

Minutes of the meeting of the Logan Municipal Council convened in regular session on Tuesday, April 21, 2020 at 5:30 pm via ZOOM Webinar at this link: <https://zoom.us/j/97587136977> or Webinar ID: 975 8713 6977. Instructions for downloading and using ZOOM could be found at <https://support.zoom.us/hc/en-us/articles/201362193-Joining-a-Meeting>. The Logan Municipal Council Meeting was televised live as a public service on Channel 17, City of Logan Facebook page: <https://www.facebook.com/cityoflogan> and KSL live at <https://live.ksl.com/> Those interested could also listen to the meeting by phone call: US: +1 669 900 9128. No public meeting was held in the City Hall building. Chair Amy Z. Anderson conducted the April 21, 2020 Council meeting.

Councilmember's present at the beginning of the meeting via Zoom: Chair Amy Z. Anderson, Vice Chair Tom Jensen, Councilmember Mark A. Anderson and Councilmember Jeannie F. Simmonds. Administration present by Zoom: Mayor Holly H. Daines, Finance Director Richard Anderson, City Attorney Kymber Housley and City Recorder Teresa Harris.

### **OPENING CEREMONY:**

Bryce Johnston provided the opening ceremony and expressed his thoughts on the 50<sup>th</sup> Anniversary of Earth Day which is April 22, 2020. More information and ideas on how to celebrate Earth Day can be found at [sustainability.usu.edu](http://sustainability.usu.edu).

**Meeting Minutes.** Minutes of the Council meeting held on April 7, 2020 were reviewed and approved with no changes.

**Meeting Agenda.** Chair A. Anderson announced there are three public hearings scheduled for tonight's Council meeting.

**ACTION. Motion by Councilmember Simmonds seconded by Councilmember M. Anderson to approve the April 7, 2020 minutes with no changes and approve tonight's agenda. Motion carried.**

**Meeting Schedule.** Chair A. Anderson announced that regular Council meetings are held the first and third Tuesdays of the month at 5:30 pm. The next regular Council meeting is Tuesday, May 5, 2020 and will be held via ZOOM.

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

Chair A. Anderson announced that the Questions and Comments portion of the agenda is suspended until the Council can once again have in-person meetings. She indicated that comments or questions can be emailed to: [teresa.harris@loganutah.org](mailto:teresa.harris@loganutah.org), who will distribute to the Mayor and Councilmembers.

## **MAYOR/STAFF REPORTS:**

### **Final Report and Recommendation: Dog Friendly Parks Pilot Program – Russ Akina, Parks & Recreation Director**

Parks and Recreation Director Russ Akina addressed the Council regarding the Dog Friendly Parks Pilot Program.

**INTRODUCTION** - This report culminates a study of the Dog Friendly Parks (Off-Leash) Pilot Program which was launched last spring (2019) with the intent to determine a path forward for Logan City. Under consideration as a result of the Pilot Program is whether the program should end and resort back to no dogs allowed in City parks, convert the Pilot Program into a permanent program, or modify the Pilot Program and continue moving forward.

As part of the Pilot Program, seven locations were selected including Jens Johansen Park, 850 East 100 North; Jones Neighborhood Park, 400 West 625 North; Kilowatt Park, 331 South 300 West; Logan Meadows Park, 350 South 600 West; Pioneer Parkway, 165 East Poplar; Ray Hugie Hydro Park, Northside of US 89 at Canyon Road; and the Logan Service Center East Lawn Area, 810 West 600 North. At the onset of the Pilot Program, volunteers participated in dog dropping clean-up efforts at various City parks. In March of 2020, another clean-up effort was scheduled, but later curtailed due to the COVID-19 pandemic.

**THE REPORT** - This report focuses on the seven Pilot Program sites as mentioned. Other City park sites that were not in the Pilot Program will be addressed separately at a later time.

During the 12-month program, City staff received public feedback, a public survey was conducted between January 6 and March 31, 2020, and observations made by Parks and Recreation Department staff. Additionally, Logan City Police furnished a report with data collected during the Pilot Program. A brief summary is provided below:

**PUBLIC FEEDBACK** - With one exception, comments regarding the Pilot Program locations indicate the program is working as intended. However, configuration of the Logan Meadows Park has caused problems. The park is surrounded by homes which have backyards directly connected to the park, and many neighbors submitted feedback with concerns including dogs entering open backyards, fear of dogs approaching persons unsolicited, dog droppings, concern for children, and dogs not under owner's control.

**SURVEY INPUT** - From the Logan Parks and Recreation Department Citizen Satisfactory Survey:

Question No. 4: Should the City of Logan continue to offer dog friendly off-leash park sites? 851 respondents. Methods for collecting input included face-to-face at various gatherings and online.

Yes: 82.49%

No: 12.93%

Unsure: 4.58%

Citizen Satisfaction Survey – Question No. 4 attached.

**LOGAN CITY POLICE DEPARTMENT REPORT** - Logan City Police Department provided a report taken between April 2019 and April 2020 that targeted parks where dogs were not permitted off leash. Animal Control officers issued 22 citations and gave 107 warnings. The report indicates that most persons contacted were warned. Citations were a response to individuals who had previously been warned for allowing a dog off leash in a prohibited area. Logan Police Department Report attached.

**STAFF OBSERVATIONS** - Department staff observations: there is still a problem with dogs both on and off leash in City parks not in the Pilot Program, dog droppings along trail shoulders and in parks, dog droppings in bags not placed in provided trash cans, one report of a dog chasing jogger and a bicyclist at Ray Hugie Hydro Park; however, we also observed dogs under owner control in Pilot Program parks, and picking up after their dog; requests for refilling dispensers with bags; and suggestions for biodegradable dog bags. We have had many emails of appreciation from responsible dog owners who are very happy to have some legal parks to play in with their dogs off leash.

**STAFF RECOMMENDATION** - Based on the information received and the observations made, the Parks and Recreation Department recommends we make the Pilot Program permanent in six of seven Pilot locations, excluding Logan Meadows Park. The Department recommendation moving forward includes continued monitoring and public awareness campaigns for picking up after one's dog and disposing bagged dog droppings in designated Park trash cans, using only designated off leash parks.

