



LOGAN CITY COUNCIL AGENDA August 6, 2013

Notice is hereby given that the Logan Municipal Council will hold its regular meeting beginning at **5:30 p.m. on Tuesday, August 6, 2013**, in the Logan Municipal Council Chambers located at 290 North 100 West, Logan, Utah.

5:30 p.m. REGULAR MEETING AGENDA

1. Call to Order – Chairman Holly Daines
2. Opening Ceremony – Ibrahim Celik
3. Acceptance of Minutes; Approval of Agenda
4. 2013 regular meeting schedule, 1st & 3rd Tuesdays, 5:30 p.m.: Next meeting: August 20, 2013
5. **QUESTIONS AND COMMENTS FOR MAYOR AND COUNCIL:** Any person wishing to comment on any item not otherwise on the Agenda may address the City Council at this point by stepping to the microphone and giving his or her name and address for the record. Comments should be limited to not more than three (3) minutes, unless additional time is authorized by the Council Chair. Citizen groups will be asked to appoint a spokesperson. This is the time and place for any person who wishes to comment on non-agenda items. Some items brought forward to the attention of the City Council will be turned over to staff to provide a response outside of the City Council meeting.

ESTIMATED time
of consideration

6. MAYOR/STAFF REPORTS:

- A. Board Appointment – Mayor Watts
- B. Mount Logan/Cache Utah Stakes Affordable Housing Rehabilitation Project – Paul Champlin
- C. Freedom Fire Report – Russ Akina, Parks & Recreation Director
- D. Wastewater Treatment Alternative Technology – Issa Hamud, Environmental Director

7. COUNCIL BUSINESS:

6:00

9. ACTION ITEMS:

- A. **PUBLIC HEARING - Budget Adjustment FY 2013-2014 appropriating:** \$20,000 for 2013 Freedom Fire Independence Day Celebration at Utah State University; \$100,000 for a grant received for the Canyon Road Canal Trail slide area construction and installation; \$60,000 for a grant received for the Aquatic Center Leisure Pool boiler system replacement; \$70,000 for a grant received for the Lundstrom Park Trail; \$30,000 for a grant received for the Upper Second Dam parking lot; \$1,000 for a grant received from the Economic Development Corporation of Utah (EDCU) Community Match Grant Program for an economic development conference held at Utah State University; \$800 for a grant received from the EDCU Community Match Grant Program for reimbursement on travel and training for professional economic development; \$3,000 for a grant received from the EDCU Community Match Grant Program for marketing purposes related to economic development; \$2,000 for a grant received for a librarian's attendance to the National Association for Rural and Small Libraries (ARSL) Conference; \$2,168 for restricted reserves for the Youth Peer Court Program; \$300,000 for Electric Fund work for the State of Utah, reimbursement for work on 10th West and also on 200 East; \$93,000 for the ASPIRE Kids grant to be used to create, expand and support After School Programs – **Resolution 13-56**
- B. **PUBLIC HEARING** - Consideration of a proposed resolution approving the City of Logan Light & Power Department Rate Schedule #6 General Service-Distribution Voltage – **Resolution 13-49**
- C. **PUBLIC HEARING - Municipal Primary Election** – Consideration of a proposed resolution approving polling locations and poll workers for the August 13, 2013 Municipal Primary Election – **Resolution 13-51**

AGENDA CONTINUED ON OPPOSITE SIDE



- D. **PUBLIC HEARING** - Consideration of a proposed amendment to Section 17.27.030 of the Land Development Code regarding Allowed Uses in District and Corridor Zones (Quad Elite Training); TIN 07-176-0008 – **Ordinance 13-53**
- E. **PUBLIC HEARING** - Consideration of a proposed amendment to Sections 5.17.010, 5.17.030, 5.17.040, 5.17.050, 5.17.060 and 5.17.100 of the Logan Municipal Code regarding Landlords of Rental Dwellings – **Ordinance 13-52**
- F. **PUBLIC HEARING** - Consideration of a proposed ordinance adding Section 5.17.095 of the Logan Municipal Code regarding the Notice of Occupancy Limitations – **Ordinance 13-54**
- G. **PUBLIC HEARING** - Consideration of a proposed amendment to Section 5.29.020 of the Logan Municipal Code regarding Sexually Oriented Businesses (Legislative Update) – **Ordinance 13-55**
- H. **PUBLIC HEARING** - Consideration of a proposed amendment of the Logan Municipal Code regarding Neighborhood Councils – **Ordinance 13-58**

7:00

9. WORKSHOP ITEMS:

- A. **Budget Adjustment FY 2013-2014 appropriating:** \$72,392 for the 2013 RAPZ Tax Municipal Population Allocation for the 2013 Freedom Fire event and 1800 S 100 W trail project; \$40,000 for the 2013 RAPZ Tax Municipal Population Allocation, for Phase Two Dog Park/Emergency Site; \$130,073 for the 21st Century Grant to support After School Programs in the Logan City School District; \$12,000 for funds awarded to the Logan City Police Department from the Internet Crimes Against Children (ICAC) Task Force of Utah; \$4,442 for the State Asset Forfeiture Grant awarded for FY2014; \$8,649 reimbursement to the Logan Fire Department for the Wildflower Wildland Fire deployment – **Resolution 13-67** – **Richard Anderson**
- B. **Budget Adjustment FY 2013-2014 appropriating:** \$300,000 for the purchase of property to be used for a trail head and park property (20 acres located at approximately 1500 South 1600 West in unincorporated Cache County. (\$134,700 to be used from existing Parks & Recreation Capital appropriation and an additional \$300,000 to be seller financed over 3 years at 3% interest) – **Resolution 13-66** - **Russ Akina**
- C. Consideration of a proposed ordinance amending Sections 17.13.040, 17.17.030, 17.21.040 and 17.45 of the Land Development Code regarding Telecommunication Facilities – **Ordinance 13-59** – **Russ Holley**
- D. Consideration of a proposed ordinance repealing Ordinance 13-30; Section 17.37 of the Land Development Code to include new infill and flag lot development standards – **Ordinance 13-61** – **Mike DeSimone**
- E. Consideration of a proposed ordinance amending the Land Development Code Section 17.60 to modify the administrative enforcement provisions regarding civil fees – **Ordinance 13-62** – **Mike DeSimone**
- F. Consideration of a proposed ordinance amending Sections 17.46 and 17.27 of the Land Development Code to clarify the project review process for certificate of appropriateness and design review in the Historic District – **Ordinance 13-63** – **Mike DeSimone**
- G. Consideration of a proposed ordinance amending Sections 17.18 and 17.50 of the Land Development Code to clarify design standards in commercial, industrial, mixed use and commercial service zones. The amendment also clarifies Planning Commission review authority in the design review process – **Ordinance 13-64** – **Mike DeSimone**
- H. Consideration of a proposed code amendment and zone change. Amend the Land Development Code Section 17.30 to add a Hospital Overlay – **Ordinance 13-65** – **Mike DeSimone**

10. OTHER CONSIDERATIONS:

11. ADJOURN

8:30

AGENDA CONTINUED ON OPPOSITE SIDE



On Friday, August 2, 2013 at 5:00 p.m. a copy of the foregoing notice was posted in conspicuous view in the front foyer of Logan City Hall, Logan, Utah. A copy of this notice was faxed to the Herald Journal. The Agenda was also posted on the Logan City website at www.loganutah.org and the State Public Meeting Notice website at <http://pmn.utah.gov>.

DATED THIS 2nd of AUGUST 2013

Teresa Harris, City Recorder

Council Member's may participate in the meeting via telephonic communication. If a Council Member does participate via telephonic communication, the Council Member will be on speakerphone. The speakerphone will be amplified so that the other Council Members and all other persons present in the Council Chambers will be able to hear all discussions. In compliance with the American with Disabilities Act, individuals needing special accommodations or assistance during this meeting shall notify Teresa Harris, City Recorder, at 435-716-9002, at least 24 hours prior to the meeting.

Logan Municipal Council Meetings are televised live as a public service on Channel 17

Randy Watts, Mayor
Holly H. Daines, Council Member
Tom Jensen, Council Member
Herm Olsen, Council Member
Dean W. Quayle, Council Member
Karl B. Ward, Council Member



2
3 Minutes of the meeting of the Logan Municipal Council convened in regular
4 session on Tuesday, July 16, 2013 at 5:30 p.m. in the Logan City Municipal Council
5 Chamber, 290 North 100 West, Logan, Utah. Chairman Holly Daines conducting.
6

7 Council members present at the beginning of the meeting: Chairman Holly
8 Daines, Vice Chairman Tom Jensen, Councilmember Karl B. Ward, Councilmember
9 Herm Olsen and Councilmember Dean W. Quayle. Administration present: Mayor
10 Randy Watts, Finance Director Richard Anderson, Public Works Director Mark Nielsen,
11 City Attorney Kymber Housley and City Recorder Teresa Harris.
12

13 **OPENING CEREMONY.**

14
15 Mayor Candidate James Olson gave the opening thought/prayer and led the audience in
16 the pledge of allegiance.
17

18 Chairman Daines welcomed those present. There were approximately 14 citizens in the
19 audience at the beginning of the meeting.
20

21 **Meeting Minutes.** Minutes of the council meeting from June 18, 2013 were
22 reviewed and approved with minor changes.
23

24 **Meeting Agenda.** Chairman Daines announced there are no public hearings at
25 tonight's council meeting.
26

27 **Meeting Schedule.** Chairman Daines announced that regular council meetings
28 would be held the first and third Tuesdays of the month at 5:30 p.m. The next regular
29 council meeting is Tuesday, August 6, 2013.
30

31 **QUESTIONS AND COMMENTS FOR MAYOR AND COUNCIL.**

32
33 No questions or comments for the Mayor or Council at tonight's council meeting.
34

35 **MAYOR/ STAFF REPORTS.**

36 **Board Appointments.**

37
38
39 Mayor Randy Watts asked for ratification of the following to serve on the Woodruff
40 Neighborhood Council and the Parks & Recreation Advisory Board, both are three year
41 terms:
42

43 *Carrie Hathaway – New Appointment, Woodruff Neighborhood Council*

44 *Rick Watson – New Appointment, Parks & Recreation Advisory Board*
45

46 **ACTION.** Motion by Councilmember Quayle seconded by Councilmember Olsen to
47 **approve ratification** of Carrie Hathaway as presented. Motion carried unanimously.
48

49 **ACTION.** Motion by Councilmember Ward seconded by Councilmember Quayle to
50 **approve ratification** of Rick Watson as presented. Motion carried unanimously.

51

52 **Country Manor Subdivision – Mark Nielsen, Public Works Director.**

53

54 Public Works Director Mark Nielsen addressed the Council regarding the purchase of
55 homes in the Country Manor Subdivision. He presented the alternatives which are the
56 following:

57

58 **Alternative 1** – Purchase 10 homes (includes 2 duplexes) at an estimated cost of
59 \$1,100,000.

60

61 **Alternative 2** – Purchase 12 homes (includes 2 duplexes) at an estimated cost of
62 \$1,300,000.

63

64 **Alternative 3** – Replace infrastructure on 1490 South Place and 1500 South Place. The
65 estimated cost would be \$400,000 to \$700,000 and Logan City would take over the
66 infrastructure. The cost would include replacement of the water and sewer lines. It would
67 also include replacement of the road on 1490 and 1500 South Place. The sewer lines will
68 also be evaluated.

69

70 Other Considerations – Alternative 3 does not address the issue of future sales potential
71 of homes remaining at 1490 and 1500 South Place. Alternative 3 does reduce the
72 infrastructure burden of private infrastructure if the City accepts the infrastructure. All
73 alternatives could be phased over many several years to accomplish the desired result.

74

75 Mr. Nielsen continued stating that the source of funding for the purchase of these homes
76 would be out of the Logan City coffers. The homes are manufactured and they could be
77 moved, the problem is when they are moved they have to be brought to current standards,
78 building codes and in his opinion, no money will be saved by moving the homes. The
79 estimate is only the purchase price of the homes and there will also be demolition costs in
80 addition to the purchase amount. All the debris would go to the landfill at an estimated
81 cost of \$5,000 to \$10,000 per home depending on the size of the home. In addition there
82 would also be costs for asbestos testing. The appraised values came in 10% more than the
83 market value of the tax records. All homes are owner occupied and all twelve
84 homeowners are willing sell.

85

86 Chairman Daines stated the NRCS has done in their terms what they feel will solve the
87 problem of flooding in the Country Manor subdivision and Logan City has been asked to
88 do additional work. We also have the alternative to do nothing more in this subdivision
89 and let the NRCS project stand as it is now.

90

91 Mr. Nielsen said Logan City is matching at 25% and the NRCS is matching at 75% to
92 purchase 18 homes and build a flood levy. There are also homes that will be affected by
93 ground water if the river floods.

94

95 City Attorney Kymber Housley asked can the basements of the homes affected by
96 groundwater be eliminated and not tear down the entire home.

97 Mr. Nielsen responded doing that would make the home very small but that is an option.

98

99 Chairman Daines said given the range of projects that we currently have in the Public
100 Works Department the Country Manor project is at the end of the five year plan at the
101 earliest. Given what the NRCS is already doing for this subdivision, she asked if Mr.
102 Nielsen recommends that Logan City do anything in addition.

103

104 Mr. Nielsen responded that obviously the Home Owners Association (HOA) is being
105 impacted and that might not be Logan City's issue but we are reducing their revenues
106 which are making their entire infrastructure something that will be difficult for them to
107 afford. Every HOA has this problem at some point. He feels an acceptable solution would
108 be if Logan City were to leave the existing infrastructure in place for the next 4-5 years
109 and the HOA can start collecting money. This would allow people to remain in their
110 homes and try and relieve the burden in a long term approach rather than doing anything
111 at this time.

112

113 Councilmember Olsen said there is something galling about a developer creating this
114 subdivision and leaving a mess that has to be fixed at a later time. He does not blame the
115 purchaser but rather the developer of the Country Manor subdivision.

116

117 Vice Chairman Jensen stated the City goes through the process of restrictive codes for
118 development to make sure these things don't happen and now we are picking up the tab
119 for mistakes made. He asked does Logan City have any liability or did we miss
120 something back when this subdivision was approved.

121

122 Mr. Nielsen said no, Logan City does not have liability and we did not miss anything.
123 The entire premise of this subdivision was the storm water pump would keep up with the
124 water and when it's functioning, it works great.

125

126 Councilmember Quayle reminded the Council that Logan City has already spent
127 \$500,000 on remedial work for flooding in the past.

128

129 Chairman Daines asked are we setting a precedent for other HOA's within Logan City
130 requesting the same as Country Manor.

131

132 Mr. Nielsen responded we have already turned down requests from other HOA's once
133 they have seen the costs of replacing infrastructure. There is a resolution in place which
134 was passed by a previous council on how homeowners can petition the City to take over
135 infrastructure and that requirement is to bring the infrastructure up to current standards.
136 Then, it's up to the council whether or not the City takes over the infrastructure. He gave
137 the example of Temple Avenue where a Special Assessment Area (SAA) was put in place
138 and citizens paid into the SAA, brought the infrastructure up to current standards and
139 replaced the road and curb. The City now plows this road in the winter. The residents did
140 not pay 100% of the costs, Logan City contributed a percentage.

141

142 Councilmember Ward said he is concerned that if we move forward and help Country
143 Manor that it will set a precedent and will be a concern for other planned unit
144 development projects in the future.

145 Councilmember Olsen said it's hard to ask the entire HOA to cost share because they
146 don't have the incentive.

147

148 Vice Chairman Jensen asked is there a practical side to helping this neighborhood and if
149 we did nothing will the neighborhood deteriorate.

150

151 Mr. Housley said the council brings up a good point that Logan City has already spent
152 \$500,000 on this neighborhood and will they have to keep going back to help. The reality
153 is the NRCS is addressing the flood issue so we won't have to go back for that reason.
154 The only issue is that because of the elimination of homes, they are losing 18 contributors
155 to the HOA which was used to pay for infrastructure. There are a lot of people throughout
156 Logan City that deal with groundwater issues. The real issue the council would
157 potentially address is should Logan City do anything with the infrastructure. An SAA
158 might be the answer and the HOA can save and pay for the infrastructure upgrade over
159 time. We would not purchase the 10 homes if the infrastructure is done. There is no
160 reason to buy the ten homes, leave them in place and instead of doing an HOA
161 assessment every month they can put money into an assessment area.

162

163 Mr. Nielsen said the estimated \$400,000 to \$700,000 would be for two cul-de-sacs.
164 Country Manor Drive is already Logan City's responsibility and would leave Ballard
165 Way as the only other private infrastructure the HOA would be responsible for in this
166 area.

167

168 Councilmember Olsen asked if Mr. Nielsen could put together the total cost of
169 infrastructure needed.

170

171 Mr. Nielsen said yes, he will put these costs together and will report back to the council
172 at a future meeting.

173

174 Chairman Daines asked, is it the consensus of the council that at this time Logan City is
175 not interested in purchasing the 10 homes. If there were a Special Assessment Area in
176 place and cooperative agreement, the City might be interested in pursuing, given the
177 numbers that come back from Mr. Nielsen of the infrastructure costs.

178

179 Councilmember Ward feels that is the most sensible direction to go.

180

181 The remaining council members agreed.

182

183 **COUNCIL BUSINESS.**

184

185 **Open and Public Meetings Act Update – Kymber Housley, City Attorney.**

186

187 City Attorney Kymber Housley gave an update on the Open and Public Meetings Act. He
188 said 4 years ago, the Act was amended to state that Annual Open and Public Meeting
189 training must be held. He provided the council with a "Summary of Key Provisions."
190 Most changes are related to City Recorder duties of posting minutes and the audio
191 recording of meetings. There are also now three types of public bodies which are State
192 Agency Public Body, Specified Public Body and General Public Body. The Logan City

193 Council is designated as a Specified Public Body. He clarified if more than two council
194 members are meeting and making decisions on items the council has jurisdiction over
195 then it would be an illegal meeting. He also said that ongoing litigation would be
196 included in reasons for holding a closed meeting. A previous council also passed an
197 ordinance regarding electronic communications for council member's participating in a
198 meeting. This information is also posted on the bottom of each council agenda.
199

200 Councilmember Ward stated that prior to this council meeting he received a phone call
201 from Taylor Rentals regarding wastewater treatment alternatives and would like the city
202 to be open to what their company has to offer. Councilmember Olsen said that he
203 received the same phone call.
204

205 Mayor Watts said there have been several private companies that have contacted Issa
206 Hamud with different alternatives. He will give the contact information from Taylor
207 Rentals to Mr. Hamud and he will make contact.
208

209 Chairman Daines suggested that Environmental Director Issa Hamud be asked to attend
210 the August 6 council meeting and give a summary on what private companies have
211 contacted him and what alternatives have come forward regarding wastewater treatment.
212

213 Councilmember Quayle asked Finance Director Rich Anderson what the City is doing in
214 regards to funding for the wastewater treatment project.
215

216 Mr. Anderson responded the first step is applying to the State and trying to secure the 50
217 million dollars, we are also applying to the Federal Government. We are still at least a
218 year away at the very earliest and we are trying to secure funding but at this time we
219 don't know the actual costs. His concern is where interest rates will go between now and
220 when the project is built. The perfect time to bond is now with the current interest rates
221 and we are over a year away before a bond can be started for this grant.
222

223 Chairman Daines asked if there was any information on how Freedom Fire did this year
224 in regards to revenues and expenditures.
225

226 Mr. Anderson responded we are still waiting for that information to come forward and
227 should be able to report on this at the August 6 council meeting.
228

229 ACTION ITEMS.

230
231 No action items were presented at tonight's council meeting.
232

233 WORKSHOP ITEMS.

234
235 **Budget Adjustment FY 2012-2013 appropriating: \$20,000 for 2013 Freedom Fire**
236 **Independence Day Celebration at Utah State University; \$100,000 for a grant**
237 **received for the Canyon Road Canal Trail slide area construction and installation;**
238 **\$60,000 for a grant received for the Aquatic Center Leisure Pool boiler system**
239 **replacement; \$70,000 for a grant received for the Lundstrom Park Trail; \$30,000**
240 **for a grant received for the Upper Second Dam parking lot; \$1,000 for a grant**

241 received from the Economic Corporation of Utah (EDCU) Community Match Grant
242 Program for an economic development conference held at Utah State University;
243 \$800 for a grant received from the EDCU Community Match Grant Program for
244 reimbursement on travel and training for professional economic development;
245 \$3,000 for a grant received from the EDCU Community Match Grant Program for
246 marketing purposes related to economic development; \$2,000 for a grant received
247 for a librarian's attendance to the National Association for Rural and Small
248 Libraries (ARSL) Conference; \$2,168 for restricted reserves for the Youth Peer
249 Court Program; \$300,000 for Electrical Fund work for the State of Utah,
250 reimbursement for work on 10th West and also on 200 East; \$93,000 for the ASPIRE
251 Kids Grant to be used to create, expand and support After School Programs –
252 Resolution 13-56 – Richard Anderson, Finance Director.

253
254 Finance Director Richard Anderson addressed the council regarding the proposed budget
255 adjustments which are mostly grants.

256
257 Chairman Daines asked regarding the grant for the After School Program, is this
258 something we will receive again in the future.

259
260 Parks & Recreation Director Russ Akina that responded it's his understanding this is a
261 three year contract, but things could change between now and then.

262
263 This will be an action item and public hearing at the August 6, 2013 council meeting.

264
265 **Consideration of a proposed resolution approving the City of Logan Light & Power**
266 **Department Rate Schedule #6 General Service-Distribution Voltage – Resolution**
267 **13-49 – Richard Anderson – Finance Director.**

268
269 Mr. Anderson addressed the council regarding the proposed resolution. He stated
270 Schedule #6 is for alternating current, single, or three-phased electric service supplied at
271 the City's available voltage through one kilowatt-hour meter at a single point of delivery
272 for all service required on the premises, except by written permission of the director of
273 the Light & Power Department, or his assigned representative. All meters will be of the
274 Demand Register type unless determined by City Electric Meter Department to be
275 otherwise. Rate #6 is the commercial rate and it was a three phased system which means
276 the software read what category the customer fell in and determined the rate. Our current
277 software has never handled this well and now we are switching to new software. We
278 asked the company who did the rate study to give us a new proposal that is in alignment
279 with a more acceptable method of billing commercial customers. The proposed resolution
280 is what they brought forward and instead of a three-phased system we will go to a tiered
281 system which is more common across the country. The proposed billing is the following:

282
283 Minimum Billing: \$7.60 for single phase service.
284 \$11.40 for three phased service.
285
286 Demand Rate: \$0.00 per kW for the first 5 kW
287 \$11.58 per kW for all additional kW's
288

289 This rate will be based on the customer maintaining at all times a power factor between
290 95% lagging and 95% leading, or higher, as determined by measurement. If the Power
291 Factor at the time of the monthly peak demand is found to be less than 95% lagging or
292 leading, the monthly kilowatt demand, as recorded by the City's meter, will be increased
293 by ¼ of 1% for every 1% that the Power Factor is less than 95%.

294
295 Because this is a tiered system he anticipates a slight decrease in the revenue of the
296 electric fund for commercial customers, but it will be very insignificant and most
297 customers will not see a difference. The new software will be updated in December 2013
298 and we are testing the data now to be ready for this date.

