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3 Minutes of the meeting of the Logan Municipal Council convened in regular session on
4 Tuesday, February 7, 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, Assistant Finance Director Rueben Nelson, and
13 Deputy Recorder Esli Morales.

14 Excused: Finance Director Richard Anderson and City Recorder Teresa Harris

15 Chairman Ernesto López welcomed those present. There were approximately 17 in
16 attendance at the beginning of the meeting.

17 **OPENING CEREMONY:**

18 Matt Whitaker, Director of the Cache Community Food Pantry gave a presentation on the
19 Food Pantry’s Capital Campaign. He also led the audience in the pledge of allegiance.

20 A short video was shown showcasing the vital service Cache County Food Pantry does in
21 the community and the pantry’s urgent need to expand to further increase its reach.

22 The Cache County Food Pantry (CCFP) was established in 1970 and incorporated in
23 1994 providing a critical service to the communities of Cache Valley and the surrounding
24 area. The Cache Community Food Pantry is a community partnership, and our goal is to
25 ensure that no individual goes to bed hungry. As the economy worsens, we have seen an
26 increase in working families needing assistance, as well as seniors and individuals on a
27 fixed income. Inflation is taking its toll as an unexpected crisis.

28 In addition, CCFP provides food assistance for 8 senior centers in Cache, Rich, and Box
29 Elder counties including 25 regional organizations such as CAPSA, Common Ground
30 Outdoor Adventures, Loaves & Fishes, Utah State University SNACK, and many middle
31 and high schools throughout the region. Our "backpack" program distributes food to
32 elementary schools as well.

33 From FY2020 to FY2021 (CCFP) has increased the number of households assisted to
34 28,801. During this same period, we experienced an increase in food donations to a total
35 of 1,642,799 lbs., an increase of 791,379 lbs.! These increases combined with a lack of
36 sufficient storage and various other structural issues have caused us to begin construction
37 of an additional warehouse that will include a cleaning room (is stainless-steel room to
38 prep food), laundry, more shelving, refrigerator capacity, and heated storage. And most
39 importantly access for our semi-trucks to have a direct and safe docking area.

40 Mr. Whitaker thanked the Council and Mayor for being permitted to speak.

41

42 The Mayor and Council expressed their gratitude for the services CCFP provides.
43 **Meeting Minutes.** Minutes of the Council meeting held on January 17, 2023, were
44 approved with no corrections.

45 **Meeting Agenda.** Chairman Ernesto López announced there is one public hearing
46 scheduled for tonight's Council meeting.

47
48 **ACTION. Motion by Councilmember M. Anderson seconded by Councilmember**
49 **Jensen to approve the January 17, 2023, minutes and approve tonight's agenda with**
50 **an amendment to workshop item B to be continued to the next meeting. Motion**
51 **carried unanimously.**

52 **A. Anderson: Aye**

53 **M. Anderson: Aye**

54 **Jensen: Aye**

55 **López: Aye**

56 **Simmonds: Aye**

57

58 **Meeting Schedule.** Chairman Ernesto López announced that regular Council meetings
59 are held on the first and third Tuesdays of the month at 5:30 pm. The next regular
60 Council meeting is Tuesday, February 21, 2023.

61

62 **QUESTIONS AND COMMENTS FOR MAYOR AND COUNCIL:**

63

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

72 Dr. Gail B. Yost, a resident of Logan invited the community to participate in the
73 neighborhood steering committee for the Wilson neighborhood on February 08 at noon in
74 the city hall conference room.

75 Mayor Daines further added that the Wilson Neighborhood plan will also be discussed at
76 the Steering Committee on March 8 from 5 to 7 p.m. at Wilson Elementary.

77 Joshua Molitor, a resident of Logan in the Ellis Elementary area expressed concern
78 regarding the need for a food bank in a rich country like the United States. We need more
79 funding for these programs. A suggested option is cutting tax deferments for developers in
80 order to earn that income tax and be redirected where needed.

