



## MEMORANDUM TO MUNICIPAL COUNCIL

DATE: February 7, 2023  
FROM: Mike DeSimone, Director  
SUBJECT: Ordinance #23-02 (LDC Amendments – Critical Lands Overlay)

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### Summary of Planning Commission Proceedings

*Project Name:* Critical Lands Overlay  
*Request:* Code Amendment  
*Project Address:* Citywide  
*Recommendation of the Planning Commission:* **Approval**

On January 12, 2023, the Planning Commission recommended to the Municipal Council **approval** of the following Land Development Code Amendments:

Land Development Code (LDC) Chapter 17.24 "Critical Lands Overlay."

### Planning Commissioners vote (6-0):

Motion: R. Crowshaw

Second: J. Guth

**Yea:** J. Guth, R. Crowshaw, K. Heare, D. Lewis, E. Peterson, S. Doutre

**Abstain:** none    **Nay:** none

### Attachments

*Ordinance #23-02*

*Staff Report & Project Slides*

*PC Meeting Minutes*

**CITY OF LOGAN, UTAH  
ORDINANCE NO. 23-02**

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

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

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

**SECTION 2:** This ordinance shall become effective upon publication.

PASSED BY THE LOGAN MUNICIPAL COUNCIL, STATE OF UTAH, \_\_\_\_\_  
THIS DAY OF \_\_\_\_\_, 2023.

AYES:

NAYS:

ABSENT:

\_\_\_\_\_  
Ernesto López, Chairman

ATTEST:

\_\_\_\_\_  
Teresa Harris, City Recorder

**PRESENTATION TO MAYOR**

The foregoing ordinance was presented by the Logan Municipal Council to the Mayor for  
approval or disapproval on the \_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Ernesto López, Chairman

**MAYOR'S APPROVAL OR DISAPPROVAL**

The foregoing ordinance is hereby \_\_\_\_\_ this \_\_\_\_ day of \_\_\_\_\_,  
2023.

\_\_\_\_\_  
Holly H. Daines, Mayor

# **EXHIBIT A**

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

### §17.24.010 Purpose

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

- A. ~~Floodplains. Lands with a potential flood hazard as identified by the City Engineer and as defined in Logan Municipal Code 15.27 (Flood Damage Prevention Ordinance).~~
- B. ~~Riparian Areas. Lands within 150 feet as measured from the Annual High Water Line (AHWL) of a stream or river draining a basin size greater than one square mile, and the land within 25 feet of centerline of a stream draining an area less than one square mile.~~
- C. ~~Geologically Unstable Areas. (Erosive Areas, Steep Slopes, Severely Constrained Areas). Lands that are geologically unstable due to potential erosion hazards, unstable slopes, steep slopes (slopes in excess of 30 percent), in proximity to Quaternary Faults, susceptible to debris flows, containing soils unsuitable for development, and susceptible to a high water table.~~
- D. ~~Wildland Urban Interface. Wildfire Threats. The line, area, or zone where structures and other human development meet or intermingle with undeveloped wildland or vegetation fuels. (Lands with potential of wildfire as determined by the Logan City Fire Chief.)~~
- E. ~~Prime Agricultural lands. Lands defined by the Natural Resource Conservation Service as having the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops and is also available for these uses. It has the soil quality, growing season, and moisture supply needed to produce economically sustained high yields of crops when treated and managed according to acceptable farming methods, including water management. In general, prime farmlands have an adequate and dependable water supply from precipitation or irrigation, a favorable temperature and growing season, acceptable acidity or alkalinity, acceptable salt and sodium content, and few or no rocks. They are permeable to water and air. Prime farmlands are not excessively erodible or saturated with water for a long period of time, and they either do not flood frequently or are protected from flooding.~~
- F. ~~E. Lands above 4,850'. Residential building lots located on the eastern bench of Logan City at an elevation at or above 4,850' mean sea level.~~
- G. ~~F. Wetlands. Areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions as delineated during a formal wetland delineation and approved by the U.S. Army Corps of Engineers.~~
- H. ~~Critical Wildlife Habitat.~~

### §17.24.020 Review Process: ~~Approval and Permit Required~~

- A. For project sites containing one or more Critical Lands, s within an identified Critical Area, compliance with the development requirements of this Chapter shall be applied during the underlying regulatory and review processes outlined in Chapter 17.39.
- B. Application Process. Any application for project approval which contains Critical Lands as defined in this Chapter shall submit a Critical Lands Analysis performed by qualified professionals licensed in the State of Utah that identifies and addresses the



~~following: Approval Criteria. A permit shall be issued when the Applicant demonstrates:~~

- ~~1. Floodplains. A delineation of the 1% Special Flood Hazard Area (also referred to as the 100 year floodplain) and the 0.2% Special Flood Hazard Area (also referred to as the 500 year floodplain) boundaries as depicted on the latest FIRM maps including Base Flood Elevations (BFE), and a delineation of any previous flood events, including highest known flood elevations, on the site. That the development will not cause damage or hazard to persons or property upon, or adjacent to, the area of development.~~
- ~~2. Riparian Areas. A delineation of the riparian corridor including the annual High Water Mark, top of bank, a description and condition of the existing vegetative cover in the corridor, and any natural or manmade drainages that traverse the riparian corridor. That the development is in compliance with the requirements of this Chapter and all other applicable requirements of the Municipal Code.~~
- ~~3. Geologically Unstable Areas. A geologic engineering report prepared by a Professional Engineer licensed in the State of Utah that complies with the requirements of Section 17.24.070. Additional Geotechnical analysis may be required with the building permit application.~~
- ~~4. Wildland Urban Interface. A Fire Prevention and Control Plan shall be submitted if a project site is in a Wildfire Threat Area as designated by the Logan City Fire Department.~~
- ~~5. Lands Above 4,850. An engineering report prepared by a Professional Engineer analyzing the site's slope characteristics and any anticipated cuts & fills both pre and post construction; and a report and/or plans prepared by a Licensed Architect that complies with the site and building design requirements of this Chapter.~~
- ~~6. Wetlands. A wetland delineation conducted using the 1987 Federal Manual for Identifying and Delineating Jurisdictional Wetlands, as amended.~~
- ~~7. Prime Agricultural Lands. A determination from the NRCS that the site is not considered Prime Agricultural Land.~~
- ~~7. Critical Wildlife Habitat.~~

Riparian Areas.

- ~~C. The Decision Making Body may require project modifications to include any of the following conditions if necessary to mitigate any potential negative impact caused by the development:~~
- ~~1. Require the retention of trees, rocks, ponds, watercourses, highly productive agricultural lands, and other natural features.~~
  - ~~2. Require plan revision or modification to mitigate negative or irreversible effects upon the natural features that the proposed development may cause.~~
  - ~~3. Avoid creating or exacerbating hazardous conditions adverse to the public health, welfare and safety.~~
- ~~D. The Decision Making Body may deny a permit if the proposed development will have a detrimental effect on the lands regulated by this Chapter and appropriate mitigation is unavailable.~~

**~~§17.24.030 Land Classifications~~**

~~The following factors shall be used to determine the classifications of various lands and their constraints to building and development:~~

- ~~A. Floodplains. Lands with a potential flood hazard as identified by the City Engineer.~~



- ~~B. Riparian Areas. Lands within 75 feet of the stream centerline for streams draining a basin size greater than 1 square mile, and the land within 25 feet of the stream centerline for streams that drain areas of one square mile or less. It also includes any wetlands or riparian area identified during the Federal 404 Permit Process.~~
- ~~C. Geologically Unstable Areas. Lands that are geologically unstable due to potential erosion hazards, unstable slopes, steep slopes (slopes in excess of 30 percent), and areas susceptible to debris flows. Areas above and below canals on slopes greater than 10% that contain a high slope failure potential are also considered potential erosion hazard areas.~~
- ~~D. Wildfire Lands. Lands with potential of wildfire as determined by the Logan City Fire Chief.~~
- ~~E. Wetlands. Lands defined as wetlands by the U.S. Army Corp of Engineers.~~
- ~~F. Prime Agricultural Land. Lands mapped by the State of Utah as Agricultural land of National or State Importance.~~
- ~~G. Essential Views. Locally significant and important view corridors, view foregrounds, and view backdrops identified on the Essential Views Map.~~
- ~~H. Critical Wildlife Habitat. Lands identified by the State of Utah as critical wildlife habitat.~~

#### **~~§17.24.040 Official Maps~~**

~~The City shall adopt official critical lands maps denoting the above identified areas using the most accurate and best data available. Site specific critical lands information, such as a formal wetland delineation or floodplain map amendment prepared by individuals with expertise in the critical lands in question may be considered by the City for inclusion in the official critical lands maps.~~

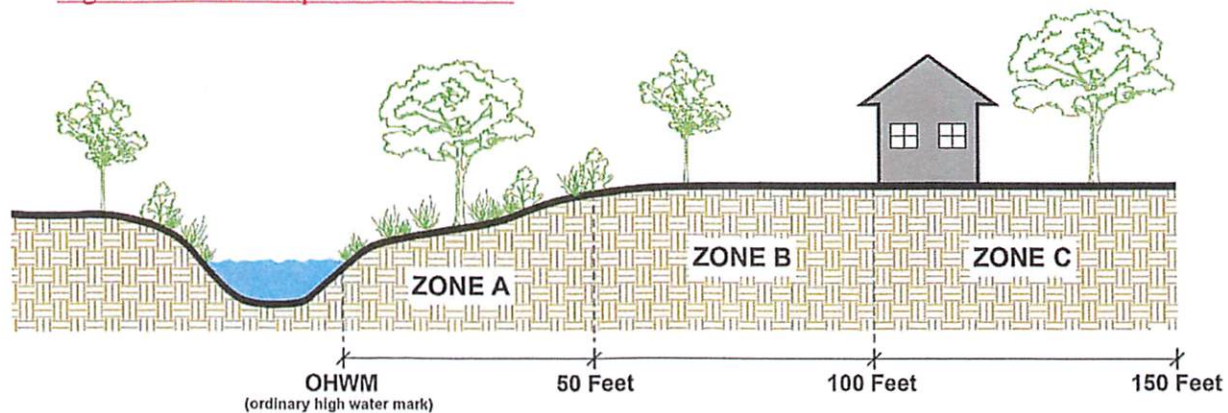
#### **§17.24.050 Development Standards for Floodplains**

