

CITY OF LOGAN, UTAH  
ORDINANCE NO. 25-11

AN ORDINANCE AMENDING TITLE 17 THE LAND DEVELOPMENT CODE OF  
LOGAN CITY, UTAH

BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE CITY OF LOGAN, UTAH  
AS FOLLOWS:

SECTION 1: That certain code entitled "Land Development Code, City of Logan, Utah" Chapter 17.24 "Critical Lands (CL) Overlay Zone" are amended as attached hereto as Exhibit A.

SECTION 2: This ordinance shall become effective upon publication.

ADOPTED BY THE LOGAN MUNICIPAL COUNCIL THIS 21<sup>st</sup> DAY OF October, 2025.

Anderson, Amy Z.	<input checked="" type="checkbox"/> Aye	<input type="checkbox"/> Nay	<input type="checkbox"/> Abstained	<input type="checkbox"/> Excused
Anderson, Mark A.	<input checked="" type="checkbox"/> Aye	<input type="checkbox"/> Nay	<input type="checkbox"/> Abstained	<input type="checkbox"/> Excused
Johnson, Mike	<input checked="" type="checkbox"/> Aye	<input type="checkbox"/> Nay	<input type="checkbox"/> Abstained	<input type="checkbox"/> Excused
López, Ernesto	<input checked="" type="checkbox"/> Aye	<input type="checkbox"/> Nay	<input type="checkbox"/> Abstained	<input type="checkbox"/> Excused
Simmonds, Jeannie F.	<input checked="" type="checkbox"/> Aye	<input type="checkbox"/> Nay	<input type="checkbox"/> Abstained	<input type="checkbox"/> Excused



ATTEST:

Teresa Harris  
Teresa Harris, City Recorder

PRESENTATION TO MAYOR

The foregoing ordinance was presented by the Logan Municipal Council to the Mayor for approval or disapproval on the 21<sup>st</sup> day of October, 2025.

Jeannie F. Simmonds  
Jeannie F. Simmonds, Chair

MAYOR'S APPROVAL OR DISAPPROVAL

The foregoing ordinance is hereby approved this 21<sup>st</sup> day of October, 2025.

Holly H. Daines  
Holly H. Daines, Mayor

# **EXHIBIT A**

## Chapter 17.24: Critical Lands (CL) Overlay Zone

### §17.24.010 Purpose

The purpose of this Chapter is to provide for the safe, orderly and beneficial development of areas characterized by development hazards and valuable natural conditions while limiting the substantial alteration and degradation of such areas and include the following Critical Lands:

- A. Floodplains. Lands with a potential flood hazard as identified by the City Engineer and as defined in Logan Municipal Code 15.27 (Flood Damage Prevention Ordinance).
- B. Riparian Areas. Lands adjacent to the Logan River, Blacksmith Fork, Spring Creek, the North Branch of the Logan River (Little Logan River), and any stream, river or manmade water course regulated by the Utah State Engineer's Office or the Utah State Division of Waters Rights through the State's through the State's Stream Alteration Permitting Process.
- C. 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.
- D. Wildland 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).
- E. 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.
- F. 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.

### §17.24.020 Review Process

- A. For project sites containing one or more Critical Lands, compliance with the development requirements of this Chapter shall be applied during the underlying regulatory and review processes outlined in Chapter 17.39.
- B. Application Process. Any application for project approval which contains a specific Critical Land as defined in this Chapter shall submit a Critical Lands Analysis performed by qualified professionals licensed in the State of Utah that identifies and addresses the following:
  1. Floodplains. A delineation prepared by a Professional Engineer licensed in the State of Utah of the 1% Special Flood Hazard Area (also referred to as the 100 year floodplain) and, if applicable, the 0.2% Special Flood Hazard Area (also referred to as the 500 year floodplain) boundaries as depicted on the latest FIRM maps including Base Flood Elevations (BFE), and a delineation of any previous flood events, including highest know flood elevations, on the site. If work is proposed to be completed in the Special Flood Hazard Area, provide a floodplain permit, no rise certificate, and relevant information and application for FEMA permits as may be required.
  2. Riparian Areas. A delineation and description of the riparian corridor that includes the Ordinary High Water Mark, top of bank, a description and condition of the existing vegetative cover in the corridor, and any natural or manmade drainages that traverse the riparian corridor.

## 17.24: Critical Lands (CL) Overlay Zone

3. Geologically Unstable Areas. A geologic engineering report prepared by a Professional Engineer licensed in the State of Utah that complies with the requirements of Section 17.24.070. Additional Geotechnical analysis may be required with the building permit application.
4. Wildland Urban Interface. A Fire Prevention and Control Plan shall be submitted if a project site is in a Wildfire Threat Area as designated by the Logan City Fire Department.
5. Lands Above 4,850. An engineering report prepared by a Professional Engineer analyzing the site's slope characteristics and any anticipated cuts & fills both pre and post construction; and a report and/or plans prepared by a Licensed Architect that complies with the site and building design requirements of this Chapter.
6. Wetlands. A wetland delineation conducted using the 1987 Federal Manual for Identifying and Delineating Jurisdictional Wetlands, as amended.

**§17.24.050 Development Standards for Floodplains**

The City's Policy regarding new development within a designated floodplain is that all new development including, but not limited to, road construction, site preparation, building construction, etc., shall avoid building, constructing, grading, and filling in a delineated special flood hazard zone. All development shall comply with the applicable regulations and standards of the National Flood Insurance Program (NFIP), the most current effective Flood Insurance Study (FIS), the most current Flood Insurance Rate Maps (FIRM) as administered by the City Engineer, and the City's Flood Damage Prevention Ordinance contained in Logan Municipal Code Chapter 15.27.

**§17.24.060 Development Standards for Riparian Areas**

The purpose of these standards and requirements are to preserve and enhance riparian areas by protecting them from adverse effects and potentially irreversible impacts caused by development activities. All riparian areas shall be clearly delineated on the ground during construction and shown on preliminary and final development plans.

**A. General standards and requirements for Riparian Areas.**

1. Setbacks. All structures, development, uses, and new road construction shall be setback from the Ordinary High Water Mark (OHWM) as follows:
  - a. Residential Structures: The setback shall be the greater of either 40' from the OHWM or a distance from the OHWM that is equal to an average of the existing riparian setbacks of the two nearest residential structures, whether on or off site.
  - b. Road Construction: 25'.
  - c. All other Structures, Uses and Development: 40'.
  - d. New structures, development, uses, and road construction within areas proposed for annexation into Logan City shall include a minimum setback of 100' from the OHWM of all riparian areas defined in this Chapter.
  - e. Any property adjacent to the Logan River and the North Branch of the Logan River (Little Logan) requesting annexation into Logan City shall include a provision for the dedication of a public conservation and trail easement on all lands within 100' of the OHWM of these two water bodies.
2. No more than 50% of the land area within the riparian area may be disturbed, including grading, clearing, grubbing, tree removal, etc.
3. Routine repair and maintenance of existing structures, roadways, driveways, utility facilities, accessory uses, and other development are authorized subject to the limitations in Chapter 17.52.

## 17.24: Critical Lands (CL) Overlay Zone

4. Stream, wetland, riparian and upland enhancement or restoration projects approved by Logan City are permitted.
5. Continuous and on-going farming practices, farm uses, and the pasturing of livestock are permitted within a riparian area. All new farming practices, farm uses, cultivation, livestock grazing and building construction shall be setback at least 50' from the Ordinary High Water Mark (OHWM).
6. Existing utilities may be maintained and/or replaced within a riparian area provided any disturbed areas are restored within 60 days of disturbance.
7. Additions, alterations, rehabilitation, or replacement of existing structures or developments that do not increase the existing structural footprint in the riparian area are permitted provided the disturbed areas are restored within 60 days of disturbance.
8. Additions, alterations, rehabilitation, expansions or replacement of existing structures, developments, uses, roadways, utilities, or driveways that will increase the existing footprint in the riparian area (degree of non-conformity) may be expanded with a Conditional Use Permit as permitted in Chapter 17.52 "Legally Existing Nonconformities" except for the following:
  - a. Any proposed construction or expansion that is located only on the landward side of the existing improvements and away from the OHWM is not required to obtain a Conditional Use Permit.
9. Measures to remove or abate nuisances, or any other violation of State Statute, administrative agency rule, or City ordinance are authorized under this Chapter.
10. Parks and Recreational facilities are permitted within a riparian area.
11. The installation of underground utilities are permitted within a riparian area provided all disturbed areas are restored within 60 days of disturbance.
12. The construction, expansion or replacement of public or private bridges are permitted within a riparian area subject to permitting from relevant regulatory entities.

**§17.24.070 Development Standards for Geologically Unstable Lands**

- A. Geologically Unstable areas are extremely sensitive to development, and because surface disturbance such as grading, filling, or vegetation removal has a high potential to threaten life or property, development in these areas should be avoided.
- B. Project approval within a geologically unstable area shall only be allowed after an engineering geologic study, completed by a Professional Engineer and approved by the City Engineer and Director, establishes that the site is stable for the proposed use and development. At a minimum, the study shall include:
  1. Index map.
  2. Project description to include location, topography, drainage, vegetation, and discussion of previous work and discussion of field exploration methods.
  3. Site geology, based on a surficial survey, to include site geologic maps, description of bedrock and surficial materials, including artificial fill, locations of any faults, folds, etc., and structural data including bedding, jointing and shear zones, soil depth and soil structure.
  4. Discussion of any off-site geologic conditions that may pose a potential hazard to the site, or that may be affected by on-site development.
  5. Suitability of site for proposed development from a geologic standpoint.
  6. Specific recommendations for cut slope stability, seepage and drainage control or other design criteria to mitigate geologic hazards.
  7. If deemed necessary by the engineer or geologist in order to establish whether an area to be affected by the proposed development is stable, additional studies and

## 17.24: Critical Lands (CL) Overlay Zone

- supportive data shall include cross-sections showing sub-surface structure, graphic logs with subsurface exploration, and results of laboratory test and references.
8. Signature and registration number of the engineer and/or geologist licensed as professional engineer in the State of Utah.
  9. Additional information or analyses as necessary to evaluate the site.
- C. Prohibited Actions. Notwithstanding any other provision of Logan City Ordinances, it shall be unlawful to clear, "grub," grade, fill, or excavate any land in any manner which presents an unreasonable risk of erosion, flooding, landslide, or any other unsafe condition, and it shall be unlawful to erect any structure which will not be reasonably safe for use as a human habitation due to the following:
1. Historic high groundwater table;
  2. Surface water;
  3. Expansive soils;
  4. Collapsible soils;
  5. Proximity to a potential landslide area;
  6. Proximity to a Quaternary Fault;
  7. Proximity to an alluvial fan;
  8. Proximity to an active landslide; or
  9. Any other unsafe condition, as determined by the City.
- D. All permitted development that removes vegetation or disturbs topsoil and leaves the disturbed soil at a slope of thirty (30) percent or more shall comply with the following standards:
1. Any exposed soil shall be revegetated in a manner to reestablish a vegetative cover within a one year period from issuance of a Certificate of Occupancy. If irrigation is not provided, then the exposed soil must be planted with species that can survive without irrigation.
  2. Vegetative cover, rock, dry or conventional masonry, or other permanent cover must be maintained on areas that have been disturbed.
  3. These restrictions shall not apply to areas of exposed bedrock which exhibit no erosion potential.
- E. Cuts and Fills.
1. All cuts and/or fills involving more than two hundred fifty cubic yards of material must be designed by an engineer to comply with applicable building codes and requirements of this Chapter.
  2. If the excavation is not a dedicated street or a public right-of-way, the engineer shall certify that the permitted work was constructed to plans and meets all standards set forth in the approved plans.
  3. Nothing in this section shall abridge the City's right to inspect work in progress or in its completed state, to make appropriate measurements and tests to determine if the cut and fill was made according to plan, and to require alterations prior to final approval.
- F. Any development that is proposed in a Geologically Unstable area shall be identified on a preliminary site plan at the time of application for review and shall be clearly identified on the final development plan or final plat map prior to final review and approval.
- G. All structures in a Geologically Unstable area shall have foundations designed by an engineer.
- H. All newly created lots, or lots modified by a property line adjustment or plat amendment, shall identify specific building envelope on each lot that contains sufficient buildable area outside any erosive or unstable areas able to accommodate the

anticipated uses. The creation of a lot for open space or conversation purposes is exempt from this requirement.