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

82 **MAYOR/STAFF REPORTS:**

83

84 **Neighborhood Council Chair Reappointments – Mayor Daines**

85
86 Mayor Daines asked the Council for ratification to reappoint the following to serve as
87 Neighborhood Council Chairs.

88
89 Sue Sorenson – Ellis
90 Melissa Dahle – Woodruff
91 Hilary Shughart – Wilson
92 Katie Lee-Koven – Hillcrest
93 Andrea Sinfield – Adams
94 Vacant – Bridger

95
96 **ACTION. Motion by Councilmember Jensen seconded by Vice Chair A. Anderson**
97 **to approve ratification of the Neighborhood Council Chairs as presented. Motion**
98 **carried unanimously.**

99 **A. Anderson: Aye**
100 **M. Anderson: Aye**
101 **Jensen: Aye**
102 **López: Aye**
103 **Simmonds: Aye**

104
105 Councilmember A. Anderson asked what the council can do to help encourage the
106 community of Bridger neighborhood to serve.

107
108 Mayor Daines responded if the community knows anyone in Bridger or is interested to
109 reach out. There is a small but existing email list. We would love to expand it. It is a
110 wonderful way to represent the community and have a voice.

111
112 **Board Appointment (Golf Course Advisory; Water, Sewer and Stormwater**
113 **Advisory Board) – Mayor Daines**

114
115 Mayor Daines asked the Council for ratification to reappoint Rick Johnson to serve on the
116 Golf Course Advisory Board.

117
118 She also asked the Council for ratification to appoint Michael Lasswell to the Water,
119 Sewer and Stormwater Advisory Board which, is a new appointment.

120
121 **ACTION. Motion by Councilmember Jensen seconded by Councilmember M.**
122 **Anderson to approve ratification of Rick Johnson and Michael Lasswell as**
123 **presented. Motion carried unanimously.**

124 **A. Anderson: Aye**
125 **M. Anderson: Aye**
126 **Jensen: Aye**
127 **López: Aye**
128 **Simmonds: Aye**

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130 No further Mayor/Staff Reports were presented.

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COUNCIL BUSINESS:

Planning Commission Update – Councilmember Simmonds

Councilmember Simmonds reported that the Black Rifle Coffee Company proposed building a café on 400 North Main St in the TC-1 zone. The Planning Commission liked the project the TC-1 zone requirements could not be met resulting in the denial of the request. The Mountainside Estates amendment on 1200 E 1400 N is to be continued. There will be a Jack in the Box at 1200 S HWY 89. The project was conditionally approved and will be part of a tri-plex of drive-ins. The Zollinger 500 N subdivision has been conditionally approved to be a subdivision of single-family houses at 295 W 500 N.

Vice Chair A. Anderson inquired if the Black Rifle Coffee Company will resubmit an application.

Councilmember Simmonds replied the challenge is that the blueprint is not any bigger than what the gas station had been on the location before. The planning commission felt the project did not reflect the zone. There were also concerns regarding access as the primary access in the right-hand turn lane onto the main street. This would only be possible if Wilson Motors permitted them to do so via an easement.

Cache Valley Transit District Update (CVTD) – Councilmember Simmonds/CVTD Board Members

Councilmember Simmonds is on the district board and referred the introduction to Sue Sorenson, a board member to introduce the CVTD Board Members.

Ms. Sorenson introduced Dave Geary, Gregory Shannon, Patrick Jenkins, Cecilia Benson, and Todd Huller. The stops are announced both visually and verbally for the current and upcoming stops. There are automatic passenger counters with the information also posted on the CVTD website. The loop is a looping bus system from North to South Walmart. As well as the loop around the school campus, (USU). The ridership has continued to climb by 15% to 20% increase.

Ms. Benson expressed her gratitude for the opportunity to address the Council. Firstly, the local bus service system that arrives faithfully serves the community between 30-to-60-minute rounds. The services are utilized by the community to travel around the city, to go to work, and to school. Next is the Paratransit system which serves the elderly and disabled members of the community needing access to transportation services. There is a vetting process, but a community member who does qualify can call and arrange transportation to remain independent. Finally, there is a voucher system that serves members of the community that are not within the transportation boundaries. In partnership with BRAG, there is a qualification system, but a driver is paired with a member of the community requiring transportation services. All of these services

176 combined show that we care about every single population in our valley and permit
177 independence.

