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3 Minutes of the meeting of the Logan Municipal Council convened in regular session on
4 Tuesday, February 21, 2023, in the Logan Municipal Council Chambers located at 290
5 North 100 West, Logan, Utah 84321 at 5:30 pm. Logan Municipal Council Meetings are
6 televised live as a public service on Channel 17 and the City of Logan YouTube channel
7 at: https://www.youtube.com/channel/UCFLPAOK5eawKS_RDBU0stRQ

8
9 Council Members present at the beginning of the meeting: Chairman Ernesto López, Vice
10 Chair Amy Z. Anderson, Councilmember Jeannie F. Simmonds, Councilmember Mark
11 Anderson, and Councilmember Tom Jensen. Administration present: Mayor Holly H.
12 Daines, City Attorney Craig Carlston, Finance Director Richard Anderson, and City
13 Recorder Teresa Harris.

14 Excused: Deputy Recorder Esli Morales.

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

17 **OPENING CEREMONY:**

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

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

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

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

28
29 **ACTION. Motion by Vice Chair A. Anderson seconded by Councilmember M.
30 Anderson to approve the February 7, 2023, minutes and approve tonight's agenda.
31 Motion carried unanimously.**

32 **A. Anderson: Aye**

33 **M. Anderson: Aye**

34 **Jensen: Aye**

35 **López: Aye**

36 **Simmonds: Aye**

37
38 **Meeting Schedule.** Chairman Ernesto López announced that regular Council meetings
39 are held on the first and third Tuesdays of the month at 5:30 pm. The next regular
40 Council meeting is Tuesday, March 7, 2023.

41
42 **QUESTIONS AND COMMENTS FOR MAYOR AND COUNCIL:**

43

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

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

53 **MAYOR/STAFF REPORTS:**

54

55 **Introduction of new Assistant City Engineer Derek Kimball – Mayor Daines**

56

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

59

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

62

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

65

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

69

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

73

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

75

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

78

79 **CIGNA Wellness Award – Mayor Daines**

80

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

83

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

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

90

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

92

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

96

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

99

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

102

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

105

106 No further Mayor/Staff Reports were presented.

107

108 **COUNCIL BUSINESS:**

109

110 **Planning Commission Update – Councilmember Simmonds**

111

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

120

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

123

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

126

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

130

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

133

134 **Logan Anti-idling Ordinance Discussion – Chairman López**

135

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

139

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

142

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

152

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

155

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

158

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

161

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

165

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

171

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

174

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

177
178 Chairman Lopez requested the possibility of more signs.

179
180 Mayor Daines said there is a budget for renewables, and she will check and see where
181 that budget is at this time and the possibility of ordering more signs.

182
183 Chairman Lopez suggested signage in Spanish as well.

184
185 Councilmember Simmonds also said the various High Schools can do promotions and
186 have a contest with posters regarding air quality and anti-idling.

187
188 Chairman Lopez asked if we could incentivize businesses to place signs at their locations.

189
190 Mayor Daines responded that she is uncertain how to incentivize a business and if seeing
191 the sign translates into behavior changes. She also suggested the Council contact the
192 schools they represent to make sure the anti-idling signs are still in place.

193
194 No further Council Business items were presented.

195
196 **ACTION ITEM:**

197
198 **PUBLIC HEARING – Consideration of a proposed sale and transfer of property to**
199 **the Utah Department of Transportation (UDOT) for their planned work on SR-30.**
200 **Parcel #05-122-0001 at 1700 West 200 North .50 acres; Parcel #05-063-0004 at 272**
201 **North 2600 West 1.19 acres; Parcel #05-063-0004 at 272 North 2600 West .72 acres –**
202 **Paul Lindhardt, Public Works Director**

203
204 Public Works Director Paul Lindhardt addressed the Council regarding the proposed
205 property sale and transfer of property to UDOT. He said the City has been working with
206 UDOT as part of the SR-30 project. The city code requires that if we sell a larger piece of
207 property of over one acre or of value of \$100,000 it is required that we hold a public
208 hearing. The three parcels identified meet the criteria. The total for all pieces is
209 approximately \$600,000. UDOT will make a landscape detention base for storm water
210 run-off for SR-30. A bike lane will also be part of the construction of this project.