The City's Policy regarding new development within a designated floodplain is that all new development including, but not limited to, road construction, site preparation, building construction, etc., shall avoid building, constructing, grading, and filling in a delineated special flood hazard zone. All development shall comply with the applicable regulations and standards of the National Flood Insurance Program (NFIP), the most current effective Flood Insurance Study (FIS), ~~and~~ the most current Flood Insurance Rate Maps (FIRM) as administered by the City Engineer, and the City's Flood Damage Prevention Ordinance contained in Logan Municipal Code Chapter 15.27. ~~Development within a designated Floodway is prohibited. All construction, and substantial improvement of any structure, shall have the lowest habitable floor, including basement, elevated to a minimum of 1' above the base flood elevation.~~

#### **§17.24.060 Development Standards for Riparian Areas**

All Riparian Areas are divided into three (3) distinct zones, each with their own specific standards and requirements for use and development. All riparian areas shall be clearly delineated on the ground and shown on the preliminary development plans. A proposed Riparian Area Disturbance and Remediation Plan shall be submitted with the preliminary development plans. ~~development within a Riparian Area shall comply with the following standards:~~



Figure 17.24.060: Riparian Area Zones

## Riparian Areas

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



2. No more than 70% of the land area within this zone may be disturbed, including grading, clearing, grubbing, tree removal, etc. At least 30% of the land area in this zone shall remain undisturbed and in permanent open space. All disturbed areas shall be revegetated within 60 days of initial disturbance. Erosion control measures shall be implemented.
- D. General standards and requirements for all Riparian Zones.
1. Routine repair and maintenance of existing structures, roadways, driveways, utility facilities, accessory uses, and other development are authorized subject to the limitations in Chapter 17.52.
  2. Stream, wetland, flood control, riparian and upland enhancement or restoration projects approved by Logan City are authorized under this Chapter.
  3. Continuous and on-going farming practices, farm uses, and the pasturing of livestock are permitted within a riparian area. All new farming practices, farm uses, cultivation, livestock grazing and building construction shall be setback at least 50' from the Annual High Water Line (AHWL).
  4. Existing utilities may be maintained and/or replaced within a riparian area provided any disturbed areas are restored.
  5. Additions, alterations, rehabilitation, or replacement of existing structures that do not increase the existing structural footprint in the Riparian Area are permitted provided the disturbed areas are restored using native vegetation.
  6. Measures to remove or abate nuisances, or any other violation of State Statute, administrative agency rule, or City ordinance are authorized under this Chapter.
  7. Stormwater retention or detention facilities, and on-site sewage disposal systems are prohibited in all riparian zones.
  8. Commercial and multi-family parking lots are prohibited in all riparian zones.

~~All structures shall maintain a 25' setback from the top of stream bank within a riparian area with the exception of bridges, docks, viewing platforms, public recreational amenities, or other similar features.~~

- ~~B. No more than 50% of the land area within the riparian area may be disturbed, including grading, clearing, grubbing, tree removal, etc. All disturbed areas shall be revegetated within 60 days of initial disturbance. Erosion control measures shall be implemented during all construction.~~
- ~~C. Trees larger than 12" dbh shall not be removed from a riparian area unless they are considered a hazard tree, diseased or dead.~~
- ~~D. Existing utilities may be maintained and/or replaced within a riparian area provided any disturbed areas are restored.~~
- ~~E. Additions, alterations, rehabilitation, or replacement of existing structures that do not increase the existing structural footprint in the Riparian Area are permitted provided the disturbed areas are restored using native vegetation.~~
- ~~F. Stream, wetland, riparian and upland enhancement or restoration projects are authorized under this Chapter.~~
- ~~G. Continuous and on-going farming practices, farm uses, and the pasturing of livestock are permitted within a riparian area. All new farming practices, farm uses, cultivation, livestock grazing and building construction shall be setback at least 25' from the top of the stream bank.~~
- ~~H. Routine repair and maintenance of existing structures, roadways, driveways, utility facilities, accessory uses and other development are authorized under this Chapter.~~



~~I. Measures to remove or abate nuisances, or any other violation of State statute, administrative agency rule or City ordinance are authorized under this Chapter.~~

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

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

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

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

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



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



- C. Fuel breaks in areas which are also highly erosive or steep slopes shall be included in the erosion control measures outlined in this Chapter~~17.24.080~~.

**~~§17.24.90 — Prime Agricultural Lands~~**

- ~~A. Logan's climate, topography and accessibility make it uniquely suited to the production, processing and distribution of agricultural products on a regional and national scale. Prime agricultural lands shall be governed by the following:~~
- ~~1. All lands identified as prime agricultural lands by the Utah Department of Agriculture shall be mapped by the City~~
  - ~~2. Any proposed development within identified prime agricultural lands shall be governed by the uses allowed in the Rural Conservation (RC) zone.~~
  - ~~3. Prime agricultural lands should be preserved through a variety of tools, including, but not limited to:~~
    - ~~a. Limiting development on highly productive agricultural lands;~~
    - ~~b. Utilize land set asides in conjunction with other developments;~~
    - ~~c. Permanent Open Space;~~
    - ~~d. Use of conservation easements;~~
    - ~~e. Purchase and transfer of Development Rights ;~~
    - ~~f. Utilizing development incentives and creative site design to maximize development potential in suitable areas while preserving prime agricultural lands; and~~
    - ~~g. Private land trusts.~~

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

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



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

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

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

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



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



7. Stormwater retention or detention facilities are prohibited in all wetlands or wetland setback areas.

**§17.24.120 Reasonable Use Exception**

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

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



**Project #22-059 (Updated)  
Critical Lands Overlay  
Land Development Code Amendment**

**REPORT SUMMARY...**

<i>Project Name:</i>	Critical Lands Overlay
<i>Proponent/Owner:</i>	Community Development Department
<i>Project Address:</i>	Citywide
<i>Request:</i>	Code Amendment
<i>Type of Action:</i>	Legislative
<i>Date of Hearing:</i>	January 12, 2023
<i>Submitted By:</i>	Mike DeSimone, Director

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

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

Included Definition of Riparian Area (17.24.010.B):

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

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

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

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

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

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

The updated LDC Chapter 17.24 is attached and the original staff report is below.

**RECOMMENDATION**

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

**REQUEST**

This is a proposal to modify the standards and regulations for development activity within or adjacent to Floodplains, Riparian Areas, Geologically Unstable Areas, Wildland Urban Interface



Areas, Lands above 4,850', and Wetlands. The proposed code changes also eliminate Prime Agricultural Lands and Critical Wildlife Habitat from the list of Critical Lands regulated by Logan while adding a Reasonable Use Exception section.

## **SUMMARY OF CHANGES**

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

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

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

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

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

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

*Wetlands* - Areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions as delineated during a formal

wetland delineation and approved by the U.S. Army Corps of Engineers. The proposed changes to this section include requiring a complete wetland delineation be submitted with the development application on a site that appears to have wetlands, establishes a minimum 50' setback from the Ordinary High Water Mark of a delineated wetland and a 20' setback from the Ordinary High Water Mark of an irrigation ditch or canal regulated by the Corp, and have defined uses and activities that are permitted within or adjacent to a wetland area.

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

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

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

#### **STAFF RECOMMENDATION AND SUMMARY**

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

#### **GENERAL PLAN**

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

#### **PUBLIC COMMENTS**

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

#### **PUBLIC NOTIFICATION**

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

#### **AGENCY AND CITY DEPARTMENT COMMENTS**

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

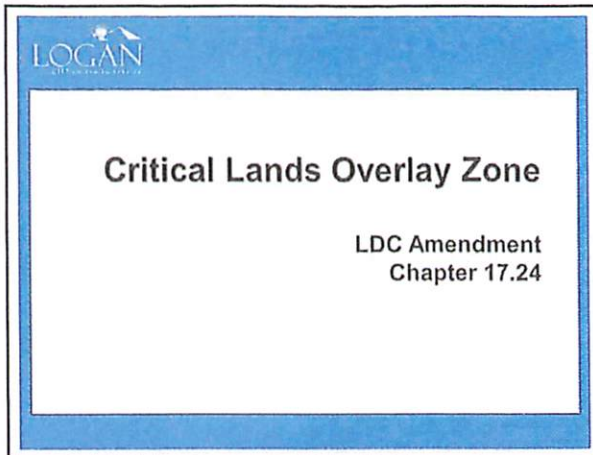
#### **RECOMMENDED FINDINGS FOR APPROVAL**

The Planning Commission bases its decisions on the following findings:

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

2. The Code Amendments are done in conformance with the requirements of Title 17.51 of the Logan Municipal Code.
3. The proposed Code Amendments are consistent with the Logan City General Plan.
4. The proposed Code Amendments to the Critical Lands Overlay Zone will further protect important resource areas without impeding the development plans of private landowners.
5. The proposed Code Amendments will further the public health, safety and welfare by providing for the safe, orderly and beneficial development of areas characterized by development hazards and valuable natural conditions.
6. No public comment has been received regarding the proposed amendments.

This staff report is an analysis of the application based on adopted city documents, standard city development practices, and available information. The report is to be used to review and consider the merits of the application prior to and during the course of the Planning Commission meeting. Additional information may be revealed by participants at the Planning Commission meeting which may modify the staff report and become the Certificate of Decision. The Director of Community Development reserves the right to supplement the material in the report with additional information at the Planning Commission meeting.