299
300 This will be an action item and public hearing at the August 6, 2013 council meeting.

301
302 **Municipal Primary Election – Consideration of a proposed resolution approving**
303 **polling locations and poll workers for the August 13, 2013 Municipal Primary**
304 **Election – Resolution 13-51 – Teresa Harris, City Recorder.**

305
306 Logan City Recorder Teresa Harris addressed the council regarding the proposed polling
307 locations and poll workers for the August 13, 2013 Primary Election.

308
309 Poll Worker training will be held on Monday, July 29, 2013 here at City Hall.

310
311 At the last Presidential Election, Cache County changed the polling locations from 14
312 throughout Logan to 6 Voting Centers. Registered voters can go to any of the following 6
313 Voting Centers to cast their vote.

314
315 Riverwoods Conference Center
316 615 S Riverwoods Parkway

317
318 Logan River Golf Course Clubhouse
319 575 W 1000 S

320
321 Willow Valley Church
322 825 N 200 W

323
324 Lundstrom Student Center
325 1295 E 1000 N

326
327 Central Stake Center
328 1255 N 600 E

329
330 Cache Stake Center
331 250 W 1200 N

332
333 Meet the Candidate Night will be held on Monday, July 22, 2013 in the Logan City
334 Council Chambers beginning at 4pm.

335
336 Early voting begins Tuesday, July 30 and goes through Friday, August 9, 2013.

337 The Primary Election is Tuesday, August 13, 2013.

338

339 All election information and dates are available on the Logan City website along with
340 candidate information.

341

342 This will be an action item and public hearing at the August 6, 2013 council meeting.

343

344 **Consideration of a proposed amendment to Section 17.17.030 of the Land**
345 **Development Code regarding Allowed Uses in District and Corridor Zones (Quad**
346 **Elite Training); TIN 07-176-0008 – Ordinance 13-53 – Amber Reeder, Planner.**

347

348 Planner Amber Reeder addressed the council regarding the proposed ordinance. Brandon
349 Carlisle is a personal trainer and would like to operate his business, Cross Fit QET (Quad
350 Elite Training), in the Industrial Park (IP) zone of the city. Currently, the Land
351 Development Code does not allow for a health and fitness studio in the Industrial Park
352 zone.

353

354 Staff recommends that the Planning Commission recommend approval to the Municipal
355 Council for the proposed amendment to the Land Development Code (LDC) Table
356 17.17.030 Allowed Uses in District and Corridor Zones, modifying the Sales and Service
357 used of “Studio, health & fitness” from Not Permitted to Permitted in the Industrial Park
358 zone.

359

360 On July 11, 2013, the Planning Commission, by unanimous vote, recommended that the
361 Municipal Council approve a request to amend the Land Development Code to allow for
362 the use “Studio, health & fitness” to be a permitted use in the Industrial Park (IP) zone.

363

364 Vice Chairman Jensen said he can't see any reason why this amendment should not be
365 approved.

366

367 This will be an action item and public hearing at the August 6, 2013 council meeting.

368

369 **Consideration of a proposed amendment to Sections 5.17.010, 5.17.030, 5.17.040,**
370 **5.17.050, 5.17.060 and 5.17.100 of the Logan Municipal Code regarding Landlords**
371 **of Rental Dwellings – Ordinance 13-52 – James Geier, Neighborhood Improvement**
372 **Manager.**

373

374 James Geier, Neighborhood Improvement Manager addressed the council regarding the
375 proposed ordinance which will mostly clarify the language in regards to the Owners of
376 Rental Dwellings in Chapter 5.17. Other changes are License Application, License
377 Procedure, License Fee and Inspections. The proposed changes are the following:

378

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383
384

Chapter 5.17
LANDLORDS OWNERS OF RENTAL DWELLINGS

385 5.17.010: DEFINITIONS:

386 In addition to the definitions set forth in section 5.02.020 of this title, the following words
387 and phrases used in this chapter shall have the meanings prescribed in this section:

388

389 LANDLORDOWNER: A person who is recognized by law as the owner of real property.
390 ~~A person, persons, and/or legal entity, or a landlord's agent who rents to tenants one or~~
391 ~~more legally established dwelling units.~~

392

393 RENTAL DWELLING: A building or portion of a building used or designated for use as
394 a legally established dwelling unit and is arranged, designed, or built and is available to
395 be rented, loaned, leased, or hired out for a period of one month or longer.

396

397 5.17.030: LICENSE REQUIRED:

398 A. It is unlawful for any owner person to keep, conduct, operate or maintain a rental
399 dwelling within the city without a business license. An owner of person who owns
400 multiple rental dwellings or multiple buildings containing rental dwellings is not
401 required to obtain more than one business license for the operation and maintenance
402 of those rental dwellings.

403 ~~B. An agent of a landlord shall not perform services of a landlord unless the landlord is~~
404 ~~licensed in conformance with this chapter.~~

405 BC. A business license for owner's landlords is not transferable. Any owner person
406 holding a license shall give written notice within thirty (30) days to the business
407 license official after having transferred or otherwise disposed of legal or equitable
408 control of any rental dwelling. Such notice of transferred interest shall include the
409 name, address, and information regarding the person(s) or entity succeeding to the
410 ownership or control thereof. The new owner shall obtain a business license as
411 required by this chapter.

412 CD. A business license shall not be required for a dwelling unit which is ordinarily owner
413 occupied but is temporarily rented because:

414 1. The owner is placed in a hospital, nursing home, assisted living facility or other similar
415 facility, or

416 2. The owner has a bona fide, temporary absence of three (3) years or less for activities
417 such as temporary job assignments, sabbaticals, or voluntary service. Indefinite periods of
418 absence from the dwelling shall not qualify for this exception.

419 3. As used in this subsection "owner occupancy" means:

420 a. A natural person who possesses fifty percent (50%) ownership or more in the dwelling
421 and said dwelling is the primary residence of such person; or

422 b. A family trust created for the primary purpose of estate planning by one or more
423 trustors who create the trust, place the dwelling in such trust, and whose primary
424 residence is such dwelling.

425 5.17.040: LICENSE APPLICATION:

426

427 An application for a business license shall conform to the requirements of section
428 5.02.060 of this title and shall include the following additional information:

429 A. The address of each rental dwelling which is owned operated or maintained by the
430 applicant;

431 ~~B. The occupancy status of each rental dwelling unit;~~

432 ~~C. The number of parking spaces provided on the premises;~~

433 BD. The name, address, and both home and business telephone numbers of the owner,
434 and if applicable, or an agent, residing in the state of Utah, who is authorized by the
435 owner for service of process;

436 E. The signature of the owner of the rental dwelling(s) certifying, to the best of the
437 owner's knowledge or belief, that the use and occupancy of the rental dwelling(s)
438 conforms to applicable ordinances.

439 5.17.050: LICENSE PROCEDURE:

440 A. A landlord business license shall be issued pursuant to the requirements of this title
441 except as modified by this chapter.

442 B. An owner landlord or his the owner's agent shall declare, at the time of application, all
443 rental dwellings and locations ~~owned or managed by the landlord.~~

444 C. An evaluation will be conducted for each rental dwelling to determine eligibility for a
445 landlord business license. Eligibility for a landlord business license will be
446 determined on the basis of the following criteria:

447 1. Rental dwelling(s) is located within zoning districts which allow the same type of
448 occupancy and residential uses, and

449 2. Any remaining rental dwelling(s) which does not meet the conditions of the criterion in
450 subsection C1 of this section shall have been determined legally existing nonconforming
451 (grandfathered). Those rental dwellings that are not eligible for licensing based on
452 grandfathered status will be required to apply for grandfathered status. ~~A temporary~~
453 ~~business license will be issued to the landlord or his agent for no longer than six (6)~~
454 ~~months while the grandfathering application is being processed. An additional extension~~

- 455 ~~of the temporary business license may be granted by the director of community~~
456 ~~development only if the volume of applications has not allowed city staff to make a~~
457 ~~determination on the application.~~
- 458 D. A business license shall be issued to the owner when all application and eligibility
459 requirements of this chapter and other applicable ordinances have been fulfilled.
- 460 5.17.060: LICENSE FEE:
- 461 A. The fee for a landlord business license shall be as set forth in the consolidated fee
462 schedule adopted by the municipal council.
- 463 B. The business license fee shall be paid annually ~~in advance for one year~~ and shall be
464 due and payable on or before the license expiration ~~anniversary~~ date of owner's
465 application for business license. A license shall be delinquent if paid after said date in
466 the year for which it is due.
- 467 C. The city may choose to have a voluntary good landlord program where a portion of the
468 licensing fee may be used to inform owners ~~landlords~~ and managers of improved
469 management practices and to educate about city codes pertinent to rental housing.
470 Fees will be collected by the city as set forth in the consolidated fee schedule and a
471 designated portion may be used by the city to purchase training and materials to
472 promote better rental practices.
- 473 5.17.100: INSPECTIONS:
474
- 475 Inspections of rental dwellings may be conducted as allowed by ~~pursuant to section~~ state
476 ~~law 5-02-090 of this title.~~
- 477 ~~A. The city or other authorized agency shall be permitted to make an inspection of any~~
478 ~~rental dwelling unit to enforce any of this title or any other applicable statute or~~
479 ~~ordinance if the rental dwelling has a recorded and valid complaint. Complaints may~~
480 ~~be submitted by any person including a city employee.~~
- 481 ~~B. Except in emergencies, as determined by the city, the business license official shall~~
482 ~~make a reasonable effort to make an appointment with the owner or other responsible~~
483 ~~person at least one week in advance of the inspection. The owner or other responsible~~
484 ~~person shall inform the occupant(s) of the rental dwelling of the appointed time of~~
485 ~~inspection. If an appointment cannot be arranged after a reasonable effort or if the~~
486 ~~appointment is not attended by the owner or other responsible person, an inspector or~~
487 ~~other authorized agent of the city may enter the building or may enter upon the~~
488 ~~premises during regular business hours if an occupant consents to the inspector~~
489 ~~entering the property.~~
- 490 C. ~~No owner, occupant, or any other person having charge, care, or control of any~~
491 ~~building or premises shall fail or neglect, after proper request is made as herein~~
492 ~~provided, to properly permit entry therein by the business license official or their~~
493 ~~designee for the purpose of inspection and examination to ensure compliance with~~

494 ~~this title. If the property owner or other responsible person refuses to allow an~~
495 ~~inspection, the business license official or their designee may obtain and execute an~~
496 ~~administrative search warrant.~~

497 This will be an action item and public hearing at the August 6, 2013 council meeting.

498

499 **Consideration of a proposed ordinance adding Section 5.17.095 of the Logan**
500 **Municipal Code regarding the Notice of Occupancy Limitations – Ordinance 13-54**
501 **– James Geier.**

502

503 Mr. Geier addressed the council regarding the proposed ordinance. The State Legislature
504 has granted general welfare power to the City Council, independent, apart from, and in
505 addition to, its specific grants of legislative authority, which enable the City of Logan to
506 pass ordinances as are necessary and proper to provide for the safety, promote the
507 prosperity, improve the peace and good order, comfort, and convenience of the City and
508 its inhabitants, and for the protection of property in the City. The proposed changes are
509 the following:

510

511 SECTION 1:

512

513 5.17.095: OWNERS AND AGENTS: NOTICE OF OCCUPANCY LIMITATIONS

514

- 515 A. Owners or agents shall provide to the lessee of any residential property that the owner or
516 agent leases, information regarding the zoning district in which the property is located
517 and the applicable occupancy limitations contained in the Logan Land Development
518 Code.
- 519
- 520 B. It shall be unlawful for any person to lease or sublease any rental dwelling without first
521 providing to the lessee or sub lessee notice of the occupancy limits in the zone in which
522 the property is located pursuant to the Logan Land Development Code. The notice shall
523 either be contained in the written lease or shall be on a zoning occupancy disclosure form
524 provided by the director and signed by the owner or agent and each lessee. All current
525 zoning occupancy disclosure forms and leases for the property shall be maintained by the
526 owner or agent.
- 527
- 528 C. Owners and agents shall provide a written lease containing tenant information or a zoning
529 occupancy disclosure form within seven (7) days of a request by a city code official or
530 police officer investigating any code violation.

531

532 Chairman Daines asked about condensing the timeline when there are violations of
533 occupancy and is this something that is still being considered?

534

535 Mr. Geier responded there will be something added to the fine structure which will
536 reduce the timeline by 10 days.

537

538 Councilmember Olsen asked would it make sense to make sure the language applies to
539 tenants as well.

540

541 Mr. Geier said it goes to owner base and where the tenants are transient it makes it
542 difficult for the tenants to have any standing because they have limited control.
543

544 Mr. Housley said under our current ordinance, we can enforce occupancy against the
545 tenant, landlord or both for occupancy violations. The disclosure form they sign adds to
546 the equities and takes away the excuse that they didn't know what the ordinance stated.
547

548 Chairman Daines said in the ordinance it refers to "Director" and suggested that it be
549 clearly stated who the "Director" would be.
550

551 Mr. Housley responded the "Director" is Community Development Director Mike
552 DeSimone but he can also designate someone else in the department.
553

554 Chairman Daines said she likes the Disclosure Statement but suggested we spell out the
555 abbreviations and clarify what the abbreviations mean. Also, color code the document to
556 make it easier to read and understand from the tenant's point of view.
557

558 This will be an action item and public hearing at the August 6, 2013 council meeting.
559

560 **Consideration of a proposed amendment to Section 5.29.020 of the Logan Municipal**
561 **Code regarding Sexually Oriented Businesses (Legislative Update) – Ordinance 13-**
562 **55 – Kymber Housley, City Attorney.**
563

564 Mr. Housley addressed the council regarding the proposed ordinance. He provided each
565 of the council member's with a CD that contains secondary studies on the affects of
566 Sexually Oriented Businesses and supporting case law. He said the City has relied on this
567 information in the past but have not officially adopted the findings in our code. It is
568 proposed that the council adopt the secondary studies and codify the findings. We are not
569 making any changes to the ordinance itself. He said a lot of the information are exhibits
570 and he encouraged the council to go through the information on the CD. This is a
571 proactive approach and is not a reaction to Dr. John's and their business or to address
572 their window display which is an entirely different issue.
573

574 This will be an action item and public hearing at the August 6, 2013 council meeting.
575

576 **Consideration of a proposed amendment of the Logan Municipal Code regarding**
577 **Neighborhood Councils – Ordinance 13-58 – Mike DeSimone, Community**
578 **Development Director.**
579

580 Mr. DeSimone addressed the council regarding the proposed amendment to clarify how
581 we assign representation for the student population of Utah State University and alternate
582 members for each Neighborhood Council area.
583

584 Councilmember Olsen said this seems to expand the representation from a student
585 serving to a possible employee from Utah State. He asked is the employee charged to
586 represent the interest of the students of Utah State. He suggested that Mr. DeSimone
587 contact James Morales at Utah State who can address the proposed amendment with the
588 Student Body President and get his input.

589 Mr. DeSimone responded the issue is the USU student representative attends one or two
590 meetings and then they are gone. The proposed amendment will give some vested interest
591 in the Neighborhood Council Program allowing a Utah State employee to also serve.

592
593 This will be an action item and public hearing at the August 6, 2013 council meeting.

594
595 **OTHER CONSIDERATIONS.**

596
597 No other items of consideration for the mayor or council at tonight's meeting.

598
599 **ADJOURN to a meeting of the Logan Redevelopment Agency.**

600
601 **ACTION ITEM.**

602
603 **Consideration of a proposed resolution approving Agency Assistance to the**
604 **Neighborhood Nonprofit Housing Corporation for its participation in a regional**
605 **Neighborhood Improvement Program – Resolution 13-57 RDA.**

606
607 Economic Development Director Kirk Jensen addressed the council regarding the
608 proposed resolution. Participation by Neighborhood Nonprofit Housing Corporation in a
609 regional Neighborhood Improvement Program, to be administered cooperatively by
610 NNHC, Federal Home Loan Bank of Seattle (FHLBS) and the cities of Brigham City and
611 Tremonton, qualifies as affordable housing as defined by U.C.A. §11-38-102 (1), with
612 said definition being adopted by the City of Logan in its Land Development Code §17.62
613 and by the Agency for the administration of its affordable housing funds. Agency funds
614 and matching funds from FHLBS would be used exclusively on single-family homes
615 occupied by low-income households in Logan City. The program provides grants of up to
616 \$9,000 per eligible household for exterior home improvement projects that improve both
617 the appearance of the home and neighborhood, as well as the life of the home, and
618 include improvements to electrical service, roofs, exterior walls, windows and doors, as
619 well as landscaping projects and concrete work. The Economic Development Committee
620 has reviewed the requested assistance and recommends its approval. The Agency does
621 hereby conditionally approve an allocation from the Agency's affordable housing
622 reserves, in an amount not to exceed \$50,000, to provide funding for NNHC's
623 participation in a regional Neighborhood Improvement Program, conditioned upon
624 NNHC being awarded a matching grant of \$50,000 from FHLBS for exclusive use in
625 Logan City and the development of reporting criteria on the use of funds.

626
627 Chairman Daines asked about the criteria of deciding who receives the funding.

628
629 Mr. Housley responded they do have criteria similar to what Brigham City has done and
630 will meet the same eligibility requirements.

631
632 Mr. Jensen clarified that the cap would be \$9,000 per home.

633
634 Mr. Housley said the proposed resolution is an action item tonight and does not require a
635 public hearing.

636 Vice Chairman Jensen asked how do we measure and know if these programs are
637 marking a difference in the community.
638
639 Mr. Jensen responded it will be measured by active monitoring of the projects and results
640 presented with before and after photos.
641
642 Mr. Housley said language has been added to the resolution that requires and is a
643 condition of them getting the funding to report back to the council on an annual basis.
644
645 Mr. DeSimone added that Neighborhood Improvement Manager James Geier has done a
646 base line survey of these areas and will use this to see what the outcome of the project is
647 and what improvements have been made.
648
649 Mr. Housley added there will be objective data to see what has been accomplished.
650
651 **ACTION.** Motion by Councilmember Olsen seconded by Councilmember Ward to
652 **approve Res. 13-57 RDA** as presented. Motion carried unanimously.
653
654 There being no further business to come before the council, meeting adjourned at 7:00
655 p.m.
656
657
658
659 Teresa Harris, City Recorder

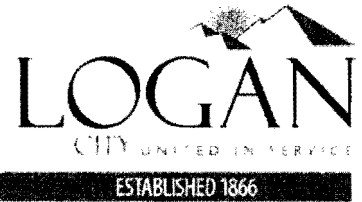
2013.07.30 FREEDOM FIRE BUDGET Worksheet.xlsx

| Expenditures | | Actual 2011 | Actual 2012 | Actual 2013 |
|-----------------------------------|------------------------------|-----------------------|------------------------|-----------------------|
| Production | Sound System | (\$11,300.00) | (\$7,700.00) | |
| | Back-line | \$0.00 | (\$500.00) | |
| | Sound: FOH, Trent Walker | \$0.00 | (\$2,000.00) | (\$36,450.00) |
| | Staging / Lighting | (\$42,680.00) | (\$15,800.00) | |
| | Staging (USU) | (\$1,800.00) | (\$1,800.00) | |
| | Radio Rental | (\$691.00) | \$0.00 | \$0.00 |
| | Portable Toilets | (\$586.00) | \$0.00 | \$0.00 |
| | Fireworks | (\$55,000.00) | (\$55,000.00) | (\$60,000.00) |
| | Ochestra | (\$9,372.00) | (\$8,292.00) | (\$13,574.51) |
| | MC | \$0.00 | (\$200.00) | (\$200.00) |
| | Golden Girls, Transportation | (\$950.00) | 2013: Way Way East Bay | (\$2,250.00) |
| | Stadium | (\$15,667.27) | (\$14,550.78) | (\$16,537.50) |
| | Misc. Steering Exp | (\$587.93) | (\$200.00) | \$0.00 |
| | Concessions | (\$48.00) | \$0.00 | \$0.00 |
| | Liability Insurance | (\$9,184.00) | (\$10,000.00) | (\$11,364.00) |
| | Jumbo-tron | (\$2,000.00) | (\$2,000.00) | (\$2,250.00) |
| | Production Services | \$0.00 | (\$22,984.00) | (\$1,620.00) |
| | HFMS, Inc. | (\$5,000.00) | (\$10,000.00) | (\$10,000.00) |
| | Holly Fjelsted | (\$4,000.00) | (\$6,000.00) | (\$6,000.00) |
| | Sub-total | | (\$158,866.20) | (\$157,026.78) |
| Headliner | Base Fee | (\$27,500.00) | (\$37,500.00) | (\$25,000.00) |
| | Rider | \$0.00 | \$0.00 | \$0.00 |
| | Food Buyout | \$0.00 | (\$495.00) | (\$700.00) |
| | Ground Trans. | (\$223.95) | \$0.00 | (\$323.46) |
| | Accomodations | \$0.00 | \$0.00 | (\$3,978.15) |
| | Catering | (\$1,090.00) | (\$754.77) | (\$1,504.83) |
| | Talent Buyer | (\$5,594.35) | (\$3,750.00) | \$0.00 |
| | Orchestra Arrangements | (\$4,000.00) | \$0.00 | (\$300.00) |
| Sub-total | | (\$38,408.30) | (\$42,499.77) | (\$31,806.44) |
| America Sings | John Jacobson | (\$6,000.00) | (\$6,239.51) | \$0.00 |
| | Stephanie White | (\$1,500.00) | (\$1,500.00) | \$0.00 |
| | T-shirts | (\$2,222.18) | (\$1,115.19) | \$0.00 |
| | Orch arrangements | (\$1,500.00) | \$0.00 | \$0.00 |
| | Misc. | (\$378.95) | (\$2,470.68) | \$0.00 |
| | Music | (\$1,707.40) | \$0.00 | \$0.00 |
| Sub-total | | (\$13,308.53) | (\$11,325.38) | \$0.00 |
| Marketing & Box Office | Marketing (CCA) | (\$32,811.33) | (\$24,161.92) | (\$26,000.00) |
| | Square One (Signs) | (\$15.00) | \$0.00 | \$0.00 |
| | Box Office Fees (CCA) | (\$19,061.96) | (\$1,442.62) | (\$22,000.00) |
| Sub-total | | (\$51,888.29) | (\$25,604.54) | (\$48,000.00) |
| Total Expenditures | | (\$260,671.32) | (\$236,456.47) | (\$240,052.45) |

| Income | | Actual 2011 | Actual 2012 | Actual 2013 |
|---------------------|---------------|---------------------|---------------------|---------------------|
| | Sponsorships | \$69,500.00 | \$50,000.00 | \$34,500.00 |
| | County RAPZ | \$0.00 | \$20,000.00 | \$20,000.00 |
| | USU | \$0.00 | \$11,000.00 | \$18,000.00 |
| | Logan City | \$0.00 | \$0.00 | \$47,600.00 |
| | America Sings | \$2,145.00 | \$635.00 | \$0.00 |
| | Ticket Sales | \$129,504.34 | \$129,767.00 | \$111,488.75 |
| Total Income | | \$201,149.34 | \$211,402.00 | \$231,588.75 |

| | | | |
|----------------------------|----------------------|----------------------|---------------------|
| Surplus / (Deficit) | (\$59,521.98) | (\$25,054.47) | (\$8,463.70) |
|----------------------------|----------------------|----------------------|---------------------|

Mayor: Randy Watts



TO: Logan Municipal Council

FROM: Mayor Randy Watts

DATE: August 6, 2013

RE: Board Appointment

At the August 6, 2013 council meeting, I will request ratification of the following new appointment.