**§17.24.080 Development Standards for Lands with Wildfire Threats**

**A. Requirements for Subdivisions.**

1. A Fire Prevention and Control Plan shall be submitted with any application for approval of a development or preliminary plat which contains Wildfire Threat Areas as designated by the Logan City Fire Department.
2. The Director shall forward the Fire Prevention and Control Plan to the Fire Chief for review and comment.
3. The Fire Prevention and Control Plan shall include the following items:
  - a. An analysis of the wildfire hazards on the site, as influenced by existing vegetation and topography;
  - b. A map showing the areas that are to be cleared of dead, dying, or severely diseased vegetation;
  - c. A map of the areas that are to be thinned to reduce the interlocking canopy of trees;
  - d. A tree management plan showing the location of all trees that are to be preserved and removed on each lot. In the case of heavily forested parcels, only trees scheduled for removal shall be shown;
  - e. The areas of primary and secondary fuel breaks that are required to be installed around each structure, as required by this section; and
  - f. The location and slope of all roads and driveways serving the project site sufficient for emergency vehicle access and fire suppression activities.
4. Approval Criteria. In consultation with the Logan City Fire Chief, the decision making body shall approve the Fire Prevention and Control Plan when, in addition to the findings required by this chapter, the additional finding is made that the wildfire hazards present on the property have been reduced to a reasonable degree, balanced with the need to preserve and/or plant a sufficient number of trees and plants for erosion prevention, wildlife habitat, and aesthetics.
5. The decision making body may require, through the imposition of conditions attached to the approval, the following requirements as deemed appropriate for the development of the property:
  - a. Delineation of areas of heavy vegetation to be thinned and a formal plan for such thinning;
  - b. Clearing of sufficient vegetation to reduce fuel load;
  - c. Removal of all dead and dying trees; or
  - d. Relocation of structures and roads to reduce the risks of wildfire and improve the chances of successful fire suppression.
6. The Fire Prevention and Control Plan shall be implemented during the installation of the public improvements required of a subdivision and shall be considered part of the subdivider's obligations for land development. If a subdivision is not involved, the Plan shall be implemented prior to the issuance of any building permits. The Fire Chief, or designee, shall inspect and approve the implementation of the Fire Prevention and Control Plan.
7. In all new residential developments, provisions for the perpetual maintenance of the Fire Prevention and Control Plan shall be included in the covenants, conditions and restrictions for the development.

**B. Requirements for construction of all structures.**

1. All new construction and any construction expanding the size of an existing structure shall have a fuel break as defined below.

## 17.24: Critical Lands (CL) Overlay Zone

- a. A “fuel break is defined as an area which is free of dead or dying vegetation, and has native, fast-burning species sufficiently thinned so that there is no interlocking canopy of this type of vegetation. Where necessary for erosion control or aesthetic purposes, the fuel break may be planted in slow burning species. Fuel breaks do not involve stripping the ground of all native vegetation.
  - b. Primary Fuel Break. A primary fuel break will be installed, maintained and shall extend a minimum of 30 feet in all directions around structures, excluding fences, on the property. The goal within this area is to remove ground cover that will produce flame lengths in excess of one foot. Such a fuel break shall be increased by five feet for each ten percent increase in slope over ten percent.
  - c. Secondary Fuel Break. A secondary fuel break will be installed, maintained and shall extend a minimum of 100 feet beyond the primary fuel break where surrounding landscape is owned and under the control of the property owner. The goal of the secondary fuel break is to reduce fuels so that the overall intensity of any wildfire is reduced through fuels control.
2. All structures shall be constructed or re-roofed with Class B or better non-wood roofing materials, as determined by the International Building Code. No structure shall be constructed or re-roofed with wooden shingles, shakes, wood-product material or other combustible roofing material, as defined in the building ordinance.
- C. Fuel breaks in areas which are also highly erosive or steep slopes shall be included in the erosion control measures outlined in this Chapter.

**§17.24.100 Development Standards for Lands above 4,850’.**

- A. The purpose of this section is to protect the scenic quality of Logan City by ensuring that future development located above an elevation of 4,850’ (elevation datum established by City Engineer) is compatible with existing, developed areas as well as existing landforms, including significant ridgelines, hillside areas and viewsheds found on the eastern benches of Logan. The intent of this Chapter is to:
  1. Implement hillside development standards to minimize the impact of man-made structures and grading on views of existing landforms, unique geologic features, existing landscape features and open space as seen from public roads, parks, and adjoining residential development;
  2. Protect and preserve views of significant ridgelines;
  3. Minimize cut and fill, earthmoving, grading operations and other man-made effects on the natural terrain to ensure that finished slopes are compatible with existing land character; and
  4. Promote site sensitive design and architecture compatible with hillside terrain and which minimizes any negative visual impacts from public roadways, parks, and adjoining residential areas.
- B. General Requirements for Development above 4,850’.
  1. All final grades shall be:
    - a. Consistent with the existing landscape to the greatest extent possible by avoiding uninterrupted slope surfaces that stand out against existing topographic contours;
    - b. Contoured to resemble existing terrain by varying slope increments and by breaking the visual surface of banks and inclines both vertically and horizontally; and

## 17.24: Critical Lands (CL) Overlay Zone

- c. Constructed to allow for the creation of berms or mounding at the top of slopes, and in other locations, for the screening of structures and to facilitate proper site drainage.
2. Design, height and massing of new development above 4,850' shall:
  - a. Maintain a balance of scale and proportion using design components that are harmonious with natural landforms and landscaping;
  - b. Be low in height, conform with hillside topography by stepping or staggering the mass of the proposed building up or down slope, and avoid flat pad construction and vertical massing;
  - c. Utilize structural elements, building materials and color tones which blend artificial surfaces with surrounding native elements;
  - d. Utilize construction materials, glass, roofing, fencing and other surfaces that are of a non-reflective nature; and
  - e. Utilize a variety of building and structural elements such as articulated walls, cornice detailing, reveals, alcoves, building projections, trellises, landscaping or other features which are appropriate to the scale of the building, and which serve to break up continuous building walls;
3. Roadways, driveways and utility alignments shall be:
  - a. Located to minimize grading by following existing contours;
  - b. Constructed to blend with the existing landscape, through alignment with the natural curving contour of the land, rather than using straight lines and excessive cuts and fills; and
  - c. Concealed from view through preservation and maintenance of existing vegetation or through planned landscaping that is constant with the natural character of the area.
4. Landscape planting and vegetation preservation shall:
  - a. Incorporate trees planted in random groupings or clusters that mimic or maintain natural assemblages rather than in systematic rows;
  - b. Maintain vegetation lines which convey the existing slope of the hillside;
  - c. Preserve native vegetation, including grasses and open space, whenever possible;
  - d. Use native materials to the greatest extent possible and/or non-natives that are compatible with indigenous vegetation and confined to the adjacent vicinity of the proposed structure;
  - e. Include a sufficient irrigation, maintenance and monitoring program designed to provide species requirements as well as protect against sedimentation, soil loss and land sliding; and
  - f. Be landscaped in such a manner that reduces the potential fire hazard while creating a minimum defensible space.
5. Exterior and landscape lighting applications shall be:
  - a. Designed to minimize nighttime disruption and visual glare by shielding lamp sources downward and away from view of designated public roads;
  - b. Controlled by timers and/or motion sensors, to limit the duration of use and reduce prolonged glare; and
  - c. Sized with the minimum wattage necessary to meet desired application.

**§17.24.110 Development Standards for Wetlands**

The purpose of these standards and requirements are to preserve and enhance wetlands by protecting them from adverse effects and potentially irreversible impacts caused by development activities.

## 17.24: Critical Lands (CL) Overlay Zone

- A. **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.
- B. All wetlands shall be clearly delineated and shown on the preliminary development plans. The wetland delineated shall be conducted using the current version of the Federal Manual for Identifying and Delineating Jurisdictional Wetlands and shall be completed by an individual certified by the U.S. Army Corp of Engineers as a wetland specialist and reviewed by the City Engineer and Director.
- C. **Prohibited Activities.** No person shall disturb, remove, fill, dredge, clear, destroy or alter any areas, including vegetation, within wetlands and their respective Setbacks, except as may be expressly allowed herein.
- D. **Setbacks.**
  - 1. The setbacks for all development adjacent to a delineated wetland shall extend 50' as measured landward from the delineated wetland Ordinary High Water Mark (OHWM) and shall be shown on the preliminary development plans.
  - 2. The setback for all development adjacent to an irrigation ditch or canal that meets the U.S. Army Corp of Engineers definition for water of the United States shall extend a minimum of 20' from the Ordinary High Water Mark.
- E. **Land Disturbance in the Setback Area.** No more than 20% of the land area within this setback area may be disturbed, including grading, clearing, grubbing, tree removal, revegetation, landscaping, etc. All disturbed areas shall be revegetated within 60 days of initial disturbance. Erosion control measures shall be implemented. Mitigation plans involving wetland creation, restoration or enhancement authorized in conjunction with a U.S. Army Corp of Engineers permit approval are exempt from this restriction.
- F. **Wetland Disturbance.** No activity will be permitted which disturbs, fills, dredges, clears, destroys, or alters any water, soils and vegetation within delineated wetlands as set forth in this Section, unless approved in writing by the U.S. Army Corp of Engineers (Corp Permit). A copy of the USACE permit approval shall be provided to Logan City.
- G. **Transfer of Density and Development Rights.** The density permitted by the underlying zone within the area of the wetlands and/or wetland setback areas may be relocated elsewhere on the same property provided the overall gross density of the entire site is not exceeded.
- H. **General standards and requirements for all Wetlands and Wetland Setback Areas** as listed below are also subject to approval by the U.S. Army Corp of Engineers.
  - 1. Routine repair and maintenance of existing structures, roadways, driveways, utility facilities, accessory uses, and other development are authorized subject to the limitations in Chapter 17.52.
  - 2. Stream, wetland, riparian and upland enhancement or restoration projects approved by Logan City are authorized under this Chapter.
  - 3. Continuous and on-going farming practices, farm uses, and the pasturing of livestock are permitted within a wetland or wetland setback area. All new farming practices, farm uses, cultivation, livestock grazing and building construction shall be setback at least 50' from the Ordinary High Water Mark of the delineated wetland.
  - 4. Existing utilities may be maintained and/or replaced within a wetland or wetland setback area provided any disturbed areas are restored.