1

### What are regulated under Critical Lands?

- Floodplains (sorta – LMC 15.27)
  - Riparian Areas
  - Geological Unstable Areas
  - Wildland Urban Interface
  - Lands Above 4,850'
  - Wetlands
- Dropped Prime Agricultural Lands and Critical Wildlife Habitat

2

### Overall Changes to Critical Lands Overlay

- Requiring Information at time of Application to inform Project Design & Decision Making
- Floodplains – Delineation of the 1% (100 yr) and 0.2% (500 yr) Special Flood Hazard Areas & BFE
- Riparian – Delineation of the Riparian Corridor
- Geologically Unstable Area – Geologic Engineering Report re the specific Issue of Concern (slopes, faults, soils, erosion)
- Wetlands – Wetland Delineation

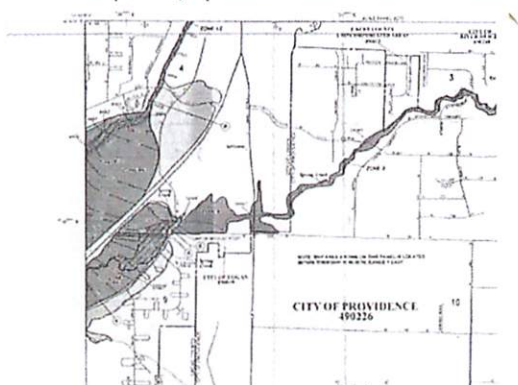
3

### Overall Changes to Critical Lands Overlay

- Lands Above 4,850 – Engineering Report re site conditions (slopes, grading, cuts/fills) and Licensed Architect
- Wildland Urban Interface – Fire Prevention & Control Plan (Generally East Bench Areas)

4

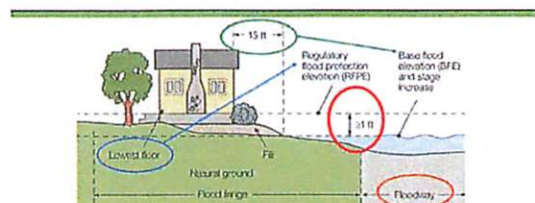
### Floodplains/Special Flood Hazard Areas



5

### Floodplains/Special Flood Hazard Areas

- Increase the Lowest Finished Floor from 1' above Base Flood Elevation (BFE) to 2' above BFE (e.g. lowest floor of the lowest enclosed area, including basement)



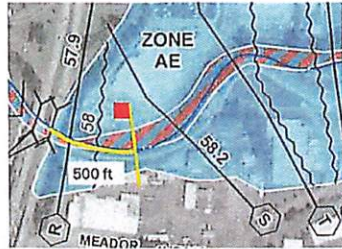
\*RFPE = 100-year flood (BFE) + stage increase + 1' freeboard (minimum)  
(Lake lots normally do not have stage increase)

6



### Floodplains/Special Flood Hazard Areas

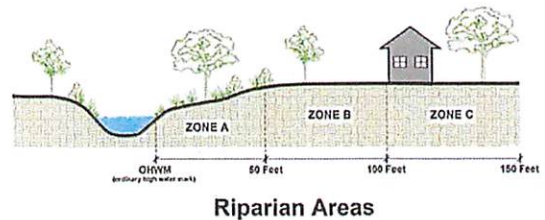
- Prohibit Critical Facilities in all Special Flood Hazard Areas (schools, hospitals, police/fire)
- Requires BFE delineation at time of Application for Projects & Subdivisions
- LMC 15.27



7

### Proposed Riparian Area Reg's

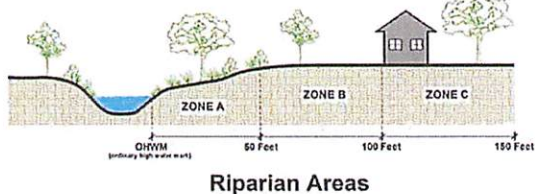
- Divided into 3 Zones
- Zone A: First 50' from OHWM, Minimal Disturbance, Maintain Trees and Vegetation



8

### Riparian Areas

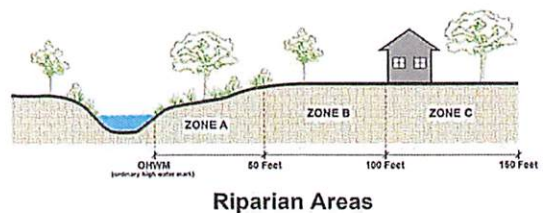
- Zone B: 50' – 100', allows some Disturbance, Maintain 50% of native Trees and Vegetation
- Building Setback Line at 100'
- Decks, patios, fences, landscaping, etc., can encroach



9

### Riparian Areas

- Zone C: 100' – 150', allows Disturbance, Maintain 30% of native Trees and Vegetation
- Building Setback Line at 100'



10

### Riparian Areas

- Allow Maintenance and Repair
- Stream Restoration & Enhancement Projects
- Existing AG Practices can Continue
- Maintain Existing Utilities and Roads
- Existing Structures – Additions, Alterations, Rehab, etc...
- Nuisance Abatement
- No Stormwater Facilities in Riparian Areas
- No Commercial or Multi-Family Parking Lots in Riparian Areas

11

### Geological Unstable Areas

- Geological Report Required (slopes, faults, soils, etc)



12

### Wildland Urban Interface

- Fire Prevention and Control Plan if Site within a WUI
- The WUI is the zone of transition between unoccupied land and human development. It is the line, area or zone where structures and other human development meet or intermingle with undeveloped wildland or vegetative fuels.



13

### Lands Above 4,850

- Grading Plan & Architectural Details



14

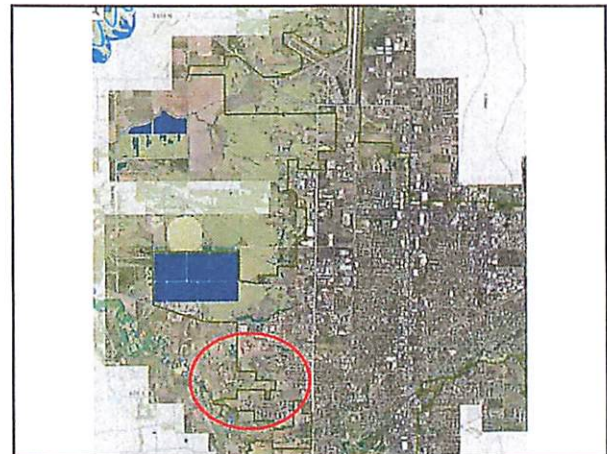
### Wetlands

"Wetlands are areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas."

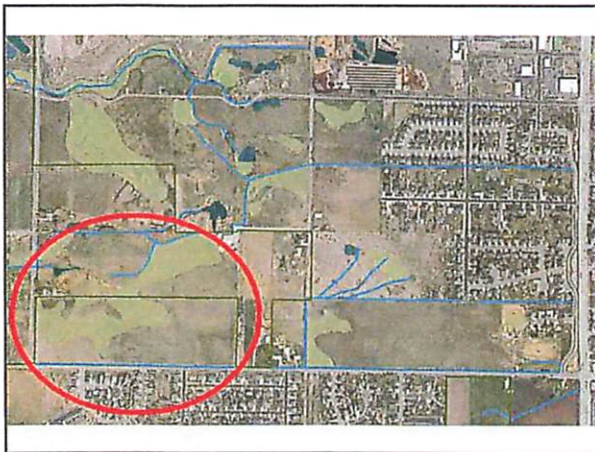
Definition of wetlands as used by the U.S. Army Corps of Engineers (Corps) and the U.S. Environmental Protection Agency (EPA) since the 1970s for regulatory purposes.



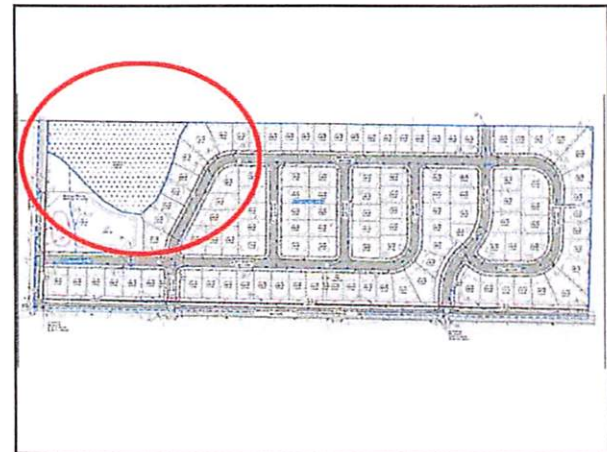
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16



17



18



### Wetland Delineation



19

### Proposed Wetland Regs

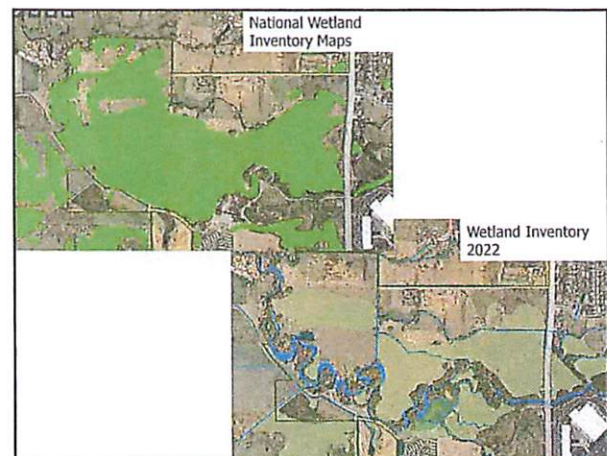
- Delineation per US Army Corp of Engineers Required
- Defers to USACE on Wetland Permitting and does not supersede nor add additional wetland mitigation measures
- All Wetland Disturbance Requires Written Corp Approval
- Establish 50' Setback from OHWM of Delineated Wetland
- Establish 20' Setback from OHWM of Ditch/Canal under USACE Jurisdiction
- Transfer of Density from Wetlands and Setbacks elsewhere on the Site
- Routine Maintenance and Repair
- Stream or Wetland Restoration Projects

20

### Wetland Areas

- Existing AG Practices can Continue
- New AG shall meet Setbacks
- Maintain Existing Utilities and Roads
- Existing Structures – Additions, Alterations, Rehab, etc...
- Nuisance Abatement
- No Stormwater Facilities in Wetland Areas

21



22

### Reasonable Use Exception

- Request if Reg's Deny all Reasonable Economic Use
- Expectations of Future Development Plan are not considered a Reasonable Economic Use
- Minimize & Mitigate Impacts to Resource
- Inability to Derive Reasonable Use not the result of Actions by the Applicant
- Only Authorizes Permitted Uses allowed by Underlying Zone
- Burden of Proof on the Applicant

23

### Questions

24



**Project #22-059  
Critical Lands Overlay  
Land Development Code Amendment**

**REPORT SUMMARY...**

<i>Project Name:</i>	Critical Lands Overlay
<i>Proponent/Owner:</i>	Community Development Department
<i>Project Address:</i>	Citywide
<i>Request:</i>	Code Amendment
<i>Type of Action:</i>	Legislative
<i>Date of Hearing:</i>	November 17, 2022
<i>Submitted By:</i>	Mike DeSimone, Director

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**RECOMMENDATION**

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

**REQUEST**

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

**SUMMARY OF CHANGES**

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

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## **PUBLIC COMMENTS**

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## **RECOMMENDED FINDINGS FOR APPROVAL**

The Planning Commission bases its decisions on the following findings:

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This staff report is an analysis of the application based on adopted city documents, standard city development practices, and available information. The report is to be used to review and consider the merits of the application prior to and during the course of the Planning Commission meeting. Additional information may be revealed by participants at the Planning Commission meeting which may modify the staff report and become the Certificate of Decision. The Director of Community Development reserves the right to supplement the material in the report with additional information at the Planning Commission meeting.