Logan City Planning Commission – 4 Year Term

Steven H. Stokes *New Appointment*

Thank you.

Steven H. Stokes

1165 North 1750 East

Logan, Utah 84341

Home: (435) 752-0255

Office: (435)750-6622

Professional: CEO Structure Finance Corp and Stokes Family Properties LLC. Feb 1996 to Now
a., Acquisition, Development and Management of Commercial Retail Shopping Centers,
and Office properties
b. Lender of short term construction and hard asset loans

CEO and owner of Consumer Technologies Inc. November 1981 to January 1996
CEO of all retail (d.b.a. Stokes Brothers Logan Store), rental (EZ Rent stores 3), and support operations. Responsible for strategic planning, and execution. Designed and maintained systems for human resources, marketing, operations, accounting, budgeting, and quality control. Hired, trained, motivated, supervised, delegated and held Associates accountable for superior performance standards. Established store and Associate performance goals. Responsible for profitability and good corporate citizenship. Supervised Associates who had responsibility for Customer satisfaction, buying, advertising, sells, collections, accounting, store operations such as inventory control, cash control, fleet maintenance, building maintenance, product storage and cartage, merchandise repair, delivery, security, labor scheduling. Designed and maintained systems for credit underwriting, and supervised collection actions. Directed corporate buying, advertising, public relations and promotions. Responsible for all corporate policy, procedure documentation, and implementation. Sold all my interest to Thorn EMI, and my Associates.

CEO, Stokes Brothers Inc., SLC Utah June 1972 to March 1981
Same responsibilities as above. I was 50% owner, we operated eight Stores in Utah, six stores in Texas, and one in Idaho. Sold my Stock to a Partner and other investors.

Carnation Company, Product Development June 1972 to Sept 1973
Participated in new product development, and marketing strategy. Marketing Management trainee, called on large grocery retailers like Albertsons, Smiths, Utah Associated Grocers, and the United State Military commissaries in Utah. Trainee, to become a District Manager.

Bank

Reference: Zions Bank, Sr. Vice President Karl Ward Ph. 435-755-2708

Education:

BS Business and Marketing, 1972
Minor in Economics and Accounting, Utah State University Logan, Utah
Previously held Certified Commercial Investment Member Designation – IREM National Board of Realtors, have not maintained certification since 1984

Personal:

Married to Betty Dean Stokes, two children-both are College Grads and Married with Children. I am in good health, enjoy family life, work, golf, skiing and service.

Church

Experience: LDS Senior Couple Missionary, Asia Area – Hong Kong 2000-02
LDS Mission to Hawaii 1966 to 1968
26 years working with Young Men in Scouting
Various Church Leadership Responsibilities

Other

Experience:

Community Service

Member Board of Directors Sweet Water Golf Course HOA 99-2009,
Chairman of the Cache Volunteer Center 1998-2000

Utah State University Advisory Board, for the School of Business 1996-99

Director of Marketing for Dept. Marriage and Family Therapy USU 1996-99

Board of Advisory Directors for the Cache Chamber of Commerce 1990-97

Director, Cache Valley Alliance for Family and Youth 1996-98

Chairman of the Cache Chamber of Commerce for 1995-96

Fundraising Chairman for the Ellen Eccles Theater, and Bullen Center 1993-94

Member of the Board of Director for the Cache Food Pantry 1994-95

Member of the Board of Director for Bear River Mental Health 1991-94

Logan City Board of Commissioners over Human Resources 1990-94

**CITY OF LOGAN, UTAH
ORDINANCE NO. 13-52**

**AN ORDINANCE AMENDING SECTIONS 5.17.010, 5.17.030, 5.17.040, 5.17.050, 5.17.060 AND
5.17.100 OF LOGAN MUNICIPAL CODE REGARDING
LANDLORDS OF RENTAL DWELLINGS**

WHEREAS, the state legislature has granted general welfare power to the City Council, independent, apart from, and in addition to, its specific grants of legislative authority, which enables the City of Logan to pass ordinances as are necessary and proper to provide for the safety, promote the prosperity, improve the peace and good order, comfort, and convenience of the city and its inhabitants, and for the protection of property in the city; and

WHEREAS, pursuant to Utah Code Section 10-8-85.5, a municipality may require the owner of a rental dwelling to obtain a regulatory business license; and

WHEREAS, the City Council has determined that the following ordinance is in the City's best interest;

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

SECTION 1:

Chapter 5.17
~~LANDLORDS~~ OWNERS OF RENTAL DWELLINGS

5.17.010: DEFINITIONS:

In addition to the definitions set forth in section 5.02.020 of this title, the following words and phrases used in this chapter shall have the meanings prescribed in this section:

~~LANDLORDOWNER: A person who is listed as owner on records at the Cache County Recorder. A person, persons, and/or legal entity, or a landlord's agent who rents to tenants one or more legally established dwelling units.~~

RENTAL DWELLING: A building or portion of a building used or designated for use as a legally established dwelling unit and is arranged, designed, or built and is available to be rented, loaned, leased, or hired out for a period of one month or longer.

5.17.030: LICENSE REQUIRED:

A. It is unlawful for any owner ~~person~~ to keep, conduct, operate or maintain a rental dwelling within the city without a business license. An owner of person who owns multiple rental dwellings or multiple buildings containing rental dwellings is not required to obtain more than one business license for the operation and maintenance of those rental dwellings.

~~B. An agent of a landlord shall not perform services of a landlord unless the landlord is licensed in conformance with this chapter.~~

~~BC.~~ A business license for owners ~~landlords~~ is not transferable. Any owner ~~person~~ holding a license shall give written notice within thirty (30) days to the business license official after having transferred

or otherwise disposed of legal or equitable control of any rental dwelling. Such notice of transferred interest shall include the name, address, and information regarding the person(s) or entity succeeding to the ownership or control thereof. The new owner shall obtain a business license as required by this chapter.

CD. A business license shall not be required for a dwelling unit which is ordinarily owner occupied but is temporarily rented because:

1. The owner is placed in a hospital, nursing home, assisted living facility or other similar facility, or
2. The owner has a bona fide, temporary absence of three (3) years or less for activities such as temporary job assignments, sabbaticals, or voluntary service. Indefinite periods of absence from the dwelling shall not qualify for this exception.
3. As used in this subsection "owner occupancy" means:
 - a. A natural person who possesses fifty percent (50%) ownership or more in the dwelling and said dwelling is the primary residence of such person; or
 - b. A family trust created for the primary purpose of estate planning by one or more trustors who create the trust, place the dwelling in such trust, and whose primary residence is such dwelling.

5.17.040: LICENSE APPLICATION:

An application for a business license shall conform to the requirements of section 5.02.060 of this title and shall include the following additional information:

A. The address of each rental dwelling which is owned, operated or maintained by the applicant;

~~B. The occupancy status of each rental dwelling unit;~~

~~C. The number of parking spaces provided on the premises;~~

BD. The name, address, and both home and business telephone numbers of the owner, and if applicable, or an agent, residing in the state of Utah, who is authorized by the owner for service of process;

E. The signature of the owner of the rental dwelling(s) certifying, to the best of the owner's knowledge or belief, that the use and occupancy of the rental dwelling(s) conforms to applicable ordinances.

5.17.050: LICENSE PROCEDURE:

A. A landlord business license shall be issued pursuant to the requirements of this title except as modified by this chapter.

B. An owner landlord or his the owner's agent shall declare, at the time of application, all rental dwellings and locations ~~owned or managed by the landlord~~.

C. An evaluation will be conducted for each rental dwelling to determine eligibility for a landlord business license. Eligibility for a landlord business license will be determined on the basis of the following criteria:

1. Rental dwelling(s) is located within zoning districts which allow the same type of occupancy and residential uses, and

2. Any remaining rental dwelling(s) which does not meet the conditions of the criterion in subsection C1 of this section shall have been determined legally existing nonconforming (grandfathered). Those rental dwellings that are not eligible for licensing based on grandfathered status will be required to apply for grandfathered status. ~~A temporary business license will be issued to the landlord or his agent for no longer than six (6) months while the grandfathering application is being processed. An additional extension of the temporary business license may be granted by the director of community development only if the volume of applications has not allowed city staff to make a determination on the application.~~

D. A business license shall be issued to the owner when all application and eligibility requirements of this chapter and other applicable ordinances have been fulfilled.

5.17.060: LICENSE FEE:

A. The fee for a landlord business license shall be as set forth in the consolidated fee schedule adopted by the municipal council.

B. The business license fee shall be paid annually ~~in advance for one year~~ and shall be due and payable on or before the license expiration anniversary ~~anniversary~~ date of owner's application for business license. A license shall be delinquent if paid after said date in the year for which it is due.

C. The city may choose to have a voluntary good landlord program where a portion of the licensing fee may be used to inform owners ~~landlords~~ and managers of improved management practices and to educate about city codes pertinent to rental housing. Fees will be collected by the city as set forth in the consolidated fee schedule and a designated portion may be used by the city to purchase training and materials to promote better rental practices.

5.17.100: INSPECTIONS:

Inspections of rental dwellings may be conducted as allowed by ~~pursuant to section~~ state law 5.02.090 ~~of this title.~~

~~A. The city or other authorized agency shall be permitted to make an inspection of any rental dwelling unit to enforce any of this title or any other applicable statute or ordinance if the rental dwelling has a recorded and valid complaint. Complaints may be submitted by any person including a city employee.~~

~~B. Except in emergencies, as determined by the city, the business license official shall make a reasonable effort to make an appointment with the owner or other responsible person at least one week in advance of the inspection. The owner or other responsible person shall inform the occupant(s) of the rental dwelling of the appointed time of inspection. If an appointment cannot be arranged after a reasonable effort or if the appointment is not attended by the owner or other responsible person, an inspector or other authorized agent of the city may enter the building or may enter upon the premises during regular business hours if an occupant consents to the inspector entering the property.~~

~~C. No owner, occupant, or any other person having charge, care, or control of any building or premises shall fail or neglect, after proper request is made as herein provided, to properly permit entry therein by the business license official or their designee for the purpose of inspection and examination to ensure compliance with this title. If the property owner or other responsible person refuses to allow an~~

~~inspection, the business license official or their designee may obtain and execute an administrative search warrant.~~

SECTION 2: Effective Date. This ordinance shall become effective upon publication.

ADOPTED BY THE LOGAN MUNICIPAL COUNCIL THIS _____ DAY OF NOVEMBER 2012, BY THE FOLLOWING VOTE:

AYES:

NAYS:

ABSENT:

/s/ Holly Daines, Chair

ATTEST:

/s/ Teresa Harris, City Recorder

PRESENTATION TO MAYOR

The foregoing ordinance was presented by the Logan Municipal Council to the Mayor for approval or disapproval this _____ day of November, 2012.

/s/ Holly Daines, Chair

MAYOR'S APPROVAL OR DISAPPROVAL

The foregoing ordinance is hereby approved this _____ day of November, 2012.

/s/ Randy Watts, Mayor

**CITY OF LOGAN, UTAH
ORDINANCE NO. 13-53**

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 17.17.030: "Allowed Uses in District and Corridor Zones," is hereby amended as attached hereto as Exhibit A, respectively:

SECTION 2: This ordinance shall become effective upon publication.

PASSED BY THE LOGAN MUNICIPAL COUNCIL, STATE OF UTAH, _____
THIS DAY OF _____, 2013.

AYES:
NAYS:
ABSENT:

Holly Daines, Chair

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 _____, 2013.

Holly Daines, Chairman

MAYOR'S APPROVAL OR DISAPPROVAL

The foregoing ordinance is hereby _____ this ____ day of _____, 2013.

Randy Watts, Mayor

EXHIBIT A

Table §17.17.030 Allowed Uses in District and Corridor Zones

...

| Category | Description (Excerpt) | Districts & Corridors | | | | | | | |
|--|--------------------------|-----------------------|-----|----|----|----|----|-----------------------|----|
| | | TC | COM | MU | UC | GW | CS | IP | AP |
| Commercial Uses | | | | | | | | | |
| Sales and Service Refer to §17.08.060 | Studio, health& fitness | P | P | P | P | N | P | N <u>P</u> | N |



MEMORANDUM TO MUNICIPAL COUNCIL

DATE: July 11, 2013
FROM: Amber Reeder, Community Development
SUBJECT: The Quad Code Amendment

Summary of Planning Commission Proceedings

| | |
|---|--|
| <i>Project Name:</i> | Quad Elite Training Code Amendment |
| <i>Project Address:</i> | City wide |
| <i>Request:</i> | Amendment to LDC LDC Table §17.17.030 Allowed Uses in District and Corridor Zones |
| <i>Recommendation of Planning Commission:</i> | Approval |

On July 11, 2013, the Planning Commission, by unanimous vote, recommended that the Municipal Council approve a request to amend the Land Development Code to allow for the use "Studio, health & fitness" to be a permitted use in the Industrial Park (IP) zone.

Planning Commissioners, vote (5,0):

Recommend approval: Amanda Davis, Angela Fonnesbeck, Konrad Lee, Russ Price.
Recommend denial: None.

Attachments:

Staff Report

Ordinance 13-053

PC Meeting Minutes (July 11, 2013)- to be provided previous to the public hearing



**Project #13-028
 Quad Elite Training- Code Amendment
 Amendment to LDC Table §17.17.030
 Allowed Uses in District and Corridor Zones**

REPORT SUMMARY...

Project Name: Quad Elite Training- Code Amendment
Proponent / Owner: Brandon Carlisle on behalf of Cross Fit QET (Quad Elite Training)
Project Address: Industrial Park Zone Citywide
Code Section: LDC§17.17.030 Industrial Park- Allowed Uses
Request: Land Development Code Amendment
Type of Action: Legislative
Hearing Date June 27, 2013
Submitted By: Amber Reeder, Planner II

RECOMMENDATION

Staff recommends that the Planning Commission **recommend approval** to the Municipal Council for the proposed amendment to the Land Development Code (LDC) Table §17.17.030 Allowed Uses in District and Corridor Zones, modifying the Sales and Service use of "Studio, health & fitness" from Not Permitted to Permitted in the Industrial Park zone.

REQUEST

Brandon Carlisle is a personal health trainer and would like to operate his business, Cross Fit QET (Quad Elite Training), in the Industrial Park (IP) zone of the City. Currently, the Land Development Code does not allow for a health and fitness studio in the Industrial Park zone. They are requesting the following change to Code:

Table§17.17.030 Allowed Uses in District and Corridor Zones

| Category | Description (Excerpt) | Districts & Corridors | | | | | | | |
|--|-------------------------|-----------------------|-----|----|----|----|----|-----------|----|
| | | TC | COM | MU | UC | GW | CS | IP | AP |
| Commercial Uses | | | | | | | | | |
| Sales and Service Refer to §17.08.060 | Studio, health& fitness | P | P | P | P | N | P | <u>NP</u> | N |

LDC HISTORY

The Industrial Park zone was added to the Land Development Code in 2011 and is described as areas to support employment and production uses with related offices, services, and storage. The intent is to protect these areas for industrial development opportunities and separate them from uses that are not compatible with potential negative impacts of industrial use.

The first zoning code established in Logan City was in 1950 and there was not a comparable use to a health studio listed at that time. In 1968, the use category "Health Club" was added with allowances in commercial zones. An equivalent zoning was the M-1, Manufacturing zone, and a health club was not permitted in that zoning designation. A "Health Club" was a listed use and not permitted in the M-1 zone from 1968-1975.

In 1976, the use category was changed to "Studio, health, exercise, massage, reducing or similar service." The closest zoning to Industrial Park was still M-1. The "studio" use was not permitted in the M-1 zone. The use category, zone, and prohibition of the use stayed the same

through 2000. In 2000, the code revision at the time changed the M-1 zone to an "IND", Industrial zone. A health and exercise studio was allowed by Conditional Use Permit from 2000 until the 2011 Land Development update.

ANALYSIS

The applicant provided examples of some other fitness studios. The examples provided were established by conditional use permit in the industrial zone, are in a commercial zone, or outside Logan City. They do indicate a change in trends for health facilities. A number of exercise facilities and programs are looking for industrial buildings to accommodate their programming. Health facilities do provide a support service to the surrounding business employees. They also draw clients from a broader area to the facilities. Industrial areas tend to be adjacent to collector and arterial roadways that are designed to accommodate traffic.

The industrial areas have limited retail and service uses as there has been a desire to maintain land for industrial development. However, the use of a health and fitness studio may be a compatible use to the zone as it does provide a service to surrounding employment. It is not a retail use that would compete for space in the area where industrial economic development is desired.

When there has previously been an allowance for this type of use in the industrial zones it has been by conditional use permit. Conditional use permits allow for discretionary consideration of a use that may have impacts that affect the use and enjoyment of adjoining properties. Permits that were issued had few conditions and generally reiterated site development standards. As this use is generally a less intensive use than adjacent uses, staff believes that there would not be a threat to public health, safety, or neighborhood character by allowing it as a permitted use.

GENERAL PLAN

The Logan General Plan indicates that Industrial areas should support employment and production uses with related services. A fitness facility is a support service to the community and may be appropriate to areas of employment, such as the industrial area.

AGENCY AND CITY DEPARTMENT COMMENTS

Comments were solicited from City departments and other agencies and no comments were received.

PUBLIC NOTIFICATION

Legal notice was published in the Herald Journal on June 13, 2013, and a quarter page ad on June 9, 2013. Notice was posted on the Utah Public Meeting website on June 18, 2013.

PUBLIC COMMENTS

As of the time this staff report, no comments had been received.

RECOMMENDED FINDINGS FOR APPROVAL OF CODE AMENDMENT REQUEST

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

1. The use of a "health and fitness studio" in the Industrial Park zone is compatible with the IP zoning district.
2. The use of a "health and fitness studio" as a permitted use on properties within the Industrial Park zone would not be incompatible with adjoining land uses or the purpose of adjoining districts.
3. The use of a "health and fitness studio" in Industrial Park-designated areas is consistent with the General Plan.

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.



APPLICATION FOR PROJECT REVIEW

Planning Commission Board of Adjustment Board of Appeals Other

| | | | | |
|---|--|--------------------------------------|--|---|
| Date Received 05/24/2013 | Received By <i>Reeder</i> | Receipt Number 121018 | Zone I.P. | Application Number PC 13-028 |
| Type of Application (Check all that apply): | | | | |
| <input type="checkbox"/> Design Review | <input type="checkbox"/> Conditional Use | <input type="checkbox"/> Subdivision | <input type="checkbox"/> Zone Change | <input type="checkbox"/> Boundary Line Adjustment |
| <input checked="" type="checkbox"/> Code Amendment | <input type="checkbox"/> Appeal | <input type="checkbox"/> Variance | <input type="checkbox"/> 4950' Design Review | <input type="checkbox"/> Other _____ |
| PROJECT NAME CrossFit QET (Quad Elite Training) | | | | |
| PROJECT ADDRESS 708 W. 1800 N. 10A | | | COUNTY PLAT TAX ID # 07 - 176 - 0008 | |
| AUTHORIZED AGENT FOR PROPERTY OWNER (Must be accurate and complete) Brandon Carlisle | | | MAIN PHONE # 435-764-3584 | |
| MAILING ADDRESS 415 E. 1200 N. | CITY Logan | STATE Ut. | ZIP 84341 | |
| EMAIL ADDRESS db20@hotmail.com | | | | |
| PROPERTY OWNER OF RECORD (Must be listed) Bryan Smith | | | MAIN PHONE # 435-770-3500 | |
| MAILING ADDRESS 708 W 1800 N 3A | CITY LOGAN | STATE UT | ZIP 84321 | |
| EMAIL ADDRESS | | | | |
| DESCRIBE THE PROPOSED PROJECT AS IT SHOULD BE PRESENTED (Include as much detail as possible - attach a separate sheet if needed) amendment to LDC 17.17 03 please see attached | | | Total Lot Size (acres) 6.933 | |
| | | | Size of Proposed New Building (square feet) N/A | |
| | | | Number of Proposed New Units/Lots N/A | |
| | | | | |
| - NO SITE ACTIVITY MAY OCCUR UNTIL AFTER APPROPRIATE COMMITTEE APPROVAL - | | | | |
| 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 permits on behalf of the property owner. | | | Signature of Property Owner's Authorized Agent <i>[Signature]</i> | |
| 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 <i>[Signature]</i> | |

**mc workshop: July 16
mc hearing: Aug. 6**

May 22, 2013

Logan City Planning Department
290 N 100 W
Logan, UT 84321

Dear Planning Department:

We would like to thank you for your diligent efforts to make Logan a great city. We understand that this is no easy task and think you have done an excellent job. Currently, we are attempting to open a business that we believe is very beneficial to the citizens of Logan and, therefore, to the City of Logan. We would like to be approved for a business license to operate The Quad Elite Training and CrossFit QET (The Quad) at 708 W 1800 N in Logan. Unfortunately, our application for a business license was denied because the location is currently zoned for an industrial park, which, according to Land Development Code (LDC) 17.17.030, does not allow for health and fitness centers. We would like to request a text amendment to the code to permit our health and fitness center in the industrial park at the location stated above.

After reading through the Land Development Code and General Plan for the City of Logan, we believe that a text amendment to the code to allow The Quad to operate in an industrial park zone would comply with the Council's vision for the future of Logan. We also believe that our proposal would preserve and improve "the public health, safety, and general welfare of the citizens and businesses of Logan," as stated on the LDC.

Cache Valley, as stated in the General Plan, is a desirable place to live because of its wide variety of choices for citizens. CrossFit and youth training is a growing area of interest for people in our valley and in our nation. Exercise directly contributes to the health and well-being of the citizens of Logan, and CrossFit is one way to get an efficient and enjoyable workout. CrossFit involves a daily workout in which classes of 10 to 20 people all perform the workout with trainers present to ensure proper technique and effective workouts, all for a low monthly fee. There are currently 5 CrossFits located in our community, only one of which is located in Logan. The others are in surrounding areas such as Hyde Park, Smithfield, Providence and the Utah State Campus (which is open to students only). Our location is also very close to several public schools and many homes of citizens we wish to serve. The proximity of our facility to these places makes it convenient for parents to drop their children off for sports training or for adults to walk, jog, or drive from their nearby homes.

Another reason we chose our location is because of the amount of square footage the building offers. CrossFit does not use many exercise machines. It is comprised mostly of free weight workouts in an open area. Buildings in industrial parks typically offer the space necessary for CrossFit workouts along with high ceilings, which are necessary for certain workouts such as a rope climb or wall balls. Most CrossFits and private training facilities are located in Industrial areas for this very reason (see attached pictures illustrating this point). Therefore, the building we have chosen for The Quad is ideal for the type of training we will provide.