211
212 Councilmember Simmonds informed for the benefit of the public that the Mayor has the
213 authority to sell city property, but anything of greater value than \$100,000 or one acre
214 must be presented to the Council.

215
216 City Attorney Carlston said that is correct and this is stated both in the State and
217 Municipal Code as a public process to ensure the Council and the public are able to give
218 their input.

219

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

222

223 Mr. Lindhardt said the project has gone out to bid but has come back higher than
224 expected. UDOT will now do the project in two phases. Phase One will be the pre-load
225 and will be done this year and then they will bid Phase Two which is the road
226 construction beginning early spring next year.

227

228 Chairman López opened the meeting to a public hearing.

229

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

231

232 No action is required by the Council for this item.

233

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

237

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

240

241 **UPDATE FROM 11/17/22 PC HEARING**

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

244

245 Included Definition of Riparian Area (17.24.010.B):

246

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

250

251 Changed the Review Process for Reasonable Use Exceptions from Traci< I to Track 11
252 (17.24.120):

253

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

256

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

258

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

261

262 *Applicability. These requirements only apply to formally delineated wetlands determined*
263 *by the U.S. Army Corp of Engineers to be waters of the United States as regulated under*
264 *Section 404 of the Clean Water Act. Delineated wetlands that are considered by the U.S.*

265 *Army Corp of Engineers to not be waters of the United States are not regulated under*
266 *this Section.*

267

268 **RECOMMENDATION**

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

272

273 **REQUEST**

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

280

281 **SUMMARY OF CHANGES**

282

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

292

293 Floodplains- Lands with a potential flood hazard as defined in Logan Municipal Code
294 15.27 Flood Damage Prevention Ordinance) using FEMA floodplain mapping. It is
295 important to note that Special Flood Hazard area (floodplains) are regulated under Logan
296 Municipal Code 15.27 which has a separate approval process; however, the proposed
297 changes are included in this discussion for your input to the Council. The proposed
298 changes to LMC 15.27 include requiring that a Base Flood Elevation (BFE) delineation
299 be submitted with an application involving a project within a Special Flood Hazard area,
300 increase the lowest floor elevation of new construction currently at one (1) foot above
301 BFE to a minimum of two (2) feet above BFE, require BFE data for all subdivisions
302 regardless of lot numbers or parcel size, and prohibit the construction of critical facilities
303 in Special Flood Hazard areas. Any changes to LMC 15.27 will be included with the
304 amendments to LDC 17.24 as they move through the Municipal Council process.

305

306 Riparian Areas - Lands within 150 feet as measured from the Annual High-Water Line
307 (AHWL) of a stream or river draining a basin size greater than one square mile, and the
308 land within 25 feet of centerline of a stream draining an area less than one square mile.
309 The proposal divided riparian areas into three (3) distinct zones, each zone less restrictive

310 as one moves away from the water body. These regulations establish a building setback
311 line at 100' from the Annual High-Water Line, establishes limitations on the amount of
312 disturbance and vegetation clearing within each zone, provides for routine maintenance
313 and repair, and limits certain types of activities in a riparian zone.

314

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

319

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

324

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

327

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

338

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

343

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

348

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

354

355 **STAFF RECOMMENDATION AND SUMMARY**

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

359
360 **GENERAL PLAN**

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

366
367 **PUBLIC COMMENTS**

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

371
372 **PUBLIC NOTIFICATION**

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

376
377 **AGENCY AND CITY DEPARTMENT COMMENTS**

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

379
380 **RECOMMENDED FINDINGS FOR APPROVAL**

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

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

395
396 On January 12, 2023, the Planning Commission recommended to the Municipal Council
397 **approval** of the Code Amendment (6-0).

398

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

401
402 Vice Chair A. Anderson said one of the comments received was that if the code
403 amendment is approved it would prevent development projects like the Willow Lake
404 subdivision.