## 17.24: Critical Lands (CL) Overlay Zone

5. Additions, alterations, rehabilitation, or replacement of existing structures that do not increase the existing structural footprint in the wetland or wetland setback area are permitted provided the disturbed areas are restored using native vegetation.
6. Measures to remove or abate nuisances, or any other violation of State Statute, administrative agency rule, or City ordinance are authorized under this Chapter.
7. Stormwater retention or detention facilities are prohibited in all wetlands or wetland setback areas.

**§17.24.120 Reasonable Use Exception**

If a landowner believes application of the provisions of this Chapter would deny all reasonable economic use of the owner's property, the owner may request a reasonable use exception pursuant to this subsection. A request for a reasonable use exception shall be made to the Director and shall include the basis for the owner's reasonable use exception request and any information which the Director deems relevant to the request. Expectations of future development plans are not considered a reasonable economic use. A reasonable use exception will be reviewed by the Planning Commission according to the Track II procedures contained in Chapter 17.48. A reasonable use exception may be approved if all of the following are met:

- A. The application of the provisions of this Chapter would deny all reasonable economic use of the land.
- B. No other reasonable economic use of the land would have less impact on the specific Critical Land.
- C. The impact to the Critical Land resulting from granting the reasonable economic use request is the minimum necessary to allow for reasonable economic use of the land.
- D. The inability of the applicant to derive reasonable economic use of the land is not the result of actions by the applicant or the applicant's predecessor.
- E. The reasonable economic use exception mitigates the loss of, or damage to, the Critical Land functions to the extent reasonable feasible under the facts of the application.
- F. The reasonable economic use exception only authorizes a permitted or conditional use authorized by the underlying zoning district and conforms to other applicable requirements of this title to the extent reasonably feasible under the facts of the application.
- G. The applicant shall have the burden of providing evidence to support a reasonable economic use exception.

## Chapter 17.24: Critical Lands (CL) Overlay Zone

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- A. Floodplains. Lands with a potential flood hazard as identified by the City Engineer and as defined in Logan Municipal Code 15.27 (Flood Damage Prevention Ordinance).
- 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.~~ Lands adjacent to the Logan River, Blacksmith Fork, Spring Creek, the North Branch of the Logan River (Little Logan River), and any stream, river or manmade water course regulated by the Utah State Engineer's Office or the Utah State Division of Waters Rights through the State's through the State's Stream Alteration Permitting Process.
- C. 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.
- D. Wildland 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:).
- E. 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.
- F. 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.

### §17.24.020 Review Process

- A. For project sites containing one or more Critical Lands, compliance with the development requirements of this Chapter shall be applied during the underlying regulatory and review processes outlined in Chapter 17.39.
- B. Application Process. Any application for project approval which contains a specific Critical Lands as defined in this Chapter shall submit a Critical Lands Analysis performed by qualified professionals licensed in the State of Utah that identifies and addresses the following:
  1. Floodplains. A delineation prepared by a Professional Engineer licensed in the State of Utah of the 1% Special Flood Hazard Area (also referred to as the 100 year floodplain) and, if applicable, the 0.2% Special Flood Hazard Area (also referred to as the 500 year floodplain) boundaries as depicted on the latest FIRM maps including Base Flood Elevations (BFE), and a delineation of any previous flood events, including highest know flood elevations, on the site. If work is proposed to be completed in the Special Flood Hazard Area, provide a floodplain permit, no rise certificate, and relevant information and application for FEMA permits as may be required.

## 17.24: Critical Lands (CL) Overlay Zone

2. Riparian Areas. A delineation and description of the riparian corridor that includes the including the annual Ordinary High Water Mark, top of bank, a description and condition of the existing vegetative cover in the corridor, and any natural or manmade drainages that traverse the riparian corridor.
3. Geologically Unstable Areas. A geologic engineering report prepared by a Professional Engineer licensed in the State of Utah that complies with the requirements of Section 17.24.070. Additional Geotechnical analysis may be required with the building permit application.
4. Wildland Urban Interface. A Fire Prevention and Control Plan shall be submitted if a project site is in a Wildfire Threat Area as designated by the Logan City Fire Department.
5. Lands Above 4,850. An engineering report prepared by a Professional Engineer analyzing the site's slope characteristics and any anticipated cuts & fills both pre and post construction; and a report and/or plans prepared by a Licensed Architect that complies with the site and building design requirements of this Chapter.
6. Wetlands. A wetland delineation conducted using the 1987 Federal Manual for Identifying and Delineating Jurisdictional Wetlands, as amended.

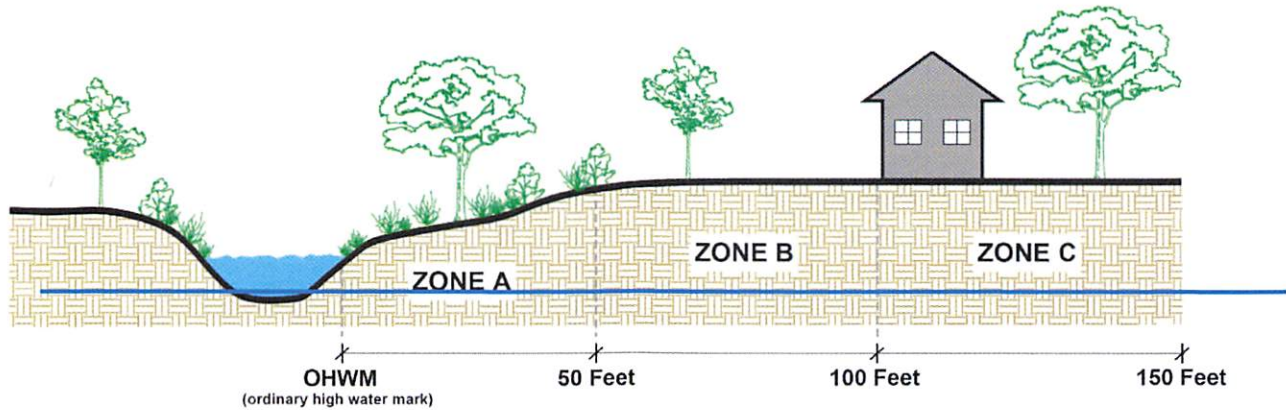
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The City's Policy regarding new development within a designated floodplain is that all new development including, but not limited to, road construction, site preparation, building construction, etc., shall avoid building, constructing, grading, and filling in a delineated special flood hazard zone. All development shall comply with the applicable regulations and standards of the National Flood Insurance Program (NFIP), the most current effective Flood Insurance Study (FIS), the most current Flood Insurance Rate Maps (FIRM) as administered by the City Engineer, and the City's Flood Damage Prevention Ordinance contained in Logan Municipal Code Chapter 15.27.

**§17.24.060 Development Standards for Riparian Areas**

The purpose of these standards and requirements are to preserve and enhance riparian areas by protecting them from adverse effects and potentially irreversible impacts caused by development activities. All Riparian Areas are divided into three (3) distinct zones, each with their own specific standards and requirements for use and development. All riparian areas shall be clearly delineated on the ground during construction and shown on the preliminary and final development plans. A proposed Riparian Area Disturbance and Remediation Plan shall be submitted with the preliminary development plans.

**Figure 17.24.060: Riparian Area Zones**



## Riparian Areas

- A. Zone A is the first 50' as measured landward from the Ordinary High Water Mark (OHWM) and is considered a "no-disturbance" area subject to the following:
1. No new permanent structures are permitted in this zone.
  2. No more than 10% of the land area within this zone may be disturbed, including grading, clearing, grubbing, tree removal, etc. All disturbed areas shall be revegetated within 60 days of initial disturbance. Erosion control measures shall be implemented.
  3. Trees larger than 12" dbh (diameter of tree at breast height) shall not be removed from this riparian zone unless they are considered a hazard tree, diseased or dead, or are identified in a river or stream restoration program. All trees that are removed shall be replaced with native species trees.
- B. Zone B is the next 50' as measured landward from the Ordinary High Water Mark (OHWM) (50'—100'). The 100' line, as measured horizontally from the OHWM, is the building setback line for new construction. This 100' line is also the boundary between Zone B and Zone C. Activities in this zone are subject to the following:
1. Structures and site development accessory to a residential dwelling including, but not limited to, decks, patios, landscaping, retaining walls, fences, etc., are permitted in this zone, and shall not encroach into Zone A.
  2. No more than 50% of the land area within this zone may be disturbed, including grading, clearing, grubbing, tree removal, etc. All disturbed areas shall be revegetated within 60 days of initial disturbance. Erosion control measures shall be implemented.
  3. Trees larger than 12" dbh (diameter of tree at breast height) shall not be removed from this riparian zone unless they are considered a hazard tree, diseased or dead, or are identified in a river or stream restoration program. All trees that are removed shall be replaced with native species trees.
- C. Zone C is the area 100'—150' as measured landward from the Ordinary High Water Mark (OHWM). The 100' line, which is the boundary between Zone B and Zone C, is the building setback line for new construction. Activities in Zone C are subject to the following:
1. Development and uses permitted in the underlying zoning district are allowed in this zone subject to the exceptions listed below.
  2. No more than 70% of the land area within this zone may be disturbed, including grading, clearing, grubbing, tree removal, etc. At least 30% of the land area in this

~~zone shall remain undisturbed and in permanent open space. All disturbed areas shall be revegetated within 60 days of initial disturbance. Erosion control measures shall be implemented.~~

~~DA.~~ General standards and requirements for ~~all~~ Riparian ~~Areas~~ ~~Zones~~.