## PLANNING COMMISSION MINUTES

### Meeting of January 12, 2023

Logan City Council Chambers (290 N 100 W Logan, UT 84321) [www.loganutah.org](http://www.loganutah.org)

Minutes of the meeting for the Logan City Planning Commission convened in regular session Thursday, January 12, 2023, Commissioner Heare called the meeting to order at 5:30 p.m.

**Commissioners Present:** Roylan Croshaw, Jordy Guth, David Lewis, Ken Heare Eldon Peterson, Sara Doutre

**Commissioners Excused:** Jessica Lucero

**Staff Present:** Russ Holley, Tanya Rice, Mike DeSimone, Amanda Pearce, Ben Anderson, Mohammed Abdullahi, Darren Farar, Joseph Hawkes, Paul Lindhardt, Jeannie Simmonds (City Council)

Commissioner Guth approved the minutes from the December 15, 2022 meeting as submitted. Motion seconded by Commissioner Peterson. The motion was approved unanimously.

#### **PUBLIC HEARING:**

**PC 22-053 Black Rifle Coffee Company** -Requesting continuance to the January 26<sup>th</sup> meeting. [Design Review Permit] Julianne McGee/Logan Main & 4<sup>th</sup> Pads LLC, authorized agent/owner are requesting a Design Review Permit to construct a new 2,718 square foot coffee shop with a drive-thru located at 398 North Main Street in the Town Center One (TC-1) zone; TIN 06-043-0017; -0015 (Adams Neighborhood).

**PC 23-006 Land Development Code Amendment 17.07, 17.08, 17.10 (Residential & Commercial Standards)** -Requesting continuance to the February 9<sup>th</sup> meeting. [Code Amendment] Mike DeSimone/Logan City are requesting a Code Amendment to the Land Development Code, Chapter 17.07-Specific Development Standards; Residential Zones to include transparency, useable outdoor space, open space & landscaping requirements, and minimum lot size in MR-12; amend Chapter 17.07-Neighborhood Residential Zone Uses to clarify permitted residential structure types in NC Zone; and amend Chapter 17.10 Specific Development Standards; District and Corridor Zones to reflect changes to useable outdoor space, open space, and landscaping requirements.

**PC 23-008 Land Development Code Amendment 17.09, 17.29, 17.30, 17.31 (Residential Driveway & Parking Standards)** -Requesting continuance to the February 9<sup>th</sup> meeting. [Code Amendment] Mike DeSimone/Logan City are requesting a Code Amendment to the Land Development Code, Chapter 17.07-General Development Standards; Residential Zones to remove residential driveway requirements; amend chapter 17.29-Standards, Specifications, and Improvements to include residential driveway requirements; amend Chapter 17.30-Supplemental Development Standards to modify street connection requirements; and amend Chapter 17.31-Parking to update RV & Utility Trailer Parking in Residential Neighborhoods.

**PC 23-009 Land Development Code Amendment 17.28, 17.32 (Open Space, Landscaping, Useable Outdoor Space)** -Requesting continuance to the February 9<sup>th</sup> meeting. [Code Amendment] Mike DeSimone/Logan City are requesting a Code Amendment to the Land

Development Code, Chapter 17.28-Open Space to eliminate open space code language and consolidate useable outdoor space requirements into landscaping requirements for new development; amend Chapter 17.32-Landscaping to incorporate useable outdoor space into landscaping requirements.

**MOTION:** Commissioner Doutre moved to continue PC 22-053 to the January 26, 2023 meeting and PC 23-006, 23-008, and 23-009 to the February 9, 2023 meeting. Motion seconded by Commissioner Croshaw. The motion was approved unanimously.

**PC 23-001 Cache County Wireless Pt2Pt Network-Sheriff Tower** [Conditional Use Permit] Sheriff Chad Jensen, Bartt Nelson/Cache County Corp, authorized agent/owner are requesting a Conditional Use Permit for a new 120-foot wireless pt-2-pt network tower located at 1225 West Gateway Drive in the Public (PUB) zone; TIN 05-061-0017 (Ellis Neighborhood).

**STAFF:** Russ Holley, Senior Planner, reviewed the request for a Conditional Use Permit for a new wireless network tower behind the Sheriff's Complex located at 1225 Gateway Drive in the Public (PUB) zone. The tower is proposed at 120 feet tall, the buildings in this area are approximately 40 feet tall, the office building has rooftop antennas that add 20-30 feet in height, and the parking lot poles are approximately 35 feet tall. This tower will be part of a wireless communication network with existing towers throughout the valley that will serve the county and emergency personnel. The tower will be a galvanized steel pole that is a light silver color and needs to be 120 feet tall in order to avoid obstacles and communicate with other towers in the County's system.

The future 1400 West street will run approximately 195 feet to the west of the proposed tower site. The Land Development Code (LDC) requires a two-to-one setback when adjacent to a street. The pole will need to move 50 feet to the east to comply with the setback. The LDC also requires a level of stealth or camouflage compatible with the area. The Commission will need to determine if the level of camouflage proposed is sufficient. The Commission will need to determine if the height of the tower is appropriate to provide the minimum level of service and be the least impactful to the area.

Commissioner Doutre asked if there should be a condition added stating the FFA requirements are to be met.

**PROPONENT:** Bart Nielsen, Cache County IT Director, stated that their main goal is to bring all county facilities together on one in-house network. They are not planning on using these towers for commercial cell service. The color options on these towers are brown/red and silver/grey and they chose the grey color because it blends in better.

Commission Peterson asked what the need is for the 120-foot towers. Mr. Nielsen stated that the height is needed to clear trees.

Commissioner Croshaw asked about future towers. Mr. Nielsen said for right now they are just covering the county sites, he said there may be future connections to underserved areas through a federal program.

Commissioner Croshaw asked if the towers all must be in the direct line of sight. Mr. Nielsen said that once you get above the tree line there is a 360-degree line of site.

**PUBLIC:** No public comments were made.



**COMMISSION:** Commissioner Doutre said they can't get much stealthier. The Commission discussed striking condition number five and replacing it with a condition that states that FAA requirements shall be met.

**MOTION:** Commissioner Peterson moved to **Conditionally Approve** a Conditional Use Permit for PC 23-001 with the amended conditions of approval and finding for approval as listed below. Commissioner Guth seconded the motion.

**CONDITIONS OF APPROVAL**

1. All standard conditions of approval will be recorded with the Design Review and are available in the Community Development Department.
2. The tower shall be no taller than 120'.
3. If ground equipment is ever installed, a solid fence shall enclose and screen the equipment.
4. The pole base shall be setback 240 feet from the future edge of 1400 West.
5. The tower shall adhere to FFA and Logan Regional Airport regulations and standards.
6. Prior to issuance of a Building Permit, the Director of Community Development shall receive a written memorandum from each of the following departments or agencies indicating that their requirements have been satisfied:
  - a. **Engineering - contact 435-716-9160**
    1. Groundwater is shallow at the site and there is a moderate potential for liquefaction in the area. All design shall account for these conditions in the design.

**FINDINGS FOR APPROVAL**

1. The proposed project is compatible with surrounding land uses and will not interfere with the use and enjoyment of adjacent properties and stealth design of the tower will help to mitigate visual impacts.
2. The Conditional Use Permit conforms to the requirements of Title 17 of the Logan Municipal Code and is consistent with the allowable maximum densities of the underlying zone compatible with surrounding land uses and will not interfere with the use and enjoyment of adjoining properties.
3. The site will be served by infrastructure having sufficient capacities to meet the service demands of the proposed use.
4. The proposed use is compatible with the surrounding neighborhood character as defined in Section 17.62.
5. The proposed access is consistent with Logan City access and roadway standards and Utah Department of Transportation requirements where applicable.
6. The conditional use is aimed at mitigating the possible negative impacts of excessive light, noise, and traffic.
7. The project meets the goals and objectives of the PUB designation within the Logan General Plan by providing reliable and quality public service options.
8. The project met the minimum public noticing requirements of the Land Development Code and the Municipal Code.

**Moved:** E. Peterson

**Seconded:** J Guth

**Approved:** 6-0

**Yea:** Guth, Croshaw, Lewis, Heare, Peterson, Doutre

**Nay:**

**Abstain:**

**PC 23-002 Cache County Wireless Pt2Pt Network-Fairgrounds Tower** [Conditional Use Permit]  
Bart Esplin, Bartt Nelson/Cache County Corp, authorized agent/owner are requesting a Conditional Use Permit for a new 120-foot wireless pt-2-pt network tower located at 510 South 400 West in the Recreation (REC) zone; TIN 02-058-0056 (Woodruff Neighborhood).

**STAFF:** Russ Holley, Senior Planner reviewed the request for a new wireless network tower replacing an existing 65-foot tower located in the southeast corner of the rodeo grounds. The existing tower does have stadium lighting on the top that will remain at that height on the new tower.

Commissioner Guth asked if this tower meets the setback. R. Holley said the proposed tower meets the setback requirement as it is located approximately 500 feet from the nearest street, 300 West.

**PROPONENT:** Commissioner Guth asked the proponent if the color of this tower will be the same as the Sheriff Tower. Mr. Nielsen said yes, they choose the same color because most of this tower will be in the sky.