Not only is the location we have chosen ideal for us, but we also believe it to be ideal for our neighbors. As mentioned above, our facility will give thousands of Logan's citizen's much closer access to a workout center than they previously had. Having a CrossFit within a few blocks of one's home, work, or school usually provides more motivation to attend exercise classes and stay healthy. While we believe that the residents near our location will benefit from our facility the most, we also believe that our direct business neighbors will benefit. First, the increased traffic to the area will provide our neighbor businesses with more visibility which usually translates to more business. Also, we have had several of our neighbors express interest in becoming members of our facility. Again, this provides them with the opportunity to exercise right next door to their businesses.

On the other hand, we would not cause any inconveniences to our neighbors. Nearly all of our classes are offered before or after regular business hours, so there would be no disruption to our neighbor's customers or employees. There are plenty of spaces available for parking in our parking lot as well as on the street. Our ideal class size is 10 to 15 people, so we would not fill the parking spaces available to us. The proposed location for the training center is located on a dead-end road, meaning through traffic would not be a problem. Overall, we think we would fit in well with our neighbors and, based on our discussions with many of them, we feel they would welcome us into the area.

One of the quality growth principles listed in Logan General Plan is a healthy life. Next to this principle, it says, "Ensure a safe environment for healthy living which encourages activity and enjoyment." We are certain that our business fits this principle perfectly. The Quad would provide the citizens of Logan a high-quality exercise facility with top-notch trainers. Our location is ideal for many of Logan's citizens that did not previously have such a facility close by. It also allows us the space and ceiling height that is necessary for the type of training we offer. We would ask that you please grant us an amendment to the code so that we can operate in the location we have carefully chosen for our facility.

Thank you for your time and consideration.

Sincerely,

Brandon Carlisle

Kristen Carlisle

Appendix—Pictures of other health and fitness facilities in industrial parks



Irish Dance Studio- located in Logan Utah 1800 N. 765 W. - Industrial Park Zone



CrossFit Iota- located in Smithfield, Utah



Liv Fit- Located in Logan on 10th West



Primal Mountain- Located in Logan at 990 S. Main Street



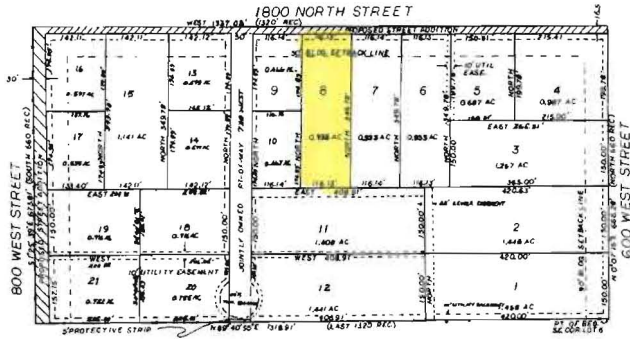
CrossFit location located in Ogden Utah

PC 13-028

1785-44

LOGAN INDUSTRIAL PARK

PART OF THE SE 1/4 OF SEC 20 AND PART OF THE SW 1/4 OF SEC 21 T12N,R1E,SLB6M
LOGAN, CACHE COUNTY, UTAH



NOTE:
3/8 INCH STEEL BARS HAVE BEEN SET AT ALL LOT CORNERS.

Erwin U. Moser
ERWIN UMOSEER-ENGINEER
LOGAN, UTAH



SURVEYOR'S CERTIFICATE

I, ERWIN UMOSEER, do hereby certify that I am a Registered Civil Engineer, and/or Land Surveyor, and that I hold Certificate No. 126, as prescribed under the laws of the State of Utah. I further certify that by authority of the Owners, I have made a survey of the tract of land shown on this plat and described below, and have subdivided said tract of land into lots and parcels, hereafter to be known as LOGAN INDUSTRIAL PARK, and that the same has been correctly surveyed and stated on the ground as shown on this plat.

| COURSE | DIST | BEARING |
|---|------|---------|
| PART OF THE SOUTHWEST 1/4 OF SECTION 20 AND PART OF THE SOUTHWEST 1/4 OF SECTION 21 ALL MORE OR LESS AS SHOWN ON THIS PLAT. | | |
| BEARING AND DISTANCE POINTS DESCRIBED AS FOLLOWS: | | |
| 1. BEARING AND DISTANCE POINTS DESCRIBED AS FOLLOWS: | | |
| 2. BEARING AND DISTANCE POINTS DESCRIBED AS FOLLOWS: | | |
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| 7. BEARING AND DISTANCE POINTS DESCRIBED AS FOLLOWS: | | |
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| 9. BEARING AND DISTANCE POINTS DESCRIBED AS FOLLOWS: | | |
| 10. BEARING AND DISTANCE POINTS DESCRIBED AS FOLLOWS: | | |
| 11. BEARING AND DISTANCE POINTS DESCRIBED AS FOLLOWS: | | |
| 12. BEARING AND DISTANCE POINTS DESCRIBED AS FOLLOWS: | | |
| 13. BEARING AND DISTANCE POINTS DESCRIBED AS FOLLOWS: | | |
| 14. BEARING AND DISTANCE POINTS DESCRIBED AS FOLLOWS: | | |
| 15. BEARING AND DISTANCE POINTS DESCRIBED AS FOLLOWS: | | |
| 16. BEARING AND DISTANCE POINTS DESCRIBED AS FOLLOWS: | | |
| 17. BEARING AND DISTANCE POINTS DESCRIBED AS FOLLOWS: | | |
| 18. BEARING AND DISTANCE POINTS DESCRIBED AS FOLLOWS: | | |
| 19. BEARING AND DISTANCE POINTS DESCRIBED AS FOLLOWS: | | |
| 20. BEARING AND DISTANCE POINTS DESCRIBED AS FOLLOWS: | | |
| 21. BEARING AND DISTANCE POINTS DESCRIBED AS FOLLOWS: | | |

OWNER'S DEDICATION

Know all men by these presents that I, the undersigned owner () of the above described tract of land, having caused same to be subdivided into lots and parcels to be hereinafter known as the LOGAN INDUSTRIAL PARK, do hereby dedicate for the use of the public all parcels of land shown on this plat as reproduced for Public Use.

In witness whereof, I, Erwin U. Moser, have hereunto set my hand and seal of my office, this 27 day of August, A.D. 1983.

Erwin U. Moser
ERWIN UMOSEER, ENGINEER

ACKNOWLEDGMENT

STATE OF UTAH, County of CACHE, ss.
On the 27 day of August, A.D. 1983, personally appeared before me, the undersigned Notary Public, in and for said County of CACHE, in said State of Utah, the signer () of the above Owner's dedication, in number, who duly acknowledged to me that he signed it freely and voluntarily and for the uses and purposes therein mentioned.

MY COMMISSION EXPIRES 3/10/84 *James E. Suter*
Notary Public
Residing in CACHE, COUNTY

| | | | | | | |
|--|--|--|---|---|--|---|
| PLANNING COMMISSION APPROVED THIS <u>27</u> DAY OF <u>AUGUST</u> , A.D. 19 <u>83</u> . <i>William J. Suter</i> CHAIRMAN, PLANNING COMMISSION | BOARD OF HEALTH APPROVED THIS <u>27</u> DAY OF <u>AUGUST</u> , A.D. 19 <u>83</u> . <i>James E. Suter</i> DIRECTOR, BOARD OF HEALTH | CITY ENGINEER APPROVED THIS <u>27</u> DAY OF <u>AUGUST</u> , A.D. 19 <u>83</u> . <i>Erwin U. Moser</i> CITY ENGINEER | SURVEYOR'S CERTIFICATE I HEREBY CERTIFY THAT THIS OFFICE HAS EXAMINED THIS PLAT AND IT IS CORRECT IN ACCORDANCE WITH INFORMATION ON FILE IN THIS OFFICE. DATE: <u>8/27/83</u> COUNTY SURVEYOR: <u>Erwin U. Moser</u> | APPROVAL AS TO FORM APPROVED AS TO FORM THIS DAY OF <u>AUGUST</u> , A.D. 19 <u>83</u> . COUNTY ATTORNEY: <u>James E. Suter</u> | LOGAN CITY PRESENTED TO THE LOGAN CITY CLERK <u>27</u> DAY OF <u>AUGUST</u> , A.D. 19 <u>83</u> . FILED IN WHICH THIS SUBDIVISION WAS APPROVED AND ACCEPTED: <u>13-028</u> COUNTY CLERK: <u>James E. Suter</u> | RECORDED # 44771 STATE OF UTAH COUNTY OF <u>CACHE</u> RECORDED AND FILED AT THE REQUEST OF <u>ERWIN UMOSEER</u> DATE RECORDED: <u>8/27/83</u> TIME: <u>5:11 PM</u> FILE # <u>157</u> COUNTY RECORDER: <u>James E. Suter</u> |
|--|--|--|---|---|--|---|



AMENDMENTS & ZONE CHANGE

**PUBLIC
HEARING
PLANNING COMMISSION**

**THURSDAY
June 27, 2013**

5:30 PM

**MUNICIPAL COUNCIL CHAMBERS
LOGAN CITY OFFICES
290 North 100 West**

The Logan City Planning Commission will hold a public hearing to receive input on the following:

~~**PC 13-024 LDC Amendment – 17.60 Civil Fees**~~ Code Amendment Logan City requests to amend the Land Development Code Section 17.60 to modify the administrative enforcement provisions regarding civil fees.

~~**PC 13-025 1200 E. Rezone**~~ Zone Change Logan City/Laree Johnson-Dick Sackett, authorized agent/owner request to rezone two (2) parcels along 1200 East 1250 North from Mixed Residential High (MRH) to a mixture of eight (8) acres of Mixed Residential High (MRH) and twelve (12) acres of Neighborhood Residential Eastside (NRE). This rezone request is a result of the 2012 city-wide zoning project. TIN 05-011-0004;0005.

PC 13-028 Quad Training Code Amendment Brandon Carlisle/Bryan Smith, authorized agent/owner, request an amendment to the Land Development Code Section 17.27.030 allowing health and fitness centers in the Industrial Park (IP) zone; TIN 07-176-0008.

The Municipal Council is tentatively scheduled to hold a workshop on these items on **Tuesday, July 16, 2013**, and a public hearing on **Tuesday, August 6, 2013**. Both meetings will be held in the Logan City Municipal Council Chambers at 290 North 100 West at 5:30 pm. Contact the Department of Community Development at 716-9022 for more information or www.loganutah.org

- published in H.J. 6/19/13

PC 13-024 & 025 pushed back to Aug. 6 & 20

LEGAL NOTICE
Municipal Council
July 16 & August 6, 2013

The following public hearings will be held in the Logan City Municipal Council Chambers at 290 North 100 West at 5:30 p.m. All comments must be submitted to Community Development to be included in the public record before 5:00 p.m. on July 11, 2013. Contact 716-9021 or www.loganutah.org for further info.

Public Hearing:

PC 13-024 LDC Amendment – 17.60 Civil Fees Code Amendment Logan City requests to amend the Land Development Code Section 17.60 to modify the administrative enforcement provisions regarding civil fees.

PC 13-025 1200 E. Rezone Zone Change Logan City/Laree Johnson-Dick Sackett, authorized agent/owner request to rezone two (2) parcels along 1200 East 1250 North from Mixed Residential High (MRH) to a mixture of eight (8) acres of Mixed Residential High (MRH) and twelve (12) acres of Neighborhood Residential Eastside (NRE). This rezone request is a result of the 2012 city-wide zoning project. TIN 05-011-0004;0005.

PC 13-028 Quad Training Code Amendment Brandon Carlisle/Bryan Smith, authorized agent/owner, request an amendment to the Land Development Code Section 17.27.030 allowing health and fitness centers in the Industrial Park (IP) zone; TIN 07-176-0008.

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Publication Date: Tuesday, July 2, 2013

→ pushed back to Aug. 6 @ 20



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Notice Title:

Regular Meeting

Government Type:

Cities

Entity:

Logan

Public Body Name:

Municipal Council

Notice Subject:

Other

Notice Type:

Notice, Meeting, Hearing

Street Address:

290 North 100 West

Street Address continued:

City:

Logan

Zip:

84321

Start Date:

07/16/13 5:30 PM

End Date:

07/16/13 7:31 PM

Description / Agenda:

Workshop on the following project:

PC 13-028 Quad Training Code Amendment Brandon Carlisle/Bryan Smith, authorized agent/owner, request an amendment to the Land Development Code Section 17.27.030 allowing health and fitness centers in the Industrial Park (IP) zone; TIN 07-176-0008.

ADA:

Individuals needing special accommodations should notify Teresa Harris, 435-716-9002, at least two working days prior to the meeting. Hearing enhancement devices are available on request.

Electronic Participation:

A council member may join a meeting electronically upon proper notice of the meeting and 24-hour notice to councilmembers. A council member participating electronically will be connected to the meeting by telephone.

Other:**Emergency Notice:**

No

Send copy of notice to:**Audio File Location:****Attachments:**

There are no attachments associated with this notice.

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Poster

**CITY OF LOGAN, UTAH
ORDINANCE NO. 13-54**

**AN ORDINANCE ADDING SECTION 5.17.095 OF THE LOGAN MUNICIPAL
CODE REGARDING THE NOTICE OF OCCUPANCY LIMITATIONS**

WHEREAS, the state legislature has granted general welfare power to the City Council, independent, apart from, and in addition to, its specific grants of legislative authority, which enables the City of Logan to pass ordinances as are necessary and proper to provide for the safety, promote the prosperity, improve the peace and good order, comfort, and convenience of the City and its inhabitants, and for the protection of property in the City; and

WHEREAS, the City Council has determined that the following ordinance is in the City's best interest;

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

SECTION 1:

5.17.095: OWNERS AND AGENTS: NOTICE OF OCCUPANCY LIMITATIONS

- A. Owners or agents shall provide to the lessee of any residential property that the owner or agent leases, information regarding the zoning district in which the property is located and the applicable occupancy limitations contained in the Logan Land Development Code.
- B. It shall be unlawful for any person to lease or sublease any rental dwelling without first providing to the lessee or sub lessee notice of the occupancy limits in the zone in which the property is located pursuant to the Logan Land Development Code. The notice shall either be contained in the written lease or shall be on a zoning occupancy disclosure form provided by the director and signed by the owner or agent and each lessee. All current zoning occupancy disclosure forms and leases for the property shall be maintained by the owner or agent.
- C. Owners and agents shall provide a written lease containing tenant information or a zoning occupancy disclosure form within seven (7) days of a request by a city code official or police officer investigating any code violation.

SECTION 2: Effective Date. This ordinance shall become effective upon publication.

PASSED BY THE LOGAN MUNICIPAL COUNCIL, STATE OF UTAH, THIS _____
DAY OF July, 2013.

AYES:

NAYS:

ABSENT:

/s/ Holly Daines, Chair

ATTEST:

/s/ Teresa Harris, City Recorder

PRESENTATION TO MAYOR

The foregoing ordinance was presented by the Logan Municipal Council to the
Mayor for approval or disapproval this _____ day of July, 2013.

/s/ Holly Daines, Chair

MAYOR'S APPROVAL OR DISAPPROVAL

The foregoing ordinance is hereby approved this _____ day of July, 2013.

/s/ Randy Watts, Mayor

City of Logan

Zoning Occupancy Disclosure Form

As required by Section 5.17.095, Logan Municipal Code and Chapter 17.13: Neighborhood Zone Uses of the Logan Land Development Code

Rental Dwelling: _____ (street and apartment number)

✓ **Check Zoning District:**

| | | | | | | | | | | |
|-----|------|------|-----|-----|-----|-----|----|----|----|----|
| NRC | NRCS | NROC | NRE | NRW | MRM | MRH | NC | RR | RC | CR |
| | | | | | | | | | | |

The occupancy of this rental dwelling shall not exceed the occupancy limitations set forth in the Logan Land Development Code; sections §17.06.020 Household Living and §17.06.010 Group Living as follows:

1. Residential occupancy of a dwelling unit by a family, or no more than three (3) unrelated adults
2. ~~Occupancy of no more than six (6) unrelated adults, not to exceed two (2) persons per bedroom, is permitted only in the Campus Residential (CR) Zone.~~

Family means one or more persons related by blood, adoption, or marriage, living and cooking together as a single housekeeping unit, exclusive of household servants; or a number of unrelated adult persons, but not exceeding two and their children related by blood, adoption, or marriage, living and cooking together as a single housekeeping unit, shall be deemed to constitute a family.

Students who are visiting a family for the purpose of attending grades kindergarten through high school are considered temporary family members and therefore part of a family even though they may or may not be related by blood, adoption, or marriage. Students must be actively attending a school grade K-12 and living with a family related by blood, adoption, or marriage.

Household means a housekeeping unit living together in a single dwelling unit, with common access to and common use of all living and eating areas and all areas and facilities for the preparation and serving of food within the dwelling unit. Tenancy is either owner occupied or arranged on a month-to-month or longer basis. Uses where tenancy may be arranged for a shorter period are not considered residential. They are considered to be a form of transient lodging (see the Sales and Service and Community Service categories).

The names of all the lessees for this dwelling are as follows (please attach additional names if needed):

Date: _____ Signature: _____ Printed: _____

Date: _____ Signature: _____ Printed: _____

Date: _____ Signature: _____ Printed: _____

Date: _____ Signature: _____ Printed: _____

Date: _____ Signature: _____ Printed: _____

Date: _____ Signature: _____ Printed: _____

**Nothing in this document prevents the owner or operator from limiting the number of tenants to less than the maximum allowable occupancy permitted by the City Code.*

Insert LMC section 5.17.095 as adopted here

Owner/Agent:

Date: _____ Signature: _____ Printed _____

City of Logan, Utah

Community Development Department Office of Neighborhood Improvement
290 N 100 W, Logan, UT 84321

435.716.9025 <http://www.loganutah.org/Community%20Development/>

FAILURE TO COMPLY MAY RESULT IN A NOTICE OF VIOLATION

A Notice of Violation (NOV) may be issued to all parties responsible for violation(s) if compliance is not satisfied within the allotted time frame. The NOV, a formal written notification, mandates and informs responsible parties of the violation(s) requiring correction. Failure to correct may include consequence as outlined in the Land Development Code, §17.60.130 General Enforcement Authority; whenever an enforcement official finds that a violation of the Logan Municipal Code or applicable state codes has occurred or continues to exist, he may undertake any of the procedures herein. The director or any designated enforcement official shall have the authority to gain compliance with the provisions of the Logan Municipal Code and applicable state codes subject to the provisions of this Title. Such authority shall include the power to issue notices of violation and administrative citations, inspect public and private property, abate nuisances on public and private property, and to use any remedy available under this Title or law.

**CITY OF LOGAN, UTAH
ORDINANCE NO. 13-55**

**AN ORDINANCE AMENDING SECTION 5.29.020 OF THE LOGAN
MUNICIPAL CODE REGARDING SEXUALLY ORIENTED BUSINESSES**

WHEREAS, the state legislature has granted general welfare power to the City Council, independent, apart from, and in addition to, its specific grants of legislative authority, which enables the City of Logan to pass ordinances as are necessary and proper to provide for the safety, promote the prosperity, improve the peace and good order, comfort, and convenience of the City and its inhabitants, and for the protection of property in the City; and

WHEREAS, sexually oriented businesses require special supervision from the public safety agencies of the City in order to protect and preserve the health, safety, morals and welfare of the patrons of such businesses as well as the citizens of the City; and

WHEREAS, the City Council finds that sexually oriented businesses are frequently used for unlawful sexual activities, including prostitution and sexual liaisons of a casual nature; and

WHEREAS, the concern over sexually transmitted diseases is a legitimate health concern of the City which demands reasonable regulation of sexually oriented businesses in order to protect the health and well-being of the citizens; and

WHEREAS, licensing is a legitimate and reasonable means of accountability to ensure that operators of sexually oriented businesses comply with reasonable regulations and to ensure that operators do not knowingly allow their establishments to be used as places of illegal sexual activity or solicitation; and

WHEREAS, there is convincing documented evidence that sexually oriented businesses, because of their very nature, have a deleterious effect on both the existing businesses around them and the surrounding residential areas adjacent to them, causing increased crime and the downgrading of property values; and

WHEREAS, it is recognized that sexually oriented businesses, due to their nature, have serious objectionable operational characteristics, particularly when they are located in close proximity to each other, thereby contributing to urban blight and downgrading the quality of life in the adjacent area; and

WHEREAS, underage performers have been used in depictions, both in films and live performances; and

WHEREAS, the City Council desires to minimize and control these adverse effects and thereby protect the health, safety, and welfare of the citizenry; protect the citizens from increased crime; preserve the quality of life; preserve the property

values and character of surrounding neighborhoods and deter the spread of urban blight; and

WHEREAS, the City Council has determined that location criteria alone do not adequately protect the health, safety, and general welfare of the people of this City; and

WHEREAS, it is not the intent of the City Council to condone or legitimize the distribution of obscene material, and the Council recognizes that state and federal law prohibits the distribution of obscene materials and expects and encourages state law enforcement officials to enforce state obscenity statutes against any such illegal activities in the City; and

WHEREAS, the City recognizes its constitutional duty to interpret, construe, and amend its laws and ordinances to comply with constitutional requirements as they are announced; and

WHEREAS, with the passage of any ordinance, the City and the City Council accept as binding the applicability of general principles of criminal and civil law and procedure and the rights and obligations under the United States and Utah Constitutions, Utah Revised Code, and the Utah Rules of Civil and Criminal Procedure; and

WHEREAS, it is not the intent of this ordinance to suppress any speech activities protected by the First Amendment of the U.S. Constitution or Article 1, section 15 of the Utah State Constitution, but to enact a content neutral ordinance which addresses the secondary effects of sexually oriented businesses; and

WHEREAS, the City Council has determined that the following ordinance is in the City's best interest;

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

SECTION 1:

5.29.020: PURPOSE OF PROVISIONS AND FINDINGS:

A. Purpose: It is the purpose and object of this chapter that the city establish reasonable and uniform regulations governing the time, place and manner of operation of sexually oriented businesses and their employees in the city. This chapter shall be construed to protect the governmental interests recognized by this chapter in a manner consistent with constitutional protections provided by the United States and Utah constitutions.

B. Findings: Based on evidence of the adverse secondary effects of adult uses presented in hearings and in reports made available to the Council, and on findings incorporated in the cases of: *City of L.A. v. Alameda Books*, 535 U.S. 425 (U.S. 2002); *Pap's A.M. v. City of Erie*, 529 U.S. 277 (2000); *Barnes v. Glen Theatre, Inc.*, 501 U.S.