Dogs are prohibited in all other City parks, unless leashed dogs are with owners on a designated City trail (sidewalk/shared use path) which passes through the park. All City trails do allow leashed dogs as well.

### **RECOMMENDED TO BE PERMANENT DOG FRIENDLY PARKS**

Jens Johansen Park, 850 East 100 North

Jones Neighborhood Park, 400 West 625 North

Kilowatt Park, 331 South 300 West

Pioneer Parkway, 165 East Poplar Avenue

Ray Hugie Hydro Park, Northside of US 89 at Canyon Road

Logan Service Center East Lawn Area, 810 West 600 North

Chair A. Anderson said when the locations were determined the idea was to try and make sure there was a dog friendly park within close distance to all of City neighborhoods. She agreed that the Logan Meadows Park does not make sense given the concerns from the

residents in the area. She asked with the proposed six remaining parks are we covering enough of the City for people who are dog owners that want to get to an off-leash dog park or do we need to explore replacing Logan Meadows Park with another park.

Mr. Akina said there may be a need for the City to explore another park but, another park has not been identified. He has reached out to the Cache County Fairgrounds because they have a policy for their grounds which follows a County ordinance in terms of what is allowed in regard to off-leash dogs. This could be a potential replacement for the loss of the Logan Meadows Park.

Vice Chair Jensen said early in the determination of where the pilot program should be held, he heard complaints from residents in the area of the Pioneer Parkway Park but has not heard anything recently.

Mr. Akina said he has not received any opposition from the Pioneer Parkway Park area. He said early on before we moved into the pilot program there was a suggestion of two gated areas and there was opposition to the proposal of a gated dog park.

Mayor Daines stated there are some who are not responsible dog owners and they do not clean up after their pets but there are also responsible pet owners that not only clean up after their pets but provide other cleanup in the park. Her contention is that if you do not have places where dog owners can legally go, the people that ignore the law anyway are still going to be in the parks it is just going to exclude the law-abiding citizens.

Vice Chair Jensen said he noticed in the report that 200 warnings were given to dog owners which, he agrees with but now that the pilot program has been in place for a year he encouraged more citations for those people who are ignoring the law.

Councilmember M. Anderson asked if Mr. Akina feels that the survey covered a good cross section of citizens.

Mr. Akina responded yes, but they cannot always control where the responses are coming from. During the Jr. Jazz Basketball season back in January and February they introduced the survey to respondents and also neighborhood gatherings and at a health fair on the USU campus where a lot of input was received from campus employees who live in Logan. They also received a lot of input via email.

Mayor Daines said she feels good about the outreach and at the same time the Parks Department has been updating their Comprehensive Masterplan and holding a series of meetings where a lot of feedback has been gathered.

Vice Chair Jensen said we have the Denzil Stewart Park and then we also have the Logan City land where the trail comes down from the Johnson subdivision. There has been some concern from residents in the Wilson Neighborhood and they do not feel that dogs should be able to come down through that trail and yet according to our rules they do. He suggested either signage or clarification is needed in this area to help with the concerns of the residents.

Chair A. Anderson commented that she and a few others from the City met with members of the Denzil Stewart family at the park this past year to address some of these concerns. The family indicated they are fine with dogs being in the park on a leash and asked for a collection station with bags placed in the park. The family members own dogs and recognize the importance of allowing dogs in the park. She suggested that enforcement and signage can be done in the park to remind people that dogs must be on a leash and to clean up after their dogs. She said the family were all in support of having this be an area of allowing dogs on a leash.

Councilmember Bradfield said he has never walked through the Denzil Stewart Park and has never received emails from people who have walked their dogs through the park. He has only received emails from people who do not want dogs allowed in the park. He asked what the detriment would be if we just said no dogs allowed in this park.

Mayor Daines said she has received several emails and a packet of notarized letters from some of the Stewart Family members who have stated they want to allow dogs in the park. There are a lot of dog owners that use the park and most people obey the law and have their dog on a leash.

City Attorney Kymber Housley clarified that a sidewalk is specifically a pathway adjacent to a road and a “pathway” through a park does not meet our definition of a sidewalk.

Mayor Daines said if the Council is interested in moving forward with the recommendation from the Parks Department and implement a permanent designation of the parks indicated, the Council needs to adopt an amendment to the City Code.

All councilmembers gave a head nod to move forward with a code amendment.

Mr. Housley said there are two ways this can be done. The Council can specify the approved parks in a code amendment, but the current code already prohibits dogs in parks unless otherwise authorized and posted by the City. Technically, this could be done with signage if the Council chooses rather than a code amendment.

Chair A. Anderson said she would be fine with signage at the designated parks.

All councilmembers gave a head nod in agreement of signage being placed at the designated Dog Friendly Parks.

Mr. Housley added that signage gives the City flexibility to change things rather than go back and amend the code.

Mr. Akina said he will prepare a press release once the signs are made and posted.

### **Proclamation: National Day of Prayer – Mayor Daines**

Mayor Daines read a portion of a Proclamation recognizing May 7, 2020 as a *Day of Prayer* in the City of Logan.

### **Proclamation: Grow Native for Birds Week – Mayor Daines**

Mayor Daines read a portion of a Proclamation recognizing April 19-25, 2020 as *Grow Native for Birds Week* in the City of Logan.

### **Cancellation of July 3<sup>rd</sup> Freedom Fire at the USU Stadium – Mayor Daines**

Mayor Daines announced the cancellation of the July 3<sup>rd</sup> Freedom Fire event at the USU Stadium. She explained that now is the time when contracts are signed for everything we do for the event and currently, the University is not signing any contracts and they are very concerned about large events on campus as are we. She cannot imagine that by July 3<sup>rd</sup> when the fireworks are scheduled that large gatherings will be allowed or encouraged so unfortunately it was decided to cancel the July 3<sup>rd</sup> Freedom Fire event this year. She also feels that we need to be very cautious with revenue this year because our sales tax will definitely be impacted with the current pandemic.

Councilmember Simmonds asked if there are any plans for the RAPZ Tax Population Split?