178

179 Mr. Geary said that in 2008 the CVTD determined the current facilities would be
180 inadequate. In 2010, a parcel was purchased in North Logan, and began the process to
181 build a new facility. On March 6, 2023, at 11 a.m., there will be a groundbreaking for the
182 new facility. The Council and the entire community are invited. It will enable the district
183 to store the buses in a climatized environment. The new facility will allow the storage of
184 buses, administrative offices, fuel facility, etc. The new facility will meet the needs of the
185 district for the next 25 years.

186

187 Mr. Jenkins thanked the Council and Mayor for the opportunity to speak. 8 of the 19
188 members of the board are representatives for Logan (determined by service miles). The
189 new app is which shows where the bus permits the public to plan out their routes (also
190 available on google maps and other maps). The second is a brand-new service. A vanpool
191 system called pool (loop in reverse) to transit to be reflective of demand and need. By
192 2030, the valley will have doubled including the ridership.

193

194 Councilmember M. Anderson asked how many other districts in the country provide free
195 transportation services at no cost to their patrons.

196

197 Mr. Jenkins responded there are very few districts. We are often the business model for
198 all others. UTA has been testing the system. There hardly have any violence on the bus
199 system, unlike the UTA, because the bus services offered are free.

200

201 Mr. Huller clarified there are under 10 districts that offer free transportation services at
202 no cost to their patrons.

203

204 No further Council Business items were presented.

205

206 **ACTION ITEM:**

207

208 **PUBLIC HEARING - BUDGET ADJUSTMENTS FY 2022-2023 appropriating:**
209 **\$75,977 funds for a SBITA Contract for ESRI Services; \$1,000,000 electric fund**
210 **reserves toward sediment removal at Second Dam – Resolution 23-02 – Assistant**
211 **Finance Director Rueben Nelson**

212

213 At the January 17, 2023, Council meeting, Finance Director Richard Anderson addressed
214 the Council regarding the proposed budget adjustments.

215

216 Councilmember A. Anderson asked if the sediment removal will occur before this year or
217 if will be postponed until next year due to forestry requirements.

218

219 Mark Montgomery, Light & Power Director explained the forestry is requiring a full
220 submission process.

221

222 Chair López inquired when at the earliest would the sediment removal be done.
223
224 Mr. Montgomery answered if they are lucky, it would be this year but may need to wait
225 until next winter.

226
227 Councilmember Jensen asked for the benefit of the public what SBITA means.

228
229 Rueben Nelson, Assistant Finance Director stands for Subscription Based Information
230 Technology Arrangements. In other words, I.T. software. The idea is similar to leases.

231
232 Chairman López opened the meeting to a public hearing.

233
234 There were no comments and Chairman López closed the public hearing.

235
236 **ACTION. Motion by Councilmember Simmonds seconded by Councilmember M.**
237 **Anderson to approve Resolution 23-02 as presented. Motion carried unanimously.**

238 **A. Anderson: Aye**
239 **M. Anderson: Aye**
240 **Jensen: Aye**
241 **López: Aye**
242 **Simmonds: Aye**

243
244 **WORKSHOP ITEMS:**

245
246 **CODE AMENDMENT – Consideration of a proposed amendment to Land**
247 **Development Code Chapter 17.24 “Critical Lands” – Ordinance 23-02 – Mike**
248 **DeSimone, Community Development Director**

249
250 Community Development Director Mike DeSimone addressed the Council regarding the
251 proposed code amendment.