Commissioner Lewis asked if cell service will be added to this tower in the future. Mr. Nielsen said that they have no intention of adding cell service in the future.

**PUBLIC:** Robert Montgomery asked if there are any hazards to the residents that live nearby and if it could be conditioned that they cannot add cell service to the tower.

**COMMISSION:** Commissioner Guth asked if they would be able to add cell service in the future. R. Holley stated that if the use of the tower changes, they would have to come back for a new Conditional Use Permit approval.

Commissioner Dautre agreed that the grey color is stealthier than the brown in this location. The Commission discussed striking condition number five and replacing it with a condition stating the FFA requirements will be met and adding a condition number seven that states if the use of the tower changes a revision to the Conditional Use Permit would be required.

**MOTION:** Commissioner Dautre moved to **Conditionally Approve** a Conditional Use Permit for **PC 23-002** with the amended conditions of approval and findings for approval as listed below. Commissioner Guth seconded the motion.

#### **CONDITIONS OF APPROVAL**

1. All standard conditions of approval will be recorded with the Design Review and are available in the Community Development Department.
2. The tower shall be no taller than 120'.
3. If ground equipment is ever installed, a solid fence shall enclose and screen the equipment.
4. The pole placement shall match the submitted site plan and double as a light pole for the rodeo arena.
5. The tower shall adhere to FFA and Logan Regional Airport regulations and standards.
6. Prior to issuance of a Building Permit, the Director of Community Development shall receive a written memorandum from each of the following departments or agencies indicating that their requirements have been satisfied:
7. If in the future, requests are made that significantly change this tower from that which is approved with this permit, a subsequent conditional use permit with legal noticing must be approved.
  - a. **Engineering** - contact 435-716-9160
    1. Groundwater is shallow at the site and there is a moderate potential for liquefaction in the area. All design shall account for these conditions in the design.



### **FINDINGS FOR APPROVAL**

1. The proposed project is compatible with surrounding land uses and will not interfere with the use and enjoyment of adjacent properties and stealth design of the tower will help to mitigate visual impacts.
2. The Conditional Use Permit conforms to the requirements of Title 17 of the Logan Municipal Code and is consistent with the allowable maximum densities of the underlying zone compatible with surrounding land uses and will not interfere with the use and enjoyment of adjoining properties.
3. The site will be served by infrastructure having sufficient capacities to meet the service demands of the proposed use.
4. The proposed use is compatible with the surrounding neighborhood character as defined in Section 17.62.
5. The proposed access is consistent with Logan City access and roadway standards and Utah Department of Transportation requirements where applicable.
6. The conditional use is aimed at mitigating the possible negative impacts of excessive light, noise, and traffic.
7. The project meets the goals and objectives of the PUB designation within the Logan General Plan by providing reliable and quality public service options.
8. The project met the minimum public noticing requirements of the Land Development Code and the Municipal Code.

**Moved:** S. Doutre

**Seconded:** J. Guth

**Approved:** 6-0

**Yea:** Croshaw, Lewis, Heare, Guth, Peterson, Doutre

**Nay:**

**Abstain:**

**PC 23-003 Stephens Rezone** [Zone Change] Barak Stephens/Shon T & Cory Alice Hender TRS, authorized agent/owner are requesting a zone change of a vacant .25-acre lot located at approximately 745 East Canyon Road from Traditional Neighborhood Residential (NR-6) to Mixed Residential Low (MR-12) zone; TIN 06-048-0011 (Wilson Neighborhood).

**STAFF:** Mike DeSimone, Community Development Director reviewed the request for a rezone of a .25-acre parcel located at 745 East Canyon Road from Traditional Neighborhood Residential (NR-6) to Mixed Residential Low (MR-12) with a recommendation that the Planning Commission forward a recommendation of denial to the City Council.

**PROPONENT:** Barak Stephens spoke about the multi-family residences that surround this lot. He brought up the cost to develop this lot and how it is very undesirable for a single-family home but with a multi-unit structure the costs could be covered. He asked if it is more beneficial to the neighborhood to have a vacant lot or a multi-family unit.

**PUBLIC:** Alexa Sand, neighbor to the west spoke about her concern with the history of flooding and landslides in this area, having enough parking for multiple units, and the heavily used path that runs through the property allowing access to the campus.

David talked about the landslide he witnessed just to the east of this property. He asked who would be responsible for another landslide when it happens.

Brandyn Hawks, a neighbor to the west spoke about his concerns with pedestrian safety with the speeding traffic in this area.

Kevin Connors, a neighbor stated that some things are better left in a natural state. He spoke about the drainage installed by the city due to the water issue on this lot.

**COMMISSION:** Commissioner Croshaw spoke about landslide liability. Commissioner Heare said that at this time, the commission is only determining if this lot should be zoned for single-family or multi-family. Commissioner Lewis said that all the commission's guidance has said to not spot zone, and there is not a good reason for a rezone. Commissioner Guth said it would not be compatible with the neighborhood or the City's Future Plan.

**MOTION:** Commissioner Peterson moved to **Forward a Recommendation of Denial** to the Municipal Council on a zone change for PC 23-003 with the findings for denial listed below. Commissioner Croshaw seconded the motion.

**FINDINGS FOR DENIAL**

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

**Moved:** E. Peterson

**Seconded:** R. Crowshaw

**Approved:** 6-0

**Yea:** Croshaw, Lewis, Heare, Guth, Peterson, Dautre

**Nay:**

**Abstain:**

**PC 23-004 Logan Institute of Religion** [Design Review & Conditional Use Permit] Michael Lambert/Corp Presiding Bishop LDS, authorized agent/owner are requesting a Design Review & Conditional Use Permit for a new two-story, 100,500 square foot institute of religion building located at 600 Darwin Avenue in the Mixed Use (MU) zone; TIN 06-053-0013; -0016; -0019 (Adams Neighborhood).

**STAFF:** Tanya Rice, City Planner reviewed the request for a Design Review and Conditional Use permit for a new 100,500 square-foot building and an underground parking garage with 170 parking stalls. The existing site includes the original institute of religion and five subsequent additions that are planned for demolition and redevelopment.

Potential impacts associated with the reconstruction of the institute facility stem from the increased size and the increased number of parking stalls from 109 to 215 to accommodate the additional demand. Access to the site is shifting from two points (Darwin Avenue and 800 East) to just Darwin Avenue which, at peak times, will be placing a greater burden on one point of access. The applicant has proposed two solutions: installing a concrete barricade on 700 North to help traffic flow while preventing people from turning into oncoming traffic, and a turnabout at the south end of Darwin Avenue, which they are currently working with city engineers on.

T. Rice reviewed the site plan and the building design. The façade along Darwin Avenue shows two underground parking lot entrances, a 130-foot wide courtyard entrance, and fenestration covering approximately 23% due to the nature of the interior uses. If the Commission considers the 130' wide courtyard entrance as fenestration or transparency, the west façade is at approximately 46% and meets the LDC requirement.



Commissioner Guth asked about the barrier on 700 North, creating a right-turn-only exit from Darwin, and if there should be a no U-turn sign at 800 East.

**PROPONENT:** Michael Lambert, Director of Properties for Seminaries and Institutes said the building is over 100 years old and has multiple issues, so they are excited for the opportunity to construct new. Chad Nielsen, MHT Architects spoke about the growth of the institute. Michael Taylor, Civil Solutions Group spoke about the traffic study and the extension of the 700 North barrier, only allowing right turns from Darwin Avenue to help the traffic flow.

Commissioner Peterson asked if there is any way to allow an entrance from 800 East. Chad Nielsen said they are considering options while focusing on pedestrian safety. Commissioner Guth stated that most of the traffic is pedestrian oriented and generally accesses the building from the east side of the building facing campus.

**PUBLIC:** Richard Zollinger said that this project should get a green light from the commission.

Commissioner Heare asked the City Engineer to comment on the traffic study. Darren Farar, City Engineer said that a recommendation was made by the city that the applicant look into adding egress onto 800 East by possibly utilizing a smaller driveway along the north side of the building that would only be used for egress after events to help alleviate traffic. Chad Nielsen said that they are considering all options while still focusing on pedestrian safety. Commissioner Doutre said that a walking path also used for vehicle traffic will just cause issues with the foot traffic and not help the traffic flow. Commissioner Guth agreed with Commissioner Doutre and said that it is a better plan to keep pedestrian traffic and vehicles separate. 200 vehicles leaving an event is not a large event for the campus so it is really not that big of an issue. Commissioner Doutre talked about focusing on improving the traffic flow to the west of the building along Darwin Avenue and pedestrian traffic flow to the east of the building along 800 East.

Commissioner Guth asked if a traffic study could be conducted during an event. Chad Nielsen said that the traffic study showed that during p.m. hours, 25% of vehicles exiting Darwin Avenue made illegal left turns onto 700 North. The barrier will force drivers to exit right onto 700 North to the traffic light at 800 East.

Commissioner Doutre brought up the University's 500 Stall parking structure to the east which has a right-only exit and how that seems to work fine with traffic.

Chad Nielsen spoke about the updated exhibits that were submitted showing the barrier along 700 North and the turnaround at the end of Darwin Avenue. The exhibits were passed out to the commissioners.

The Commission discussed striking condition number 29 (City Engineer Strongly recommends providing access from Darwin Avenue to 800 E to facilitate traffic egress from the facility. One option to consider would be a 12'-15' one-way drive on the north end of the building.) it is more of a recommendation than a condition.

Commissioner Doutre said she is fine counting the courtyard opening towards the transparency requirement.

**MOTION:** Commissioner Guth moved to **Conditionally Approve** a Design Review & Conditional Use Permit for PC 23-004 with the amended conditions of approval as discussed and findings for approval as listed below. Commissioner Peterson seconded the motion.