Mayor Daines responded that potentially we could consider doing something at Willow Park or something on July 24<sup>th</sup> but at this time it is too early to really plan anything and not knowing if large gatherings will be allowed. We can spend the Population Split money on anything we want, and we have always put it toward s fireworks but that is the one portion of that funding that is unrestricted.

No further items were presented.

### **COUNCIL BUSINESS:**

#### **Planning Commission Update – Councilmember Bradfield**

Councilmember Bradfield reported on the Planning Commission meeting that was held on April 9, 2020. He stated that the Rocky Garden Subdivision Permit was approved unanimously. The Homestead agenda item was continued to the April 23 meeting. The Trailhead Townhomes Rezone submitted by Brian Seamons was denied on the grounds that the Planning Commission wanted to see specific plans and some type of an agreement between the owner and the canal company. Most of the Commission members liked the project concept but would like to see those issues resolved before approval. The Truck Ranch Design Review and Conditional Use Permit was approved 6-1.

## **Update: Election Committee – Vice Chair Jensen**

Vice Chair Jensen gave an update on the Election Committee who have been designated to meet and review Voting Districts in the City of Logan. He sent out an email to the committee and heard back from several on when they could meet. The committee will begin meeting sometime in June and should be finished within four months.

No further Council items were presented.

### **ACTION ITEMS:**

**Chair A. Anderson said there are three public hearings scheduled for tonight's Council meeting. Those interested in making a comment need to do so through the Zoom meeting link by logging on and at the bottom of the screen there is the option to "raise your hand" through Zoom. She will unmute those wanting to make a comment and will allow the standard three minutes to make a comment on that agenda item.**

### **PUBLIC HEARING - Consideration of a proposed resolution adopting Pretreatment Rates – Resolution 20-11**

At the April 7, 2020 Council meeting, Environmental Director Issa Hamud addressed the Council regarding the proposed rates.

The City of Logan Environmental Department operates an approved Pretreatment program with the intended purpose of protecting the Logan City wastewater collection and treatment system. This program is mandated & sanctioned by the EPA and the state of Utah Division of Water Quality. The program task is to monitor the quality of wastewater discharged from industrial and commercial facilities to prevent the release of harmful materials into our sanitary sewer system. City of Logan Ordinance number 13.12.005 - 13.12.351 is the foundation of this program.

The pretreatment program protection is established in its two-layer water quality limits designed to protect the sewer treatment system infrastructure and penalize violators. The first layer is the surcharge limits and the second layer are local limits. The surcharge limit has a water quality limit less than the allowable capacity and it is designed to allow us to detect a potential problem from a commercial or industrial entity at an early stage and recover monetary penalties equivalent to the cost of treating stronger than expected sewer discharge. Occasional exceedances of the surcharge limits are expected and the potential harm to the treatment system is also limited to an extent.

The local limit is a limit based on the treatment capacity of the sewer treatment system and any significant violation of this limit could result in a pass through the treatment system thus resulting in a violation of the treatment system water quality limits. Followed by enforcement actions from the State or the EPA to Logan City sewer treatment system and the business entity which caused the violation.

The pretreatment program has served Logan City since 1983, and the pretreatment limits are protecting the Lagoon effluent. However, growth, expansion of industries, and our future plans for a more robust treatment system in two years is making us reconsider the surcharge limit penalty calculations.

Last summer (2019) the City asked EEC Environmental to review our surcharge limit penalty calculation after we observed higher than expected monitory recoveries from some of the large significant users connected to the system. EEC Environmental completed its review in December 2019 and recommended that we modify the method used by the Logan City Industrial Pretreatment program to levy surcharges for biochemical oxygen demand (BOD) & total suspended solids (TSS) overages. The formula for overage surcharges was created nearly twenty years ago and was confusing to explain and enforce. Some of the most affected industries are currently planning expansions and continued more stringent penalties will limit their ability of cost control and by easing these penalties we are asking them to consider putting more capital on the improvement of their pretreatment systems. Our plan is to monitor the effect of this change more closely in the next two to three years, influence the contemplated improvement by the industry, and update the surcharge limits again when the news wastewater treatment plant construction is completed and running.

This past year with the help of EEC Environmental the City revised the formula for a surcharge to one that will both ease the financial burden of the businesses but is also more effectively enforceable. EEC also reviewed the City's local limits, and the surcharge limit and found them to be effective in protecting the Lagoons effluent and recommended no changes. The attached document has been approved by the Environmental Department and will also be submitted to Utah DWQ for their approval and comment.

The proposed changes will not require modification of the pretreatment ordinance (City Code), and/or approval from the state of Utah Division of Water Quality. However, he would like to obtain the Council's consent to implement the proposed change for administrative and budgetary purposes.

The City of Logan Industrial Pretreatment Program started with one inspector with a few industries and the implementation of an oil and grease program. The City currently employs three full-time inspectors and the wastewater treatment manager who serves as the pretreatment coordinator. The pretreatment program service area covers not just Logan City but the cities of Smithfield, Hyde Park, North Logan, Providence, River Heights, and Nibley. The program regulates over 500 businesses, with 36 of them meeting Significant Industrial User (SIU) status under EPA designation.



Mr. Hamud proposed the following:

<b>Wastewater Pretreatment Discharge Permit Classifications &amp; Fees</b>		
<b>Permit Class</b>	<b>Base Permit Fee Per Month</b>	<b>Variable Inspection Fees Per Inspection</b>
Class I	\$19.17 Unchanged	\$25.00 Unchanged
Class II	\$19.17 Unchanged	\$60.00 Unchanged
Class III	\$40.00 Unchanged	\$75.00 Unchanged
Class IV	\$51.67 Unchanged	\$75.00 Unchanged
Class V	\$51.67 Unchanged	\$100.00 Unchanged
Class VI	\$45.00 Unchanged	*Septic Waste \$8.00 per Ton *\$100.00 per Dewatering Load *\$ 25.00 After Hours Charge

**Device Rate**

Additional Cost per Extra Treatment Device \$5.00 Unchanged

**Sampling Rate**

Cost per Sample \$50.00 Unchanged

**Surcharge Formulation**

The recommended formulas for the calculation of the surcharges for BOD and TSS are presented below:

$$\text{If (BOD in mg/L) > 650; BOD Surcharge} = \text{Monthly Flow in MGD} \times [(\text{BOD in mg/L}) - (200)] \times 8.34 \times \$0.35$$

$$\text{If (TSS in mg/L) > 650; TSS Surcharge} = \text{Monthly Flow in MGD} \times [(\text{TSS in mg/L}) - (200)] \times 8.34 \times \$0.35$$

where: *Monthly flow* = Average daily flow x number of operating days in the month  
*200* = Average Residential Equivalence Factor  
*8.34* = conversion factor  
*\$0.35* = Surcharge rate per pound for BOD and TSS

Mr. Hamud proposed that the rates take effect June 1, 2020.