405
406 Mr. DeSimone responded there would be no direct impact rather it would require
407 development projects to provide more information upfront. The Willow Lake subdivision
408 has gone through the process through the Army Corps to delineate wetlands along with
409 analysis of the plain with the city's engineers. At this point, the Willow Lake
410 development is preparing for construction. The change in the code would not prevent the
411 construction nor development of Willow Lakes. Though it may change the project such
412 as setbacks.

413
414 Councilmember Jensen said he spoke with Mr. DeSimone this afternoon regarding
415 building on a floodplain. Development can occur in this area under certain conditions.

416
417 Mr. DeSimone said that is correct. The emphasis of building in a flood plain is to ensure
418 the structure is above the flood plain. The current proposal is to increase the lowest
419 finished floor from 1 foot above base flood elevation (BFE) to 2 feet above BFE.

420
421 City Engineer Darren Farar clarified the Corps has responded, but there are additional
422 items that must be worked out with the developer and the city engineer.

423
424 Chairman López opened the meeting to a public hearing.

425
426 There were no comments and Chairman López closed the public hearing.

427
428 **ACTION. Motion by Councilmember Simmonds seconded by Councilmember**
429 **Jensen to adopt Ordinance 23-02 as presented. Motion carried unanimously.**

430 **A. Anderson: Aye**

431 **M. Anderson: Aye**

432 **Jensen: Aye**

433 **López: Aye**

434 **Simmonds: Aye**

435

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

441

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

444

445 **RECOMMENDATION**

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

450

451 **PROJECT**

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

458

459 **GENERAL PLAN**

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

467

468 **LAND DEVELOPMENT CODE**

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

474

475 **STAFF SUMMARY**

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

489 on this site to a more intensive residential use. Staff recommended denial of this rezone
490 request.

491

492 **AGENCY AND CITY DEPARTMENT COMMENTS**

493 No comments have been received.

494

495 **PUBLIC COMMENTS**

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

498

499 **PUBLIC NOTIFICATION**

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

503

504 **RECOMMENDED FINDINGS**

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

507

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

516

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

519

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

522

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

525

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

528

529 Chairman López opened the meeting to a public hearing.

530

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

532

533 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.

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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,

577 Inc.

578

579 Resolution No. 20-09 and LMC 15.04.030 authorize Logan City to assess and
580 collect permit and plan review fees for new construction projects and as prescribed
581 through the International Building Code Council and the State of Utah (attached).
582 These fees are used to fund the City's expenses associated with reviewing
583 development activities across the City. The fees listed in Resolution 20-09 do not
584 include connection fees assessed by other departments, e.g., water connection fee,
585 etc., as those fees are used for the specific equipment, materials and labor necessary
586 for a project to tie into the City's infrastructure.

587

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

590

591 **3.36.70 : FEE EXCEPTIONS AND ADJUSTMENTS:**

592

A. The City may adjust the impact fees imposed pursuant to this ordinance as
593 necessary in order to:

594

5. Exempt low income housing and other development activities with broad
595 public purposes from impact fees and establish one or more sources of
596 funds other than impact fees to pay for that development activity.

597

B. The Mayor or his designee shall have the authority to make such
598 adjustments based upon reliable information submitted by an applicant
599 and any recommendation from the City staff.

600

C. The Mayor may adopt policies consistent with this ordinance and any
601 resolutions passed by the Municipal Council to assist in the
602 implementation, administration and interpretation of this ordinance related
603 to impact fees.

604

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

611

612 Below are the typical fees the City would collect for three different types of new
613 residential construction projects (detached single family, attached townhomes,
614 multi-level apartments) based on three current projects underway in the City. It is
615 important to note that while impact fees are assessed on a per unit basis and
616 partially driven by capacity needs, permit fees are assessed based on the value of a
617 project. For example, a single-family residential dwelling valued at \$250,000 will
618 be assessed different permit fees than a single family residential dwelling valued at
619 \$1,000,000; however, the impact fees for each dwelling unit are typically the same.