## CONDITIONS OF APPROVAL

1. All standard conditions of approval will be recorded with the Design Review and are available in the Community Development Department.
2. The Conditional Use Permit authorizes the reconstruction of a religious institution at the subject project location.
3. The Planning Commission approves including the 130' courtyard entrance toward overall west façade transparency for a total of 46%.
4. The project shall provide a minimum of 187 parking stalls.
5. Open Space shall total a minimum of 10% (12,025 SF).
6. Useable Outdoor areas shall total a minimum of 10% (12,025 SF) which include the courtyard, wide sidewalks, and outdoor seating.
7. A total of 20 trees and 50 shrubs per acre of project area (56 trees & 138 shrubs, perennials, and ornamental grasses).
8. All dumpsters shall be visually screened or buffered from public streets by using fencing, walls and landscaping.
9. Rooftop mechanical and/or building wall mechanical equipment shall be placed out of view from the street or screen from view from the street.
10. Exterior lighting shall be concealed source, down-cast and shall not illuminate or cast light onto adjacent properties.
11. No signs are approved with this Design Review Permit. All signage shall be approved and permitted by staff in accordance with the Land Development Code.
12. No fences are approved with this Design Review Permit. All fences shall be approved and permitted by staff in accordance with the Land Development Code.
13. Surface storm-water retention and detention facilities shall not be located in front yard areas unless landscaped in a manner that entirely screens and buffers the pond areas. If located in rear-yard or areas out of view from the public, landscaping and buffering is not necessary.
14. Prior to issuance of a Building Permit, the Director of Community Development shall receive a written memorandum from each of the following departments or agencies indicating that their requirements have been satisfied:
  - a. **Environmental—contact 716-9760**
    1. Minimum 60 ft. straight on clear access required. Approach must be level, no down or uphill slopes and no parking spaces or curb blocking access.
    2. Minimum inside measurement for a double enclosure is 24 ft. wide by 10 ft. deep. Minimum inside measurement for a single enclosure is 12 ft. wide by 10 ft. deep.
    3. Place bollards in the back of the enclosure to protect walls.
    4. Gates are not required, however if desired, they must be designed to stay open during the collection process.
    5. Barrel hinges are suggested for the gates. We need the full 12 ft. clearance so gates must be designed to open completely.
  - b. **Engineering —contact 716-9160**
    1. If increased water demand is identified, additional water shares or in-lieu fee for indoor and outdoor increased demands to the City system. This requirement shall be per City Code and Utah Administrative Rule R509-519-7
    2. Show all existing easement lines on the plat and provide the type of easement and recording information for each on the plat. Where non-existent or insufficient, provide a 10' Public Utility Easement (PUE) along all City right-of-way frontages and a 5' PUE along all perimeter property lines.
    3. Prior to construction plan approval, provide a Development Agreement and a financial surety of at least 110% of the cost to construct all infrastructure & storm water improvements. Financial assurances shall have an indefinite expiration or not expire for a minimum of 2 years from date of City acceptance.



4. Provide a Geotechnical Report that includes but is not limited to: 1) California Bearing Ratio (CBR) of subgrade of pavement section, 2) Historical high ground water elevation, and 3) Percolation rate of soils at bottom of all storm water retention ponds.
5. A "Pre construction meeting" shall be held with the City's Engineering Division prior to starting construction activities and a "Work in the Right of Way" permit shall be obtained for all work in the City's right-of-way and PUE prior to scheduling the Pre Construction meeting.
6. The plans provided include construction level details. The City has not reviewed the plans to that level of detail at this stage of the process and therefore reserves the right to require additional changes when submitted for construction plan review.
7. Provide a vehicle turnaround area on the northwest parking lot.

#### **UTILITIES**

8. All utilities outside of the public right-of-way shall be private lines and shall be owned, maintained, repaired/replaced by Homeowners Association. All infrastructure shall be installed, maintained, and repaired/replaced in accordance with Logan City Standards.
9. Provide City with private Water Utility agreement for all private water and sewer lines (including fire lines) not located within a Public Right of Way. The agreement shall be recorded with the County Recorder.
10. Coordinate with the Fire Marshall to ensure sufficient fire hydrants are located in and around the site to meet fire code requirements.
11. All existing utility service lines to development that are not used with the new development shall be capped at the City main line.
12. The City will perform a water model of the area to verify that the proposed and existing system is sufficient to meet City and State standards. Additional improvements such as water line upsizing may be required by the Owner if the system is found to be insufficient.
13. The existing sewer service on the northeast is not shown on our GIS mapping, rather a service line is shown closer to the southeast corner.
14. An existing underground electric line enters the existing building near to the southwest corner.
15. Per the fire flow test recommendations, increase the water line size in Darwin Avenue to 8 inch.

#### **STORMWATER**

16. Provide storm water detention/retention per Logan City Design standards. This includes the retention of adjacent half street offsite that currently discharges to the property and onsite stormwater. Retention of the 90% storm event is required and shall be provided through the use of Low Impact design methods.
17. Provide a stormwater maintenance agreement for City Review, approval and recordation at County Recorder's Office.
18. Area is greater than 1 acre so compliance with State Storm Water Permit is required. Development shall comply with Logan City design standards for storm water detention/retention. Development shall also provide a sediment and erosion control plan for all construction activities.

#### **STREETS**

19. Construct and/or repair curb & gutter along all rights-of-way in accordance with City standards and specifications. Specifically, there are portions of Darwin Avenue that do not have concrete gutter that needs to be constructed.
20. Darwin Street is in poor condition in regard to cracking and excessive pavement cuts and with construction traffic loadings the adjacent portions of the roadway will need to be reconstructed.
21. All broken or otherwise damaged sidewalks adjacent to the properties, and sidewalks that are smaller than 5' shall be replaced with a 5' detached sidewalk and 7' park strip or 6' attached sidewalk.

22. Per City standards and the TIA recommendation, provide a turnaround area on the south end of Darwin Avenue.
23. Extend the concrete barrier on Aggie Blvd. as recommended in the TIA. Extension shall be constructed such that a left in is permitted.
- c. Fire —contact 716-9515**
  1. Fire hydrant installation required. Further analysis will be conducted at the time of building permit application.
- d. Water / Wastewater Collections —contact 716-9622**
  1. The water division does not have an impact fee determined for a 6" meter. This is an exceptionally large meter size and is not common in our system, even in water intense industries. We can develop a water impact fee for that size, but recommend that the designers make sure that a 6" meter is actually required. Designers may also consider multiple smaller meters if needed (two 4").
  2. The fire flow analysis does NOT show sufficient fire suppression flows at the existing hydrants. It is important to note that the analysis doesn't include USU's separate water system. Hydrants will need to be connected to the lower pressure 14" and 12" lines with a loop around the building to provide adequate fire protection from all sides of the building.
  3. There are two pressure zones in the area. The drinking water and plumbing need to be connected to the higher pressure zone (Hillcrest) from the 10" waterline in 800 E or the 4" waterline in Darwin Avenue. There are not adequate pressures in the pressure zone of the 14" and 12" waterlines for the building to function properly. See the fire flow analysis for the existing available fire flows. (request it from joseph.hawkes@loganutah.org).
- e. Water / (Cross Connection & Backflow Prevention) —contact 716-9627**
  1. The buildings water main needs to have a RP (ASSE1013) installed and tested on the water main after the water meter, as it enters the building before any branch offs or possible connections inside or outside of building. Properly sized drain required to serve the backflow assemblies dump port. All backflow assemblies must be tested within 10 days of turning in water to them and annually thereafter. Refer to 2018 IPC Utah State Amendment # 608.1.1,608.1.2,608.1.2.1 for installation criteria.
  2. All landscape irrigation system's fed from Logan City water must have a high hazard rated backflow assembly installed and tested. All backflow assemblies must be tested within 10 days of turning in water to them and annually thereafter.
  3. Fire suppression systems that are connected to Logan City water (with no added chemicals) must have a minimum DC (ASSE1015) installed and tested. Fire risers and all B/F assemblies must be installed and tested as per Logan City standards.
  4. Project shall comply with all current Utah State plumbing codes, amendments and Utah Admin. code R 309-105-12-(1) rules and regulations including, but not limited to, those pertaining to backflow prevention and cross connection protection, during and after construction, for the safety of the water.

#### FINDINGS FOR APPROVAL

1. The proposed project is compatible with surrounding land uses and will not interfere with the use and enjoyment of adjacent properties because of the building design, site layout, materials, landscaping, and setbacks.
2. LDC 17.43.080 authorizes the Planning Commission to make design adjustments on aesthetical issues and requirements if they are consistent with surrounding areas and do not compromise future approvals.
3. The proposed project provides required off-street parking.
4. The proposed project complies with maximum height, building design, open space standards and is in conformance with Title 17.



5. The project met the minimum public noticing requirements of the Land Development Code and the Municipal Code.
6. Darwin Ave provides access and as conditioned is adequate in size and design to sufficiently handle all traffic modes and infrastructure related to the land use.

**Moved:** J. Guth

**Seconded:** E. Peterson

**Approved:** 6-0

**Yea:** Croshaw, Lewis, Heare, Guth, Peterson, Doutre

**Nay:**

**Abstain:**

**PC 23-005 Altitude** [Design Review & Subdivision Permit] Nathan Leishman/Altitude Property LLC, owner/authorized agent are requesting a Design Review and Subdivision Permit to create three new building lots for 751 multifamily units consisting of townhomes and three-story apartments located at approximately 2100 South 800 West in the Mixed Residential Medium (MR-20) zone; TIN 03-001-0010; -0013 (Woodruff Neighborhood).

**STAFF:** Russ Holley, Senior Planner reviewed the request for a Design Review and Subdivision permit to subdivide approximately 38 acres into three new lots for a multi-family residential project consisting of 751 total dwelling units constructed in three phases. The structure types include 2-story, five-plex townhomes, and three-story 24-unit and 36-unit apartment buildings. There is a small discrepancy in the total acreage, and once the new survey is completed and accepted by the county, it will determine if the proposed project remains at 751 units or gets reduced by 2 units, down to 749 units. R. Holley reviewed the connectivity and the considerations due to the approved development to the west and the railroad to the east. This Development does not match the front setback with the adjacent single-family development to the south because the development is in Nibley City and the Land Development Code only requires setbacks to match adjacent NR-6 zones within Logan City. Setbacks, lot coverage, building frontage, and parking are all compliant. This project meets design variations with roofline, porch, design, color, and materials. The site plan shows sidewalks along the perimeter and a regional trail along the east side of 800 West that runs north to the Logan River Trail system. There are existing wetlands in phase three, and if their delineation submitted to the Army Corp of Engineers comes back different than proposed, the applicant will need to return for approval of any changes or modifications to their project layout. The City Engineering and Water departments are currently in negotiations with the developer regarding the water and sewer lines being sized appropriately to best serve the area.