Chair A. Anderson opened the meeting to a public hearing.

Logan resident Gail Yost addressed the Council and suggested that items on the agenda should be more defined for the general public so they can better understand all of the issues.

Chair A. Anderson responded that this item was workshopped at the April 7 Council meeting. She added that when the agenda is posted on the City website all of the supporting documents for that agenda item are also posted. Those who have questions about an agenda item are also welcomed to contact City staff or any of the Councilmembers either by phone or email.

City Recorder Teresa Harris stated that no emailed comments were received.

Vice Chair Jensen commended those who did the study and tried to be fair to our constituents and businesses. Because of this study, there will be a major reduction in fees for businesses.

There were no further comments and Chair A. Anderson closed the public hearing.

**ACTION. Motion by Vice Chair Jensen seconded by Councilmember Simmonds to approve Resolution 20-11 as presented. Motion carried by roll call vote.**

**A. Anderson: Aye  
M. Anderson: Aye  
Bradfield: Aye  
Jensen: Aye  
Simmonds: Aye**

**PUBLIC HEARING - Budget Adjustment FY 2019-2020 appropriating: \$25,000 a grant the Public Works Department was awarded from the Utah Department of Transportation (UDOT). This is a study for the pedestrian tunnel connection under Main Street near the Logan River; \$10,000 grant funds toward the purchase of police equipment; \$3,650 additional funding the City will receive from Cigna. The funds will be used to continue promoting wellness among City employees with activities, nutrition, exercise trackers, and other wellness programs – Resolution 20-12**

At the April 7, 2020 Council meeting, Finance Director Richard Anderson addressed the Council regarding the proposed budget adjustments.

Chair A. Anderson opened the meeting to a public hearing.

City Recorder Teresa Harris stated that no emailed comments were received.

There were no comments and Chair A. Anderson closed the public hearing.

**ACTION. Motion by Councilmember Bradfield seconded by Vice Chair Jensen to approve Resolution 20-12 as presented. Motion carried by roll call vote.**

**A. Anderson: Aye  
M. Anderson: Aye  
Bradfield: Aye  
Jensen: Aye  
Simmonds: Aye**

**PUBLIC HEARING - Consideration of a proposed rezone. Dan Larsen-Kartchner Land Management, Jed Merrill, authorized agent/owner, requests a rezone of 8.11 acres from Commercial (COM) to Mixed Use (MU) located at 1105 West 2200 South; TIN: 03-006-0009 (Woodruff Neighborhood) – Ordinance 20-07 – Aaron Smith, Planner**

At the April 7, 2020 Council meeting, Planner Aaron Smith addressed the Council regarding the proposed rezone.

**PROJECT**

The proponent is requesting to rezone approximately 8.11 acres at 1105 West 2200 South. The rectangular shaped parcel currently has one home, built in 1961, near the south property line with two adjacent accessory structures. The remaining area is agriculture land. The property has approximately 360’ of frontage along 2200 South and is approximately 930’ in depth running north and south. 1000 West street is planned to align along the east side of this property as it extends south of the newly installed traffic signal at the intersection of HWY 89-91. This property was annexed into Logan City in May 2017. It has been zoned COM ever since.

**GENERAL PLAN**

The Future Land Use Plan (FLUP), adopted in 2008, identifies this property as Commercial (COM). The General Plan, a nonregulatory visioning plan, describes COM areas as being intended for retail, service and hospitality businesses that provide employment centers and serve city-wide and regional populations. New projects should have buildings that meet high architectural standards and constructed with quality materials. Most COM designations are located along or near the Main Street corridor north and south of downtown.

Mixed Use Center (MUC) areas are described in the General Plan as having concentrations of commercial and office uses – with residential uses integrated. MUC developments are required to have both residential and commercial components. MUCs are intended to be compact and designed for people to live, work, and play within a walkable center.

**LAND DEVELOPMENT CODE**

The Land Development Code (LDC) regulates land uses and entitles properties with specific development allowances. The COM zone allows a wide range of commercial uses. The COM zone is located along major collector and arterial streets with nearby large capacity utilities. Building heights are limited to 40’ and lot coverage rates kept under 60%. 20% of project sites are required to be improved with open space and usable outdoor space.

The Mixed Use (MU) zoning district permits a maximum density of 30 units per acre (40 with ground floor commercial) and building heights of 58’. Setbacks are 0’-10’ in the front yard and lot coverage is capped at 60%. 20% of project sites are required to be improved with open space and usable outdoor space. Studio/one-bedroom residential units require 1.5 parking stalls; two bedroom or larger units require 2 parking stalls. Commercial parking is based on use square footage. Newly adopted MU standards set

minimum commercial building area standards for projects based on acreage. For an 8-acre site, 4,500 SF of commercial building would be required as part of the project. For reference, each of the commercial pads in front of the new Riverwalk development that are currently being constructed are approximately 4,800 SF.

### **NEIGHBORHOOD COMPATIBILITY**

This area was recently annexed into the City but was anticipated to do so in the 2008 version of the General Plan and identified on the FLUP. The newly installed traffic signal at the intersection of 1000 West/HWY89-91 will significantly impact the character of this quasi-rural area as development pressures continue to intensify. Areas to the south and east largely remain undeveloped agricultural lands with Nibley City and Millville City boundaries in close proximities. The areas to the west are developed as a Motel, built in 1996, and a recreational vehicle park. A newly approved office warehouse is located directly west along 2200 South.