252
253 **UPDATE FROM 11/17/22 PC HEARING**

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

256
257 Included Definition of Riparian Area (17.24.010.B):

258
259 ***Riparian Areas. Lands within 150 feet as measured from the Annual High-Water Line***
260 ***(AHWL) of a stream or river draining a basin size greater than one square mile, and the***
261 ***land within 25 feet of centerline of a stream draining an area less than one square mile.***

262
263 Changed the Review Process for Reasonable Use Exceptions from Traci< I to Track 11
264 (17.24.120):

265
266 *A reasonable use exception will be reviewed by the Planning Commission according to*
267 *the Track II procedures contained in Chapter 17.48.*

268

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

270

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

273

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

279

280 **RECOMMENDATION**

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

284

285 **REQUEST**

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

292

293 **SUMMARY OF CHANGES**

294

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

304

305 Floodplains- Lands with a potential flood hazard as defined in Logan Municipal Code
306 15.27 Flood Damage Prevention Ordinance) using FEMA floodplain mapping. It is
307 important to note that Special Flood Hazard area (floodplains) are regulated under Logan
308 Municipal Code 15.27 which has a separate approval process; however, the proposed
309 changes are included in this discussion for your input to the Council. The proposed
310 changes to LMC 15.27 include requiring that a Base Flood Elevation (BFE) delineation
311 be submitted with an application involving a project within a Special Flood Hazard area,
312 increase the lowest floor elevation of new construction currently at one (1) foot above
313 BFE to a minimum of two (2) feet above BFE, require BFE data for all subdivisions

314 regardless of lot numbers or parcel size, and prohibit the construction of critical facilities
315 in Special Flood Hazard areas. Any changes to LMC 15.27 will be included with the
316 amendments to LDC 17.24 as they move through the Municipal Council process.

317

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

326

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

331

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

336

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

339

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

350

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

355

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

360
361 We also included a Reasonable Use Exception section establishing a process whereby a
362 landowner, believing that these regulations are denying them of all their reasonable
363 economic uses of their property, can request the Director consider a reasonable use
364 exception and allow for limited impacts to a critical land. It is important to note that
365 expectations of future development plans are not considered a reasonable economic use.
366

367 **STAFF RECOMMENDATION AND SUMMARY**

368 The goals of the proposed changes to 17.24 are to better protect critical lands, require a
369 more comprehensive project design that incorporates critical lands into overall project
370 design while providing a greater level of site information and detail for decision makers.
371

372 **GENERAL PLAN**

373 The Land Development Code was prepared and adopted to implement the vision
374 expressed in the General Plan. The proposed amendments continue to implement the
375 vision of the General Plan by further clarifying development standards for projects within
376 or adjacent to critical lands. These proposed amendments are consistent with the General
377 Plan.
378

379 **PUBLIC COMMENTS**

380 As of the writing of this report, there has not been any public comment. Public comments
381 received prior to the preparation of this report will be included as an attachment. Any
382 other comments will be forwarded to the Planning Commission.
383

384 **PUBLIC NOTIFICATION**

385 Legal notices were published in the Herald Journal on 10/15/22, posted on the City's
386 website and the Utah Public Meeting website on 10/17/22, and noticed in a quarter page
387 ad on 10/13/22.
388

389 **AGENCY AND CITY DEPARTMENT COMMENTS**

390 As of the time the staff report was prepared, no comments have been received.
391

392 **RECOMMENDED FINDINGS FOR APPROVAL**

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

- 394 1. Utah State Law authorizes local Planning Commission to recommend ordinance
395 changes to the legislative body (Municipal Council). The Code Amendments are
396 done in conformance with the requirements of Title 17.51 of the Logan
397 Municipal Code.
- 398 2. The proposed Code Amendments are consistent with the Logan City General
399 Plan.
- 400 3. The proposed Code Amendments to the Critical Lands Overlay Zone will
401 further protect important resource areas without impeding the development
402 plans of private landowners.
- 403 4. The proposed Code Amendments will further the public health, safety and
404 welfare by providing for the safe, orderly and beneficial development of areas
405 characterized by development hazards and valuable natural conditions.

