



Project #21-041
Conditional Use Permit Update
Land Development Code Amendment

REPORT SUMMARY...

<i>Project Name:</i>	CUP Update
<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>	August 26, 2021
<i>Submitted By:</i>	Mike DeSimone, Director

RECOMMENDATION

Staff recommends that the Planning Commission recommend **approval** to the Municipal Council of the proposed amendments to Chapter 17.42 of the Land Development Code.

REQUEST

This is a proposal for a minor amendment to the Land Development Code (LDC) updating the Conditional Use Permitting criteria. This code amendment is in response to HB 409 (10-9a-507) passed during the 2021 Utah State Legislative session clarifying that local governments shall be using “objective” standards in deciding CUP’s. The proposed changes to Chapter 17.42 are attached.

STAFF RECOMMENDATION AND SUMMARY

The proposed changes to the Land Development Code are minor in nature and help to clarify certain substantive and procedural issues associated with Conditional Use Permits. Staff would recommend that the Planning Commission forward a recommendation of approval to the Council for their consideration.

GENERAL PLAN

The Land Development Code was prepared and adopted to implement the vision expressed in the General Plan. The proposed amendments are minor in nature and are consistent with the General Plan.

PUBLIC COMMENTS

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

PUBLIC NOTIFICATION

Legal notices were published in the Herald Journal on 7/31/21, posted on the City’s website and the Utah Public Meeting website on 8/2/21, and noticed in a quarter page ad on 7/24/21.

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 are in response to changes made to Utah Code 10-9a-507 adopted in HB407 by the Utah State Legislature during the 2021 session.

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.

Chapter 17.42: Conditional Use Permits

§17.42.010 Purpose

A conditional use is a land use that, because of the unique characteristics or potential impact of the land use on the municipality, surrounding neighbors, or adjacent land uses, may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts. The purpose of this chapter is to provide a system for the discretionary consideration of ~~applications for~~ conditional use permit applications in order to preserve and enhance neighborhood character and ~~to~~ protect the public health, safety, and general welfare.

§17.42.020 Standing to Apply

Any property owner or a proponent with the written permission of the property owner may apply for consideration of a conditional use permit.

§17.42.030 Conditional Use Permits

All requests for permits in districts which involve uses listed or otherwise categorized as a conditional use shall be required to apply for ~~discretionary~~ approval of a conditional use permit in conformance with this Title prior to the issuance of any building or occupancy permits, business licenses, or other entitlements.

§17.42.040 Procedures, Reports, and Hearings

Conditional use permits are processed under the provisions of Chapter 17.48 and the requirements of this chapter. Applications for conditional use permits are heard before the Planning Commission.

§17.42.050 Planning Commission Action

The Commission may approve or conditionally approve a conditional use permit that is based on an objective standard in compliance with Utah Code (10-9a-507) and only upon substantiating the following findings:

- A. The proposed use is consistent with the allowable maximum densities of the underlying zone. maximum established density has not been exceeded, unless a density bonus has been approved in conformance with General Plan policy and City ordinance.
- B. The proposed use is consistent with the requirements of the Land Development Code conforms to the requirements of Title 17 of the Logan Municipal Code and is listed as a conditional use in the Use Table.
- C. The use is compatible with surrounding land uses and will not interfere with the use and enjoyment of adjoining ~~or area~~ properties.
- D. The site will be served by infrastructure having sufficient capacities to meet the service demands of the proposed use. The streets providing access and other infrastructure to the subject property have adequate capacities or a suitable level of service for the conditional use.
- E. The proposed use ~~is~~ is compatible with the surrounding neighborhood character as defined in Section 17.63. neighborhood uses and character while preserving and enhancing the character of the neighborhood.
- F. The proposed access is consistent with Logan City access and roadway standards and Utah Department of Transportation requirements where applicable. Access to adjoining streets is designed to be constructed in conformance with City standards and specifications. Where adjoining streets are regulated by the Utah Department of

17.42: Conditional Use Permits

~~Transportation, access to street(s) shall conform to the requirements of the Cache Access Management Plan.~~

G. ~~The proposed use provides adequate off-street parking in conformance with this Title. The conditional use is aimed at mitigating the possible negative impacts of excessive light, noise, and traffic.~~

H. ~~The project provides open space and landscaping in conformance with this Title.~~

§17.42.060 (Reserved)**§17.42.070 Abandonment or Vacation of Use**

Any use for which a conditional use permit was issued pursuant to this Title shall be deemed to be void and no longer active or valid if the use for which the permit was issued is abandoned or vacated for a period of twelve consecutive months. This provision applies exclusively to conditional use permits issued by the Planning Commission.

17.52: Legally Existing Nonconformities



APPLICATION FOR PROJECT REVIEW

For Staff Only				
<input type="checkbox"/> Planning Commission		<input type="checkbox"/> Land Use Appeal Board		<input type="checkbox"/> Administrative Review
Date Received 7/2/21	Received By	Scheduled Meeting Date August 12, 2021	Zone	Application Number PC 21-041
Type of Application (Check all that apply): <input type="checkbox"/> Design Review <input type="checkbox"/> Conditional Use <input type="checkbox"/> Subdivision <input type="checkbox"/> Administrative Design Review <input checked="" type="checkbox"/> XX Code Amendment <input type="checkbox"/> Appeal <input type="checkbox"/> Zone Change <input type="checkbox"/> Other				
PROJECT NAME Land Development Code Amendments – 17.42				
PROJECT ADDRESS				COUNTY PLAT TAX ID #
AUTHORIZED PROJECT REPRESENTATIVE FOR OWNER Mike DeSimone				PHONE # 435 716 9022
MAILING ADDRESS LOGAN CITY HALL 290 NORTH 100 WEST LOGAN UTAH 84321		CITY	STATE	ZIP
EMAIL ADDRESS MIKE.DESIMONE@LOGANUTAH.ORG				
PROPERTY OWNER OF RECORD				PHONE #
MAILING ADDRESS		CITY	STATE	ZIP
EMAIL ADDRESS				
DESCRIBE THE PROPOSED PROJECT AS IT SHOULD BE NOTICED AND PRESENTED (Include as much detail as possible - attach a separate sheet if needed) AMEND CHAPTER 17.42 “CONDITIONAL USE PERMITS” TO REFLECT CHANGES IN UTAH STATE CODE.				Total Lot Size (acres)
				Size of Proposed New Building (square feet)
				Number of Proposed New Units/Lots
I certify that the information contained in this application and all supporting plans are correct and accurate. I also certify that I am authorized to sign all further legal documents and permit on behalf of the property owner.		Signature of Property Owner's Authorized Project Representative		
I certify that I am the property owner on record of the subject property and that I consent to the submittal of this project. I understand that all further legal documents and permits will be sent to my authorized agent listed above.		Signature of Property Owner		

City Council Workshop: 9/7/21
Hearing: 9/21/21