Proximity to this intersection should be considered as communities along the South Corridor Plan area implement standards for setbacks, access, and commercial nodal development patterns. The LDC defines a commercial node as being 700 feet away from the center of the traffic signal. This property is located 718 feet away from the center of intersection. The South Gateway Overlay is placed on properties within 300 feet of the Highway and requires enhanced setbacks. This property is 415 feet away from the Highway. With 1000 West planned to continue southward through Nibley, this property along with the neighboring properties to the west, form a triangular island between HWY 89-91, 2200 South and 1000 West.

From a residential land use standpoint, existing developments, and approved projects within a ¼ mile radius and within the Logan City boundary, there is a disproportionate value of structure types with approximately 640 Multi-Family Units, 250 Mobile Homes, and 250 Single-Family Homes. Multi-Family dwelling unit breakdown is approximately 120 duplexes, 200 townhomes, and 312 multi-story apartment units. Mixed Use development, which permit 30-40 units per acre depending on building type, typically result in multi-story apartment complexes. This property developed at maximum density would result in 243 units.

From a mixed-use standpoint, the proposed zone will have access to commercial and job centers via 1000 West and HWY 89-91. While the project may have a minimal commercial component, the proximity to the identified commercial node at the 1000 West intersection may provide for integration of residential and commercial uses in the area. When considering the land use overall in the area, with commercial zoned land within the 700' intersection node, and mixed residential housing around along the periphery of the node, the overall effect is a dense urban node that, with proper pedestrian infrastructure constructed as projects are developed, can be well connected by sidewalks and crosswalks. If the intent is to create a viable commercial node at the 1000 West intersection, then this rezone will help support that purpose, by placing some commercial development near the node, and providing housing that will support the commercial growth at the node.

## **PREVIOUS REZONE**

An application for a rezone of the property from COM to MR-20 was denied by the City Council by a vote of 4-1 on Nov. 5, 2019. The primary concern expressed by staff regarding the previous rezone was the loss of commercial property in close proximity to the new 1000 West intersection and expansion, and the saturation of one residential building type in the area. While a zone change to MU does include limited required commercial development, the overall density of the zone is greater than the previously denied zone of MR-20 (243 units per acre MU, 162 units per acre MR-20).

## **SUMMARY**

The proposed rezone differs from the previous rezone request in two significant ways; one, the rezone is a denser request that permits 30 units to the acre; and two, the rezone has a mandatory commercial component of at least 4,500 SF. This parcel lays at a critical transition between the planned commercial node around the 1000 West intersection and the mixed residential housing along the periphery. Staff supports this rezone as it will provide some commercial development near the node and will provide housing that will help support commercial development in the area. In addition to supporting growth in the area, locating dense residential housing near a commercial node and job center will help reduce vehicle miles travelled and total trips by providing convenient access to goods, services, and jobs.

Issues that were raised during the last rezone request remain valid regarding commercial use and housing types. The extension of 1000 West along the eastern edge of the property does improve the viability of the property for future commercial development. Also, with the existing housing stock in the area and projects under development, the housing portfolio in the area continues to skew towards multi-family development. Overall, this is a complicated rezone at a critical location in Logan as it is located near an important highway intersection and sits on a transition with neighboring communities. Staff's assessment is that while this rezone only partially meets the existing FLUP designation, it will meet other adopted long-term planning goals for Logan, particularly it will help to stimulate development around the commercial node at the 1000 West intersection that was identified in the South Corridor Plan and codified in the South Gateway Overlay Zone.

## **RECOMMENDED FINDINGS FOR APPROVAL**

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

1. The MU zone has a mandatory commercial component that will help to meet the intent of the COM FLUP designation.
2. The MU zone is compatibility with neighboring uses and zones.
3. The location is compatible with the purpose of the MU zone.
4. The subject property is in an area and surrounded by streets and infrastructure that can handle and appropriately serve Mixed Use developments.

5. The proposed MU zone will support the goals of the Cache Valley South Corridor Development Plan.

### **RECOMMENDATION**

Staff recommends that the Planning Commission recommend **approval** to the Municipal Council for a Rezone of approximately 8.11 acres of property located at approximately 1105 West 2200 South (TIN# 03-006-0009) from Commercial (COM) to Mixed Use (MU).

On March 12, 2020, the Planning Commission recommended that the Municipal Council **deny** a rezone from Commercial (COM) to Mixed Use (MU) for the Merrill Rezone Project (4-2).

Mr. Smith said some of the concerns discussed were the 1000 West extension may improve the commercial viability for the property and the housing portfolio in this area is leaning heavily towards Multifamily. This rezone only partially aligns with the Future Land Use Plan of commercial at this location. This area is in the Cache County School District versus the Logan School District, so the tax base goes to the Cache County School District.

Chair A. Anderson opened the meeting to a public hearing.

Proponent Dan Larsen with Kartchner Land Management addressed the Council. He stated that last year he presented to the Council to rezone to Multifamily and at the time there was a strong feeling from the Council that they wanted to keep a commercial node in this area. After the Council denied the rezone, Kartchner went back to the landowner who stated that he would like to remain in the home on the South end of the property. A compromise was suggested for both the landowner and the City which is to go with a Mixed-Use Zone so they could do both commercial and Multifamily on this piece which is the proposal that is before the Council at this time.

Vice Chair Jensen asked Mr. Larsen if he has an idea of what percentage of commercial there will be in this area.

Mr. Larsen responded that Kartchner Homes does mostly residential and not commercial projects.

Councilmember Bradfield asked Mr. Larsen is there any reason why they do not just do the piece they want residential and the other piece commercial.

Mr. Larsen said the challenge is this area is one parcel so they cannot do a rezone across a property line so to make that happen they would have to subdivide the piece and then rezone one section and rezone the other section.

City Recorder Teresa Harris stated that no emailed comments were received.

There were no further comments and Chair A. Anderson closed the public hearing.

Councilmember Bradfield asked what the density in the neighboring city is next to this area.