R. Holley reviewed a comment received from Nibley City with concerns regarding, lighting, density, setbacks, school districts, and traffic.

Commissioner Guth asked about the street connectivity for each phase. Darren Farar, City Engineer said that Condition 33 lists what roads should be developed per phase, but sometimes developers will change what phase is built first. D. Farar recommended that condition 33 be updated to state that the developer will build all roads adjacent to each phase as it is developed.

**PROPONENT:** Nathan Leishman asked the Commission if they have any questions.

**PUBLIC:** Joe Fuhrman who owns the property directly to the east in Nibley City where his cattle are spoke about his concerns regarding the people this development will bring and the stress they will cause his cattle. He requested they install an eight-foot solid fence along the east side of the development, no loud noises, no lights shining onto his property, and no people on his property.

Lance Zollinger who owns the business to the north stated his concerns for the safety of the children playing near his business, and the stormwater water being contained so it doesn't run onto his property.

Jeannie Simmonds, City Council asked if there is a requirement to have management on site and how the development will proceed if the wetland delineation comes back larger than what the proponent proposed.

Michael Taylor with Civil Solutions Group spoke about the wetland delineation and how they found that the majority of the wetlands in the area are non-jurisdictional. The only jurisdictional wetland is located along the southeast side of the development. Mr. Taylor said they are not anticipating any changes to the delineation submitted to the Corp.

**COMMISSION:** The Commission discussed amending condition number 7 to state that If the wetlands are not approved as proposed, adjustments to "each phase" (replacing "phase three") will be required in order to account for adjustments; striking condition number 3 (the Planning Commission will determine the block connectivity and number of street connections) because it has already been determined and does not need to be a condition; amending condition number 33 to state that the developer will build all roads adjacent to each phase as discussed by D. Farar previously; amending condition number C. 6 so it is worded more like a condition and less like a recommendation; and striking condition number 27, which is a header, not a condition.

Commissioner Guth asked about traffic lights being needed at the intersections in this area. D. Farar said that a traffic study will be conducted that will determine the requirements that will be followed by the City.

Commissioner Doutre asked where the stormwater retention ponds are located. R. Holley said that stormwater retention is conditioned and will be approved before any building permits are issued.

Commissioner Guth said that to be a good neighbor the front setback should match the neighboring residential setback to the south in Nibley City. R. Holley said that the developer would have to agree to match the setback as it is not a requirement in the Land Development Code. Commissioner Heare noted that matching neighboring City's setbacks should be reviewed, with a discussion about adding a requirement to the Land Development Code. The Commission recommended that the developer match the neighboring residential setback.

Commissioner Peterson asked about requiring a fence. R. Holley said that standard residential development does not require a fence so the commission cannot require it. The Commission recommended that the developer put up a fence to again be a good neighbor.

R. Holley said, regarding the comment about lighting, the Land Development Code requires exterior lighting fixtures to be angled down, not directed toward the neighboring properties.

**MOTION:** Commissioner Doutre moved to **Conditionally Approve** a Design Review & Subdivision Permit for **PC 23-005** with the amended conditions as reviewed previously and findings for approval as listed below. Commissioner Croshaw seconded the motion.

#### **CONDITIONS OF APPROVAL**

1. All standard conditions of approval will be recorded with the Design Review and are available in the Community Development Department.
2. The total maximum density of this project is 749 units. Each phase shall be proportionate in density so that if the project is abandoned between phases the remaining property can be



developed without incumbrances. If the applicant submits a stamped and recorded property survey providing updated acreage, the maximum number of dwelling units may be adjusted provided the overall maximum density of the underlying zone is not exceeded.

3. (Deleted per Planning Commission)
4. All street facing facades shall adhere to LDC 17.09.040 variation requirements.
5. The project shall provide two (2) vehicle parking stalls per each dwelling unit and bike racks per each apartment building.
6. Sidewalk shall be added that connect inner area buildings to perimeter sidewalks and to common areas/clubhouses in a safe and relatively direct manner.
7. Wetland delineations shall be completed and approved prior to the beginning of each phase in which potential wetlands are located. If wetlands are not approved as proposed, adjustments to each phase will be required in order to account for adjustments in the approved wetland delineations and potential loss of buildable area.
8. The final subdivision plat (3 lots) and street dedication plats must be recorded within a year of this approval.
9. The regional 800 West trail will either be a public easement or a modified right of way for the additional 5 feet of width to that standard sidewalk.
10. All common and remainder areas shall be listed as "non-buildable" on the street dedication plat.
11. A performance landscaping plan, prepared in accordance with §17.39 of the LDC, shall be submitted for approval to the Community Development Department prior to the issuance of the building permit. The plan shall include the following:
  - a. Open Space and Useable Outdoor areas shall total a minimum of the 20% of the net acreage after the street dedication plat per phase.
  - b. 20 trees and 50 shrubs/perennials shall be provided per each phase and based on net acreage.
  - c. Street trees shall be provided at every 30 feet on center along all public streets.
12. All dumpsters shall be visually screened or buffered from public streets by using fencing, walls and landscaping.
13. Rooftop mechanical and/or building wall mechanical equipment shall be placed out of view from the street or screen from view from the street.
14. Exterior lighting shall be concealed source, down-cast and shall not illuminate or cast light onto adjacent properties.
15. No signs are approved with this Design Review Permit. All signage shall be approved and permitted by staff in accordance with the Land Development Code.
16. No fences are approved with this Design Review Permit. All fences shall be approved and permitted by staff in accordance with the Land Development Code.
17. Surface storm-water retention and detention facilities shall be located in areas away from public streets and buffered from view.
18. Prior to issuance of a Building Permit, the Director of Community Development shall receive a written memorandum from each of the following departments or agencies indicating that their requirements have been satisfied:
  - a) **Fire—contact 716-9515**
    1. Fire hydrants will be required with 400 ft of all points of buildings, as measured in an approved route around the exterior of all buildings.
    2. Multi-family buildings (24/36 plex) will require fire sprinkler and fire alarms. Fire hydrants will be required within 100 feet of the Fire Department Connection (FDC) of the fire sprinkler systems.
    3. Provide fire apparatus access plans (two track) using the specifications of current fire apparatus will be required to indicate proper fire apparatus access to within 150 of all points of building measured in an approved route around the exterior: Inside turn 19'4", Curb to Curb 35'6" and Wall to Wall 40'.

4. Available fire flow analysis will be required and compared to the required fire flow of each building. Required fire flow is determined by the type of construction and size of the *fire area*. *Fire area* is defined as: *the aggregate floor area enclosed and bounded by fire walls, fire barriers, exterior walls or under horizontal projection of a roof or floor above*. This is different than footprint.

**b. Engineering —contact 716-9160**

**GENERAL**

1. Provide water shares or in-lieu fee for indoor and outdoor increased demands to the City system. This requirement shall be per City Code and Utah Administrative Rule R509-519-7
2. Show all existing easement lines on the plat and provide the type of easement and recording information for each on the plat. Where non-existent or insufficient, provide a 10' Public Utility Easement along all frontages and perimeter property lines.
3. Provide all necessary cross access easements/agreements for private road and private utilities across all phases.
4. Due to development being within 1000 feet of an existing railroad crossing, a diagnostic review of this developments impacts to the crossing must be completed with UDOT and the Union Pacific Railroad. All requirements imposed on project by UDOT and Union Pacific Railroad shall be incorporated into the final design permit package (Reference State Code R930-5-7(2)).
5. The engineering design shall coordinate with and adjust plans as may be necessary to account for improvements being designed and / or constructed by adjacent developers, Logan City, and Nibley City.
6. This development has been identified as a 3 lot subdivision and as such shall provide a subdivision plat that meets City standards to be recorded along with the improvement plans.
7. CC&R's shall include language that addresses the requirement of the HOA to maintain private water lines, private sewer lines, common access and parking areas, and the Storm Water management system, basins, swales, and related infrastructure outside of a dedicated street.
8. Provide Development Agreement and financial surety of at least 110% of the cost to construct all infrastructure & storm water improvements. Financial assurances shall not expire for a minimum of 2 years from date of City acceptance.
9. Provide a Geotechnical Report that includes but is not limited to: 1) California Bearing Ratio (CBR) of subgrade of pavement section, 2) Historical high ground water elevation, and 3) Percolation rate of soils at bottom of all storm water retention ponds.
10. A "Pre construction meeting" shall be held with the City's Engineering Division prior to starting construction activities and a "Work in the Right of Way" permit shall be obtained for all work in the City's right-of-way and/or PUE prior to scheduling the Pre Construction meeting.
11. Wetlands have been identified as existing or previously existing on the property. Provide a wetlands delineation study to confirm the location of any wetlands. If wetlands are found, provide a wetlands mitigation plan approved by the Army Corps of Engineers.
12. Except as amended by the requirements herein, the development shall follow all federal, state, county, and Logan City codes and standards.

**UTILITIES**

13. The nearest active City water line is currently located at the intersection of 2200 S and 1000 W and at 800 W (Hyclone Road) and US 89/91. The subdivision's water system shall be connected in two separate locations to the City's water system to provide a redundant supply for the number of residential units being served.
14. A new sewer main shall be constructed by the development to connect to the City's existing sewer system. There is insufficient capacity in the 2200 S sewer line west of 1000 West to serve the project. The nearest existing sewer line is located at 1000 W and 2075 S.
15. Water and sewer lines in the right of way shall be a minimum of 8 inches in diameter unless an increased size is otherwise required according to modeling performed by Logan City Utility Staff.

16. Per modeling, the water line in 800 West shall be a minimum diameter of 12 inches.
17. All utilities outside of the public right-of-way shall be private lines and shall be owned, maintained, repaired/replaced by Homeowners Association. All infrastructure shall be installed, maintained, and repaired/replaced in accordance with Logan City Standards.
18. Provide City with private Water Utility agreement for all private water and sewer lines (including fire lines) not located within a Public Right of Way. The agreement shall be recorded with the County Recorder.
19. Coordinate with the Fire Marshall to ensure sufficient fire hydrants are located in and around the site to meet fire code requirements.