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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.

- 663 6. Fee waivers are to be prorated to the number of MIH units in a project, meaning
664 that if a project contains 20 units, and 10 of those are MIH units, the City will
665 only grant a fee waiver for the 10 MIH units.
666
- 667 7. A qualified non-profit organization is required to own an interest in the project
668 (directly, partnership, or limited liability corporation) and materially participate
669 (within the meaning of Internal Revenue Code 469(h)) in the development and
670 operation of the project throughout the extended use period prescribed in the
671 LURA.
672
- 673 8. A project designed to house students, or a project located in the Campus
674 Residential (CR) Zone, is ineligible for a fee waiver.
675

676 *Conversion of Existing, Uninhabitable Housing into New Moderate Income Housing*
677 *Units*
678

679 Goal 1 of the City's MIHP considers the conversion of existing, uninhabitable housing
680 into new moderate-income housing as a priority for meeting our needs for additional
681 affordable housing. The City maintains a registry of vacant residential properties which
682 currently contains 16 residential structures on the registry which will be updated in May.
683 According to the City's MIHP, in 2024 the City will explore the feasibility and details of
684 converting uninhabitable housing stock into new MIH in greater detail. Currently, if a
685 residential property is remodeled or updated, while we will collect permit fees, we
686 generally do not collect impact fees. For a residential property being legally modified
687 with an overall increase in the number of new units and an associated increase in service
688 demand, we will collect permit fees and generally impact fees. The guidelines for
689 waiving fees for converting uninhabitable housing into new MIH are as follows:
690

- 691 1. The total number of combined fee waivers Logan City will issue in a calendar
692 year for the conversion of existing, uninhabitable housing into new MIH is 5
693 MIH units/year. The water, wastewater collection, parks, power, and
694 transportation impact fees will be waived. The building, electrical, plumbing,
695 mechanical, and land disturbance permits fees, and plan review fees will be
696 waived.
697
- 698 2. A project seeking a fee waiver shall have a recorded Land Use Restriction
699 Agreement (LURA) that is approved by the City along with a deed restriction
700 specifying the use of the units are limited to MIH units are in perpetuity.
701
- 702 3. The City may allow fee waivers for MIH units designed and built to meet a very
703 specific need, e.g., transitional housing for domestic abuse survivors, etc.,
704 provided a LURA is approved by the City, a qualified non-profit entity is the
705 owner & operator of the project, and 100% of the units are designated as MIH
706 units serving individuals whose income is 60% or less of the area median gross
707 income.

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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.

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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

798 **López: Aye**
799 **Simmonds: Aye**

800

801 **WORKSHOP ITEMS:**

802

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

806

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

809

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

814

- 815 • 15.27.060 – updated reference to the May 9, 2023 Flood Insurance Study.
- 816 • Article II – updated Definitions.
- 817 • 15.27.140 – updated application and data requirements for projects within a
818 floodplain.
- 819 • 15.27.150 – updated the variance and/or appeals process to be conducted by the
820 City’s Land Use Appeal Board under LDC 17.50.
- 821 • 15.27.160/170/190 – increased the minimum lowest habitable floor requirement
822 from 1’ to 2’ above base flood elevation. Prohibited the new critical facilities in
823 special flood hazard areas.
- 824 • 15.27.180 – updated the subdivision requirements to require additional base flood
825 elevation data.
- 826 • 15.27.190 – updated construction requirements in areas of shallow flooding.
- 827 • 15.27.210 – added a new section limiting the construction of critical facilities in a
828 floodplain.
- 829 • Article VII – added a Severability Clause.
- 830 • There are also a number of minor wording and grammatical edits throughout the
831 document.