Mr. Smith responded there is an MR-20 Zone to the East, and he does not know what the neighboring zone is for this area.

Community Development Director Mike DeSimone commented the Commercial Zone around this area has a density of 30 units per acre. Nibley City generally has the equivalent of what we have which is single family to the South. The Mixed Residential within the context of Logan City and the surrounding area is 30-units per acre if someone were to develop residential but they do have to develop commercial in every parcel. With commercial, everything would be vertical so there would be commercial on the bottom and residential on top. With the Mixed-Use Zone, there would be free standing residential and free-standing commercial, but it is the same approach to intensities and densities for either zone.

Chair A. Anderson said when the Council heard the previous request to zone this area MR-20, the concerns the Planning Department expressed, and the Council agreed with were that we wanted more commercial in this area. She appreciated that Kartchner came back and proposed the project as a Mixed-Use project.

Councilmember Simmonds said the Mixed-Use allows for more residential than the MR-20 request that the Council denied and much less commercial than what it was already zoned.

Mr. DeSimone said it comes down to context of location and 10<sup>th</sup> West will extend on the Eastern boundary of that property and connect into Nibley so there will be a lot of traffic. If there is residential in the area, they will have direct access to the highway and 10<sup>th</sup> West and access to employment centers. The question is whether or not we believe that in the future that will become valuable from a commercial perspective and it is questionable because we have a lot of vacant commercial space in other areas.

Vice Chair Jensen said this is a good transition between commercial and the MR-20. He also mentioned the Firefly Park in Nibley, which is 450 feet away, but a residential or Mixed-Use project will be far less disturbing to the fireflies than commercial. We need affordable, Multifamily housing and he does not feel the City will get any push back having this type of housing in this area. He said there is a lower density to the East and a lower density to the South and mostly commercial North and East, so this is a middle ground between those two other usages. He feels the best place to put high density is at the node of an intersection between highways and not back into a neighborhood.

Councilmember M. Anderson agreed and said he would like to see a higher percentage of commercial in the area.

Councilmember Simmonds said this is trading commercial for housing in this particular location. She said we have spent time deciding where we want commercial areas in the City and now, we spend time changing them to something that is residential.

Chair A. Anderson said she is also mindful of what the previous owner of the property who still lives in the area wants to see happen on the property.

Vice Chair Jensen said we hear all the time that stores are closing so the demand for commercial is reducing so he again feels this area should be Mixed-Use.

Councilmember Bradfield asked Mr. Larsen if there has been any interest in the possibility of building a grocery store on this property.

Mr. Larsen responded that he knows that at one time the property owner was approached by U-Haul but to his knowledge, he is the only commercial developer that has shown an interest in the property. The landowner plans to remain in his home which is to the South of this property. The agreement from Kartchner Homes is they will build two-story townhomes on the South parcel.

**ACTION. Motion by Vice Chair Jensen seconded by Councilmember M. Anderson to adopt Ordinance 20-07 as presented. Motion carried by roll call vote (3-2).**

**A. Anderson: Aye**

**M. Anderson: Aye**

**Bradfield: Nay**

**Jensen: Aye**

**Simmonds: Nay**

### **WORKSHOP ITEMS:**

**Budget Adjustment FY 2019-2020 appropriating: \$160,000 State reimbursement funds toward street improvements – Resolution 20-13 – Richard Anderson, Finance Director**

Finance Director Richard Anderson addressed the Council regarding the proposed budget adjustment.

The proposed resolution will be an action item and public hearing at the May 5, 2020 Council meeting.

**Trailhead Townhomes Rezone – Consideration of a proposed rezone. Brian Seamons/ Cache Valley General Contractors, authorized agent/owner, request to rezone three parcels (0.5 acres) located at 598 East 400 North from Neighborhood Residential (NR-6) to Campus Residential (CR) – Ordinance 20-08 – Russ Holley, Planner**

Planner Russ Holley addressed the Council regarding the proposed rezone.

### **PROJECT INTRODUCTION**

The proponent is requesting to rezone three separate parcels totaling approximately 0.50 acres located at 580 East 400 North, 592 East 400 North & 595 Boulevard from the current zone of NR-6 to CR. One of the three properties is vacant with the other two containing a residential structure on each parcel. Both residential structures, built in 1912



and 1939, are single-family homes. The 1939 home (580 E. 400 N.) was illegally converted into a duplex and denied a grandfathering request in 2008. The vacant parcel located at the corner had a canal running diagonally through it making development difficult. With the canal section failure along Canyon Road, this section of canal has since been piped and buried. The adjacent intersection of 600 East 400 North (US HWY 89) contains a traffic signal and experiences high volumes of traffic, typically in association with Utah State University scheduling.

### **GENERAL PLAN**

The Future Land Use Plan (FLUP), within the Logan City General Plan, identifies this property as Detached Residential (DR). DR areas are described as single-family home developments with a range of density listed as 4 to 6 dwelling units per acre. The General Plan is not a regulatory document, it is a guiding and visioning document. Regulations associated with land use and specific development standards are found in the Logan City Land Development Code (LDC) and the Logan City Official Zoning Map.

### **SPECIFIC PLANS**

The 400 North Corridor Plan was a visioning document adopted in 2015 after numerous public outreach efforts. The visioning and planning effort came about for a couple of main reasons. First, because of the Highway road-widening and the ever-increasing number of automobiles driving quickly through, the original neighborhood character of this street has significantly transformed resulting in a slow deterioration of property. The historic Tudor and Craftsman style homes along the corridor slowly transformed from family homes to student rental properties. Aesthetical concerns were a driving force for the need of this planning effort. Secondly, the planning effort presented an opportunity to create a better link between downtown Logan and Utah State University. An opportunity to create a beautiful “boulevard style” corridor, with an emphasis on design and usability for all types of transportation, that would connect students to downtown and downtown to the university.

This particular area near the intersection of 600 East 400 North was identified as a “Mixed Use Lower Density”. The plan defined this as low-rise building’s containing both residential and commercial uses placed near the sidewalk edge and in a manner not to detract from the neighborhood character or residential setting. This intersection, in many ways, is a western gateway to the University.