406 5. No public comment has been received regarding the proposed amendments.
407
408 On January 12, 2023, the Planning Commission recommended to the Municipal Council
409 approval of the Code Amendment (6-0).
410
411
412 Councilmember Simmonds asked regarding existing structures if it would be equivalent
413 to legally existing non-confirming structures. The existing structure cannot be expanded
414 but can exist where it is currently at.
415
416 Mike DeSimone, Community Development Director responded that this is the case. The
417 structure can be maintained or repaired, but as already stated nothing further can be
418 added nor the existing structure be expanded.
419
420 Vice Chair A. Anderson inquired further regarding zone 2 if it is reasonable for the
421 home/property owner to only have 60 days to revegetate after the initial disturbance.
422
423 Mr. DeSimone answered there must be a plan in place as opposed to leaving the area
424 naturally revegetate on its own. There needs to be actual revegetation.
425
426 Vice Chair A. Anderson asked if the Planning Commission would be the entity that
427 would authorize transfers (of wetlands).
428
429 Mr. DeSimone would show via the presentation how the regular process would work.
430
431 Councilmember Simmonds requested clarification on whether the City would not be
432 dealing with wetlands that are not part of the US Army Corps of Engineers (USACE).
433
434 Mr. DeSimone responded it would be correct. If there is any property that has a wetland,
435 the property owner must apply for a wetland delineation. The Corp will review the
436 submission. If the wetland is isolated, there is no need for a delineation. It can be filled
437 in. However, the majority will be under the jurisdiction of the Corp such as spring, etc.
438 That which is not, we will not take the approach to regulate if it is not under the
439 jurisdiction of the corp.
440
441 Chairman López inquired when mitigation occurs to minimize the impact of the wetland,
442 and whether will it occur before or after construction within a certain allotted time frame.
443
444 Mr. DeSimone generally speaking there is a timeline to implement the work. The wetland
445 will be monitored for several years to ensure the wetland mitigation is functional.
446
447 Councilmember Jensen asked how failure to do so will be enforced by the Corps.
448
449 Mr. DeSimone answered there will be field inspections to monitor the wetlands. Should
450 there be a failure to do so, the process will go through the administrative legal existing

451 avenues including the court system. Although each state agency may be more aggressive
452 than others in addressing the situation.

453

454 Chairman López inquired if the developer buys into a mitigation bank, and when would
455 the mitigation be done.

456

457 Mr. DeSimone responded the City has a mitigation bank. It is typically done right at the
458 start, front-loaded. We continue to monitor the wetland. It is more successful as we have
459 done the work with biologists and environmentalists to ensure the mitigation will be
460 effective. It is usually more affordable.

461

462 Councilmember Jensen asked if the developer is entitled to the wetland.

463

464 Mr. DeSimone replied it is a transaction, the developer is not entitled to the wetland. It is
465 the equivalent of an easement.

466

467 Chairman López inquired how often the high mark is evaluated.

468

469 Mr. DeSimone answered a surveyor will set the boundary as needed.

470

471 The proposed ordinance will be an action item and public hearing at the February 21,
472 2023, Council meeting.

473

474 **CODE AMENDMENT – Consideration of a proposed amendment to Logan**
475 **Municipal Code Section 15.27 “Flood Damage Prevention” – Ordinance 23-03 –**
476 **Mike DeSimone**

477

478 Community Development Director Mike DeSimone addressed the Council regarding the
479 proposed code amendment. *The workshop is to be continued until the next public*
480 *meeting on February 21, 2023.*

481

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

487

488 Community Development Director Mike DeSimone addressed the Council regarding the
489 proposed rezone.

490

491 **RECOMMENDATION**

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

496

497 **PROJECT**

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

504

505 **GENERAL PLAN**

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

513

514 **LAND DEVELOPMENT CODE**

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

520

521 **STAFF SUMMARY**

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

537

538 **AGENCY AND CITY DEPARTMENT COMMENTS**

539 No comments have been received.

540

541 **PUBLIC COMMENTS**

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

544

545 **PUBLIC NOTIFICATION**

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

549

550 **RECOMMENDED FINDINGS**

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

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

561

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

564

565 Vice Chair A. Anderson requested clarification on whether the basis of the proposal is
566 based on the grandfathered existing non-conforming structures.

