to build with the intention to minimize the level of flooding risk.

Vice Chair A. Anderson inquired if there are any pending projects that would be impacted by the change of base flood elevation.

Mr. DeSimone responded that he is not aware as of now.

The proposed ordinance will be an action item and public hearing at the March 7, 2023, Council meeting.

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

Community Development Mike DeSimone addressed the Council regarding the proposed code amendments.

RECOMMENDATION

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

REQUEST

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

SUMMARY OF CHANGES

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

17.52 Legally Existing Nonconformities - updated the Chapter to clarify the intent and purpose of how the City regulates nonconformities; clarified that an expansion of a nonconforming structure or use needs to be reviewed and approved by the Planning

Commission; updated this Chapter to standardize our approach & processes for all of the different types of nonconformities; and made grammatical edits.

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

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

STAFF RECOMMENDATION AND SUMMARY

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

GENERAL PLAN

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

PUBLIC COMMENTS

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

PUBLIC NOTIFICATION

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

AGENCY AND CITY DEPARTMENT COMMENTS

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

RECOMMENDED FINDINGS FOR APPROVAL

The Planning Commission bases its decisions on the following findings:

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

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

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

Councilmember Simmonds asked if the amendment clarification to illegally existing nonconforming structures permits these nonconforming structures to be changed or altered.

Mr. DeSimone responded that all aspects of the nonconforming structures can be changed. However, the structure will require CUP & PC approval.

Chairman López inquired how often there is an appeal to administrative enforcement.

Mr. DeSimone answered roughly a dozen each year.

Councilmember Simmonds asked about the duration of time it takes to penalize overoccupancy, and whether the fee structure is adequate.

Mr. DeSimone replied there are easy and hard cases. Overoccupancy can be difficult to enforce or confirm. Having more vehicles in the driveway or having a friend sleep on the couch does not mean over-occupancy. The purpose is not to collect fees but rather as an incentive to prevent over-occupancy of the property.

Chairman López inquired further regarding unpaid violations.

Mr. DeSimone answered that unpaid fees are transferred to collection agencies.

The proposed ordinance will be an action item and public hearing at the March 7, 2023, Council meeting.

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

Community Development Mike DeSimone addressed the Council regarding the proposed code amendments.

RECOMMENDATION

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

REQUEST

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

SUMMARY OF CHANGES

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

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

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

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

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

STAFF RECOMMENDATION AND SUMMARY

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

GENERAL PLAN

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

PUBLIC COMMENTS

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

PUBLIC NOTIFICATION

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

AGENCY AND CITY DEPARTMENT COMMENTS

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

RECOMMENDED FINDINGS FOR APPROVAL

The Planning Commission bases its decisions on the following findings:

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

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

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

Vice Chair A. Anderson requested clarification on the size of the second driveway area.

Mr. DeSimone responded that driveways cannot exceed 36' or 40% of the property frontage but are not prohibited in the backyard area.

Councilmember Simmonds asked if there are any amendments regarding impervious (surfaces) driveways.

Mr. DeSimone answered that presently the concern is to address the front yard. The total impervious or hardened area in the front yard cannot exceed 50%.

Councilmember Simmonds expressed concerns about the connectivity standards. She wanted to ensure that the grid system for the City remains standing.

Mr. DeSimone gave an example of a new subdivision on 1200 East where three connection areas are required. The increase in connectivity will continue the grid system, it will merely increase or permit a reasonable standard for connectivity in areas with increased lots or areas needing further connections.

Chair Lopez asked Police Chief Gary Jensen if this amendment created safety concerns.

Chief Jensen responded not for the police, but it may cause an issue with the fire department as their larger vehicles need to go in and out of a subdivision in case of an emergency.

Councilmember Simmonds inquired about what will occur if an RV is parked in a residential zone.

Mr. DeSimone explained that if an RV (utility trailers, parked motor homes, etc.) is parked in a residential area longer than 10 days the resident will be notified and given a reminder of the code. A citation will be given if the duration of the parked RV goes longer than 10 days.

The proposed ordinance will be an action item and public hearing at the March 7, 2023, Council meeting.

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

Community Development Mike DeSimone addressed the Council regarding the proposed code amendments.

RECOMMENDATION

Staff recommended that the Planning Commission recommend approval to the Municipal Council of the proposed amendments to Chapters 17.28 and 17.32 of the Land Development Code.

REQUEST

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

SUMMARY OF CHANGES

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

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

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

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

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

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

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

17.32.040 – update the general Landscaping Requirements.

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

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

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

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

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

STAFF RECOMMENDATION AND SUMMARY

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

GENERAL PLAN

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

PUBLIC COMMENTS

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

PUBLIC NOTIFICATION

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

AGENCY AND CITY DEPARTMENT COMMENTS

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

RECOMMENDED FINDINGS FOR APPROVAL

The Planning Commission bases its decisions on the following findings:

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

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

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

Vice Chair A. Anderson asked if any of the changes made relating to park strips are in regard to grass.

Mr. DeSimone responded that turf is the easiest to regulate by tying enforcement into landscaping long-term with business licenses to ensure the landscape is maintained.

Councilmember Simmonds asked does this code amendment tie to the code that sets the standards for what landscape should be.

Mr. DeSimone said the amendment does not conflict with the park strip code.

Mayor Daines inquired how enforcement will occur.

Mr. DeSimone answered it will be primarily complaint driven enforcement.

The proposed ordinance will be an action item and public hearing at the March 7, 2023, Council meeting.

OTHER CONSIDERATIONS:

Chairman Lopez announced that the Wilson Neighborhood meeting is scheduled on March 8, 2023, at Wilson Elementary.

Vice Chair A. Anderson announced there will be tours of the William Burnard Warming Center. Those interested can contact Vice Chair A. Anderson for more information.

No further items were discussed.

ADJOURNED. There being no further business, the Logan Municipal Council adjourned at 7:20 pm.

Esli Morales, Deputy City Recorder