The Adams Neighborhood Specific Plan was adopted in 2013 after numerous neighborhood outreach and feedback efforts. The Adams neighborhood is one of Logan’s oldest and most diverse neighborhoods. The neighborhood has transformed over the years from predominant owner-occupied, family-raising homes to more and more non-owner-occupied student rental structures containing multiple dwelling units. The main goal and objective of the Adams Neighborhood Plan is to stabilize the number of rentals and create a predicable zoning environment that results in young families desiring to invest in and remodel homes with the intent of raising families there. Logan City has established several financial assistance programs with this very reason of owner-occupied reinvestment in mind. The zoning recommendations include keeping the CR zoning boundaries as is and not expanding those out any further. 600 East has been the proverbial “line in the sand” for decades. By not expanding the CR zoning outward, this

will force demand and density inward and upward, something desired in the existing CR zoning areas. The nagging possibility of CR zoning creep will decrease confidence and stability in the neighborhood resulting in less owner-occupied investments. The adoption of this plan by the City Council in 2013 represented a commitment to the residents of this core neighborhood.

### **LAND DEVELOPMENT CODE**

The LDC outlines development standards for both NR-6 and CR zoning districts. The NR-6 zoning allows single-family homes at a maximum density of six (6) homes per acre of land. The zone allows 25' front yard setbacks and limits homes to 2-3 stories in height. The CR zone allows up to 40 dwelling units per acre or through a Conditional Use Permit, allows up to 240 occupants per acre (studio apartments). The CR zone allows 10' front yard setbacks and 4-5 story buildings (55' max.). Automobile parking requirements are based on occupancy and number of dwelling units.

### **SUMMARY**

To suggest that these properties directly adjacent to 400 North will transform back into homes where owner-occupied families raise their children is unrealistic given the size, speed, and volume of cars on 400 North. That does not mean that the only solution is CR high-density student housing. A rezone to CR could result in up to 20 apartments and 120 occupants on a 0.5 acre of land. Limited and cautious redevelopment of low to medium density would provide new student housing opportunities along 400 North, per the corridor plan recommendation, but would have fewer impacts on surrounding single homes being targeted for owner-occupied reinvestment opportunities. The corridor plan specifically identifies this corner property as "Mixed Use/Lower Density". A low/medium residential density with a small neighborhood serving commercial shop would have fewer impacts on the surrounding residential properties to the south. The Neighborhood Center (NC) and Community Commercial (CC) zones allow limited commercial uses along with residential density ranges of 9-12 units per acre. These two zones better fit the descriptions in the 400 North Corridor Plan for this corner. Streetscape improvements could be made creating a "boulevard" type setting (although UDOT restrictions make aesthetic designs difficult) connecting downtown and the university regardless of the specific density aligning it.

Both applicable specific plans do not recommend that these properties convert to CR. There are currently several rental and multi-family properties in the vicinity and the trends show that they are increasing, but that is the very reason why the Adams Neighborhood Specific Plan was adopted. The goal of that plan is to stabilize the number of rentals and encourage owner-occupied families to invest in the neighborhood. If Logan City desires predictability and consistency in its neighborhoods and fostering an environment for owner-occupied re-investment, then rezoning and re-development needs to be limiting and cautious in order to mitigate negative impacts associated with high-density housing. Larger buildings, larger parking lots, higher levels of noise and traffic are the typical negative impacts of high-density. Positive impacts from high-density, are typically, more efficient infrastructure and utilities and less pressure to sprawl out development into surrounding rural areas, but Logan City has strategically identified and planned areas for high density development (downtown, existing CR areas, and some other areas near job centers) and this corner is not one of them. There is a need for more

high-density student housing, it just needs to be located inside the current CR zoning boundaries.

Mr. Holley stated this property is difficult because there is the Highline Canal that runs East to West and the Temple Ditch Canal that runs North to South. The Highline Canal was buried and piped a few years ago but our Code states that canals have a 15 ft. easement along them for maintenance and water confluence. The Code states that you cannot build a structure within that 15 ft. unless you get written authorization from the canal company.

### **PUBLIC COMMENTS**

Two comments have been received (one phone call & one written). One is in opposition of any new apartments in Logan until sewer and traffic problems are resolved and the other supports the proposal suggesting that this is an appropriate area for student housing. During the Planning Commission meeting there were eight public comments, two in favor, two in opposition and the remainder with members of the canal company and they were very hesitant and have not given any authorization for building on this property.

### **RECOMMENDED FINDINGS FOR DENIAL OF THE REZONE**

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

1. The rezone request is inconsistent with the FLUP and the General Plan.
2. The rezone request is inconsistent with the 400 North Corridor and Adams Neighborhood Specific Plan.
3. The rezone does not create a stable neighborhood environment that encourages owner occupied re-investments.

### **RECOMMENDATION**

Staff recommends that the Planning Commission recommend **denial** to the Municipal Council for a Rezone of three (3) parcels totaling approximately 0.50 located at approximately 580 East 400 North, 592 East 400 North & 595 Boulevard (TIN# 06-059-0022; -0023; 0033) from Traditional Neighborhood Residential (NR-6) to Campus Residential (CR).

On April 9, 2020, the Planning Commission recommended that the Municipal Council **deny** a rezone from NR-6 to CR at approximately 598 East 400 North (6-0).

Vice Chair Jensen said there was a lot of discussion at the Planning Commission meeting about the canals, but the Commissions rebuttal was always, this is a rezone. He is not sure if the canal issue should be part of the discussion. The Highline Canal through this property is abandoned and there is no water going through the canal. He suggested that the Council decide on the rezone and the landowner negotiate with the canal company and resolve the issue in relocating the pipe.

Councilmember Simmonds commented there is water going through the canal, but it is all piped.

Chair A. Anderson said her concern is when she looks at where the canal lines are located, if a relocation of the pipes cannot be renegotiated in the Campus Residential Zone, it's going to create a very tall building. She feels the canal issue does need to be resolved before the rezone is approved because otherwise you have plats with concentrated building envelopes that will force the buildings to go up in order for them to be a profitable project.