1. ~~Setbacks. All structures, development, uses, and new road construction shall be setback from the Ordinary High Water Mark (OHWM) as follows:~~
  - a. ~~Residential Structures: The setback shall be the greater of either 40' from the OHWM or a distance from the OHWM that is equal to an average of the existing riparian setbacks of the two nearest residential structures, whether on or off site.~~
  - b. ~~Road Construction: 25'.~~
  - c. ~~All other Structures, Uses and Development: 40'.~~
  - d. ~~New structures, development, uses, and road construction within areas proposed for annexation into Logan City shall include a minimum setback of 100' from the OHWM of all riparian areas defined in this Chapter.~~
  - e. ~~Any property adjacent to the Logan River and the North Branch of the Logan River (Little Logan) requesting annexation into Logan City shall include a provision for the dedication of a public conservation and trail easement on all lands within 100' of the OHWM of these two water bodies.~~
2. ~~No more than 50% of the land area within the riparian area may be disturbed, including grading, clearing, grubbing, tree removal, etc.~~
3. ~~Routine repair and maintenance of existing structures, roadways, driveways, utility facilities, accessory uses, and other development are authorized subject to the limitations in Chapter 17.52.~~
4. ~~Stream, wetland, riparian and upland enhancement or restoration projects approved by Logan City are permitted. Stream, wetland, flood-control, riparian and upland enhancement or restoration projects approved by Logan City are authorized under this Chapter.~~
5. ~~Continuous and on-going farming practices, farm uses, and the pasturing of livestock are permitted within a riparian area. All new farming practices, farm uses, cultivation, livestock grazing and building construction shall be setback at least 50' from the Ordinary Annual High Water Mark Line (OHWM/AHWL).~~
6. ~~Existing utilities may be maintained and/or replaced within a riparian area provided any disturbed areas are restored within 60 days of disturbance.~~
7. ~~Additions, alterations, rehabilitation, or replacement of existing structures or developments that do not increase the existing structural footprint in the Riparian riparian Area-area are permitted provided the disturbed areas are restored within 60 days of disturbance, using native vegetation.~~
8. ~~Additions, alterations, rehabilitation, expansions or replacement of existing structures, developments, uses, roadways, utilities, or driveways that will increase the existing footprint in the riparian area (degree of non-conformity) may be expanded with a Conditional Use Permit as permitted in Chapter 17.52 "Legally Existing Nonconformities" except for the following:~~
  - a. ~~Any proposed construction or expansion that is located only on the landward side of the existing improvements and away from the OHWM is not required to obtain a Conditional Use Permit.~~
9. ~~Measures to remove or abate nuisances, or any other violation of State Statute, administrative agency rule, or City ordinance are authorized under this Chapter.~~
7. ~~Stormwater retention or detention facilities, and on-site sewage disposal systems are prohibited in all riparian zones.~~
8. ~~Commercial and multi-family parking lots are prohibited in all riparian zones.~~

- [10. Parks and Recreational facilities are permitted within a riparian area.](#)
- [11. The installation of underground utilities are permitted within a riparian area provided all disturbed areas are restored within 60 days of disturbance.](#)
- [12. The construction, expansion or replacement of public or private bridges are permitted within a riparian area subject to permitting from relevant regulatory entities.](#)

**§17.24.070 Development Standards for Geologically Unstable Lands**

- A. Geologically Unstable areas are extremely sensitive to development, and because surface disturbance such as grading, filling, or vegetation removal has a high potential to threaten life or property, development in these areas should be avoided.
- B. Project approval within a geologically unstable area shall only be allowed after an engineering geologic study, completed by a Professional Engineer and approved by the City Engineer and Director, establishes that the site is stable for the proposed use and development. At a minimum, the study shall include:
  - 1. Index map.
  - 2. Project description to include location, topography, drainage, vegetation, and discussion of previous work and discussion of field exploration methods.
  - 3. Site geology, based on a surficial survey, to include site geologic maps, description of bedrock and surficial materials, including artificial fill, locations of any faults, folds, etc., and structural data including bedding, jointing and shear zones, soil depth and soil structure.
  - 4. Discussion of any off-site geologic conditions that may pose a potential hazard to the site, or that may be affected by on-site development.
  - 5. Suitability of site for proposed development from a geologic standpoint.
  - 6. Specific recommendations for cut slope stability, seepage and drainage control or other design criteria to mitigate geologic hazards.
  - 7. If deemed necessary by the engineer or geologist in order to establish whether an area to be affected by the proposed development is stable, additional studies and supportive data shall include cross-sections showing sub-surface structure, graphic logs with subsurface exploration, and results of laboratory test and references.
  - 8. Signature and registration number of the engineer and/or geologist licensed as professional engineer in the State of Utah.
  - 9. Additional information or analyses as necessary to evaluate the site.
- C. Prohibited Actions. Notwithstanding any other provision of Logan City Ordinances, it shall be unlawful to clear, "grub," grade, fill, or excavate any land in any manner which presents an unreasonable risk of erosion, flooding, landslide, or any other unsafe condition, and it shall be unlawful to erect any structure which will not be reasonably safe for use as a human habitation due to the following:
  - 1. Historic high groundwater table;
  - 2. Surface water;
  - 3. Expansive soils;
  - 4. Collapsible soils;
  - 5. Proximity to a potential landslide area;
  - 6. Proximity to a Quaternary Fault;
  - 7. Proximity to an alluvial fan;
  - 8. Proximity to an active landslide; or
  - 9. Any other unsafe condition, as determined by the City.
- D. All permitted development that removes vegetation or disturbs topsoil and leaves the disturbed soil at a slope of thirty (30) percent or more shall comply with the following standards:

## 17.24: Critical Lands (CL) Overlay Zone

1. Any exposed soil shall be revegetated in a manner to reestablish a vegetative cover within a one year period from issuance of a Certificate of Occupancy. If irrigation is not provided, then the exposed soil must be planted with species that can survive without irrigation.
  2. Vegetative cover, rock, dry or conventional masonry, or other permanent cover must be maintained on areas that have been disturbed.
  3. These restrictions shall not apply to areas of exposed bedrock which exhibit no erosion potential.
- E. Cuts and Fills.
1. All cuts and/or fills involving more than two hundred fifty cubic yards of material must be designed by an engineer to comply with applicable building codes and requirements of this Chapter.
  2. If the excavation is not a dedicated street or a public right-of-way, the engineer shall certify that the permitted work was constructed to plans and meets all standards set forth in the approved plans.
  3. Nothing in this section shall abridge the City's right to inspect work in progress or in its completed state, to make appropriate measurements and tests to determine if the cut and fill was made according to plan, and to require alterations prior to final approval.
- F. Any development that is proposed in a Geologically Unstable area shall be identified on a preliminary site plan at the time of application for review and shall be clearly identified on the final development plan or final plat map prior to final review and approval.
- G. All structures in a Geologically Unstable area shall have foundations designed by an engineer.
- H. All newly created lots, or lots modified by a property line adjustment or plat amendment, shall identify specific building envelope on each lot that contains sufficient buildable area outside any erosive or unstable areas able to accommodate the anticipated uses. The creation of a lot for open space or conversation purposes is exempt from this requirement.

**§17.24.080 Development Standards for Lands with Wildfire Threats**

- A. Requirements for Subdivisions.
1. A Fire Prevention and Control Plan shall be submitted with any application for approval of a development or preliminary plat which contains Wildfire Threat Areas as designated by the Logan City Fire Department.
  2. The Director shall forward the Fire Prevention and Control Plan to the Fire Chief for review and comment.
  3. The Fire Prevention and Control Plan shall include the following items:
    - a. An analysis of the wildfire hazards on the site, as influenced by existing vegetation and topography;
    - b. A map showing the areas that are to be cleared of dead, dying, or severely diseased vegetation;
    - c. A map of the areas that are to be thinned to reduce the interlocking canopy of trees;
    - d. A tree management plan showing the location of all trees that are to be preserved and removed on each lot. In the case of heavily forested parcels, only trees scheduled for removal shall be shown;
    - e. The areas of primary and secondary fuel breaks that are required to be installed around each structure, as required by this section; and

- f. The location and slope of all roads and driveways serving the project site sufficient for emergency vehicle access and fire suppression activities.
  4. Approval Criteria. In consultation with the Logan City Fire Chief, the decision making body shall approve the Fire Prevention and Control Plan when, in addition to the findings required by this chapter, the additional finding is made that the wildfire hazards present on the property have been reduced to a reasonable degree, balanced with the need to preserve and/or plant a sufficient number of trees and plants for erosion prevention, wildlife habitat, and aesthetics.
  5. The decision making body may require, through the imposition of conditions attached to the approval, the following requirements as deemed appropriate for the development of the property:
    - a. Delineation of areas of heavy vegetation to be thinned and a formal plan for such thinning;
    - b. Clearing of sufficient vegetation to reduce fuel load;
    - c. Removal of all dead and dying trees; or
    - d. Relocation of structures and roads to reduce the risks of wildfire and improve the chances of successful fire suppression.
  6. The Fire Prevention and Control Plan shall be implemented during the installation of the public improvements required of a subdivision and shall be considered part of the subdivider's obligations for land development. If a subdivision is not involved, the Plan shall be implemented prior to the issuance of any building permits. The Fire Chief, or designee, shall inspect and approve the implementation of the Fire Prevention and Control Plan.
  7. In all new residential developments, provisions for the perpetual maintenance of the Fire Prevention and Control Plan shall be included in the covenants, conditions and restrictions for the development.
- B. Requirements for construction of all structures.**
1. All new construction and any construction expanding the size of an existing structure shall have a fuel break as defined below.
    - a. A "fuel break is defined as an area which is free of dead or dying vegetation, and has native, fast-burning species sufficiently thinned so that there is no interlocking canopy of this type of vegetation. Where necessary for erosion control or aesthetic purposes, the fuel break may be planted in slow burning species. Fuel breaks do not involve stripping the ground of all native vegetation.
    - b. Primary Fuel Break. A primary fuel break will be installed, maintained and shall extend a minimum of 30 feet in all directions around structures, excluding fences, on the property. The goal within this area is to remove ground cover that will produce flame lengths in excess of one foot. Such a fuel break shall be increased by five feet for each ten percent increase in slope over ten percent.
    - c. Secondary Fuel Break. A secondary fuel break will be installed, maintained and shall extend a minimum of 100 feet beyond the primary fuel break where surrounding landscape is owned and under the control of the property owner. The goal of the secondary fuel break is to reduce fuels so that the overall intensity of any wildfire is reduced through fuels control.
  2. All structures shall be constructed or re-roofed with Class B or better non-wood roofing materials, as determined by the International Building Code. No structure shall be constructed or re-roofed with wooden shingles, shakes, wood-product material or other combustible roofing material, as defined in the building ordinance.

- C. Fuel breaks in areas which are also highly erosive or steep slopes shall be included in the erosion control measures outlined in this Chapter.

**§17.24.100 Development Standards for Lands above 4,850’.**

- A. The purpose of this section is to protect the scenic quality of Logan City by ensuring that future development located above an elevation of 4,850’ (elevation datum established by City Engineer) is compatible with existing, developed areas as well as existing landforms, including significant ridgelines, hillside areas and viewsheds found on the eastern benches of Logan. The intent of this Chapter is to:
  - 1. Implement hillside development standards to minimize the impact of man-made structures and grading on views of existing landforms, unique geologic features, existing landscape features and open space as seen from public roads, parks, and adjoining residential development;
  - 2. Protect and preserve views of significant ridgelines;
  - 3. Minimize cut and fill, earthmoving, grading operations and other man-made effects on the natural terrain to ensure that finished slopes are compatible with existing land character; and
  - 4. Promote site sensitive design and architecture compatible with hillside terrain and which minimizes any negative visual impacts from public roadways, parks, and adjoining residential areas.
- B. General Requirements for Development above 4,850’.
  - 1. All final grades shall be:
    - a. Consistent with the existing landscape to the greatest extent possible by avoiding uninterrupted slope surfaces that stand out against existing topographic contours;
    - b. Contoured to resemble existing terrain by varying slope increments and by breaking the visual surface of banks and inclines both vertically and horizontally; and
    - c. Constructed to allow for the creation of berms or mounding at the top of slopes, and in other locations, for the screening of structures and to facilitate proper site drainage.
  - 2. Design, height and massing of new development above 4,850’ shall:
    - a. Maintain a balance of scale and proportion using design components that are harmonious with natural landforms and landscaping;
    - b. Be low in height, conform with hillside topography by stepping or staggering the mass of the proposed building up or down slope, and avoid flat pad construction and vertical massing;
    - c. Utilize structural elements, building materials and color tones which blend artificial surfaces with surrounding native elements;
    - d. Utilize construction materials, glass, roofing, fencing and other surfaces that are of a non-reflective nature; and
    - e. Utilize a variety of building and structural elements such as articulated walls, cornice detailing, reveals, alcoves, building projections, trellises, landscaping or other features which are appropriate to the scale of the building, and which serve to break up continuous building walls;
  - 3. Roadways, driveways and utility alignments shall be:
    - a. Located to minimize grading by following existing contours;
    - b. Constructed to blend with the existing landscape, through alignment with the natural curving contour of the land, rather than using straight lines and excessive cuts and fills; and