567

568 Mr. DeSimone responded that is correct. The proponent in order to offset the cost would
569 build a duplex or triplex on site. However, when determining an area's zoning it is not
570 based on the financial impact but rather on the feasibility of the area itself. The area is
571 very steep, and development is not recommended.

572

573 The proposed ordinance will be an action item and public hearing at the February 21,
574 2023, Council meeting.

575

576 **Consideration of a proposed resolution approving Waiver Guidelines for** 577 **Development Permit Fees and Impact Fees for Moderate Income Housing –** 578 **Resolution 23-03 – Mike DeSimone**

579

580 Community Development Director Mike DeSimone addressed the Council regarding the
581 proposed resolution.

582

583 The Logan City Moderate Income Housing Plan was adopted November 15, 2022
584 with eight specific goals the City would pursue to further the provision of
585 additional Moderate Income Housing (MIH). Goal 4 considers waiving the City's
586 development fees & impact fees for moderate income housing, Goal 1 considers
587 investing in the rehabilitation of existing, uninhabitable housing to create more

588 Moderate Income Housing, and Goal 3 considers a re-evaluation and expansion in
589 the use of Accessory Dwelling Units. The focus of this resolution is the three
590 specific State Strategies targeting impact and permit fee waivers for certain MIH
591 projects and detached Accessory Dwelling Units. The other specific elements or
592 strategies associated with Goals 1 and 3 will be addressed in subsequent
593 discussions & actions. The three specific State strategies are as follows:

- 594
- 595 (D) identify and utilize general fund subsidies or other sources of revenue to
596 waive construction related fees that are otherwise generally imposed by
597 the municipality for the construction or rehabilitation of moderate income
598 housing;
 - 599 (R) eliminate impact fees for any accessory dwelling unit that is not an internal
600 accessory dwelling unit as defined in Section 10-9a-530;
 - 601 (L) reduce, waive, or eliminate impact fees related to moderate income housing;
- 602

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

609

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

618

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

621

622 **3.36.70 : FEE EXCEPTIONS AND ADJUSTMENTS:**

- 623 A. The City may adjust the impact fees imposed pursuant to this ordinance as
624 necessary in order to:
- 625 5. Exempt low income housing and other development activities with broad
626 public purposes from impact fees and establish one or more sources of
627 funds other than impact fees to pay for that development activity.
- 628 B. The Mayor or his designee shall have the authority to make such
629 adjustments based upon reliable information submitted by an applicant
630 and any recommendation from the City staff.
- 631 C. The Mayor may adopt policies consistent with this ordinance and any

632 resolutions passed by the Municipal Council to assist in the
633 implementation, administration and interpretation of this ordinance related
634 to impact fees.
635

636 The purpose of Resolution No. 23-03 is to provide policy guidance for the
637 implementation of a fee waiver program for MIH projects and authorize the waiving
638 of impact fees for detached ADU's. This proposal does not include waiving the
639 typical connection fees nor does it include waiving the wastewater Treatment
640 Impact Fee as that fee is designated for a regional facility held jointly by multiple
641 entities.
642

643 Below are the typical fees the City would collect for three different types of new
644 residential construction projects (detached single family, attached townhomes,
645 multi-level apartments) based on three current projects underway in the City. It is
646 important to note that while impact fees are assessed on a per unit basis and
647 partially driven by capacity needs, permit fees are assessed based on the value of a
648 project. For example, a single family residential dwelling valued at \$250,000 will
649 be assessed different permit fees than a single family residential dwelling valued at
650 \$1,000,000; however, the impact fees for each dwelling unit are typically the same.
651

652 Depending upon the type of MIH residential units, the amount of a typical fee waiver
653 could range from approximately \$3,000 for a multi-family unit in an apartment project, to
654 \$7,500 for an attached townhome, and up to \$9,200 for a detached single family
655 dwelling. It is important to note that this is just an approximate range and will vary based
656 on an individual project.
657