Vice Chair Jensen said to resolve the canal issue would take a lot of effort on the proponent's part, not knowing what the zoning would do and it could be costly. Whether the Council approves, does not approve or modifies the zoning request which, is what he recommended, can be done.

Councilmember Simmonds commented that the Council cannot modify someone's zoning request.

Vice Chair Jensen suggested the Council consider the zoning as if there is not a canal.

Councilmember Simmonds said her concern with Campus Residential is that its leaping across 400 North out of where the Council has decided Campus Residential should be and it allows the opportunity for bleeding because more people will want to build similar projects. She listened to the developer's presentation and he said that he would put a prescriptive deed on this property but that does not prevent the problem that it produces if someone else wants to build in the future. A very tall, dense building could also be built on this corner. The Council approved a 400 North Corridor Plan which, has this area being a node or perhaps commercial on a couple of sides and putting the highest density we have in the City and taking it across the 400 North seems like a really bad idea to her.

Councilmember M. Anderson agreed with Councilmember Simmonds and said he is open to rezoning the 400 North Corridor because no one wants to build a single-family home on 400 North. There has been reinvestment and redevelopment in the Campus Residential area and things are happening closer to campus. He suggested the Council consider changing the zoning on 400 North to open this area up for redevelopment.

Vice Chair Jensen said he agreed with Councilmember Simmonds on the Campus Residential for this site but he feels the 400 North Corridor needs to be looked at very carefully and we need to do something that will incentivize quality development and probably the only logical development is higher density housing but it does not need to be four or five stories.

Councilmember M. Anderson said he is also concerned about the canal and the easement has been there for many years.

Mr. DeSimone said the Campus Residential Zone goes from 600 East to 400 North and then it goes North from there. Staff did look at the 400 North Corridor Plan and one of the decisions that was made not to up zone. At the time of the Plan the Council and the committee reviewing the 400 North Corridor Plan said they wanted people to come in with development plans and they would be evaluated against what the plans said and what was in the neighborhood. What we do not want is a bleed out of several different

developments, but we do anticipate change. The node is specifically called out as a Mixed-Use node that pays homage to USU because this is an area near the gateway to the USU campus.

Councilmember Bradfield said as he goes up 400 North, he does not get the feeling that he is in a “neighborhood”. He feels this would be a good high-density road and in close proximity/walking distance to campus and shopping on Main Street.

Councilmember Simmonds commented this is a different discussion going from one of our lower densities to one of our higher densities and is that an appropriate change. She said the original plan for this node area was very nice and it was being used as an entrance to campus with small commercial on two of the corners.

Chair A. Anderson said she knows several people who live near this area and on 400 North there are a lot of rental properties but people who live behind those rental properties have invested a lot into their property and the neighborhood shifts quickly. If we do move to a higher density, she hopes the Council will keep in mind that it is also higher occupancy so there will be more people and less space. There are opportunities to do deed restrictions but then in some ways we are just creating smaller zones of their own as opposed to staying with the zoning criteria that we have.

Councilmember Bradfield asked if Campus Residential is determined too high would there be a compromise that Mr. Seamons could consider.

Councilmember Simmonds responded that Councilmember Bradfield listened to the Planning Commission meeting and Mr. Seamons stated at the meeting that he needed Campus Residential because he needed the extra bedroom to make the project work.

Chair A. Anderson asked in the 400 North Corridor Plan, is the Gateway designation an existing zone.

Mr. Holley responded the Plan does not recommend a specific zone from our current zoning map. It identifies low to medium density and recommends some sort of change.

Mr. Holley added that the Code has transitional height limitations so you cannot build a really tall Campus Residential project right next to a Neighborhood Residential Zone. A Community Center Zone which is 12 units per acre would work for this area and would match the 400 North Corridor Plan which combines residential and commercial.

The proposed ordinance will be an action item and public hearing at the May 5, 2020 Council meeting.

**Consideration of a proposed ordinance vacating certain Public Utility Easements located between Westfield Subdivision Phase 2 Lots 5 and 23, 23 and 24, 24 and 25, 25 and 26, 27 and 28, located at approximately 1115 West 130 South, Logan, Utah – Ordinance 20-09 – Paul Lindhardt, Public Works Director**

Public Works Director Paul Lindhardt addressed the Council regarding the proposed vacation of certain Public Utility Easements in the City of Logan. He said there are seven lots in the subdivision and the owner would like to do lot line adjustments and turn the seven lots into three lots.

Councilmember Simmonds asked what the value of the property is that we are giving up.

Mr. Lindhardt responded that with a Public Utility Easement, we are not giving up any property or land because we do not own the land. Without utilities in the easements there is no current value to them and no utilities to be removed.

The proposed ordinance will be an action item and public hearing at the May 5, 2020 Council meeting.

**Consideration of a proposed ordinance vacating a Public Right of Way adjacent to the Intersection of 1500 West 2100 South in the Spring Creek Village Phase 1 Subdivision, Logan, Utah – Ordinance 20-10 – Paul Lindhardt**

Mr. Lindhardt addressed the Council regarding the proposed vacation of a Public Right of Way in the Spring Creek Village area. The original developer and development went bankrupt and has since been purchased by another developer. His plans have been approved and he will not be continuing the road in this area along 1500 West. There are no longer any utilities or purpose for the right of way in this area so the request from the developer is the road be vacated and the associated public utility easement also be vacated. In addition, there is a small area in the corner of this property that would also be vacated. The developer has approved plans for a canal that will have a 48-inch pipe through the area and once the pipe and easement are there, no development will occur. When this right of way was enacted in the original development it was done with the purpose of a public right of way or a street and therefore, the City cannot use it for another purpose in the future.

City Attorney Kymber Housley stated that unless it's part of the original land grant, so that the streets were never privately owned, that is the only scenario where we would keep the property. If you do not do a road it goes back to the original property owners.

The proposed ordinance will be an action item and public hearing at the May 5, 2020 Council meeting.

**OTHER CONSIDERATIONS:**

There were no further items considered by the Council.

**ADJOURNED.** There being no further business to come before the Council, the Logan Municipal Council meeting adjourned at 8:00 pm.

Teresa Harris, City Recorder