832

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

836

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

839

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

842
843 Councilmember Jensen asked if the measurement is from the finished floor or the joist.
844
845 City Engineer Darren Farar answered the measurement would be from the finished floor.
846 It would be the actual structure even if there is a crawlspace underneath.
847

848 Mr. DeSimone added that this would also apply to mechanical stems such as heating or
849 cooling which would require them to be 2 feet above the ground. The goal is not to
850 prohibit developers but rather to ensure that citizens do not have to make replacements
851 after a flood. It is better to build with the intention to minimize the level of flooding risk.
852

853 Vice Chair A. Anderson inquired if there are any pending projects that would be
854 impacted by the change of base flood elevation.
855

856 Mr. DeSimone responded that he is not aware as of now.
857

858 The proposed ordinance will be an action item and public hearing at the March 7, 2023,
859 Council meeting.
860

861 **CODE AMENDMENT - Consideration of a proposed Code Amendment. Logan**
862 **City is requesting a Code Amendment to the Land Development Code, Chapter**
863 **17.52-Legally Existing Nonconformities clarifying how the city regulates**
864 **nonconforming uses and structures; amend Chapter 17.60-Administrative**
865 **Enforcement to update procedural language and civil fees; and amend Chapter**
866 **17.62-Definitions to reflect recent and pending LDC changes – Ordinance 23-05 –**
867 **Mike DeSimone**
868

869 Community Development Mike DeSimone addressed the Council regarding the proposed
870 code amendments.
871

872 **RECOMMENDATION**

873 Staff recommended that the Planning Commission recommend **approval** to the
874 Municipal Council of the proposed amendments to Chapters 17.43, 17.52, 17.60 and
875 17.62 of the Land Development Code.
876

877 **REQUEST**

878 This is a proposal to remove Murals/Wall Art from Design Review permitting
879 requirements, update the non-conforming standards, update the Administrative
880 Enforcement Chapter, and update the Definitions Chapter.
881

882 **SUMMARY OF CHANGES**

883
884 **17.43 Design Review Permits** - remove Murals/Wall Art from the list of activities
885 required to obtain a Design Review Permit.
886

887 **17.52 Legally Existing Nonconformities** - updated the Chapter to clarify the intent and
888 purpose of how the City regulates nonconformities; clarified that an expansion of a
889 nonconforming structure or use needs to be reviewed and approved by the Planning
890 Commission; updated this Chapter to standardize our approach & processes for all of the
891 different types of nonconformities; and made grammatical edits.

892
893 **17.60 Administrative Enforcement** - updated language to reflect that we collect a filing
894 fee and what it is used for; increased the general civil fee from \$50 to \$100 and the civil
895 fee for an occupancy violation from \$250 to \$500 to help cover our costs associated with
896 these types of infractions; and other minor grammatical edits.

897
898 **17.62 Definitions**- added/changed definitions for Brew Restaurant, Critical Lands,
899 Driveway Approach, Geologically Unstable Area, Lands above 4,850', Mural, Riparian,
900 Useable Outdoor Space, Wetlands, and Wildland Urban Interface.

901

902 **STAFF RECOMMENDATION AND SUMMARY**

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

905

906 **GENERAL PLAN**

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

909

910 **PUBLIC COMMENTS**

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

912

913 **PUBLIC NOTIFICATION**

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

917

918 **AGENCY AND CITY DEPARTMENT COMMENTS**

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

920

921 **RECOMMENDED FINDINGS FOR APPROVAL**

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

- 923 1. Utah State Law authorizes local Planning Commission to recommend ordinance
924 changes to the legislative body (Municipal Council).
- 925 2. The Code Amendments are done in conformance with the requirements of Title
926 17.51 of the Logan Municipal Code.
- 927 3. The proposed Code Amendments are consistent with the Logan City General
928 Plan.
- 929 4. The proposed Code Amendments to the Design Review Permits,
930 Nonconformities, Administrative Enforcement, and Definitions are relatively
931 minor in nature.