560 (1991); City of Renton v. Playtime Theatres, Inc., 475 U.S. 41 (1986); Young v. American Mini Theatres, 427 U.S. 50 (1976); California v. LaRue, 409 U.S. 109 (1972); Doctor John's, Inc. v. City of Roy, 465 F.3d 1150 (10th Cir. Utah 2006); Z.J. Gifts D-4, L.L.C. v. City of Littleton, 311 F.3d 1220 (10th Cir. Colo. 2002); American Target Adver., Inc. v. Giani, 199 F.3d 1241 (10th Cir. Utah 2000); Z.J. Gifts D-2, L.L.C. v. City of Aurora, 136 F.3d 683 (10th Cir. Colo. 1998); Dodger's Bar & Grill v. Johnson County Bd. of County Comm'rs, 98 F.3d 1262 (10th Cir. Kan. 1996); Cortese v. Black, 1996 U.S. App. LEXIS 15311 (10th Cir. June 25, 1996); O'Connor v. Denver, 894 F.2d 1210 (10th Cir. Colo. 1990); M.S. News Co. v. Casado, 721 F.2d 1281 (10th Cir. Kan. 1983); Am. Library Ass'n v. Reno, 33 F.3d 78 (D.C. Cir. 1994); Midvale City Corp. v. Haltom, 2003 UT 26 (Utah 2003); Salt Lake City v. Wood, 1999 UT App 323 (Utah Ct. App. 1999); and other cases; and reports of secondary effects occurring in and around sexually oriented businesses, including, but not limited to, Illinois – 2012; California – 2012; Missouri – 2010; Palm Beach County, Florida – 2008; Los Angeles, California – 2007; Seattle, Washington – 2006; Kenton and Campbell Counties, Kentucky – 2005; Forth Worth and Dallas, Texas – 2004; Toledo, Ohio – 2002; Denver, Colorado – 1998; Newport News, Virginia – 1996; New York, New York (Times Square) – 1994; Garden Grove, California – 1991; City of Kent, Washington – 1982; City of Amarillo, Texas – 1977; City of Los Angeles, California – 1977; and also on findings from the Law Review Articles entitled The Association of Adult Businesses With Secondary Effects: Legal Doctrine, Social Theory, and Empirical Evidence, Alan C. Weinstein & Richard McCleary, 29 Cardozo Arts & Ent LJ 565, (2011); Do "Off-Site" Adult Business Have Secondary Effects? Legal Doctrine, Social Theory and Empirical Evidence, Richard McCleary and Alan C. Weinstein, Law and Policy, Vol, 31, No. 2, April 2009, the Council finds:

(1) Sexually oriented businesses lend themselves to ancillary unlawful and unhealthy activities and therefore a mechanism is needed by the city to make the owners and operators of these establishments responsible for the activities that occur on their premises.

(2) Certain employees of unregulated sexually oriented businesses defined in this ordinance as adult theaters and cabarets engage in higher incidence of certain types of illicit sexual behavior than employees of other establishments.

(3) Sexual acts, including masturbation, and oral and anal sex, occur at unregulated sexually oriented businesses, especially those which provide private or semi-private booths or cubicles for viewing films, videos, or live sex shows.

(4) Offering and providing such unregulated space encourages such activities, which creates unhealthy conditions.

(5) Persons frequent certain adult theaters, adult arcades, and other sexually oriented businesses for the purpose of engaging in sex within the premises of such sexually oriented businesses, or for the purpose of purchasing or selling illicit drugs.

(6) Numerous communicable diseases may be spread by activities occurring in sexually oriented businesses, including, but not limited to, syphilis, gonorrhea, human immunodeficiency virus infection (HIV-AIDS), genital herpes, hepatitis salmonella,

campylobacter and shigella infections, chlamydia, myoplasmal and ureoplasmal infections, trichomoniasis and chancroid.

(7) According to research from the Kaiser Family Foundation, an estimated 1,300,000 Americans are infected with HIV. Men and women of all races are most likely to be infected by sexual contact.

(8) Relevant statistics revealed that a total of 2,614 AIDS cases had been reported in Utah as of December 31, 2011.

(9) The Centers for Disease Control and Prevention estimates that as many as 1 in 5 people with HIV do not know they are infected.

(10) The number of cases of syphilis in the United States reported annually is 13,970 in 2011.

(11) The number of cases of gonorrhea in the United States reported annually is 321,849 in 2011. The number of cases of gonorrhea in the United States reported annually is 1,412,791 in 2011.

(12) The surgeon general of the United States in his report of October 22, 1986, has advised the American public that AIDS and HIV infection may be transmitted through sexual contact, intravenous drug abuse, exposure to infected blood and blood components, and from an infected mother to her newborn.

(13) According to the best scientific evidence, AIDS and HIV infection, as well as syphilis and gonorrhea, are principally transmitted by sexual acts. See, e.g. Findings of U.S. Dept. of Health & Human Services.

(14) Sanitary conditions in some sexually oriented businesses are unhealthy, in part, because the activities conducted there are unhealthy, and, in part, because of the unregulated nature of the activities and the failure of the owners and the operators of the facilities to self-regulate those activities and maintain those facilities.

(15) Numerous studies and reports have determined that semen is found in the areas of sexually oriented businesses where persons view "adult" oriented films.

(16) The findings noted in paragraphs number 1 through 15 raise substantial governmental concerns.

(17) Sexually oriented businesses have operational characteristics that should be reasonably regulated in order to protect those substantial governmental concerns.

(18) A reasonable licensing procedure is an appropriate mechanism to

place the burden of that reasonable regulation on the owners and the operators of the sexually oriented businesses. Further, such a licensing procedure will place a heretofore nonexistent incentive on the operators to see that the sexually oriented business is run in a manner consistent with the health, safety and welfare of its patrons and employees, as well as the citizens of the City. It is appropriate to require reasonable assurances that the licensee is the actual operator of the sexually oriented business, fully in possession and control of the premises and activities occurring therein.

(19) Removal of doors on adult booths and requiring sufficient lighting on premises with adult booths advances a substantial governmental interest in curbing the illegal and unsanitary sexual activity occurring in adult theaters.

(20) Requiring licensees of sexually oriented businesses to keep information regarding current employees and certain past employees will help reduce the incidence of certain types of criminal behavior by facilitating the identification of potential witnesses or suspects and by preventing minors from working in such establishments.

(21) The disclosure of certain information by those persons ultimately responsible for the day-to-day operation and maintenance of the sexually oriented business, where such information is substantially related to the significant governmental interest in the operation of such uses, will aid in preventing the spread of sexually transmitted diseases and will prevent the further secondary effects of dissemination of illegal obscenity, child pornography, and to minors, materials harmful to them;

(22) It is desirable in the prevention of the spread of communicable diseases to obtain a limited amount of information regarding certain employees who may engage in the conduct which this ordinance is designed to prevent or who are likely to be witnesses to such activity.

(23) The fact that an applicant for an adult use has been convicted of a sexually related crime leads to the rational assumption that the applicant may engage in that conduct in contravention of this ordinance.

(24) The barring of such individuals from employment in sexually oriented businesses for a specified period of years serves to prevent distribution of illegal material, to prevent conduct which leads to the transmission of sexually transmitted diseases, and to preclude the establishment of criminal enterprises within the City.

(25) The general welfare, health, morals and safety of the citizens of the City will be promoted by the enactment of this ordinance.

SECTION 2: Effective Date. This ordinance shall become effective upon publication.

PASSED BY THE LOGAN MUNICIPAL COUNCIL, STATE OF UTAH, THIS
____ DAY OF July, 2013.

AYES:

NAYS:

ABSENT:

/s/ Holly Daines, Chair

ATTEST:

/s/ Teresa Harris, City Recorder

PRESENTATION TO MAYOR

The foregoing ordinance was presented by the Logan Municipal Council to the Mayor for approval or disapproval this _____ day of July, 2013.

/s/ Holly Daines, Chair

MAYOR'S APPROVAL OR DISAPPROVAL

The foregoing ordinance is hereby approved this _____ day of July, 2013.

/s/ Randy Watts, Mayor

**CITY OF LOGAN, UTAH
ORDINANCE NO. 13-58**

**AN ORDINANCE AMENDING SECTIONS OF LOGAN MUNICIPAL CODE
REGARDING NEIGHBORHOOD COUNCILS**

WHEREAS, the state legislature has granted general welfare power to the City Council, independent, apart from, and in addition to, its specific grants of legislative authority, which enables the City of Logan to pass ordinances as are necessary and proper to provide for the safety, promote the prosperity, improve the peace and good order, comfort, and convenience of the city and its inhabitants, and for the protection of property in the city; and

WHEREAS, the Logan Municipal Code establishes Neighborhood Councils to provide another means of communication between citizens and their elected officials; and

WHEREAS, the City Council has determined that the following ordinance is in the City's best interest;

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

SECTION 1:

Chapter 2.36
NEIGHBORHOOD COUNCILS

2.36.010: ESTABLISHED:

There is established a neighborhood council consisting of seven (7) voting persons members chosen by the mayor with the advice and consent of the municipal council, six (6) of whom must reside in and be selected from six (6) separate areas or neighborhoods within the city and one representative for the student population of Utah State University who resides student residing in Logan ~~selected represent the student population of Utah State University.~~ Terms of service shall be for three (3) years. Any vacancies occurring by death, disability, removal, or resignation shall be filled by a nomination of the mayor with the advice and consent of the municipal council ~~for the unexpired portion of the term concerned.~~ (Ord. 04-55 § 1, 2004: Ord. 01-71 § 2, 2001: Ord. 99-8 § 1, 1999: Ord. 98-22 § 1, 1998: prior code § 2-12-1(a))

Alternate members for each area will also be assigned to serve in an advisory and support capacity for the neighborhood representative. Alternate members will be selected according to the council's bylaws. Alternate members will typically be non-voting members of the neighborhood council except when one is delegated to vote in the absence of a voting member according to the council's bylaws.

SECTION 2: Effective Date. This ordinance shall become effective upon publication.

ADOPTED BY THE LOGAN MUNICIPAL COUNCIL THIS _____ DAY OF FEBRUARY, 2013 BY THE FOLLOWING VOTE:

AYES:

NAYS:

ABSENT:

/s/ Holly Daines, Chair

ATTEST:

/s/ Teresa Harris, City Recorder

PRESENTATION TO MAYOR

The foregoing ordinance was presented by the Logan Municipal Council to the Mayor for approval or disapproval this _____ day of August, 2013.

/s/ Holly Daines, Chair

MAYOR'S APPROVAL OR DISAPPROVAL

The foregoing ordinance is hereby approved this _____ day of August, 2013.

/s/ Randy Watts, Mayor

DATE: July 16, 2013
TO: Logan Municipal Council
FROM: Mike DeSimone, Director
RE: Ordinance 13-58 (Amendment to Logan Municipal Code)
Section 2.36 Neighborhood Councils

The proposed amendment to Section 2.36 of the Logan Municipal Code clarifies the (1) USU representative for the Neighborhood Council by broadening our selection to also include USU employees rather than just students, and (2) how alternate members are to function on the Neighborhood Council.

If you have any questions regarding this matter, please let me know at (435) 716-9022 or mike.desimone@loganutah.org.

CITY OF LOGAN, UTAH
ORDINANCE NO. 13-59

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" Chapters §17.13.040, 17.17.030, 17.21.040 & 17.45: "Wireless Telecommunication Facilities" are hereby amended as attached hereto as Exhibit A, respectively:

SECTION 2: This ordinance shall become effective upon publication.

PASSED BY THE LOGAN MUNICIPAL COUNCIL, STATE OF UTAH, _____
THIS DAY OF _____, 2013.

AYES:
NAYS:
ABSENT:

Holly Daines, Chair

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 _____, 2013.

Holly Daines, Chairman

MAYOR'S APPROVAL OR DISAPPROVAL

The foregoing ordinance is hereby _____ this ____ day of _____, 2013.

Randy Watts, Mayor

EXHIBIT A

17.13: Neighborhood Zone Uses

| Category | Description (Excerpt) | Neighborhood Zones | | | | | | | | | | |
|--|---|--------------------|------|------|-----|-----|-----|------|-----------------|----|----|----|
| | | NRC | NRCS | NROC | NRE | NRW | MRM | MRII | CR ² | NC | RR | RC |
| Telecommunication Facilities Refer to §17.07.100 NOTE: Logan City to Separate by type | All Public and Commercial Wireless, Radio, Television and Telecommunication Towers and Facilities: Commercial-and-private wireless telecommunication facilities, such as "cellular" or PCS (personal communications and paging facilities or others as regulated by Chapter 17.45 | C | C | C | C | C | C | C | C | NC | C | NC |
| | Radio, television, or microwave towers | € | € | € | € | € | € | € | € | N | € | € |
| | Amateur radio towers of 50' or less in height above the average elevation of the subject property | C | C | C | C | C | C | C | C | N | C | C |
| | All other telecommunication facilities as defined by §17.10.100 and not regulated by Chapter 17.45 | € | € | € | € | € | € | € | € | N | € | € |
| Utilities, basic service delivery and laterals Refer to §17.07.110 | Infrastructure services that need to be located in or near the area where the service is provided; physical facilities or structures that are more than thirty-six inches in height above ground surface or more than a four square foot footprint | C | C | C | C | C | C | C | C | N | C | C |
| Utilities, distribution network §17.07.110 | Neighborhood or area distribution network, above ground power lines of less than 120 kilovolts | C | C | C | C | C | C | C | C | N | C | C |
| Utilities, structures, physical facilities | Regional, intracity, intercity, or interstate distribution lines; above ground power of 120 kilovolts or more; power distribution by a non-franchised power company; physical facilities or structures that are more than thirty-six inches in height above ground surface or more than a four square feet footprint. | C | C | C | C | C | C | C | C | N | C | C |
| | Municipal water well, reservoir, or storage tank | C | C | C | C | C | C | C | C | N | C | C |
| Commercial Uses | | | | | | | | | | | | |
| Entertainment Event, Major §17.08.010 | Activities and structures that draw large numbers of people to specific events or shows. Activities are generally of a spectator nature. | N | N | N | N | N | N | N | N | N | N | N |

17.17: District and Corridor Zones Uses

| Category | Description (Excerpt) | Districts & Corridors | | | | | | | |
|--|---|--|-----|----|----|----|----|----|----|
| | | IC | COM | MU | UC | GW | CS | IP | AP |
| Hospital Refer to §17.07.050 | Uses providing medical or surgical care to patients and offering overnight care | N | P | P | P | P | N | N | N |
| Parks and Open Areas Refer to §17.07.060 | Uses of land focusing on natural area, large areas consisting mostly of vegetative landscaping or outdoor recreation, community gardens, or public squares | P | P | P | P | P | P | P | P |
| Religious Institutions Refer to §17.07.070 | Uses providing meeting areas for religious activities | C | C | C | C | C | C | N | N |
| Safety Service Refer to §17.07.080 | Uses that provide public safety and emergency response services | C | P | P | P | P | P | P | P |
| Schools Refer to §17.07.090 | Public schools at the primary, elementary, middle, junior high, or high school level that provide state-mandated basic education | State law supersedes local zoning regulations. | | | | | | | |
| | Private schools at the primary, elementary, middle, junior high, or high school level that provide state-mandated basic education | C | C | C | C | C | N | N | N |
| Utility Uses | | | | | | | | | |
| Telecommunication Facilities Refer to §17.07.100 | <u>All Public and Commercial Wireless, Radio, Television and Telecommunication Towers and Facilities, Commercial and private wireless telecommunication facilities, such as "cellular" or PCS (personal communications system) communications and paging facilities or others as regulated by Chapter 17.45</u> | PC | PC | PC | PC | PC | PC | PC | PC |
| | <u>Radio, television, or microwave towers</u> | € | € | € | € | € | € | € | € |
| | <u>Amateur radio towers of 50' or less in height above the average elevation of the subject property.</u> | C | C | C | C | C | C | C | C |
| | <u>All other telecommunication facilities as defined by §17.10.100 and not regulated by Chapter 17.45</u> | € | € | € | € | € | € | € | € |
| Utilities, basic service delivery and laterals Refer to §17.07.110 | Infrastructure services that need to be located in or near the area where the service is provided; physical facilities or structures that are more than thirty-six inches in height above ground surface or more than a four square feet footprint | P | P | P | P | P | P | P | P |
| Utilities, distribution network | Neighborhood or area distribution network, above ground power lines of less than 120 kilovolts | N | N | N | N | N | N | N | N |
| Utilities, structures, physical facilities | Regional, intra-city, intercity, or interstate distribution lines; above ground power of 120 kilovolts or more; power distribution by a non-franchised power company; physical facilities or structures that are more than thirty-six inches in height | C | P | C | C | P | P | P | P |

17.21: Public Zone Uses

| Category | Description (Excerpt) | Zones | |
|--|--|---|---|
| | | PUB | REC |
| Family Day Care Refer to §17.07.030 | Uses providing care, protection, and supervision for children or adults on a regular basis away from their primary residence for less than 24 hours per day. For more than 24 hour care, a conditional use permit is required for both categories in some districts. | N | N |
| Family Group Care Refer to §17.07.030 | | N | N |
| Commercial Day Care §17.07.040 | 17 or more clients | N | N |
| Hospital Refer to §17.07.050 | Uses providing medical or surgical care to patients and offering overnight care | N | N |
| Parks and Open Areas Refer to §17.07.060 | Uses of land focusing on natural area, large areas consisting mostly of vegetative landscaping or outdoor recreation, community gardens, or public squares | P | P |
| Religious Institutions Refer to §17.07.070 | Uses providing meeting areas for religious activities | N | N |
| Safety Service Refer to §17.07.080 | Uses that provide public safety and emergency response services | P | N |
| Schools Refer to §17.07.090 | Public schools at the primary, elementary, middle, junior high, or high school level that provide state-mandated basic education | State law supersedes local zoning regulations | State law supersedes local zoning regulations |
| | Private schools at the primary, elementary, middle, junior high, or high school level that provide state-mandated basic education | N | N |
| Utility Uses | | | |
| Telecommunication Facilities Refer to §17.07.100 | <u>All Public and Commercial Wireless, Radio, Television and Telecommunication Towers and Facilities, Commercial and private wireless telecommunication facilities, such as "cellular" or PCS (personal communications system) communications and paging facilities or others as regulated by Chapter 17.45.</u> | PC | NC |
| | <u>Radio, television, or microwave towers</u> | C | N |
| | <u>Amateur radio towers of 50' or less in height above the average elevation of the subject property.</u> | NC | NC |
| | <u>All other telecommunication facilities as defined by §17.10.100 and not regulated by Chapter 17.45.</u> | C | No |
| Utilities, basic service delivery Refer to §17.07.110 | Infrastructure services that need to be located in or near the area where the service is provided; physical facilities or structures that are more than thirty-six inches in height above ground surface or more than a four square feet footprint | P | P |
| Utilities, distribution network | Neighborhood or area distribution network, above ground power lines of less than 120 kilovolts | N | N |
| | Regional, intracity, intercity, or interstate distribution lines; above ground power of 120 kilovolts or more; power distribution by nonfranchised power company; physical facilities or structures that are more than thirty-six inches in height above ground surface or more than a four square feet footprint. | C | C |
| | Municipal water well, reservoir, or storage tank | C | C |
| Commercial Uses | | | |
| Entertainment Event, Major §17.08.010 | Activities or structures that draw large numbers of people to specific events or shows. Activities are generally of a spectator nature.. | N | C |
| Office | Activities conducted in an office setting and generally focusing on business, government, professional, medical, or financial services | N ² | C |

² Public offices allowed only.

Chapter 17.45: Wireless Telecommunications Facilities

§17.45.010. Purpose

The purpose of this chapter is to protect Logan's aesthetic resources and community character by establishing development regulations for wireless telecommunication facilities (~~hereafter "facilities"~~) to assure their compatibility with adjoining uses. ~~Because the location and design of wireless telecommunications facilities may negatively impact have the potential to have long term negative effects on~~ surrounding properties and neighborhoods.

~~The intent~~the purpose of these ~~following~~ regulations is to ~~reduce those effects by~~ locating wireless telecommunications facilities where they are least visible from public streets and public areas, and to the ~~greatest~~best extent possible, ~~provide screen theming from adjacent~~adjoining properties. ~~property owners. Antennas mounted on existing structures are preferred over new monopoles because they are more easily hidden or are generally less conspicuous when not completely hidden.~~

§17.45.020. Applicability

This chapter applies to both commercial and private wireless telecommunication facilities, ~~such as including~~, but not limited to, "cellular" or PCS (personal communications system) communications and paging facilities or others as defined in §17.62. This chapter does not apply to public safety, ~~emergency services~~, amateur radio, ~~or home satellite and, or or cable television equipment~~communications facilities, although they may be regulated by other city ordinances and policies.

§17.45.030. Permits Required

- A. A conditional use permit and a design review permit is required for all new ~~or expanding~~ wireless telecommunications facilities. The conditional use and design review permits shall be reviewed and issued in accordance with the approval processes outlined in this Code ~~City's standard design review permit approval process described in Chapter 17.50. The City shall process all applications within a reasonable time~~ and shall not unreasonably discriminate among providers of functionally equivalent services.
- B. For co-locating, equipment updating and remodeling of existing permitted facilities, ~~A~~ a design review permit may not be required if the Director ~~of Community Development~~ finds that the proposed changes will not result in a significant character change in the appearance of a structure from what currently exists.

§17.45.040. Applications

In addition to the standard application requirements for the conditional use and design review permits, ~~standard items to be included with the design review application~~, the applicant shall submit the following:

- A. Certification of compliance with FCC Parts 24 and 27 regarding RF (radio frequency) hazards and safety, and other FCC provisions as applicable; ~~and~~
- B. A visual analysis of the proposed telecommunications facilities, to include photo simulations, field mock up, computer enhanced graphics or other techniques, which ~~depict~~identify the ~~negative~~ visual effects of the proposed facility on surrounding properties and all public areas (streets, parks, etc.) within 300'. ~~The analysis shall include the following as required by the Department of Community Development:~~
 1. ~~Show views of the facility from public areas (streets, parks, etc.); and~~

17.45: Wireless Telecommunications Facilities

- ~~2. Show views from private residences; and~~
- ~~3. Show the appearance of the facility from at least three locations within a three block radius. One view shall be from a point on the nearest public right-of-way from which the facility is most visible. Other views shall be from locations where the facility would be most visible.~~

The ~~Design Review Committee~~ Planning Commission or the ~~Department of Community Development~~ Director may ~~require~~ ask for additional visual simulations if it is determined ~~feels that~~ they are necessary to better understand the proposed facility's effects on the surrounding neighborhood. All costs associated with this ~~requirement are to be borne by~~ requirement are the responsibility of the applicant.

§17.45.050. Design Requirements

In order to approve the proposed telecommunications facility, ~~a design review and conditional use permit~~, the ~~Design Review Committee~~ Planning Commission shall find that the proposed facility employs stealth design. Because of the unique circumstances associated with each site, a facility that is considered to be stealth in one location may not be considered to be stealth in another location. In making the decision, the ~~Design Review Committee~~ Planning Commission shall consider any special circumstances applicable to the proposed site and the methods of stealth design criteria listed below; and any special circumstances that may apply to the proposed site. ~~Because of differing circumstances specific to each site, a facility that is considered to be stealth in one location may not be considered to be stealth in a different location.~~

- A. ~~"Stealth design" is required for all facilities regulated by this chapter.~~ To the extent that it is reasonably feasible, the applicant shall employ stealth design so as to mitigate and/or camouflage negative visual effects. Stealth design ensures that facilities will be compatible with the natural or built setting and that the facilities will be concealed or camouflaged; ~~d. Methods of stealth designs include:~~
 - B. Blending the facility with the architecture of the existing structure upon which the facility will be mounted;
 - C. Blending the facility with existing vegetation and/or site features;
 - D. Using color schemes, materials and textures that make the facility less noticeable;
and
 - E. Using church steeples, clock towers, bell towers, false penthouses, vegetation or other similar "mimic" structures to conceal antennas, associated structures and equipment. Such "mimic" structures shall have a contextual relationship to the adjacent area.
 - ~~1. Blending the facility with the architecture of the existing structure upon which the facility will be mounted;~~
 - ~~2. Blending the facility with and/or take advantage of existing vegetation and/or site features;~~
 - ~~3. Using color schemes, materials and textures that make the facility less noticeable;~~
~~and~~
 - ~~4. Using materials and textures to make the facility less noticeable;~~
 - ~~4. Using church steeples, clock towers, bell towers, false penthouses or other similar "mimic" structures to conceal antennas, and associated structures and equipment. Such "mimic" structures shall have a contextual relationship to the adjacent area.~~
- F. Applicants shall demonstrate that they have made reasonable efforts to co-locate on existing towers or poles in the vicinity prior to the consideration of a proposal for a new tower or pole.