- c. Concealed from view through preservation and maintenance of existing vegetation or through planned landscaping that is constant with the natural character of the area.
4. Landscape planting and vegetation preservation shall:
  - a. Incorporate trees planted in random groupings or clusters that mimic or maintain natural assemblages rather than in systematic rows;
  - b. Maintain vegetation lines which convey the existing slope of the hillside;
  - c. Preserve native vegetation, including grasses and open space, whenever possible;
  - d. Use native materials to the greatest extent possible and/or non-natives that are compatible with indigenous vegetation and confined to the adjacent vicinity of the proposed structure;
  - e. Include a sufficient irrigation, maintenance and monitoring program designed to provide species requirements as well as protect against sedimentation, soil loss and land sliding; and
  - f. Be landscaped in such a manner that reduces the potential fire hazard while creating a minimum defensible space.
5. Exterior and landscape lighting applications shall be:
  - a. Designed to minimize nighttime disruption and visual glare by shielding lamp sources downward and away from view of designated public roads;
  - b. Controlled by timers and/or motion sensors, to limit the duration of use and reduce prolonged glare; and
  - c. Sized with the minimum wattage necessary to meet desired application.

#### **§17.24.110 Development Standards for Wetlands**

The purpose of these standards and requirements are to preserve and enhance wetlands by protecting them from adverse effects and potentially irreversible impacts caused by development activities.

- A. **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.
- B. All wetlands shall be clearly delineated and shown on the preliminary development plans. The wetland delineated shall be conducted using the current version of the Federal Manual for Identifying and Delineating Jurisdictional Wetlands and shall be completed by an individual certified by the U.S. Army Corp of Engineers as a wetland specialist and reviewed by the City Engineer and Director.
- C. **Prohibited Activities.** No person shall disturb, remove, fill, dredge, clear, destroy or alter any areas, including vegetation, within wetlands and their respective Setbacks, except as may be expressly allowed herein.
- D. **Setbacks.**
  1. The setbacks for all development adjacent to a delineated wetland shall extend 50' as measured landward from the delineated wetland Ordinary High Water Mark (OHWM) and shall be shown on the preliminary development plans.
  2. The setback for all development adjacent to an irrigation ditch or canal that meets the U.S. Army Corp of Engineers definition for water of the United States shall extend a minimum of 20' from the Ordinary High Water Mark.
- E. **Land Disturbance in the Setback Area.** No more than 20% of the land area within this setback area may be disturbed, including grading, clearing, grubbing, tree removal, revegetation, landscaping, etc. All disturbed areas shall be revegetated within 60 days

## 17.24: Critical Lands (CL) Overlay Zone

- of initial disturbance. Erosion control measures shall be implemented. Mitigation plans involving wetland creation, restoration or enhancement authorized in conjunction with a U.S. Army Corp of Engineers permit approval are exempt from this restriction.
- F. **Wetland Disturbance.** No activity will be permitted which disturbs, fills, dredges, clears, destroys, or alters any water, soils and vegetation within delineated wetlands as set forth in this Section, unless approved in writing by the U.S. Army Corp of Engineers (Corp Permit). A copy of the USACE permit approval shall be provided to Logan City.
- G. **Transfer of Density and Development Rights.** The density permitted by the underlying zone within the area of the wetlands and/or wetland setback areas may be relocated elsewhere on the same property provided the overall gross density of the entire site is not exceeded.
- H. **General standards and requirements for all Wetlands and Wetland Setback Areas as listed below are also subject to approval by the U.S. Army Corp of Engineers.**
1. Routine repair and maintenance of existing structures, roadways, driveways, utility facilities, accessory uses, and other development are authorized subject to the limitations in Chapter 17.52.
  2. Stream, wetland, riparian and upland enhancement or restoration projects approved by Logan City are authorized under this Chapter.
  3. Continuous and on-going farming practices, farm uses, and the pasturing of livestock are permitted within a wetland or wetland setback area. All new farming practices, farm uses, cultivation, livestock grazing and building construction shall be setback at least 50' from the Ordinary High Water Mark of the delineated wetland.
  4. Existing utilities may be maintained and/or replaced within a wetland or wetland setback area provided any disturbed areas are restored.
  5. Additions, alterations, rehabilitation, or replacement of existing structures that do not increase the existing structural footprint in the wetland or wetland setback area are permitted provided the disturbed areas are restored using native vegetation.
  6. Measures to remove or abate nuisances, or any other violation of State Statute, administrative agency rule, or City ordinance are authorized under this Chapter.
  7. Stormwater retention or detention facilities are prohibited in all wetlands or wetland setback areas.

**§17.24.120 Reasonable Use Exception**

If a landowner believes application of the provisions of this Chapter would deny all reasonable economic use of the owner's property, the owner may request a reasonable use exception pursuant to this subsection. A request for a reasonable use exception shall be made to the Director and shall include the basis for the owner's reasonable use exception request and any information which the Director deems relevant to the request. Expectations of future development plans are not considered a reasonable economic use. A reasonable use exception will be reviewed by the Planning Commission according to the Track II procedures contained in Chapter 17.48. A reasonable use exception may be approved if all of the following are met:

- A. The application of the provisions of this Chapter would deny all reasonable economic use of the land.
- B. No other reasonable economic use of the land would have less impact on the specific Critical Land.
- C. The impact to the Critical Land resulting from granting the reasonable economic use request is the minimum necessary to allow for reasonable economic use of the land.

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**17.24: Critical Lands (CL) Overlay Zone**

- D. The inability of the applicant to derive reasonable economic use of the land is not the result of actions by the applicant or the applicant's predecessor.
- E. The reasonable economic use exception mitigates the loss of, or damage to, the Critical Land functions to the extent reasonable feasible under the facts of the application.
- F. The reasonable economic use exception only authorizes a permitted or conditional use authorized by the underlying zoning district and conforms to other applicable requirements of this title to the extent reasonably feasible under the facts of the application.
- G. The applicant shall have the burden of providing evidence to support a reasonable economic use exception.



## MEMORANDUM TO MUNICIPAL COUNCIL

DATE: October 7, 2025  
FROM: Mike DeSimone, Director  
SUBJECT: Ordinance #25-11 (LDC Amendments – Critical Lands Overlay Zone)

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Attached is an updated version of LDC 17.24 dated October 7, 2025 that includes modifications in response to the Council Hearing on August 19, 2025.

### ***Riparian Areas***

The first proposed change in the Riparian Areas section of the LDC is contained in 17.24.010.B (pg. 24-1) and revises how we define a Riparian Area in order to apply the base set of regulations. We are proposing to include the Logan River, Blacksmith Fork, Spring Creek, and the North Branch of the Logan River (Little Logan) from Willow park to its confluence with the Logan River as specific Riparian Areas regulated under LDC 17.24. The regulation of these four water bodies is consistent with the Utah State Engineer's Office/Utah State Division of Water Rights in their application of State jurisdiction and regulatory oversight.

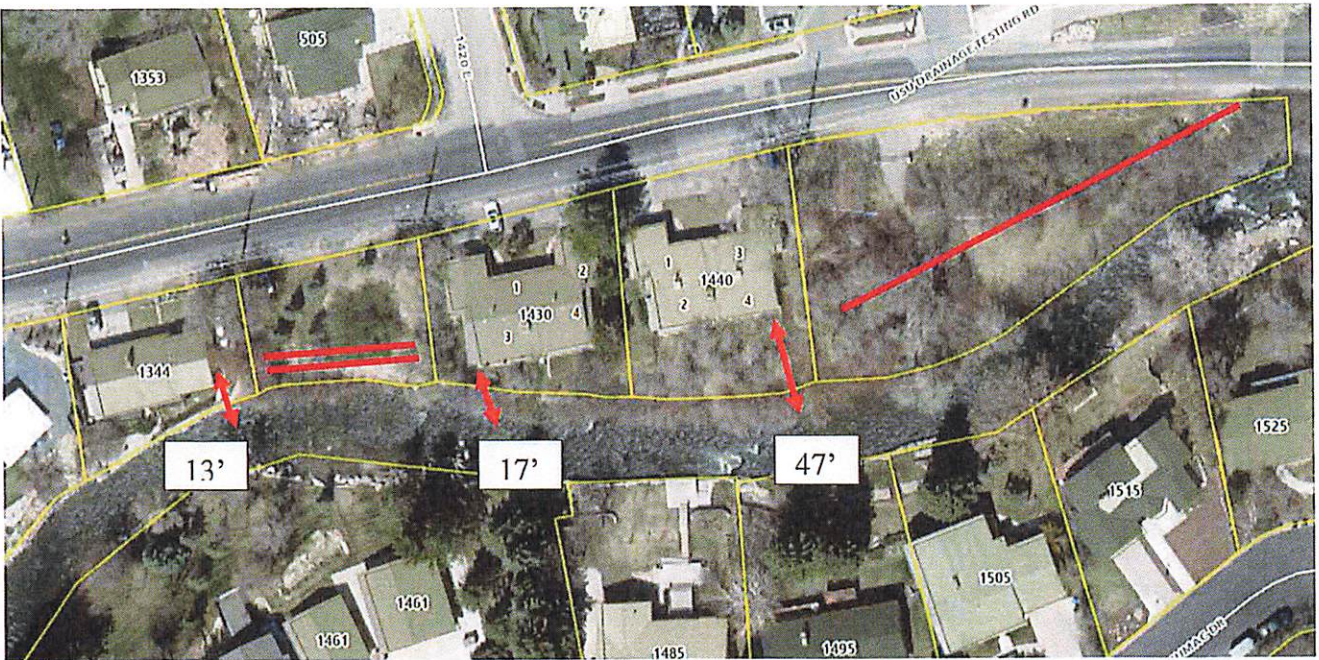
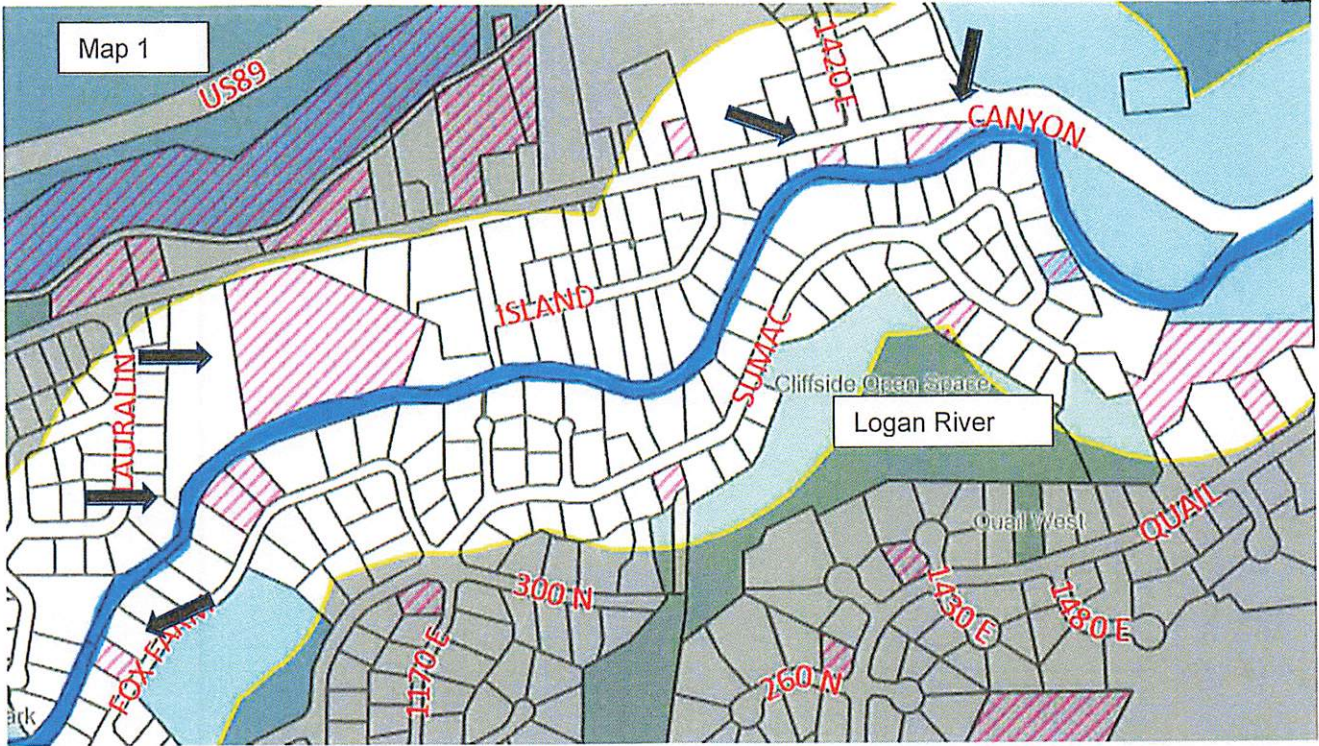
The second proposed change in the Riparian Areas is contained in 17.24.060.A.1 (pg. 24-4) and revises the minimum setbacks for residential uses at either 25' or an average of any adjoining structures whichever is greater, maintains a setback for roads at 25', increases the setbacks for all other types of development (commercial, industrial, parking lots) to 40', requires a minimum 100' setback for all development in all newly annexed areas, and requires a 100' conservation and trail easement along the Logan River or the Little Logan River for all newly annexed areas. The proposed language from LDC 17.24.060.A.1 is as follows:

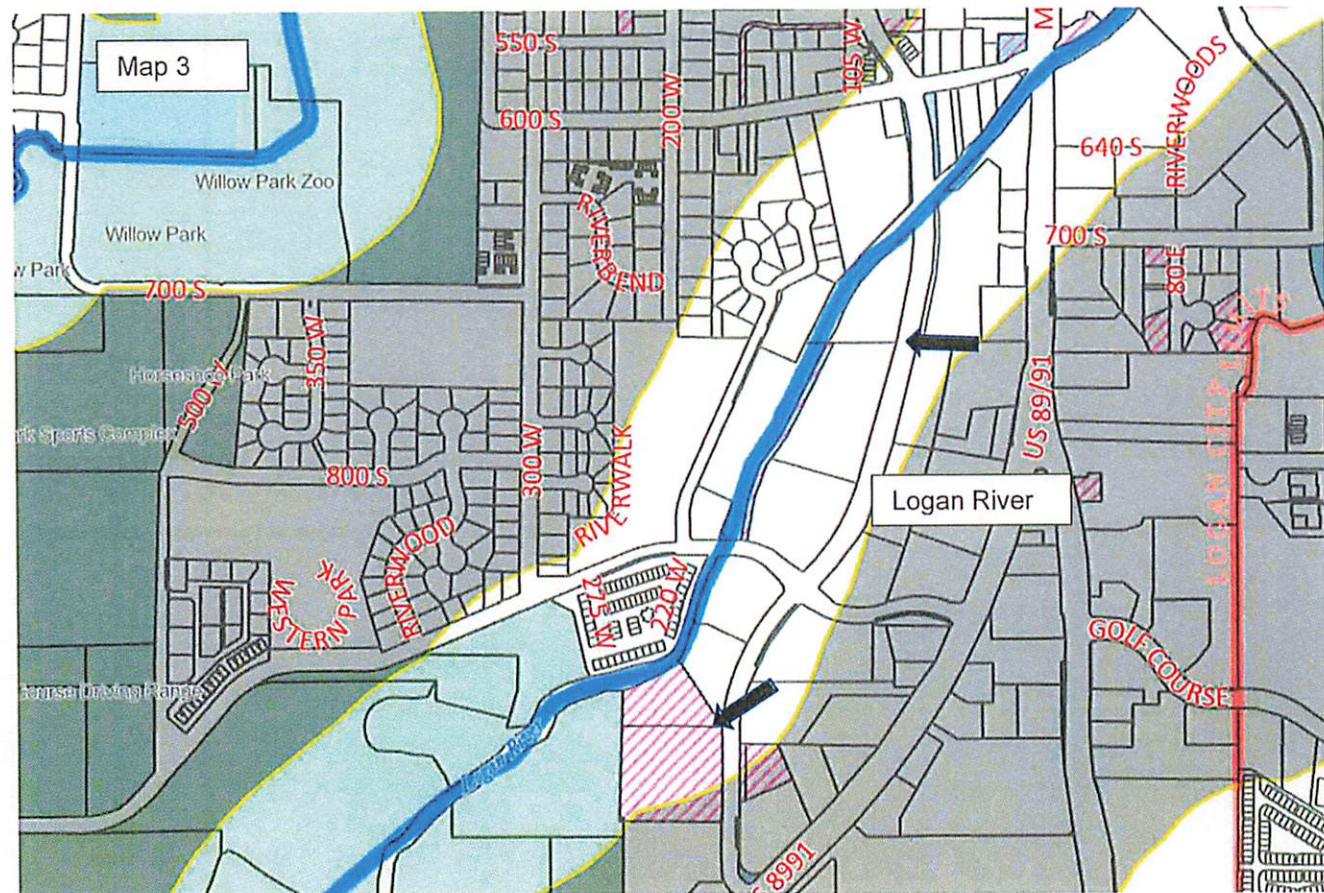
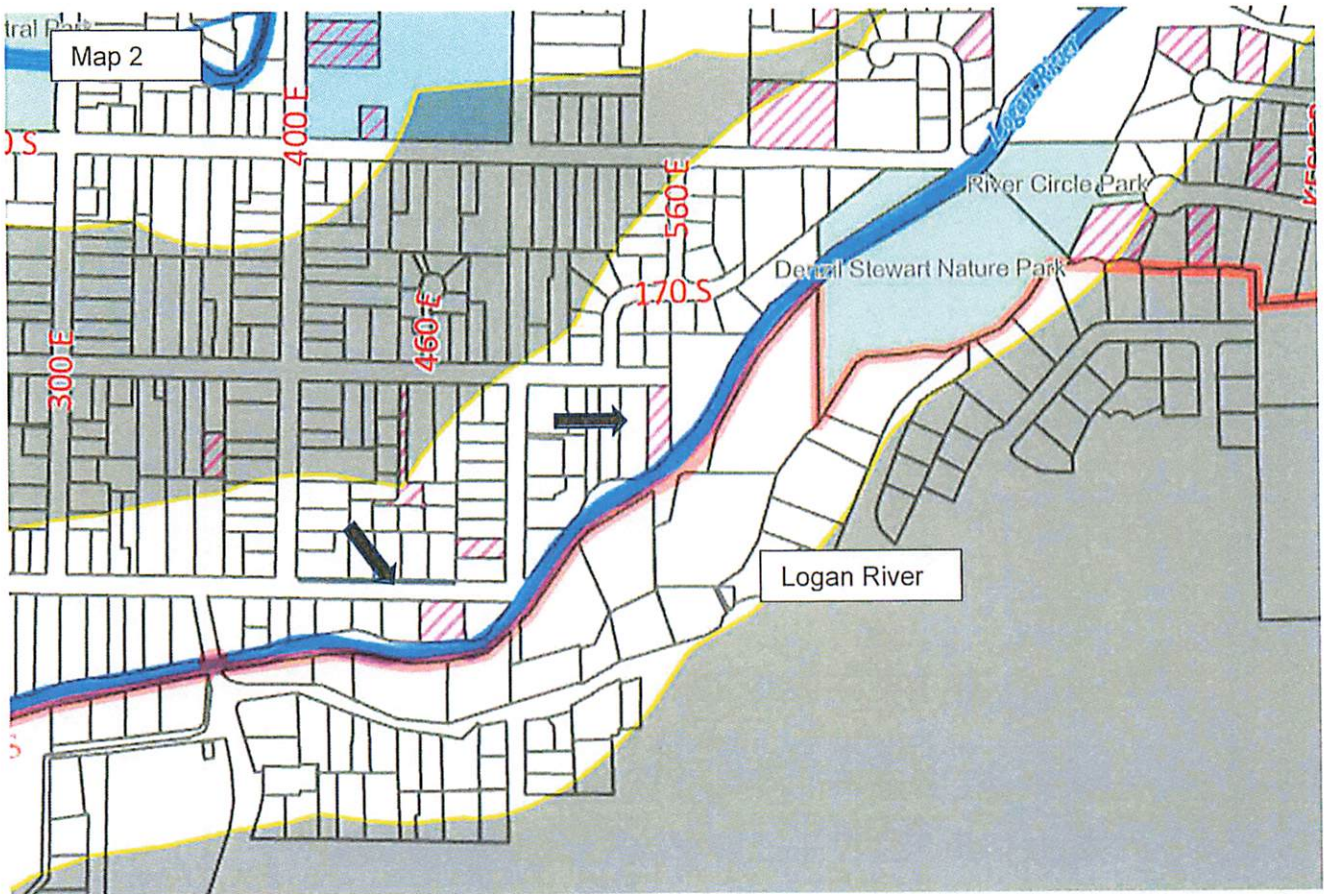
1. Setbacks. All structures, development, uses, and new road construction shall be setback from the Ordinary High Water Mark (OHWM) as follows:
  - a. Residential Structures: The setback shall be the greater of either 25' from the OHWM or a distance from the OHWM that is equal to an average of the existing riparian setbacks of the two nearest structures, whether on or off site.
  - b. Road Construction: 25'.
  - c. All other Structures, Uses and Development: 40'.
  - d. New structures, development, uses, and road construction within areas proposed for annexation into Logan City shall include a minimum setback of 100' from the OHWM of all riparian areas defined in this Chapter.
  - e. Any property adjacent to the Logan River and the North Branch of the Logan River (Little Logan) requesting annexation into Logan City shall include a provision for the dedication of a public conservation and trail easement on all lands within 100' of the OHWM of these two water bodies.