#### **STORMWATER / IRRIGATION**

20. Provide storm water detention/retention per Logan City Design standards. This includes the retention of adjacent half street offsite where an existing management system is not established and onsite stormwater. Retention of the 90% storm event is required and shall be provided through the use of Low Impact design methods.
21. Provide a stormwater maintenance agreement for City Review, approval and recordation at County Recorder's Office.
22. Area is greater than 1 acre so compliance with State Storm Water Permit is required. Development shall comply with Logan City design standards for storm water detention/retention. Development shall also provide a sediment and erosion control plan for all construction activities.
23. Maintain the capacity, size, and location of all existing irrigation system infrastructure along and within the project; or where irrigation infrastructure is required to be relocated or changed, improve the infrastructure to the irrigation company standards. The City will require all affected Irrigation companies to provide a signature approval on all final construction plans and final plats.
24. The plans submitted do not show storm water management improvements on the property, including the provision for storm water detention/retention basins. Additional common / open space area may be required to comply with the City's storm water management standards.
25. The minimum diameter of storm drain piping in a City right of way shall be 15 inches unless a larger size is required by the design.
26. The project design shall incorporate or pass through any existing offsite stormwater flows that flow onto the project site.

#### **STREETS**

27. Dedicate right of way on 800 West sufficient to achieve a total 66' of right of way and construct the street to the City's Gridded Street Collector Road cross section.
28. Dedicate right of way on 2200 South sufficient to achieve a total 66' of right of way (not including the existing street parking to the south) and construct the street to the City's Gridded Street Collector Road cross section. Developer shall coordinate with Nibley on the roadway improvement design.
29. Dedicate 43.5' of new right of way on 2000 South and construct half of a Local Street cross-section plus 10' of additional asphalt with curb and gutter on the north side. Right of way and roadways shall align with 2000 South on the development to the west as best as possible.
30. 2100 S shall align with the proposed 2075 S on the development to the west. Coordinate designs such that the roadways and rights of ways align.
31. Dedicate a minimum 60' of right of way on 2100 S and 700 West and improve these roads to the City's residential street cross section.
32. Construct all roads adjacent to each phase as it is developed.
33. Construct all of 2000 South or 2200 South and the rest of 700 West with the second constructed phase.
34. Identify the current width of the right-of-way on the plat and provide reference information on the plat to document the existing right-of-way dedication.



36. Pavement section of all roads shall be designed by a geotechnical engineer but shall at least meet the minimum City standards.
37. Where existing pavement is found to not have a roadbase or granular borrow cross section, the road shall be removed and reconstructed to City standards to the center line of the roadway.
38. Developer to pay for a traffic impact analysis that is procured by City staff and shall comply with the results of that study.
39. As per State and Union Pacific Railroad specifications, new intersections shall be at least 250 feet away from the rail line crossing.

**c. Water —contact 716-9627**

1. All three-story tall or taller (above finish grade) residential buildings must have a minimum DC (ASSE1015) backflow assembly installed and tested on the water main/s as it/they enters the building/s before any branch offs or possible connections inside or outside of building. All backflow assemblies must be tested within 10 days of turning water into them and annually thereafter. Refer to 2018 IPC Utah State Amendment # 608.1.1,608.1.2,608.1.2.2 for installation criteria.
2. All landscape irrigation system's fed from Logan City water must have a high hazard rated backflow assembly installed and tested.
3. Fire suppression systems that are connected to Logan City water (with no added chemicals) must have a minimum DC (ASSE1015) backflow assembly installed and tested. Fire risers and all B/F assemblies must be installed and tested as per Logan City standards.
4. Project shall comply with all current Utah State plumbing codes, amendments and Utah Admin. code R 309-105-12-(1) rules and regulations including, but not limited to, those pertaining to backflow prevention and cross connection protection, during and after construction, for the safety of the water.
5. There is only one waterline currently feeding this large development, the Strata Development, and the Altura Development. Logan Water will require a second feed so that customers can remain in service in case of a leak on the one line feeding the area.
6. Logan City does not need a waterline to extend to 2200 S in 800 W due to that being the edge of the city, but the development does need an additional waterline to go north along 800 W to loop the system.
7. Developer must show adequate sewer depths in nearby sewers (by others) to provide service. Developer must show where the proposed sewer will connect.
8. There may be some opportunities to reduce some of the looping of water, reducing maintenance costs for the private lines and public lines. This can be worked out in the design review process after a fire flow analysis is completed.
9. The fire flow analysis will need approximate locations of hydrants.

**d. Light and Power– contact 716-9722**

1. Logan City Light and Power; Requires 1-Line Diagram, A Logan City Load Data Sheet, A Digital Site Plan In Auto CAD (DWG) Format and PUE's Public Utility Easement 10' Easement On All Property Lines That Face A Road Way, And A 5' Easement On All Other Property Lines.

**e. Environmental – contact 716-9761**

1. Enclosures or cement pads will need to meet the following requirements:
2. Minimum 60 ft. straight on access required. Approach must be level, no down or uphill slopes.
3. Minimum inside measurement for a double enclosure is 24 ft. wide by 10 ft. deep. Minimum inside measurement for a single enclosure is 12 ft. wide by 10 ft. deep.
4. Place bollards in the back of the enclosure to protect walls.
5. Gates are not required, however if desired, they must be designed to stay open during the collection process.

6. Barrel hinges are suggested for the gates. We need the full 12 ft. clearance so gates must be designed to open completely.

#### FINDINGS FOR APPROVAL

1. The proposed project is compatible with surrounding land uses and will not interfere with the use and enjoyment of adjacent properties because of the building design, site layout, materials, landscaping, and setbacks.
2. The Design Review Permit conforms to the requirements of Title 17 of the Logan Municipal Code.
3. The project meets the goals and objectives of the MR-20 designation within the Logan General Plan by providing housing near commercial centers.
4. The proposed project complies with maximum height, density and building design, parking requirements, and open space standards and is in conformance with Title 17.
5. The project met the minimum public noticing requirements of the Land Development Code and the Municipal Code.
6. 800 West and 2200 South provides access and infrastructure related to the land use.

**Moved:** S. Doutre

**Seconded:** R. Croshaw

**Approved:** 6-0

**Yea:** Croshaw, Lewis, Heare, Guth, Peterson, Doutre

**Nay:**

**Abstain:**

#### **PC 22-059 Land Development Code Amendment 17.24-Critical Lands Overlay Zone**

**-Continued from the November 17<sup>th</sup> meeting.** [Code Amendment] Mike DeSimone/Logan City are requesting a Code Amendment to the Land Development Code, Chapter 17.24 Critical Lands Overlay Zone to amend current standards regulating development within or adjacent to Floodplains, Riparian Areas, Geologically Unstable Areas, Wildland Urban Interface Areas, Lands above 4,850 feet, and Wetlands.

**STAFF/PROPONENT:** M. DeSimone reviewed the updates made to the proposed code amendment presented to the Planning Commission on November 17, 2022. The updates include the addition of the Riparian Area definition, the review process for reasonable use exceptions was changed from a track I process to a track II that is reviewed by the Planning Commission, and an applicability statement was added to the wetlands section to clarify when the wetland regulations apply and when they do not.

Commissioner Doutre asked what the process is to determine if land is geologically unstable and would require a geotechnical report to develop and if an area would ever be designated unbuildable by the City. M. DeSimone said that the definition of geologically unstable Areas tells us what lands fall into this category and would require a geotechnical report. The city cannot take away an owner's rights by declaring a property not buildable.

**PUBLIC:** No Public Comment.

**MOTION:** Commissioner Croshaw moved to **Forward a Recommendation of Approval** to the Municipal Council on a code amendment for PC 22-059 with the findings for approval as listed below. Commissioner Guth seconded the motion.

#### FINDINGS FOR APPROVAL

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

2. The Code Amendments are done in conformance with the requirements of Title 17.51 of the Logan Municipal Code.
3. The proposed Code Amendments are consistent with the Logan City General Plan.
4. The proposed Code Amendments to the Critical Lands Overlay Zone will further protect important resource areas without impeding the development plans of private landowners.
5. The proposed Code Amendments will further the public health, safety and welfare by providing for the safe, orderly and beneficial development of areas characterized by development hazards and valuable natural conditions.
6. No public comment has been received regarding the proposed amendments.

**Moved:** R. Croshaw

**Seconded:** J. Guth

**Approved:** 6-0

**Yea:** Croshaw, Lewis, Heare, Guth, Peterson, Doutre

**Nay:**

**Abstain:**

**PC 23-007 Land Development Code Amendment 17.52, 17.60, 17.62 (Administrative Updates)**

[Code Amendment] Mike DeSimone/Logan City are requesting a Code Amendment to the Land Development Code, Chapter 17.52-Legally Existing Nonconformities clarifying how the city regulates nonconforming uses and structures; amend Chapter 17.60-Administrative Enforcement to update procedural language and civil fees; and amend Chapter 17.62-Definitions to reflect recent and pending LDC changes.

**PC 23-010 Land Development Code Amendment 17.20 & 17.33 (Signs & Murals)**

[Code Amendment] Mike DeSimone/Logan City are requesting a Code Amendment to the Land Development Code, Chapter 17.20-Historic District Overlay Zone and Chapter 17.33-Signs to update regulatory standards for murals/wall art in the Historic District and other minor regulatory amendments to the sign code.

**MOTION:** Commissioner Guth moved to **Continue** PC 23-007 and 23-010 to the February 9<sup>th</sup> Meeting. Commissioner Doutre seconded the motion. The motion was approved unanimously.

**Moved:** J. Guth

**Seconded:** S. Doutre

**Approved:** 6-0

**Yea:** Croshaw, Lewis, Heare, Guth, Peterson, Doutre

**Nay:**

**Abstain:**

Russ Holley conducted a workshop on a potential mixed use development located on a 7-acre parcel at approximately 1105 West 2200 South. The Commission reviewed several concept plans for the development and discussed different options that may work to develop the property.

Meeting adjourned at 9:05 p.m.



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Minutes approved as written and digitally recorded for the Logan City Planning Commission meeting on January 12, 2022.

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Michael A. DeSimone  
Community Development Director

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Jessica Lucero  
Planning Commission Chairman

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Amanda Pearce  
Administrative Assistant