§17.45.060. ~~Location on Existing Towers and Poles~~

~~Co-locating Location~~ on existing towers is ~~both permitted and~~ encouraged in order to discourage the proliferation of wireless telecommunications facilities.

A. ~~Standards. Location on Existing Towers and Poles~~

~~1. The width of antennas and antenna mounting structures placed on the top of an existing tower or pole shall not exceed the width of the pole at its highest point.~~

21. Antennas and their supporting structure mounted to the sides or top of an existing tower or pole shall be as slim in profile as possible. In no case shall the antennas and supporting structures extend more than one foot beyond the side of the tower or pole.

32. The height of the antenna and its supporting structures may not exceed five (5) feet above the height of the tower or pole.

3. The height of the existing tower or pole may be increased for a co-location provided the tower or pole is below the maximum height allowed per §17.45.090

~~4. In addition to the above standards, facilities shall comply with §17.45.050.~~

B. ~~Co location on Existing Monopoles~~

~~1. The maximum height of a monopole with antennas and antenna support structures may be increased for co location of a second antenna on an existing monopole if the new height of the monopole and antenna will not exceed twenty (20) feet above the maximum height for structures for the zone in which it is placed.~~

~~2. Antennas and supporting structures mounted to the sides of a monopole shall be as slim in profile as possible. In no case shall the antennas and supporting structures extend more than one (1) foot beyond the pole in any direction.~~

~~3. In addition to the above standards, facilities shall comply with §17.45.050.~~

§17.45.070. Roof-Mounted Antennas and Facilities

A. Roof-mounted antennas, placed on a flat roof, may extend up to ten (10) feet above the roof line of the existing structure or up to ten (10) feet above existing equipment structures or penthouses, provided that the antenna is set back from the edge(s) of the roof a minimum distance equal to or greater than double the height of the antenna as measured from the roof line to the top of the antenna. The Design Review Committee may reduce the required setback if practical difficulties are demonstrated by the proponent and upon a finding ~~by the Design Review Committee~~ that a reduced setback would preserve the character of the neighborhood.

B. Roof-mounted facilities, placed on a pitched roof, may extend a maximum of five (5) feet above the roofline of the existing structure only upon a finding by the ~~Design Review Committee that~~ Planning Commission the proposed facility preserves the character of the neighborhood by meeting the highest standard of stealth design.

~~C. In addition to the above standards, roof mounted facilities shall comply with §17.45.050.~~

§17.45.080. Wall Mounted Antennas and Facilities

A. Wall mounted facilities shall not extend above the roofline of the building.

B. Wall mounted facilities shall not extend more than two feet horizontally from the face of the building.

C. The total area for all wall mounted facilities on any one façade of a building shall not exceed five percent (5%) of that façade's area.

~~D. In addition to the above standards, wall mounted facilities shall comply with Section §17.45.050.~~

§17.45.090. Monopoles ~~and Towers~~with Antennas**A. Design.**

1. The maximum height of a monopole or tower with antennas and antenna support structures shall be 70' in the Industrial and Commercial Service zones, 60' in the Commercial zone and 40' in all other zoning districts. ~~shall be limited to ten (10) feet above the maximum height for structures stated in §17.18.010, for the zone in which it is placed or ten (10) feet above the highest building within three hundred (300) feet of the monopole, whichever is higher.~~
2. The Hheight of a monopole shall be measured from the average finished grade of the site within a fifty-foot (50') radius to the top of the structure.~~;~~
- ~~3. The width of antennas and antenna mounting structures placed on the top of a monopole shall not exceed the width of the monopole at its highest point.~~
3. Antennas and their supporting structure mounted to the sides or top of the tower or pole shall be as slim in profile as possible. In no case shall the antennas and supporting structures extend more than one (1) foot beyond the side of the tower or pole.
- ~~4. In addition to the above standards, monopoles shall comply with §Section17.45.050.~~

B. Siting.

- ~~1. Monopoles are permitted only in the Commercial Service (CS) and Industrial Park (IP) zones.~~
21. Monopoles and towers shall be set back from ~~property lines adjacent to~~ all public and private streets (right-of-way line) ~~rights-of-way~~ at least two (2) feet for every one (1) foot of pole and antenna height. The Design Review Committee may reduce the required setback in the design review process if practical difficulties are demonstrated by the proponent and upon a finding ~~by the Design Review Committee~~ that a reduced setback would adequately preserve the character of the neighborhood.
32. Monopoles shall be set back a minimum of two (2) feet for every one (1) foot of pole height from ~~all the nearest~~ property lines ~~of any property in an~~ adjacent ~~to or within a~~ residential zone.
43. Any associated mechanical or electrical equipment shall be completely screened from view ~~from public rights-of-way and adjacent properties,~~ with a solid screen ~~fence or wall~~ and landscaping.
54. Antennas mounted to the sides of a monopole may only be allowed in the case of a co-location in accordance with §Section17.45.060.

§17.45.100. Historic District

Prior to considering thea conditional use and design review permit applications for any proposed telecommunication facility within the Historic District, the application shall be reviewed by the Historic Preservation Committee for a Certificate of Appropriateness.

§17.45.110. Legally Existing Nonconformities

Legally existing nonconforming wireless telecommunications facilities, equipment, and antennas are governed by Chapter 17.59.

§17.45.120. Abandonment

- A. The applicant, or the applicant's successor(s) and/or assign(s), shall be responsible for the removal of unused wireless telecommunications facilities within ninety (90) days of abandonment of use. If such facility is not removed by the property owner, then

17.45: Wireless Telecommunications Facilities

the City may employ all legal measures to remove the facility. See ~~§Section~~ 17.60.280-380.

- B. In the event of co-location on a monopole, if a secondary facility is abandoned, the owner of the primary facility shall have thirty (30) days, from the date the owner of the secondary facility files with the FCC the required “Notice to Abandon” ~~its facility~~, to reduce the height of the monopole to its previous or originally approved height. The City shall receive a copy of the “Notice to Abandon” filed with the FCC.

§17.45.130. Prohibited Facilities

No telecommunication antennas or facilities other than those specifically allowed in this chapter shall be permitted within the City except as otherwise required by applicable state or federal law.



Figure 17.45.140: Using stealth design on existing buildings

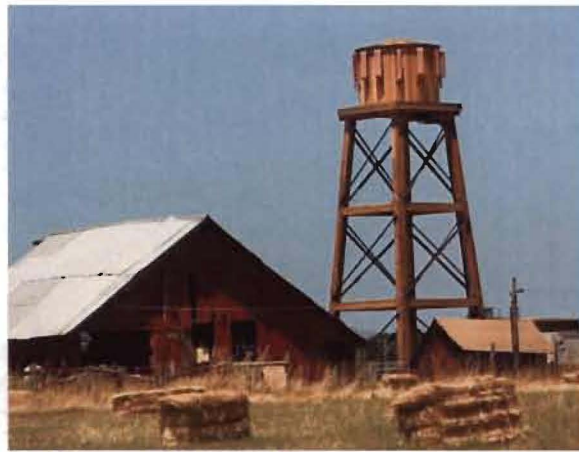


Figure 17.45.150: Using stealth design on agricultural structures

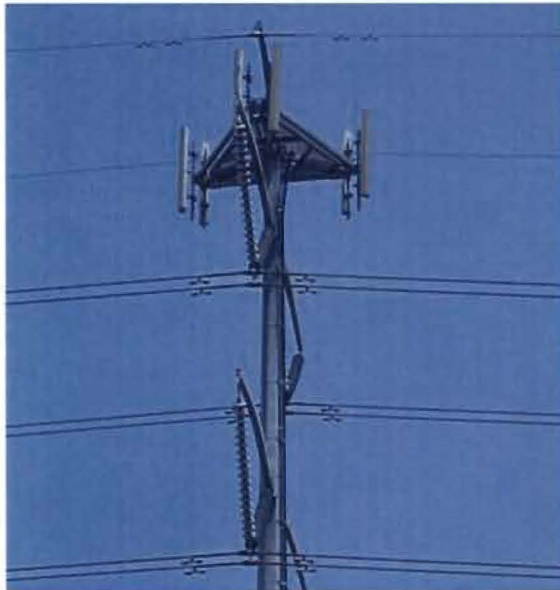


Figure 17.45.160: Using stealth design on existing utility poles



Figure 17.45.170: Using stealth design with vegetation



Figure 17.45.180: Monopole with internal antenna array



MEMORANDUM TO MUNICIPAL COUNCIL

DATE: July 12, 2013
FROM: Russ Holley, Community Development
SUBJECT: Wireless Telecommunication Code Amendment

Summary of Planning Commission Proceedings

| | |
|---|--|
| <i>Project Name:</i> | Wireless telecommunication Code Amendment |
| <i>Project Address:</i> | Citywide |
| <i>Recommendation of Planning Commission:</i> | Approval |

On July 11, 2013, the Planning Commission, by unanimous vote, recommended that the Municipal Council approve a request to amend the Land Development Code concerning wireless and telecommunication facilities.

Planning Commissioners, unanimous vote (4,0):

Recommend approval: Angela Fannesbeck, Konrad Lee, Russ Price, Amanda Davis.

Attachments:

Staff Report

Ordinance 13-59

PC Meeting Minutes (To be distributed at City Council meeting)



**Project #13-029
Wireless Code Amendment
Text Amendment**

REPORT SUMMARY...

| | |
|-------------------------|----------------------------------|
| <i>Project Name:</i> | Wireless Code Amendment |
| <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> | July 11, 2013 |
| <i>Submitted By:</i> | Russ Holley, Senior Planner |

RECOMMENDATION

Staff recommends that the Planning Commission recommend **approval** to the Municipal Council for the following amendment to the Land Development Code (LDC): Section 17.13, 17.17, 17.21, 17.45, 17.50.

REQUEST

The proposed text amendments to the Land Development Code are attached in their entirety and are summarized as follows:

- Amend LDC Table 17.13.040 to avoid repetition, all wireless, radio, television and telecommunication facilities are consolidated into one use category. They remain conditionally permitted in all residential zoning districts.
- Amend LDC Table 17.17.030 to avoid repetition, all wireless, radio, television and telecommunication facilities are consolidated into one use category. They change from being permitted to being conditionally permitted in all commercial zoning districts.
- Amend LDC Table 17.21.040 to avoid repetition, all wireless, radio, television and telecommunication facilities are consolidated into one use category. They change from being permitted and not permitted to being conditionally permitted in all public zoning districts.
- Amend LDC 17.45.010-020 to remove unnecessary language and add emergency services to the applicability list.
- Amend LDC 17.45.030 to require a conditional use permit for new facilities and streamline co-locating that does not result in a significant change.
- Amend LDC 17.45.040 to better detail application requirements.
- Amend LDC 17.45.050 to require less intrusive design requirements including better blending or camouflaging equipment.
- Amend LDC 17.45.060-090 to outline design requirements and establish maximum heights for towers and poles in certain zoning districts.
- Amend LDC 17.45.140-180 to illustrate examples of stealth design techniques to make facilities less visually intrusive.
- Amend LDC 17.50.040 to include wireless facilities into types of development that require a design review permit.

GENERAL PLAN

The General Plan doesn't specifically address wireless facilities, but Chapter 8 "Community Design" discusses future development and how that will impact people's impressions of Logan, in particular how the built environment creates either positive or negative billboards. Because of their extreme visibility, if wireless facilities are not carefully managed they have the potential to become negative billboards in our community.

STAFF RECOMMENDATION AND SUMMARY

The proposed amendments will better consolidate wireless facilities and make them easier to manage and permit. Because wireless telecommunication facilities are protected by federal laws, communities can not entirely prohibit wireless facilities. These amendments create reasonable limitations and design requirements that do not contradict federal laws and result in a proactive approach that channels future facilities into areas away from large populations with less visual value. By allowing taller poles in the industrial and commercial service zones and lower poles in the town center and residential zones, it will result in visually less intrusive poles in areas of town that have unique community characteristics and where people typically live. The additional stealth requirements will result in more creative applications that blend with Logan's unique characteristics better.

PUBLIC COMMENTS

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

AGENCY AND CITY DEPARTMENT COMMENTS

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

RECOMMENDED FINDINGS FOR APPROVAL

The Planning Commission bases its decisions on the following findings:

1. Utah state law authorizes local Planning Commissions to recommend ordinance changes to the legislative body (Municipal Council).
2. The Code Amendment is done in conformance with the requirements of Title 17.51 of the Logan Municipal Code.
3. The proposed Code Amendment allows for future wireless development in a manner more appropriate for the character of Logan City.
4. The proposed Code Amendment allows for necessary wireless facility developments in accordance with federal laws.
5. The proposed Code Amendment does not oppose the overall goals and objectives of the General Plan, because limiting heights in residential areas and allowing them in areas with lower visual value will result in fewer negative impacts to the City of Logan.

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.



AMENDMENTS & ZONE CHANGE

**PUBLIC
HEARING
PLANNING COMMISSION**

**THURSDAY
July 11, 2013**

5:30 PM

**MUNICIPAL COUNCIL CHAMBERS
LOGAN CITY OFFICES
290 North 100 West**

The Logan City Planning Commission will hold a public hearing to receive input on the following:

- ✓ PC 13-016 LDC Infill & Flag Lots Amendment (continued from May 23, 2013) Logan City requests an amendment to the Land Development Code Section 17.37 to include new infill and flag lot development standards. 13-61
- ✓ PC 13-024 LDC Amendment – 17.60 Civil Fees Code Amendment Logan City requests to amend the Land Development Code Section 17.60 to modify the administrative enforcement provisions regarding civil fees. 13-62
- ✓ PC 13-028 Quad Training Code Amendment Brandon Carlisle/Bryan Smith, authorized agent/owner, request an amendment to the Land Development Code Section 17.27.030 allowing health and fitness centers in the Industrial Park (IP) zone; TIN 07-176-0008. 13-53
- ✓ PC 13-029 LDC Amendment - Wireless Logan City requests to amend sections 17.13, 17.17, 17.21, 17.45 and 17.50 in the Land Development Code regarding telecommunication facilities. 13-59
- ✓ PC 13-031 LDC Amendment – Historic District Logan City requests to amend sections 17.46 and 17.27 in the Land Development Code to clarify the project review process for certificate of appropriateness and design review in the Historic District. 13-64
- ✓ PC 13-031 LDC Amendment – Design Standards 17.18 & 17.50 (continued from June 27, 2013) Code Amendment. Logan City requests to amend sections 17.18 and 17.50 of the Land Development Code to clarify design standards in commercial, industrial, mixed use and commercial service zones. The amendment also clarifies Planning Commission review authority in the design review process. 13-64

The Municipal Council is tentatively scheduled to hold a workshop on these items on **Tuesday, August 6, 2013**, and a public hearing on **Tuesday, August 20, 2013**. Both meetings will be held in the Logan City Municipal Council Chambers at 290 North 100 West at 5:30 pm. Contact the Department of Community Development at 716-9021 for more information or www.loganutah.org

- published in H.J. 6/30/13

LEGAL NOTICE
Municipal Council
August 6 & 20, 2013

The following public hearings will be held in the Logan City Municipal Council Chambers at 290 North 100 West at 5:30 p.m. All comments must be submitted to Community Development to be included in the public record before 5:00 p.m. on August 1, 2013. Contact 716-9021 or www.loganutah.org for further info.

Public Hearings:

13-61 **PC 13-016 LDC Amendment - Infill & Flag Lots** Code Amendment. Logan City requests an amendment to the Land Development Code Section 17.37 to include new infill and flag lot development standards.

13-62 **PC 13-024 LDC Amendment – 17.60 Civil Fees** Code Amendment Logan City requests to amend the Land Development Code Section 17.60 to modify the administrative enforcement provisions regarding civil fees.

PC 13-025 1200 E. Rezone Zone Change Logan City/Laree Johnson-Dick Sackett, authorized agent/owner request to rezone two (2) parcels along 1200 East 1250 North from Mixed Residential High (MRH) to a mixture of eight (8) acres of Mixed Residential High (MRH) and twelve (12) acres of Neighborhood Residential Eastside (NRE). This rezone request is a result of the 2012 city-wide zoning project. TIN 05-011-0004;0005.

13-59 **PC 13-029 LDC Amendment - Wireless Telecommunications** Code Amendment. Logan City requests to amend sections 17.13, 17.17, 17.21, 17.45 and 17.50 in the Land Development Code regarding telecommunication facilities.

13-63 **PC 13-030 LDC Amendment – Historic District 17.27 & 17.46** Code Amendment. Logan City requests to amend sections 17.46 and 17.27 in the Land Development Code to clarify the project review process for Certificate of Appropriateness and design review in the Historic District.

13-64 **PC 13-031 LDC Amendment – Design Standards 17.18 & 17.50** (continued from June 27, 2013) Code Amendment. Logan City requests to amend sections 17.18 and 17.50 of the Land Development Code to clarify design standards in commercial, industrial, mixed use and commercial service zones. The amendment also clarifies Planning Commission review authority in the design review process.

PC 13-035 LDC – Gateway Zone Code Amendment. Logan City is requesting to amend the Land Development Code Use Table 17.17.030. Change outdoor storage, warehouse, freight movement and waste-related use from not permitted to be allowed by conditional use.

13-65 **PC 13-039 Hospital Remodel & Budge Clinic Addition** Design Review, Conditional Use, Code Amendment & Zone Change. IHC, authorized agent/owner, request an amendment to the Land Development Code Section 17.30 to add a Hospital Overlay at 500 East 1400 North in the Commercial (COM) zone; TIN 05-016-0028.

Publication Date: Tuesday, July 23, 2013

**CITY OF LOGAN, UTAH
ORDINANCE NO. 13-61**

**AN ORDINANCE REPEALING A MORATORIUM ON INFILL SUBDIVISIONS IN
SINGLE FAMILY RESIDENTIAL ZONES AND AMENDING TITLE 17 THE LAND
DEVELOPMENT CODE OF LOGAN CITY, UTAH ESTABLISHING NEW INFILL AND
FLAGLOT DEVELOPMENT STANDARDS**

WHEREAS, it is the intent of the Council to manage growth by implementing the principles of the General Plan and Land Development Code; and

WHEREAS, in accordance with the vision of the General Plan, the Council desires to make land use decision which promote enduring quality and consideration for the entire community; and

WHEREAS, the Council finds that the proposed inner block and flag lot development regulations for residential subdivisions in existing single family neighborhoods promote quality development consistent with the General Plan; and

WHEREAS, the Council further finds that the proposed inner block and flag lot development regulations benefits the public interest by increasing minimum lot sizes and requiring additional streetscape standards for new inner block residential subdivisions within existing single family neighborhoods.

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

The temporary zoning regulations set forth in Logan City Ordinance No. 13-30 pertaining to the approval of inner block residential subdivisions are hereby rescinded;

That certain code entitled "Land Development Code, City of Logan, Utah" Chapter 17.37: "Supplemental Development Standards" is hereby amended as attached hereto as Exhibit A, respectively:

This ordinance shall become effective upon publication.

PASSED BY THE LOGAN MUNICIPAL COUNCIL, STATE OF UTAH, _____
THIS DAY OF _____, 2013.

AYES:
NAYS:
ABSENT:

Holly Daines, Chair

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 _____, 2013.

Holly Daines, Chairman

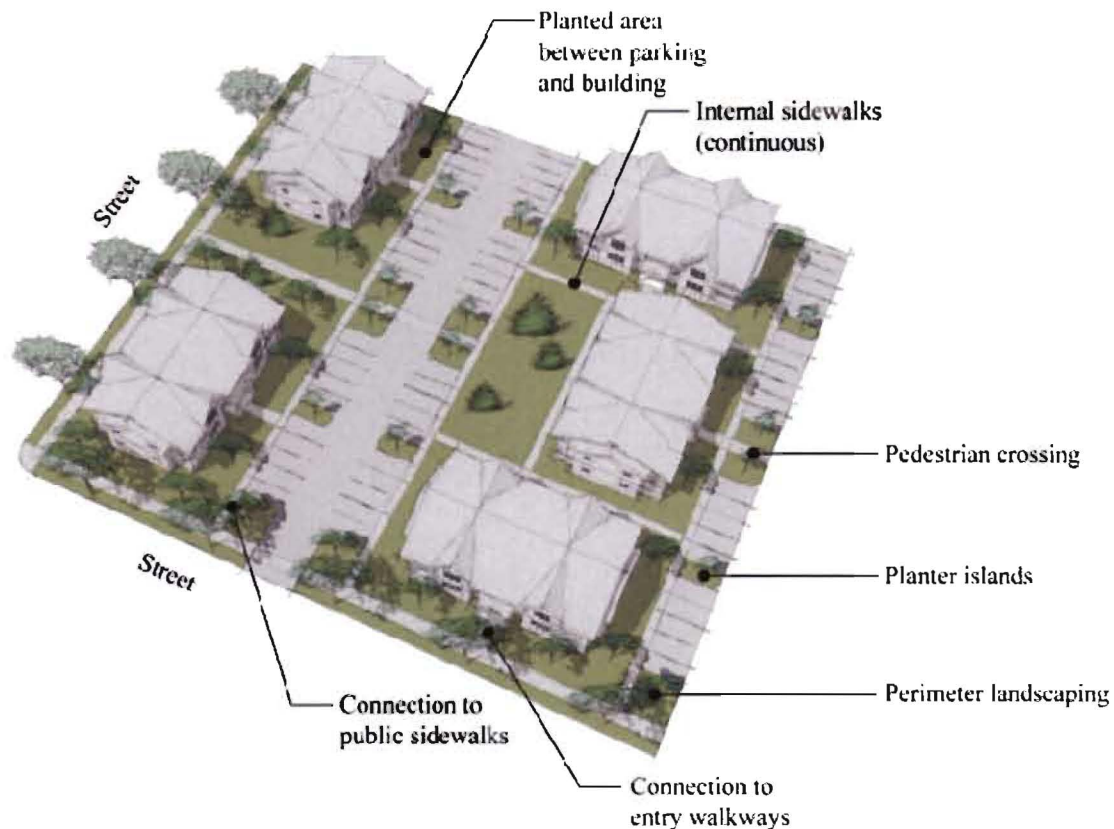
MAYOR'S APPROVAL OR DISAPPROVAL

The foregoing ordinance is hereby _____ this ____ day of _____, 2013.