932 5. No public comment has been received regarding the proposed amendments.
933
934 On February 7, 2023, the Planning Commission recommended to the Municipal Council
935 **approval** of the following Land Development Code Amendments:
936
937 Land Development Code (LDC) Chapter 17.43 "Design Review Permits," Chapter 17.52
938 "Legally Existing Nonconformities," Chapter 17.60 "Administrative Enforcement," and
939 Chapter 17.62 "Definitions." **Planning Commissioners vote (7-0).**
940
941 Councilmember Simmonds asked if the amendment clarification to illegally existing
942 nonconforming structures permits these nonconforming structures to be changed or
943 altered.
944
945 Mr. DeSimone responded that all aspects of the nonconforming structures can be
946 changed. However, the structure will require CUP & PC approval.
947
948 Chairman López inquired how often there is an appeal to administrative enforcement.
949
950 Mr. DeSimone answered roughly a dozen each year.
951
952 Councilmember Simmonds asked about the duration of time it takes to penalize
953 overoccupancy, and whether the fee structure is adequate.
954
955 Mr. DeSimone replied there are easy and hard cases. Overoccupancy can be difficult to
956 enforce or confirm. Having more vehicles in the driveway or having a friend sleep on the
957 couch does not mean over-occupancy. The purpose is not to collect fees but rather as an
958 incentive to prevent over-occupancy of the property.
959
960 Chairman López inquired further regarding unpaid violations.
961
962 Mr. DeSimone answered that unpaid fees are transferred to collection agencies.
963
964 The proposed ordinance will be an action item and public hearing at the March 7, 2023,
965 Council meeting.
966
967 **CODE AMENDMENT – Consideration of a proposed Code Amendment. Land**
968 **Development Code Amendment 17.09, 17.29, 17.30, 17.31 (Residential Driveway &**
969 **Parking Standards) Logan City is requesting a Code Amendment to the Land**
970 **Development Code, Chapter 17.07-General Development Standards; Residential**
971 **Zones to remove residential driveway requirements; amend Chapter 17.29-**
972 **Standards, Specifications, and Improvements to include residential driveway**
973 **requirements; amend Chapter 17.30-Supplemental Development Standards to**
974 **modify street connection requirements; and amend Chapter 17.31-Parking to**
975 **update RV & Utility Trailer Parking in Residential Neighborhoods –**
976 **Ordinance 23-06 – Mike DeSimone**

977
978 Community Development Mike DeSimone addressed the Council regarding the proposed
979 code amendments.

980
981 **RECOMMENDATION**

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

985
986 **REQUEST**

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

989
990 **SUMMARY OF CHANGES**

991
992 **17.09.020 & 030** – added a street classification to each alternative in the graphic
993 contained in 17.09.020; removed parking standards in 17.09.030 as these are located in
994 Chapter 17.29; and updated the residential accessory language in 17.09.030.

995
996 **17.29.060 Driveway Specifications** – updated the residential driveway standards for
997 single driveways, second driveways, and circular driveways.

998
999 **17.30.170 – 190 Connectivity Standards** – modified the minimum number of street
1000 connections by number of lots in 17.30.170; modified the infill/flag lot applicability
1001 thresholds for infill subdivision types in 17.30.180; and updated the code language in
1002 17.30.190.

1003
1004 **17.30.200** – updated the prohibited storage and accessory structures in the commercial
1005 and industrial zones.

1006
1007 **17.31.080** – updated the parking standards for recreational and utility vehicles in
1008 residential areas.

1009
1010 **STAFF RECOMMENDATION AND SUMMARY**

1011 Many of these proposed LDC updates are the result of code enforcement issues and a
1012 lack of clarity in the LDC. Others are the result of problems we have seen through the
1013 subdivision process, especially when a second or third street connection is required for a
1014 relatively small subdivision. The driveway standards in 17.29.060 are especially
1015 important as we have seen increase in the illegal or unpermitted installation of a second
1016 driveway and, while there is a demand for people to have a second driveway to store a
1017 boat or RV behind their house, we currently lack clear standards for multiple driveways
1018 on residential lots.

1019
1020 **GENERAL PLAN**

1021 The Land Development Code was prepared and adopted to implement the vision
1022 expressed in the General Plan. The proposed amendments continue to implement the
1023 vision of, and are consistent with, the General Plan.