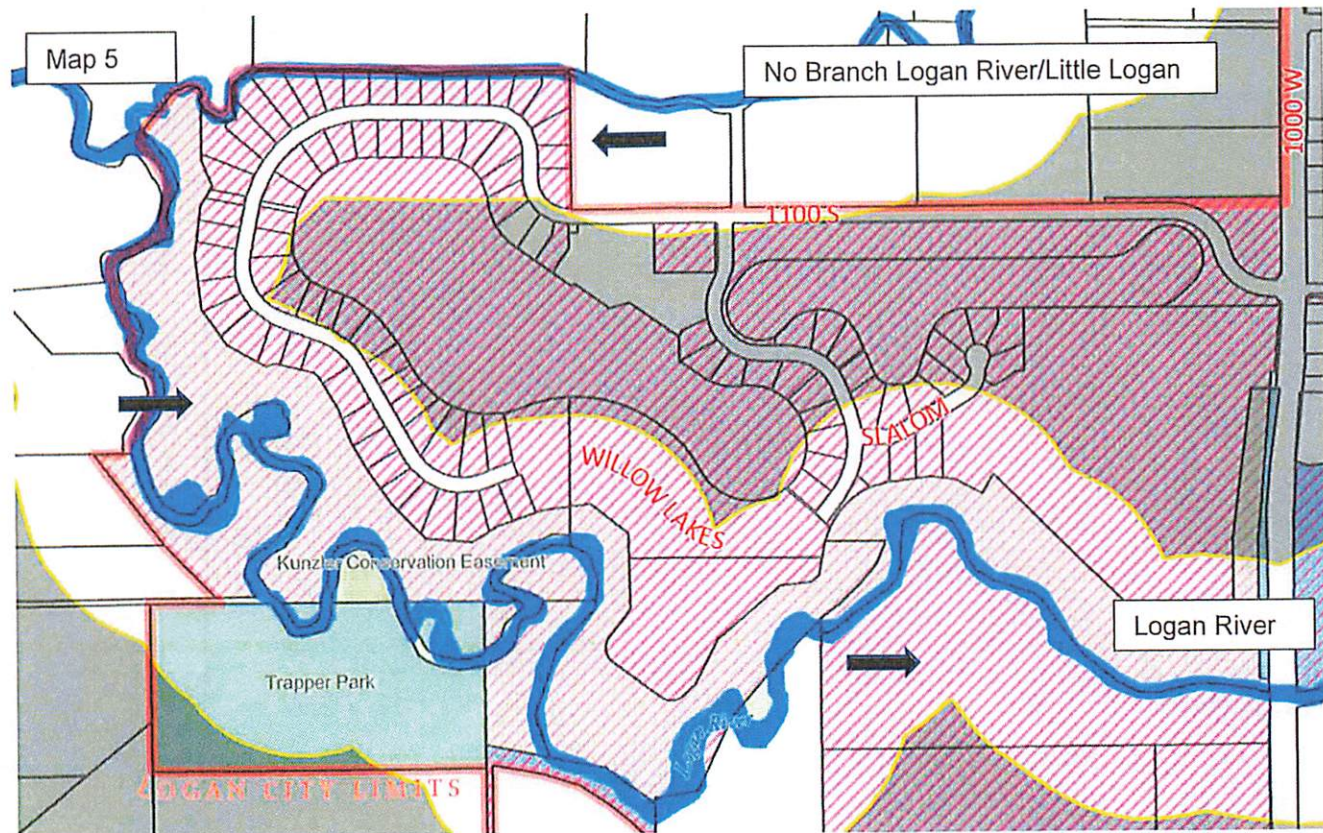
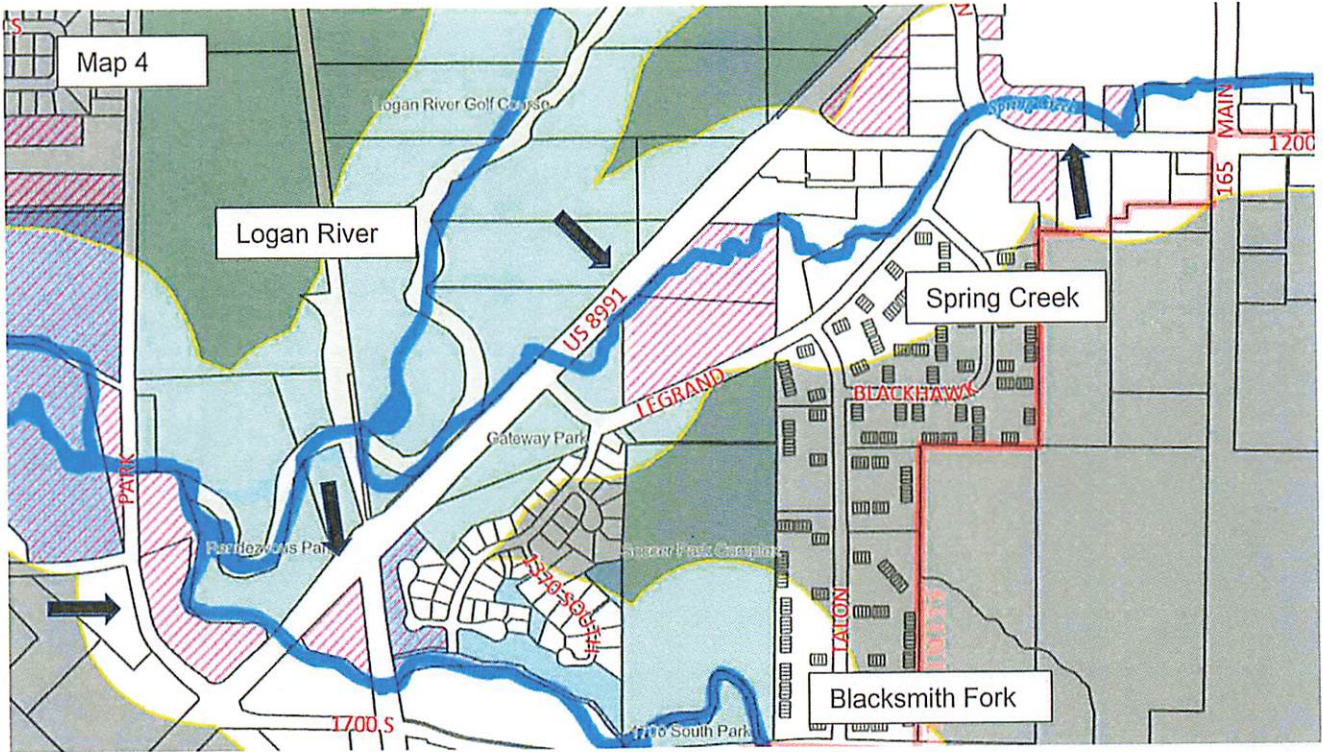
The proposed changes to Riparian Areas discussed at the August meeting remain unchanged and are also shown in red in the attached LDC language.

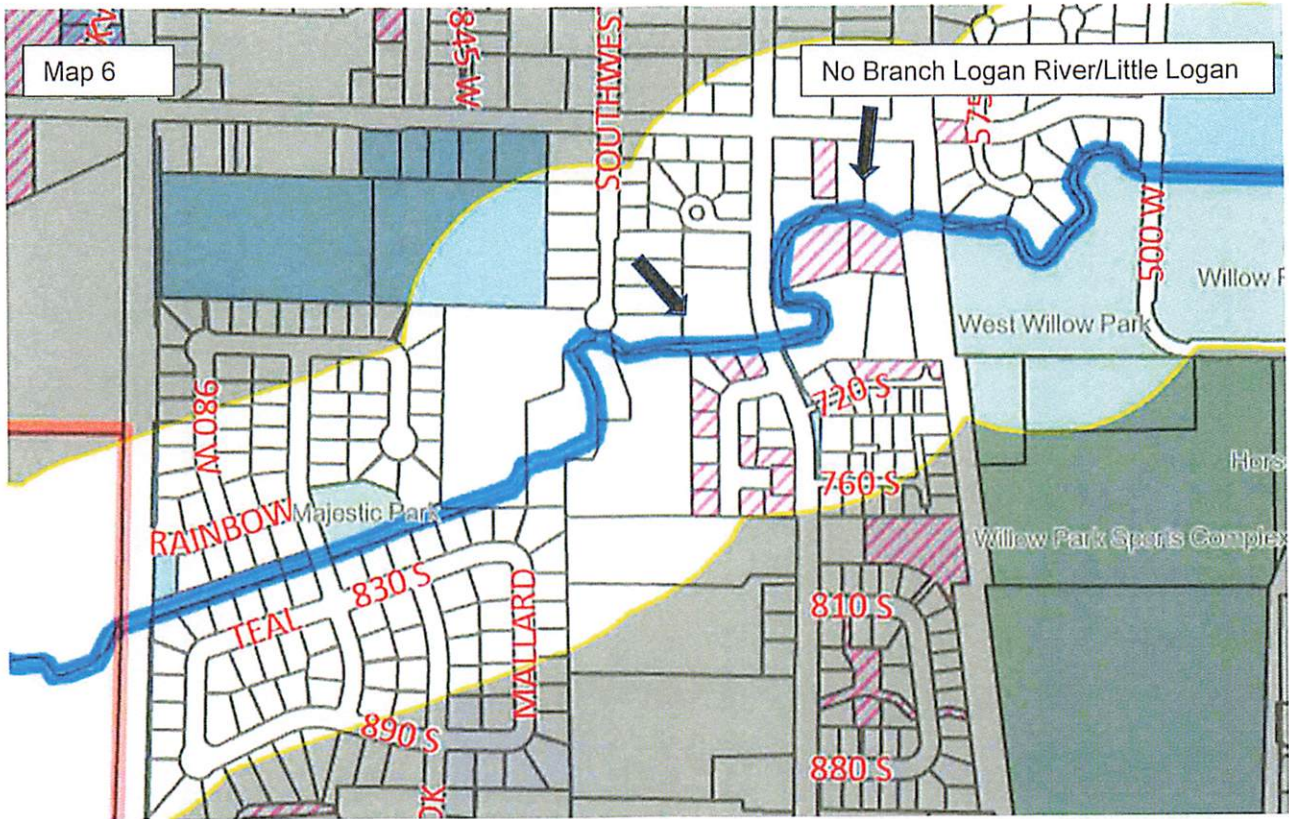
Below is a list of privately owned, vacant properties fronting the 4 specific Riparian Areas identified above. These are shown on the corresponding maps (pink hatched adjacent to blue water and graphic 1 depicts methodology for applying an average setback based on adjoining structures.