Randy Watts, Mayor

EXHIBIT A

Figure 17.37.150.B2 Pedestrian Pathway System for Multifamily Development (Typical)



§17.37.160 Blocks Connectivity Standards

- A. **Purpose.** All streets must connect to other streets, forming a grid street pattern that extends Logan's historic street grid. Miniblocks are the preferred road configuration (See Figure 17.37.160.D.2), except where physical conditions of the site or abutting properties preclude street connections. Wherever the street layout cannot conform exactly to the grid pattern due to topographic constraints, pre-existing development patterns, or the presence of critical areas, a modified grid which provides a close match shall be achieved.
- The purpose of this Section is to build on the historic block structure and street grid of Logan, ensure that new development creates a pedestrian-friendly environment through interconnected streets and pedestrian ways, and implement the General Plan regarding blocks. Where street and pedestrian connections are not practical due to topographic constraints, pre-existing development patterns, or the presence of sensitive lands or environmental resources, the code is intended to provide flexibility.
- B. **Applicability.** Stubbing of streets to allow for future street extensions through adjoining developable parcels is required for all new developments. The street system shall be designed to connect with existing, proposed, and planned streets outside of the development. All street stubs shall be provided with a temporary turn-around unless

17.37: Supplemental Development Standards

~~specifically exempted by the Fire Chief. The restoration and extension of the street shall be the responsibility of any future developer of the abutting land.~~

~~The provisions of this Section shall apply to all subdivisions approved on or after February 13, 2011, and new developments requiring the creation of a new street or pedestrian access way or the reservation of right-of-way for future street or access way improvements, as determined by the Director.~~

- C. ~~Adjustments: The hearing body may grant adjustments to the standards in Section 17.37.160 upon finding that the proposal is consistent with the purpose of the zone in which it is located, is consistent with the intent of this section, and there are no practical design alternatives for complying with the subject standard, such as a modified lot layout, reduced lot size, interim design standards (e.g., street end with temporary turnaround), modified street alignment, reduced and/or modified street cross section, and pedestrian access ways (e.g., walk way and/or stairway) in lieu of full street connection, modification of building design, and other site and building alternatives~~

~~The hearing body may grant adjustments to the standards in Section 17.37.160 upon finding that the proposal is consistent with the purpose of the zone in which it is located, is consistent with the purpose of this section, and there are no practical design alternative for complying with the subject standard, such as a modified lot layout, reduced lot size, interim design standards (e.g., street end with temporary turnaround), modified street alignment, reduced and/or modified street cross section, and pedestrian access ways (e.g., walk way and/or stairway) in lieu of full street connection, modification of building design, and other site and building alternatives.~~

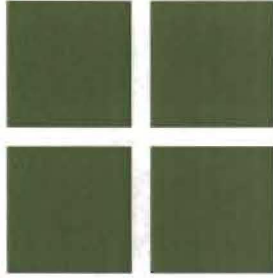
- D. ~~Logan Block Types: Street and pedestrian connections (block length) shall be provided consistent with the standards in Table 17.37.160.D.1, unless modified through a Type 2 review or other provisions of this ordinance.~~

~~1.— Intent:~~

~~An enhanced street grid system using blocks, superblocks, and miniblocks will be used to retain and extend the historic grid in Logan.~~

~~2.— Definition and Purpose:~~

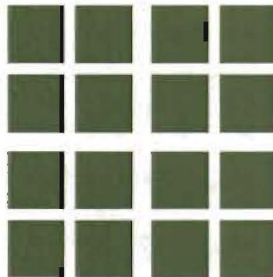
17.37: Supplemental Development Standards

**Blocks**

Traditional 10-acre blocks are the standard template for the development of land and streets. They are intended to extend the historic street and block pattern of Logan.

**Superblocks**

Superblocks are combinations of standard blocks into larger 20-, 30- or 40-acre development parcels. The arrangement of superblocks will align with the 10-acre grid network but may have fewer public roads on the interior to accommodate large-scale buildings or structures. They are intended for large commercial projects, industrial complexes, airports, municipal utility complexes, and large regional parks.

**Miniblocks**

Miniblocks are divisions of standard blocks into 2- to 5-acre development parcels. Blocks will be divided into quarter blocks whenever the size or density of development requires more roadway access and connectivity. Development of miniblocks is intended to create smaller scale neighborhoods, mixed-use centers, and infill of large-scale commercial projects. The result will be a network of roads, walkways, and street trees that create greater connectivity and quality public streetscapes.

3. Applicability:

Table 17.37.180.D3 establishes the type of block required within each base zone. Where two block types are listed as permitted within a zone district, the required block type or combination of block types shall be determined by the Director.

Table 17.37.160.D3: Permitted Block Types by Zone District

| Zone District | Block | Superblock | Miniblock |
|---------------|-------|------------|-----------|
| NR | X | | X |
| MRM | X | | X |
| MRH | X | | X |
| NC | X | | X |
| CR | X | | X |
| RR | X | X | |
| RC | | X | |
| COM | X | | X |
| TC | X | | X |
| MU | X | | X |
| UC | X | | X |
| GW | X | | X |
| CS | X | | X |
| IP | X | X | |
| AP | X | X | |
| PUB | X | X | X |
| REC | X | X | |

4. Dimensions.

~~Street and pedestrian connections shall be provided consistent with the standards in Table 17.37.160.D4, unless modified through a Type 2 review or other provisions of this ordinance.~~

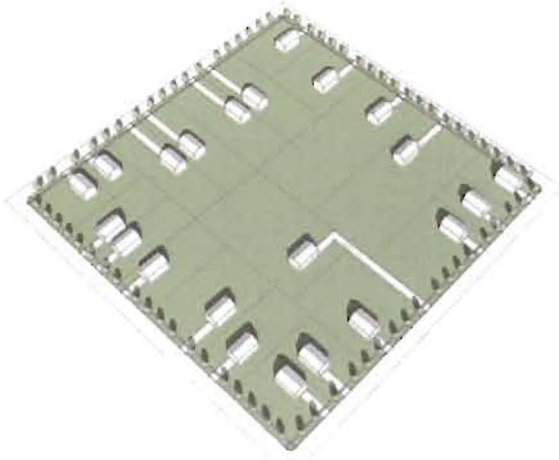
Table 17.37.160.D4D.1: Street and Pedestrian Connection Spacing

| Block Type | Maximum Spacing Between Streets | Maximum Spacing Between Pedestrian Connections |
|------------|---------------------------------|--|
| Block | 660' | 330' |
| Superblock | 1320' | 1320' |
| Miniblock | 330' | 330' |

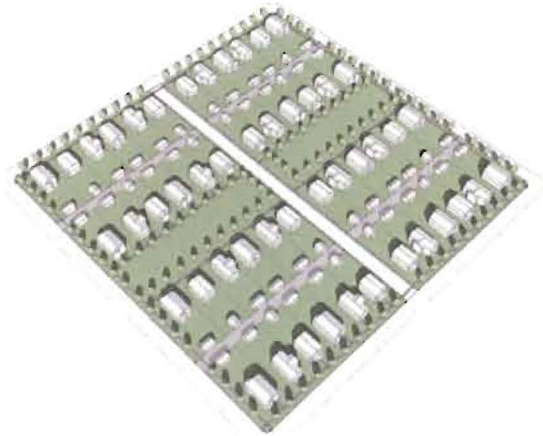
5. Miniblock Examples.

~~Figure 17.37.160.D5 illustrates examples of preferred miniblock configurations that maintain the larger 10-acre block pattern while creating enhanced internal connectivity.~~

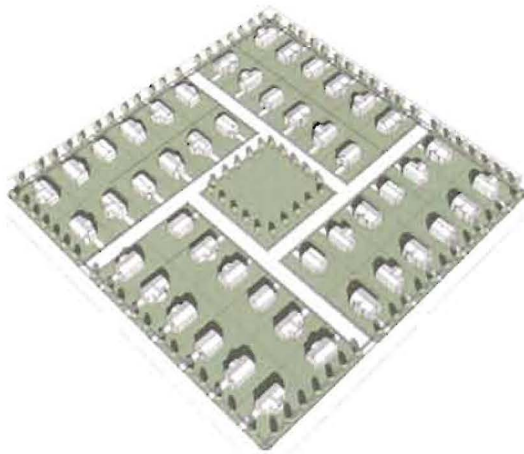
Figure 17.37.160.D5D.2: Examples of Miniblock Configurations



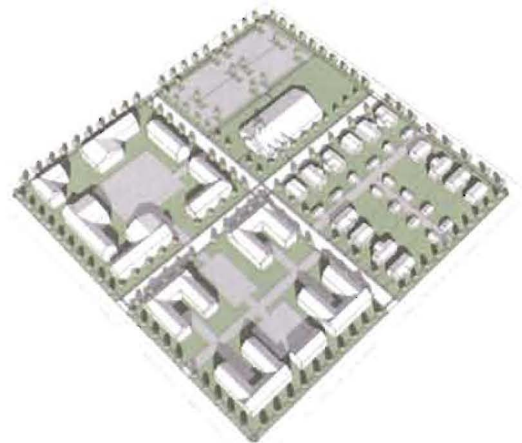
Sample Existing Block



Alternative A: Courtyard and Alley Block



Alternative B: Pinwheel Block
(Applies to infill development only)



Alternative C: Mixed Use Block

E. Connectivity Standards.

1. All streets must connect to other streets, forming a grid street pattern that extends Logan's historic street grid, as generally illustrated in Figure 17.37.160D5, except where physical conditions of the site or abutting properties preclude street connections. Wherever the street layout cannot conform exactly to the grid pattern, a modified grid which provides a close match shall be achieved. Street design standards apply as shown in Chapter 17.36.
- 2.1. Stubbing of streets to allow for future street extensions through adjoining developable parcels is required for all new developments. The street system shall be designed to connect with existing, proposed, and planned streets outside of the development. Wherever a proposed development abuts unplatted land or a future development phase of the same development, street stubs shall be provided to allow access to future abutting subdivisions and to logically extend the street grid system into the surrounding area. All street stubs shall be provided with a

~~temporary turn-around unless specifically exempted by the Fire Chief, and the restoration and extension of the street shall be the responsibility of any future developer of the abutting land.~~

~~Miniblocks are the standard road configuration. Where existing development, critical lands, environmental constraints, or natural features preclude applying the grid street pattern, the review body may approve an exception to the street standards. An exception from the grid street pattern still requires connectivity with another road alignment. 4. New subdivisions shall provide connection to adjacent or future streets as per Table 17.37.160.E1:~~

Table 17.37.160.FE1: Minimum Number of Street Connections by Size of Residential Development

| Number of Dwelling Units Served | Number of Connections |
|--|------------------------------|
| Greater than 20 | 43 |
| 16-209-20 | 32 |
| 6-151-8 | 21 |
| 5 or less | 1 |

§17.37.170 Residential Infill and Flag Lot Development Standards

~~F. Infill Street Standards Existing Blocks~~

A. Applicability.

The standards in this Section apply ~~to development proposals within the interior of~~ existing Logan Blocks where development exists around at least 50% of the perimeter of a block.

B. ~~Street Connections. Infill or flag lot subdivisions of one (1) additional lot shall meet the following standards (also see Figure 17.37.170.F.1):~~

~~New development within established blocks shall provide connections to adjacent streets per the following standards, and as generally illustrated in Figure 17.37.160.F1.~~

1. ~~Minimum Lot Size. The minimum size of a proposed lot shall be 150% of the minimum lot size established by the underlying zoning district. The base lot shall meet the minimum lot size of the underlying zoning district.~~
2. ~~Road Standards. Access may be provided by a shared driveway with a minimum pavement width of 20'. Sidewalks, curb, gutter and parkstrip are generally not required. The shared driveway shall maintain a four (4) foot setback from all adjoining property lines and an eight (8) foot setback from any existing residential structure. The four (4) foot setback area shall be landscaped and maintained.~~
3. ~~Building Setbacks. All new construction shall maintain a 20' front setback from the paved edge of the shared driveway to ensure adequate parking is available for each of the proposed lots. All side and rear setbacks shall be consistent with the underlying zoning district.~~

Table 17.37.160.F1: Minimum Number of Street Connections by Size of Residential Development

| Number of Dwelling Units Served | Number of Connections |
|--|------------------------------|
| Greater than 20 | 4 |

17.37: Supplemental Development Standards

| | |
|-----------|---|
| 16-20 | 3 |
| 6-15 | 2 |
| 5 or less | 1 |

C. Future Development Potential ~~Infill or flag lot subdivisions of two (2) to eight (8) lots shall meet the following standards:-~~

~~If a proposed development will result in property that can be further developed in the future, the applicant shall demonstrate how compliance with the infill street standards can be met in the future.~~

1. Minimum Lot Size. The minimum size of a proposed lot shall be 125% of the minimum lot size established by the underlying zoning district. The base lot shall meet the minimum lot size of the underlying zoning district.
2. Road Standards. Road access and improvements shall be provided within a separate right of way and may terminate with a cul-d-sac or loop road. The access road shall contain two travel lanes and one lane of parking within a minimum paved surface of 28'. Curb, gutter, sidewalk and parkstrip are required along the entire stretch of roadway. Minimum turn-around areas for emergency vehicles shall also be placed within the right of way. All improvements shall be constructed according to minimum City standards. All road improvements shall be located such that all existing residential structures meet a minimum setback of 15' as measured from back of curb to building foundation.
3. Building Setbacks. All new construction shall meet minimum setbacks of the underlying zoning district.

D. Infill or flag lot subdivisions of 9 or more lots shall meet the following standards:

1. Minimum Lot Size. The minimum size and dimensions of the proposed lots and the base lot shall be consistent with the minimum dimensional standards of the underlying zoning district.
2. Road Standards. Road access and improvements shall be provided within a separate right of way and shall provide at least two street connections. The access road shall contain two travel lanes and one lane of parking within a minimum paved surface of 28'. Curb, gutter, sidewalk and parkstrip are required along the entire stretch of roadway. All improvements shall be constructed according to minimum City standards. All road improvements shall be located such that all existing residential structures meet a minimum setback of 15' as measured from back of curb to building foundation.
3. Building Setbacks. All new construction shall meet minimum setbacks of the underlying zoning district.

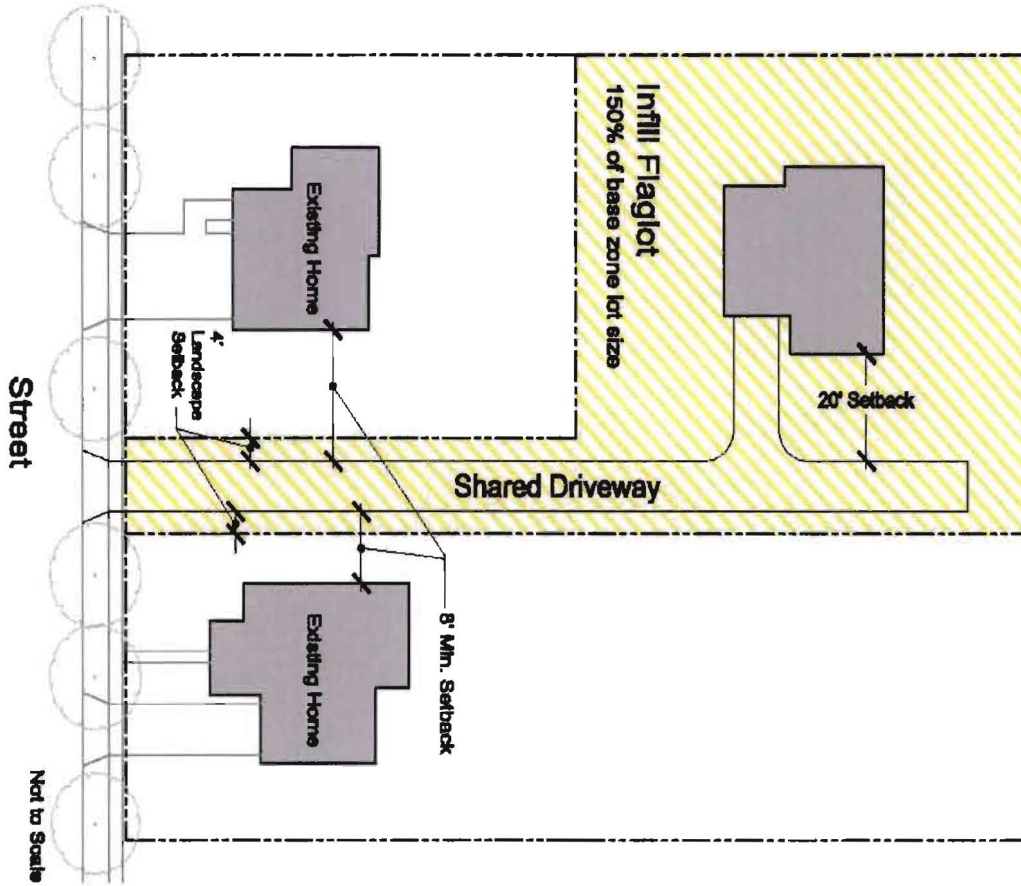


Figure 17.37.170.D.1 Infill and Flaglot Development Standards

1. Abutting Properties:

If compliance with the above standards is contingent upon infill development occurring on abutting properties, the applicant shall have the burden of proof in demonstrating the feasibility of such future infill development. Alternatively, the number of connections may be reduced through Track 2 Design Review, provided acceptable mitigating measures are provided for on-site pedestrian circulation.

§17.37.180 Future Street and Block Master Plans

G.A. Purpose.

The purpose of this section is to guide site development so that infill can occur over time that creates Blocks from Superblocks, and Miniblocks from Blocks. Planning for street connectivity and new blocks helps provide transportation options,

walkable streets, and efficient use of land.

H.B. Applicability.

These standards apply to all new multi-family, commercial, mixed use, and public development sites greater than 5 acres.

I.C. Future Street and Block Plan.

1. All developments over five acres must include within their development proposal a plan illustrating how the subject property could be divided into Blocks or Miniblocks (depending on the zone or overlay zone).
2. Initial development shall be sited so that future block creation is possible. See Figure 17.37.~~160180~~.G.1. Future development shall be sited so that new blocks are formed and the new infill development is oriented to streets and other public spaces. See Figure 17.37.~~160180~~.G.2.

Figure 17.37.160180.G.1: Initial Site Design Creates Blocks

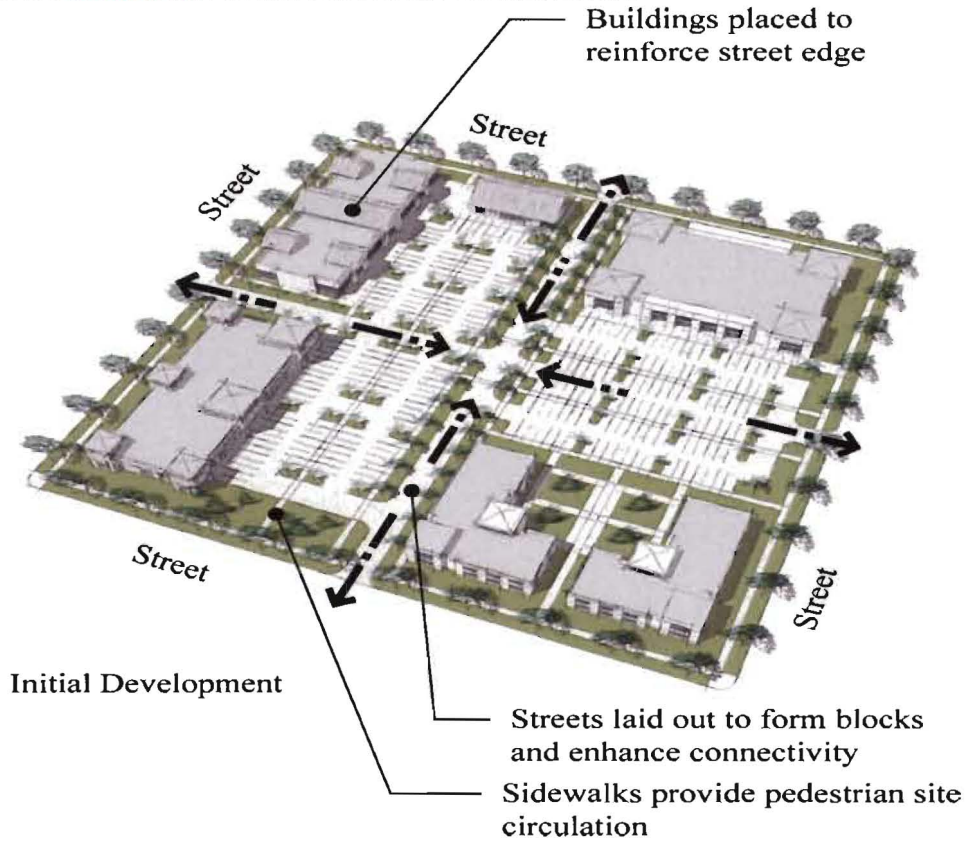
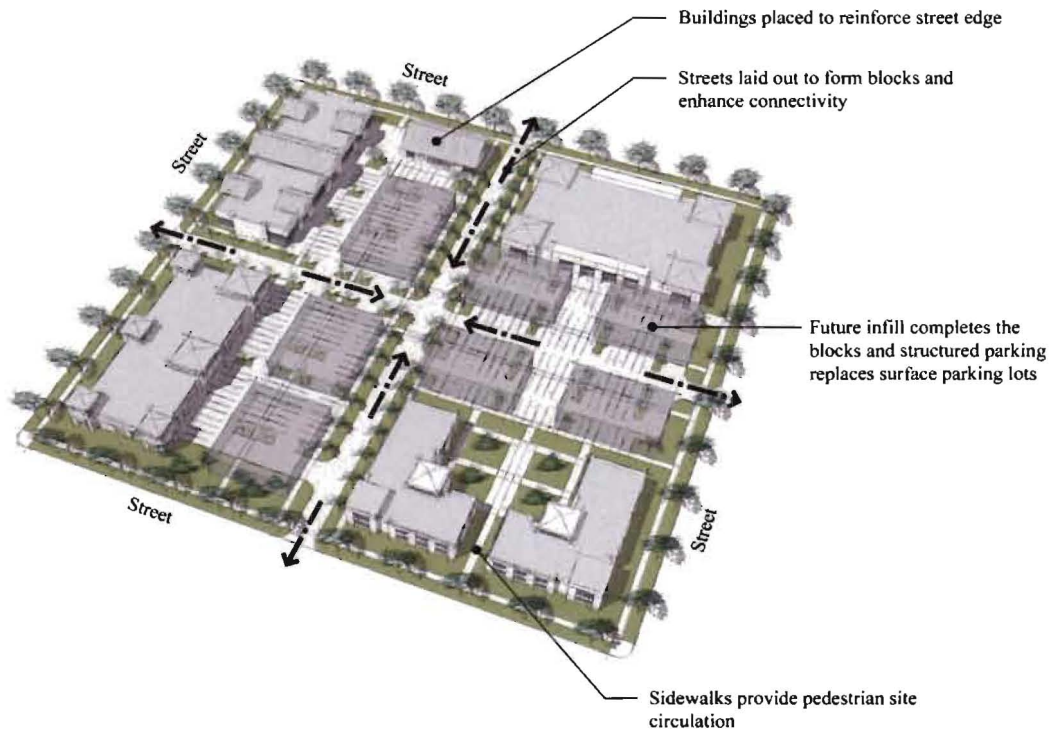


Figure 17.4137.180.G.2: Complete Blocks Support Future Infill





**Project #13-016
Land Development Code
Text Amendment**

REPORT SUMMARY...

| | |
|-------------------------|---|
| <i>Project Name:</i> | Infill & Flag Lot Development Standards |
| <i>Proponent/Owner:</i> | Logan City Community Development Department |
| <i>Project Address:</i> | Citywide |
| <i>Request:</i> | Code Amendment |
| <i>Type of Action:</i> | Legislative |
| <i>Date of Hearing:</i> | July 11, 2013 |
| <i>Submitted By:</i> | Mike DeSimone, Director |

RECOMMENDATION

Staff recommends that the Planning Commission recommend **approval** to the Municipal Council for the following amendment to the Land Development Code (LDC): Chapters 17.37.