1024

1025 **PUBLIC COMMENTS**

1026 As of the writing of this report, there has not been any public comment.

1027

1028 **PUBLIC NOTIFICATION**

1029 Legal notices were published in the Herald Journal on 12/31/22, posted on the City's
1030 website and the Utah Public Meeting website on 1/02/23, and noticed in a quarter page ad
1031 on 12/29/23.

1032

1033 **AGENCY AND CITY DEPARTMENT COMMENTS**

1034 As of the time the staff report was prepared, no comments have been received.

1035

1036 **RECOMMENDED FINDINGS FOR APPROVAL**

1037 The Planning Commission bases its decisions on the following findings:

1038

- 1039 1. Utah State Law authorizes local Planning Commission to recommend ordinance
1040 changes to the legislative body (Municipal Council).
- 1041 2. The Code Amendments are done in conformance with the requirements of Title
1042 17.51 of the Logan Municipal Code.
- 1043 3. The proposed Code Amendments are consistent with the Logan City General
1044 Plan.
- 1045 4. The proposed Code Amendments to Chapters 17.09, 17.29, 17.30 and 17.31
1046 clarify driveway, parking, connectivity, accessory use, and storage standards on
1047 residential properties.
- 1048 5. No public comments has been received regarding the proposed amendments.

1048

1049 On February 7, 2023, the Planning Commission recommended to the Municipal Council
1050 **approval** of the following Land Development Code Amendments:

1051

1052 Land Development Code (LDC) Chapter 17.09 "General Development Standards:
1053 Neighborhood Residential Zones," Chapter 17.29 "Standards, Specifications, and
1054 Improvements," Chapter 17.30 "Supplemental Development Standards," and Chapter
1055 17.31 "Parking." **Planning Commissioners vote (7-0).**

1056

1057 Vice Chair A. Anderson requested clarification on the size of the second driveway area.

1058

1059 Mr. DeSimone responded that driveways cannot exceed 36' or 40% of the property
1060 frontage but are not prohibited in the backyard area.

1061

1062 Councilmember Simmonds asked if there are any amendments regarding impervious
1063 (surfaces) driveways.

1064

1065 Mr. DeSimone answered that presently the concern is to address the front yard. The total
1066 impervious or hardened area in the front yard cannot exceed 50%.

1067
1068 Councilmember Simmonds expressed concerns about the connectivity standards. She
1069 wanted to ensure that the grid system for the City remains standing.

1070
1071 Mr. DeSimone gave an example of a new subdivision on 1200 East where three
1072 connection areas are required. The increase in connectivity will continue the grid system,
1073 it will merely increase or permit a reasonable standard for connectivity in areas with
1074 increased lots or areas needing further connections.

1075
1076 Chair Lopez asked Police Chief Gary Jensen if this amendment created safety concerns.

1077
1078 Chief Jensen responded not for the police, but it may cause an issue with the fire
1079 department as their larger vehicles need to go in and out of a subdivision in case of an
1080 emergency.

1081
1082 Councilmember Simmonds inquired about what will occur if an RV is parked in a
1083 residential zone.

1084
1085 Mr. DeSimone explained that if an RV (utility trailers, parked motor homes, etc.) is
1086 parked in a residential area longer than 10 days the resident will be notified and given a
1087 reminder of the code. A citation will be given if the duration of the parked RV goes
1088 longer than 10 days.

1089
1090 The proposed ordinance will be an action item and public hearing at the March 7, 2023,
1091 Council meeting.

1092
1093 **CODE AMENDMENT – Consideration of a proposed Code Amendment. Land**
1094 **Development Code Amendment 17.28, 17.32 (Open Space, Landscaping, Useable**
1095 **Outdoor Space). Logan City is requesting a Code Amendment to Land Development**
1096 **Code, Chapter 17.28-Open Space to eliminate open space code language and**
1097 **consolidate useable outdoor space requirements into landscaping requirements for**
1098 **new development; amend Chapter 17.32-Landscaping to incorporate useable**
1099 **outdoor space into landscaping requirements – Ordinance 23-07 – Mike DeSimone**

1100
1101 Community Development Mike DeSimone addressed the Council regarding the proposed
1102 code amendments.