<i>Logan River (starting at USU Water Lab and heading downstream)</i>			
Approximate Location/Address	Tax ID#	Zoning	Approximate Setbacks of Adjoining Structures (Averaged)
<b>Map 1</b>			
1456 Canyon Rd.	06-094-0027	NR-6	47'
1400 Canyon Rd.	06-094-0024	NR-6	15'
1100 Canyon Rd.	06-092-0009	NR-6	35'
1111 Fox Farm Rd.	07-053-0009	NR-6	54'
1105 Fox Farm Rd.	07-053-0008	NR-6	52'
1050 Sumac Rd.	07-053-0002	NR-6	39'
<b>Map 2</b>			
600 E 200 S	02-017-0003	NR-6	83'
480 E 300 S	02-017-0017	NR-6	60'
<b>Map 3</b>			
633 S. Main St.	02-063-0010	COMM	*40'
721 S 100 W	02-063-0035	MR-30	89'
971 S 100 W	02-085-0022	MU	*40'
<i>Logan River/Blacksmith Fork</i>			
<b>Map 4</b>			
1650 Park Ave.	02-083-0028	COMM	*40'
1650 Park Ave.	02-083-0027	COMM	*40'
1550 S Hwy 89/91	02-0089-0010	REC	*40'
<i>Spring Creek (confluence with Logan River upstream)</i>			
1355 Legrande St.	02-084-0019	RC	*40'
1355 Legrande St.	02-084-0018	RC	*40'
115 W 1200 S	02-084-0004	COM	*40'
1200 South	02-086-0032	COM	Walmart Wetland Mitigation Site
<i>Logan River (10<sup>th</sup> West downstream)</i>			
<b>Map 5</b>			
1475 S 1000 W	02-082-0014	REC	Cons. Easement
02-345-9002, 02-080-0012, 02-345-9002 – Conservation Easement (Willow Lakes/Logan City)			
1400 Willow Lakes Dr.	02-338-0078 – 0087, 02-345-0088 - 0092	NR-6	25' Recorded Riparian Setback on Plat
<i>North Branch Logan/Little Logan (Willow Park downstream)</i>			
<b>Map 6</b>			
711 Robison Ln	02-356-0002	NR-6	20' Setback per DRP
705 Robison Ln	02-356-0001	NR-6	20' Setback per DRP
660 Park Ave	02-058-0071	NR-6	25'
660 Park Ave	02-058-0008	NR-6	25'







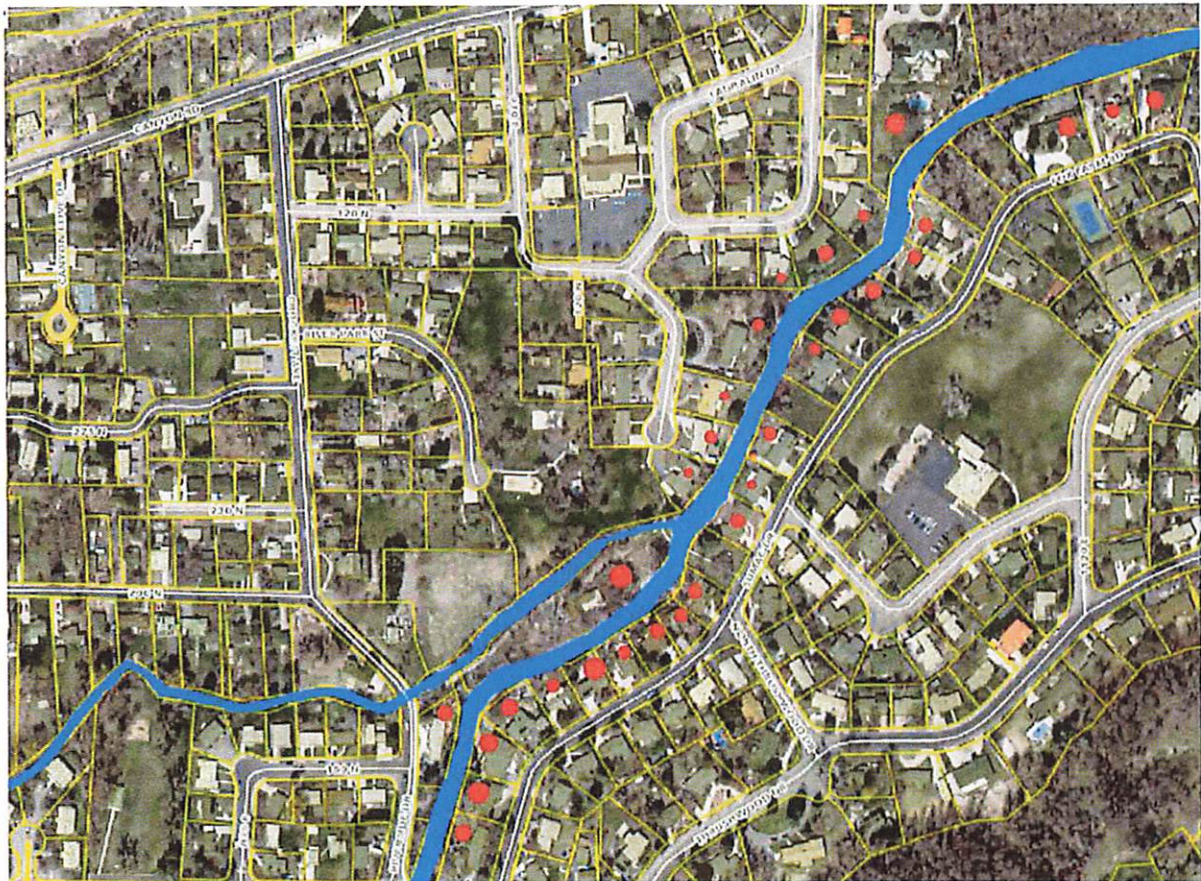


Below is a comparative survey of similar jurisdictions and their minimum setback requirements for wetlands and/or riparian areas. Most municipalities do not layer additional setbacks onto Corp or State regulated wetlands or waters.

Municipality	Wetlands Setbacks or Buffers	Riparian Setbacks or Buffers	Other
Lehi	Jordan River Parkway Overlay – 50' Utah Lake Shoreline Protection Overlay – 50' Otherwise None		
South Jordan	None	None	Corp regulates wetlands
Sandy	None – relies on stormwater bmp & floodplain regs		Corp regulates wetlands
Layton	None – relies on stormwater bmp & floodplain regs		Corp regulates wetlands
Ogden	None – relies on stormwater bmps	None – relies on Floodplain regs	Corp regulates wetlands
Draper	25' – 50' buffer		
Murray	25' – 50' buffer	None – relies on Floodplain regs	Corp regulates wetlands
Eagle Mtn.	None	None	Corp regulates wetlands
Logan	50'	Current Riparian Model follows SLC 50/100/150 model	

Taylorville	None	None	
Riverton	20' Buffer	40' Stream Corridor	
American Fork	None	None	No specific #. Avoid impact and locate structures as far as practical.
Bountiful	None	None	Corp regulates wetlands
Herriman	None	None	Corp regulates wetlands
Spanish Fork	None	None	Corp regulates wetlands
Cedar City	None	50' – treated as flood potential vs riparian purposes	
Cache County	None	50' – Natural waterway or open water.	

To help put into perspective one of the reasons for the proposed changes to the Riparian rules, the current rules have led to over 90% of the individual, privately owned parcels fronting the Logan River becoming non-conforming properties which makes it more cumbersome to build or rebuild a structure on a developed lot. The following map illustrates properties adjacent to the Logan River, and those labeled with a red dot, are non-conforming as to building setbacks adjacent to riparian areas.



***Wetlands***

The proposed changes to the wetlands section of LDC 17.24 remain the same as presented to the Council in August. The primary changes center around a reduction in the wetland setback from 50' to 25', adds a 15' setback from residential property lines, and adds a 20' setback for road improvements.

The proposed changes to LDC 17.24 do not change floodplain requirements.

If you have any questions, let me know.

***Attachments***

*Ordinance #25-11*

*Updated LDC 17.24*

*Staff Report*

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**PUBLIC NOTICE WEBSITE**  
DIVISION OF ARCHIVES AND RECORDS SERVICE

# Summary of an Ordinance

## General Information

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Government Type:

**Municipality**

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Entity:

**Logan**

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Public Body:

**Municipal Council**

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## Notice Information

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[Add Notice to Calendar](#)

Notice Title:

**Summary of an Ordinance**

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Notice Type(s):

**Notice**

---

Event Start Date & Time:

**October 22, 2025 12:30 PM**

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Description/Agenda:

**SUMMARY OF AN ORDINANCE**  
**Logan Municipal Council**

The following ordinances were adopted and approved by the Logan Municipal Council, Logan, Utah on October 21, 2025.

Give Feedback

ORD. 25-11 - CODE AMENDMENT - Amendment to Chapter 17.24 'Critical Lands Overlay Zone' to modify the Riparian Standards and update the range of uses and activities permitted within setback areas.

ORD. 25-17 - CODE AMENDMENT - Amendment to the Land Development Code. Code amendment to the Land Development Code Chapters 17.08 Neighborhood Residential Zone Uses, 17.10 Specific Development Standards: District and Corridors, 17.37 Additional Development Standards, 17.40 Subdivisions, 17.51 Expirations and Extensions of Time, and 17.62 Definitions to (1) Modify permitting process for short term rentals from conditional use permit to permitted use, (2) Update beekeeping standards to make consistent with State Code, (3) Adjust minor subdivisions from 3 to 10 lots, and (4) Adjust permit & subdivision expiration deadlines from 12 to 24 months.

ORD. 25-18 - ZONE CHANGE - Zone change of the recently completed Historic Preservation Reconnaissance Level Survey expanding the Historic District Overlay Zone Boundary (Option 1 Green).

ORD. 25-19 - CODE AMENDMENT - Cache Valley Marketplace Planned Development Overlay. Brady Morris/Woodsonia Cache Valley LLC, authorized agent/owner amendment to change Commercial property layout and final design of multi-family structures, located at 115 and 155 East Cache Valley Boulevard and 1295 North 200 East in the Commercial Zone (Adams Neighborhood). Approved was building F only.

These ordinance shall take effect immediately upon publication. Full texts of the ordinances may be reviewed at the Office of the Logan City Recorder, City Hall, 290 North 100 West, Logan, Utah during regular business hours, on the Logan City website at [www.loganutah.gov](http://www.loganutah.gov) or the Utah Public Notice Website at <https://www.utah.gov/pmn/index.html>

Teresa Harris, City Recorder  
435-716-9002  
[teresa.harris@loganutah.gov](mailto:teresa.harris@loganutah.gov)

Notice of Special Accommodations (ADA):

Individuals needing special accommodations should notify Teresa Harris, 435-716-9002, at least two working days prior to the meeting. Hearing enhancement devices are available on request.

Notice of Electronic or Telephone Participation:

A council member may join a meeting electronically upon proper notice of the meeting and 24-hour notice to councilmembers. A council member participating electronically will be connected to the meeting by telephone.

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### Meeting Information

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Meeting Location:

290 North 100 West  
Logan, UT 84321

[Show in Apple Maps](#) [Show in Google Maps](#)

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Contact Name:

Teresa Harris

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Contact Email:

[teresa.harris@loganutah.org](mailto:teresa.harris@loganutah.org)

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Contact Phone:

(435)716-9002

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### Notice Posting Details

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Notice Posted On:

October 22, 2025 11:30 AM

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Notice Last Edited On:

October 22, 2025 11:30 AM

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<a href="#">2025October22.pdf</a>	Other	2025/10/22 11:30 AM

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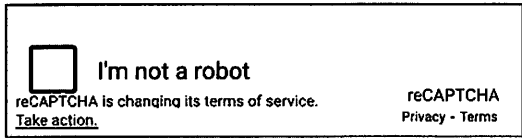
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## SUMMARY OF AN ORDINANCE Logan Municipal Council

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