658 In order to meet the State's MIH strategies "D" & 11L" we are proposing to waive impact
659 fees (excluding wastewater treatment fees) and permitting fees for Moderate Income
660 Housing projects as follows:
661

662 ***Fee Waiver Guidelines for New Construction of Moderate Income Housing Units***
663

- 664 1. The total number of combined fee waivers Logan City will issue in a calendar
665 year for new Moderate Income Housing units, regardless of the number of
666 projects, is 30 new MIH units/year.
667
- 668 2. The fee waivers will include waiving the water, wastewater collection,
669 transportation and parks impact fees, and the building permit and plan review
670 fees. The wastewater treatment impact fee is not included in this. This represents
671 a potential annual financial impact to the City of approximately \$100,000 -
672 \$300,000 for up to 30 new MIH units.
673
- 674 3. A project seeking a fee waiver shall have a recorded Land Use Restriction
675 Agreement (LURA) that is approved by a federal or state agency. This approach
676 assumes that any LMI project we offer fee waivers to are also qualifying for

- 677 other types of State or Federal tax credits, and are being financed, constructed
678 and managed consistent with State and Federal requirements for low income
679 housing. This is also important because it helps to ensure that the units
680 designated as MIH will have a life of anywhere from 15 - 99 years (as
681 determined in the LURA).
- 682
- 683 4. The City may allow fee waivers for MIH units designed and built to meet a very
684 specific need, e.g., transitional housing for domestic abuse survivors, etc.,
685 provided a LURA is approved by the City, a qualified non-profit entity is the
686 owner & operator of the project, and 100% of the units are designated as MIH
687 units serving individuals whose income is 60% or less of the area median gross
688 income. These units will count towards the annual maximum of 30 units.
- 689
- 690 5. Any project seeking fee waivers shall have at least 50% of the total units
691 restricted as MIH units while the occupancy of those units is limited to
692 individuals whose income is 60% or less of the area median gross income.
- 693
- 694 6. Fee waivers are to be prorated to the number of MIH units in a project, meaning
695 that if a project contains 20 units, and 10 of those are MIH units, the City will
696 only grant a fee waiver for the 10 MIH units.
- 697
- 698 7. A qualified non-profit organization is required to own an interest in the project
699 (directly, partnership, or limited liability corporation) and materially participate
700 (within the meaning of Internal Revenue Code 469(h)) in the development and
701 operation of the project throughout the extended use period prescribed in the
702 LURA.
- 703
- 704 8. A project designed to house students, or a project located in the Campus
705 Residential (CR) Zone, is ineligible for a fee waiver.
- 706

707 ***Conversion of Existing, Uninhabitable Housing into New Moderate Income Housing***
708 ***Units***

709

710 Goal 1 of the City's MIHP considers the conversion of existing, uninhabitable housing
711 into new moderate income housing as a priority for meeting our needs for additional
712 affordable housing. The City maintains a registry of vacant residential properties which
713 currently contains 16 residential structures on the registry which will be updated in May.
714 According to the City's MIHP, in 2024 the City will explore the feasibility and details of
715 converting uninhabitable housing stock into new MIH in greater detail. Currently, if a
716 residential property is remodeled or updated, while we will collect permit fees, we
717 generally do not collect impact fees. For a residential property being legally modified
718 with an overall increase in the number of new units and an associated increase in service
719 demand, we will collect permit fees and generally impact fees. The guidelines for
720 waiving fees for converting uninhabitable housing into new MIH are as follows:
721