1103
1104 **RECOMMENDATION**

1105 Staff recommended that the Planning Commission recommend approval to the Municipal
1106 Council of the proposed amendments to Chapters 17.28 and 17.32 of the Land
1107 Development Code.

1108
1109 **REQUEST**

1110 This is a proposal to eliminate the open space language in Chapter 17.28 and consolidate
1111 minimum useable outdoor space requirements with the landscaping requirements for new
1112 development in Chapter 17.32. The Commission is also considering another pending
1113 amendment (Ord 23-06) which updates the residential and commercial spec sheets to
1114 reflect this change (Landscape & Useable Space Requirements versus Open Space &
1115 Useable Outdoor Space Requirements).

1116

1117 **SUMMARY OF CHANGES**

1118

1119 **17.28 Open Space** – eliminate Chapter 17.28, consolidate “open space” into “useable
1120 outdoor space” and move minimum land set aside requirements (useable outdoor space)
1121 into Chapter 17.32 Landscaping.

1122

1123 The City requires minimum land set asides with most project types, the purpose of which
1124 is to protect important resource areas, provide landscaping around parking areas and
1125 buildings, break up the monotony of development, provide screening and buffering
1126 between uses, add green areas, walking paths, trails, etc., while contributing to an overall
1127 betterment of the community. The City has used minimum “Open Space”
1128 interchangeably with minimum landscaping and which, over time, has led to some
1129 confusion when designing, reviewing, and permitting projects. The current Open Space
1130 Chapter (17.28) is written as if the norm of development experience involves large,
1131 greenfield areas with vast amounts of open, natural areas that are going to be set aside
1132 and preserved along with the construction of a new project. This is clearly not the norm
1133 as most projects are designed lot line to lot line with buildings, parking areas, driveway
1134 accesses, and are generally located within a developed area, or a partially developed area,
1135 with minimal natural features worthy of preservation.

1136

1137 Currently, projects are required to meet minimum set asides for useable outdoor space
1138 and open space, as well as provide minimum amounts of landscaped areas. Both open
1139 space and useable outdoor space include landscaped areas within their definitions, so by
1140 default, when staff and the Commission are reviewing a project for land set asides, the
1141 proposed landscaped areas are included in the calculation of set aside percentages.

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1143 The purpose of the proposed language changes are to clarify what the City is requiring
1144 for land set asides and call it what it is – useable outdoor space and landscaped areas. The
1145 removal of this Chapter won’t change how we address open space areas as part of a
1146 development; rather, the broader definition of open space, e.g., rivers, creeks, trails, and
1147 natural areas, is still in the useable outdoor space category which is a required minimum
1148 set aside for new development, and also regulated under the Critical Lands regulations
1149 (Chapter 17.24) for avoidance and setbacks. The recategorization of open space, useable
1150 outdoor space, or landscaping does not alter the amount of land set asides required for
1151 each type of development.

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1153 **17.32 Landscaping** – incorporate useable outdoor space requirements into this Chapter
1154 and made some text changes/updates throughout the document.

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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%

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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.

1193 **PUBLIC NOTIFICATION**

1194 Legal notices were published in the Herald Journal on 12/31/22, posted on the City's
1195 website and the Utah Public Meeting website on 1/02/23, and noticed in a quarter page ad
1196 on 12/29/23.

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1198 **AGENCY AND CITY DEPARTMENT COMMENTS**

1199 As of the time the staff report was prepared, no comments have been received.

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1201 **RECOMMENDED FINDINGS FOR APPROVAL**

1202 The Planning Commission bases its decisions on the following findings:

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

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2. The Code Amendments are done in conformance with the requirements of Title 17.51 of the Logan Municipal Code.

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3. The proposed Code Amendments are consistent with the Logan City General Plan.

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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.

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5. No public comment has been received regarding the proposed amendments.

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

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

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

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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.

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

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

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Mayor Daines inquired how enforcement will occur.

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

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

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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.

Eslí Morales, Deputy City Recorder

DRAFT