- 722 1. The total number of combined fee waivers Logan City will issue in a calendar
723 year for the conversion of existing, uninhabitable housing into new MIH is 5
724 MIH units/year. The water, wastewater collection, parks, power, and
725 transportation impact fees will be waived. The building, electrical, plumbing,
726 mechanical, and land disturbance permits fees, and plan review fees will be
727 waived.
728
- 729 2. A project seeking a fee waiver shall have a recorded Land Use Restriction
730 Agreement (LURA) that is approved by the City along with a deed restriction
731 specifying the use of the units are limited to MIH units are in perpetuity.
732
- 733 3. The City may allow fee waivers for MIH units designed and built to meet a very
734 specific need, e.g., transitional housing for domestic abuse survivors, etc.,
735 provided a LURA is approved by the City, a qualified non-profit entity is the
736 owner & operator of the project, and 100% of the units are designated as MIH
737 units serving individuals whose income is 60% or less of the area median gross
738 income.
739
- 740 4. Any project seeking fee waivers shall have at least 50% of the total units
741 restricted as MIH units while the occupancy of those units is limited to
742 individuals whose income is 60% or less of the area median gross income.
743
- 744 5. Fee waivers are to be prorated to the number of MIH units in a project, meaning
745 that if a project contains 4 units, and 2 of those are MIH units, the City will only
746 grant a fee waiver for the 2 MIH units.
747
- 748 6. A project designed to house students, or a project located in the Campus
749 Residential (CR) Zone, is ineligible for a fee waiver.
750

751 *Accessory Dwelling Units*

752

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

767 warranted. If the City determines that the current ADU program is sufficient, this fee
768 waiver would not be applicable.

769

770 ADU's are viewed more as a way to get less expensive housing quickly into the market
771 rather than just targeting a specific segment of the population (low income). The
772 guidelines for ADU impact fee waivers are different than a MIH project. The typical
773 impact fee associated with an accessory ADU will be less than the average SFR impact
774 fees; however, there will still be a financial impact to the City based on increased
775 demands for some services. Therefore, the recommendation is that Council consider
776 limiting the total amount of impact fee waivers for an accessory ADU to no more than
777 50% of the total assessed impact fee amount (excluding the wastewater treatment impact
778 fee). This waiver also excludes any building permit or connection fees associated with an
779 ADU project. The guidelines for waiving fees for new detached ADU's are as follows:

780

- 781 1. Up to 50% of the following impact fees will be waived for approved and
782 permitted detached accessory dwelling units: water, wastewater collection,
783 parks, power, and transportation impact fees.
- 784
- 785 2. The total number of combined fee waivers Logan City will issue in a calendar
786 year for new detached ADU's is 5 new detached ADU units/year.

787

788 Councilmember Simmonds requested confirmation that the City does permit accessory
789 dwelling units. They are all internal and part of the existing main building in certain parts
790 of the city. It is merely listed as a possibility but is not legal or an option at present.

791

792 Mr. DeSimone confirmed that is correct. The City does not permit accessory dwelling
793 units at this time. It is merely a suggested strategy from the State.

794

795 Councilmember Jensen asked if the impact fees if not used be carried over to the next
796 year.

797

798 Mr. DeSimone responded there will be no carryover.

799

800 Vice Chair A. Anderson requested confirmation on whether fees would be waived for
801 non-profit organizations.

802

803 Mr. DeSimone answered that is correct.

804

805 Councilmember Simmons inquired if ADU's cannot be tied or ensured to moderate-
806 income housing then why do ADU's at all.

807

808 Mr. DeSimone replied it is based on the state's perception to improvise an expensive way
809 of housing.

810

811 Vice Chair A. Anderson interjected inexpensive from the perspective of development but
812 not that it will provide moderate-income housing.

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The Council discussed that it is difficult to regulate an ADU and ensure rent does not fluctuate.

Mr. DeSimone added there is also the matter of parking to consider which always causes issues.

The proposed resolution will be an action item and public hearing at the February 21, 2023, Council meeting.

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

Assistant Finance Director Rueben Nelson addressed the Council regarding the proposed budget adjustments.

Karen Clark, the Library Director explained the purpose of the grant is for the purchase of technological equipment such as computers for the children’s area, for student homework, etc.

The proposed resolution will be an action item and public hearing at the February 21, 2023, Council meeting.

OTHER CONSIDERATIONS:

Councilmember M. Anderson said if there is anything that can be further done for the trail extension since an area is a swamp in the easement area.

Mayor Daines responded she will ask questions and return with answers for the Council.

ADJOURNED. There being no further business, the Logan Municipal Council adjourned at 7:06 pm.

Esli Morales, Deputy City Recorder