REQUEST

The proposed text amendments to the Land Development Code are located in Section 17.37 and as outlined in the attached amended code language.

The planning Commission recommended a moratorium on new infill and flag lot developments that has since been adopted by the City Council on May 20th, 2013. The attached language is the result of staff working with Commission members Jeannie Simmonds and Russ Price to craft new infill & flag lot development standards.

The approach covered in Section 17.37.170 is to break residential infill into three separate categories, each with its own unique set of standards (infill development creating one additional lot; infill development creating two – eight lots; and, infill development creating nine or more lots). The goal was to create larger lots with the smaller projects, maintain existing setbacks, and require City road improvements on all infill larger than one additional lot.

In addition to the flag lot/infill language, we made a number of formatting and grammatical changes relative to connectivity standards.

The additional attachments help illustrate the proposed standards.

GENERAL PLAN

The General Plan discusses a number of broad concepts related to infill & flag lot development, especially as they relate to neighborhood compatibility and interconnectivity. These proposed amendments help clarify and further refine the policies expressed in the General Plan and ultimately codified in the Land Development Code.

STAFF RECOMMENDATION AND SUMMARY

Staff finds that the proposed amendments will help ensure new infill & flag lot development is compatible with Logan’s existing neighborhoods by establishing appropriate infill & flag lot development standards applicable throughout the City.

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 5/9/13 and posted on the City's website and the Utah Public Meeting website on 5/10/13.

AGENCY AND CITY DEPARTMENT COMMENTS

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

RECOMMENDED FINDINGS FOR APPROVAL

The Planning Commission bases its decisions on the following findings:

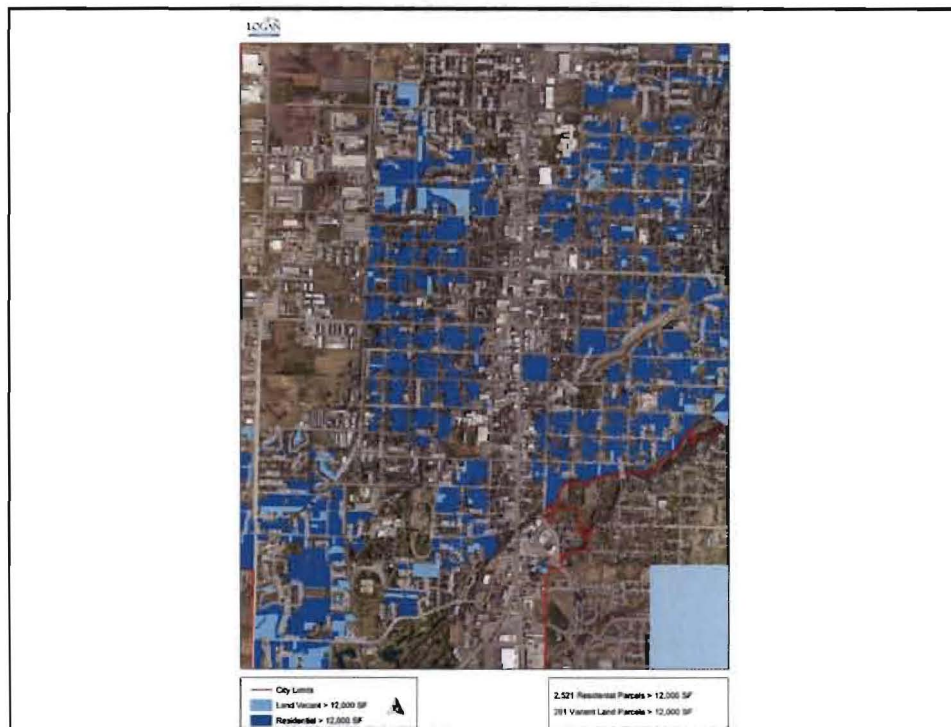
1. Utah state law authorizes local planning commissions to recommend ordinance changes to the legislative body (Municipal Council) that are consistent with the role of the Planning Commission.
2. The Code Amendment is done in conformance with the requirements of Title 17.51 of the Logan Municipal Code.
3. The proposed Code Amendments to Chapter 17.37 establishes new infill & flag lot development standards to help ensure these types of projects are compatible with the existing neighborhood. These amendments are consistent with the goals and objectives of the General Plan.
4. The proposed changes in minimum lot sizes for flag lots and infill subdivisions will ensure compatibility with existing residential lot sizes and will provide enough room on new lots to contain adequate building envelopes, off-street parking areas and areas for minimum infrastructure.
5. The proposed language changes ensure that new flag lot and infill subdivisions are adequately served by public infrastructure and are connected to the existing road network.
6. The General Plan and Land Development Code place a high priority on quality development that promotes both vehicular and pedestrian interconnectivity between new development and existing neighborhoods.

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.



Continued- LDC Amendment Infill & Flag Lots

**PC # 13-016
Code Amendment**





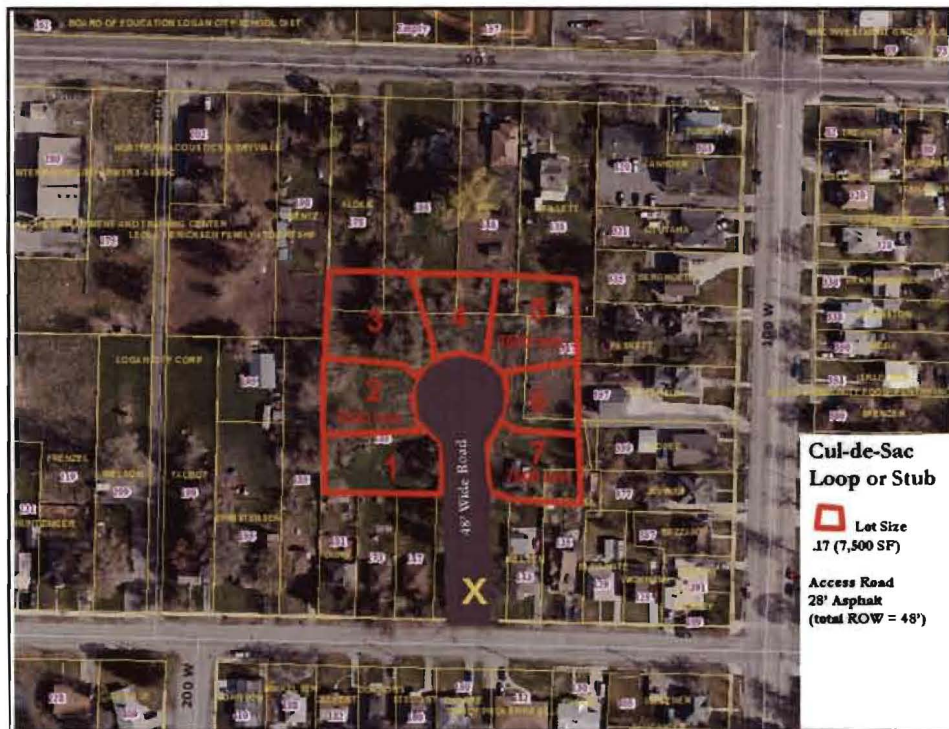
















CITY OF LOGAN, UTAH
ORDINANCE NO. 13-30

A TEMPORARY ZONING REGULATION ESTABLISHING
A MORATORIUM ON INFILL SUBDIVISIONS IN
SINGLE FAMILY RESIDENTIAL ZONES

WHEREAS, it is the intent of the Council to manage growth by implementing the principles of the General Plan and Land Development Code;

WHEREAS, in accordance with the vision of the General Plan, the Council desires to make land use decisions which promote enduring quality and consideration for the entire community; and

WHEREAS, the Council finds that inner block development in single family residential neighborhoods has a significant impact on these neighborhoods; and

WHEREAS, the Council further finds that the current inner block development regulations for residential subdivisions in existing single family neighborhoods needs further consideration and study; and

WHEREAS, the Council finds for the reasons stated herein that there is a compelling, countervailing public interest for the temporary zoning regulation set forth below.

NOW, THEREFORE, BE IT ORDAINED by the Logan Municipal Council as follows:

Pursuant to Utah Code Annotated § 10-9a-504 there is hereby established a temporary zoning regulation imposing a moratorium on approval of residential subdivisions that meet the definition of "Inner Block Development" as defined in Chapter 17.62 of the Logan Land Development Code in single family residential zones. Applications yet to be filed for Inner Block Development within single family residential zones are hereby placed in a state of moratorium for a period not to exceed six (6) months. This moratorium shall not apply to the dividing of a single parcel of land into two parcels.

This ordinance shall become effective as of May 26, 2013.

PASSED BY THE LOGAN MUNICIPAL COUNCIL, STATE OF UTAH THIS 21 day of May, 2013 by the following vote:

AYES: Ward, Jensen, Scivies, Olsen, Quayle

NAYS: None

ABSENT: None

Holly Daines
Holly Daines, Chairman

ATTEST:

Teresa Harris
Teresa Harris, City Recorder

Notes for City Council Meeting
May 7, 2013

Regarding request for a moratorium on flag lot subdivisions in single-family neighborhoods of Logan.

Statements from the General Plan

1. The plan recommends that any new areas be planned and developed according to solid traditional neighborhood principles that ensure quality growth. P. VIII
2. A key instrument of changes in this General Plan is: A long-range insistence on quality development. P.1-1
3. The General Plan is a reflection of the community's values. P. 1-2
4. Great places result when thoughtful plans are implemented over a long period of time. P. 1-3
5. 2 of the goals of the General Plan: Maintain Logan's traditional atmosphere. Prevent neighborhood deterioration and restore neighborhood vitality. P 1-5
6. Followed by actions 3&4
 - a. Preserve and restore neighborhoods
 - i. Provide financial incentives to attract new families to settle in Logan
 - ii. Ensure that all residential streets are "complete streets" with attractive and well maintained pavement, curbs, gutters, park strips with street trees, sidewalks, and bike lanes
 - iii. Enforce occupancy limits, parking regulation, and encourage front yard maintenance
 - b. Protect Logan's traditional atmosphere by:
 - i. Restoring the grid system of streets, walks, and shady front yards
7. Neighborhood diversity is often interpreted as affordable housing or multi-family units, but the definition of neighborhood diversity should be broadened to include a full range of homes from large with expansive yards to small homes with very efficient shared open space. P 2-4
8. The building blocks of the city will be composed of block, superblocks, and mini blocks. P 2-5



**Temporary Moratorium New
Residential Infill
Subdivisions
Ordinance 13-30**

Extent of the Infill Issue:

Minimum lot size in NR zones –
6,000 square feet

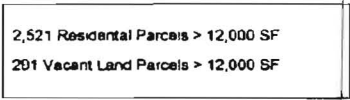
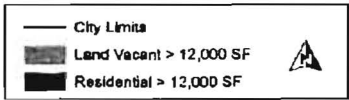
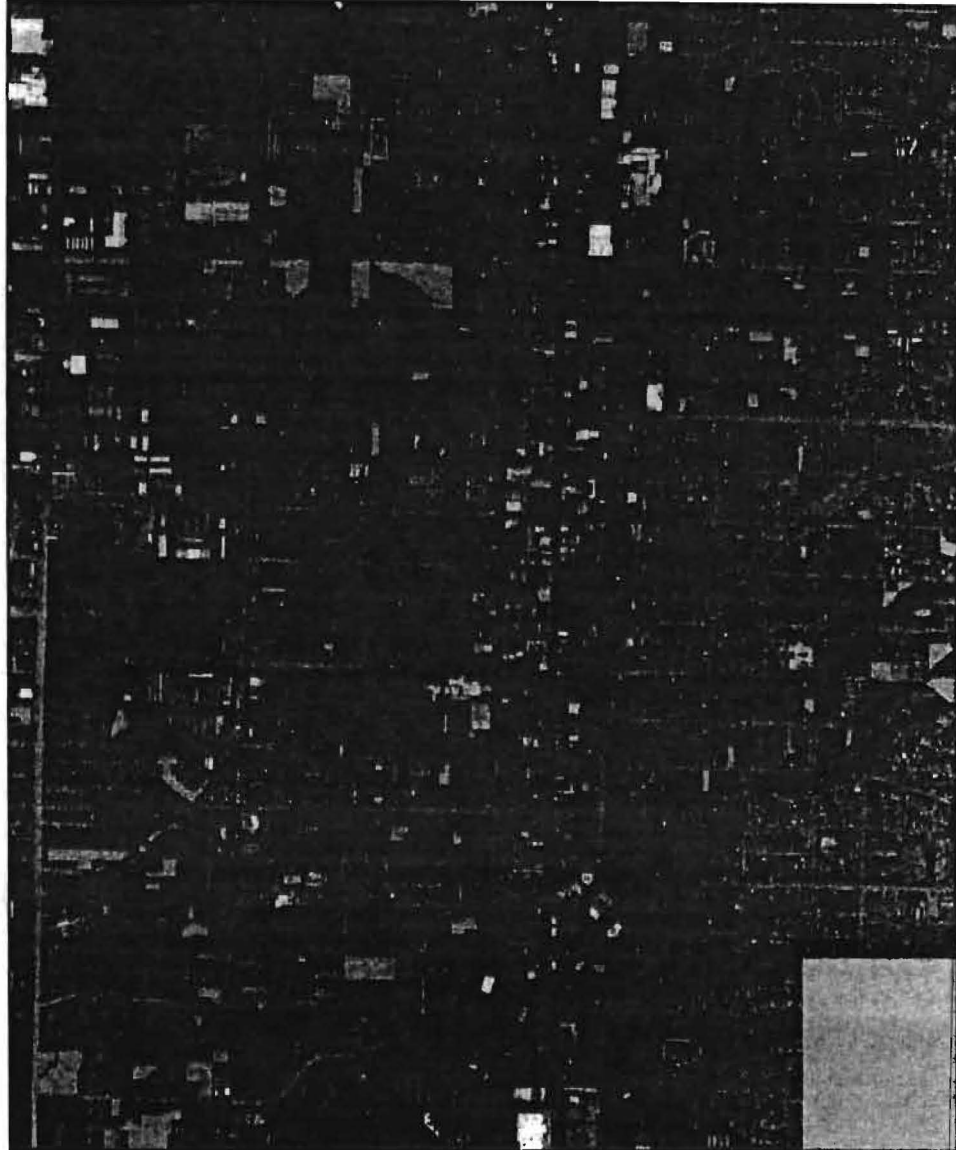
2,521 Res. Parcels > 12,000 sf

291 Vacant Parcels > 12,000 sf

Typical infill location – center of
blocks

Lack adequate flag lot or infill
development standards to protect
neighborhood integrity

The result has been infill
developments on private roads,
small lots, lack of connectivity,
houses facing the rear of existing
homes, etc....



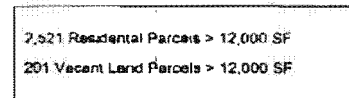
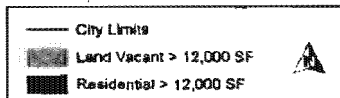
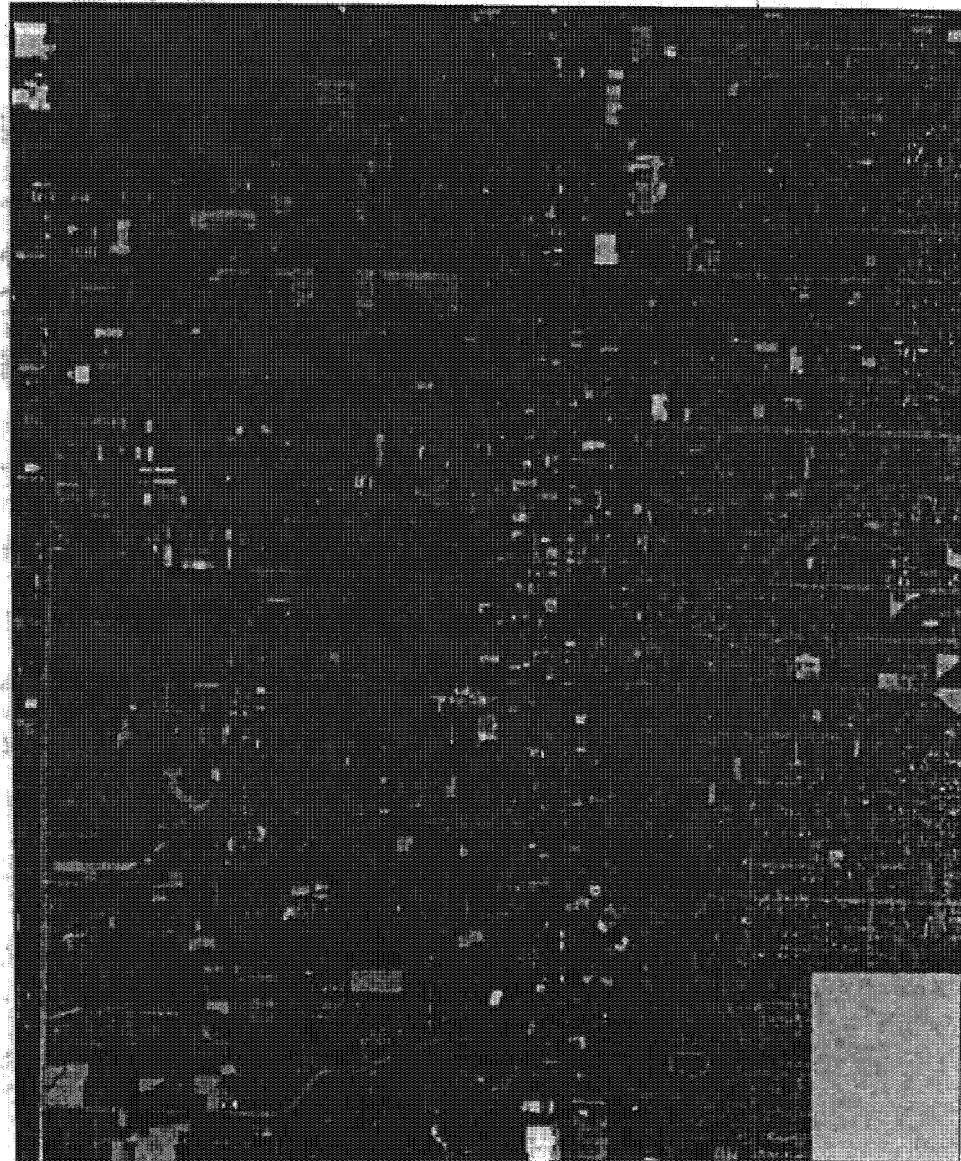
Purpose of Moratorium

Provide time for the Planning Commission and Staff to develop infill standards

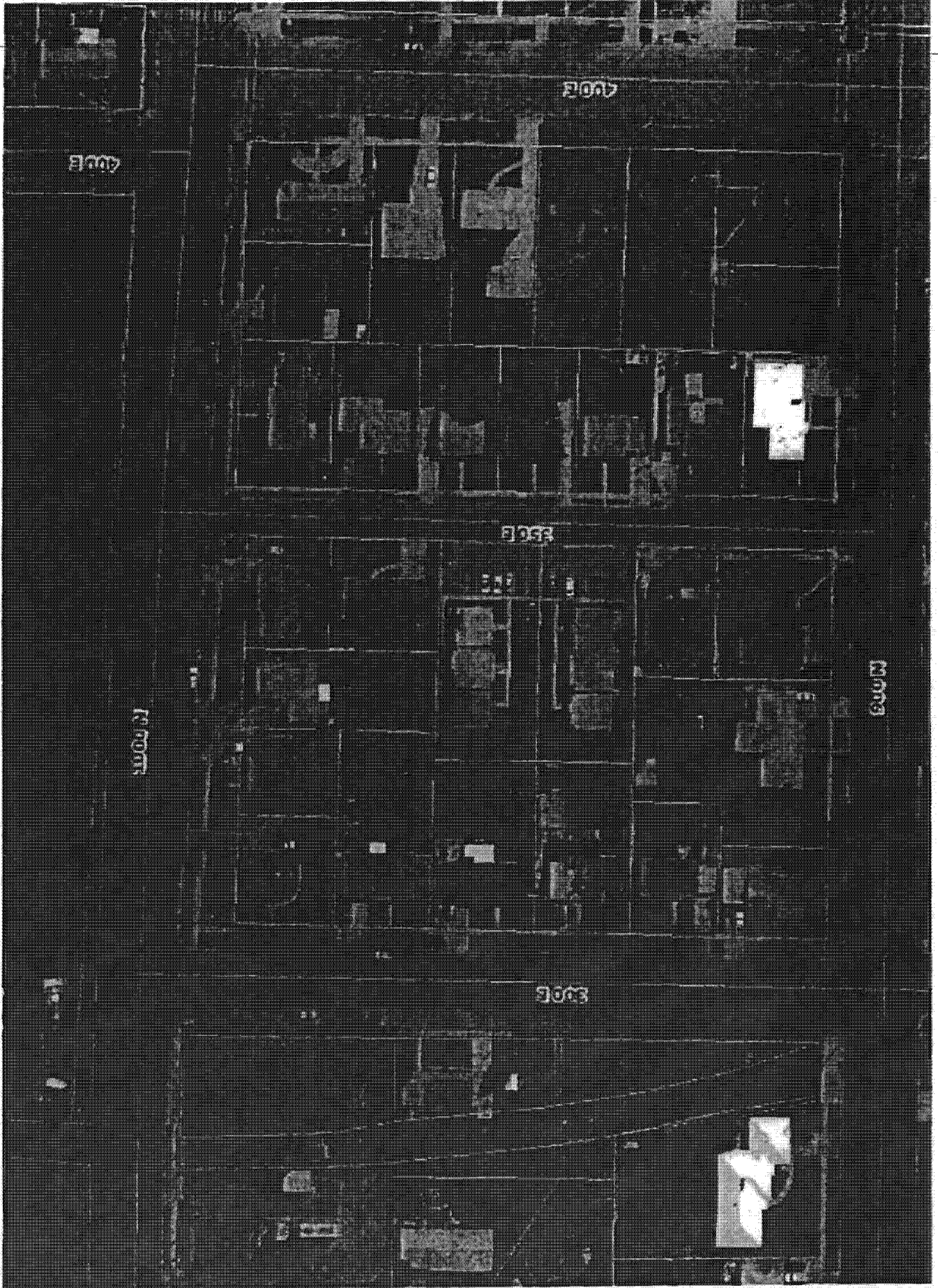
Moratorium applies to all new residential subdivisions meeting definition of "Inner Block Development" per LDC

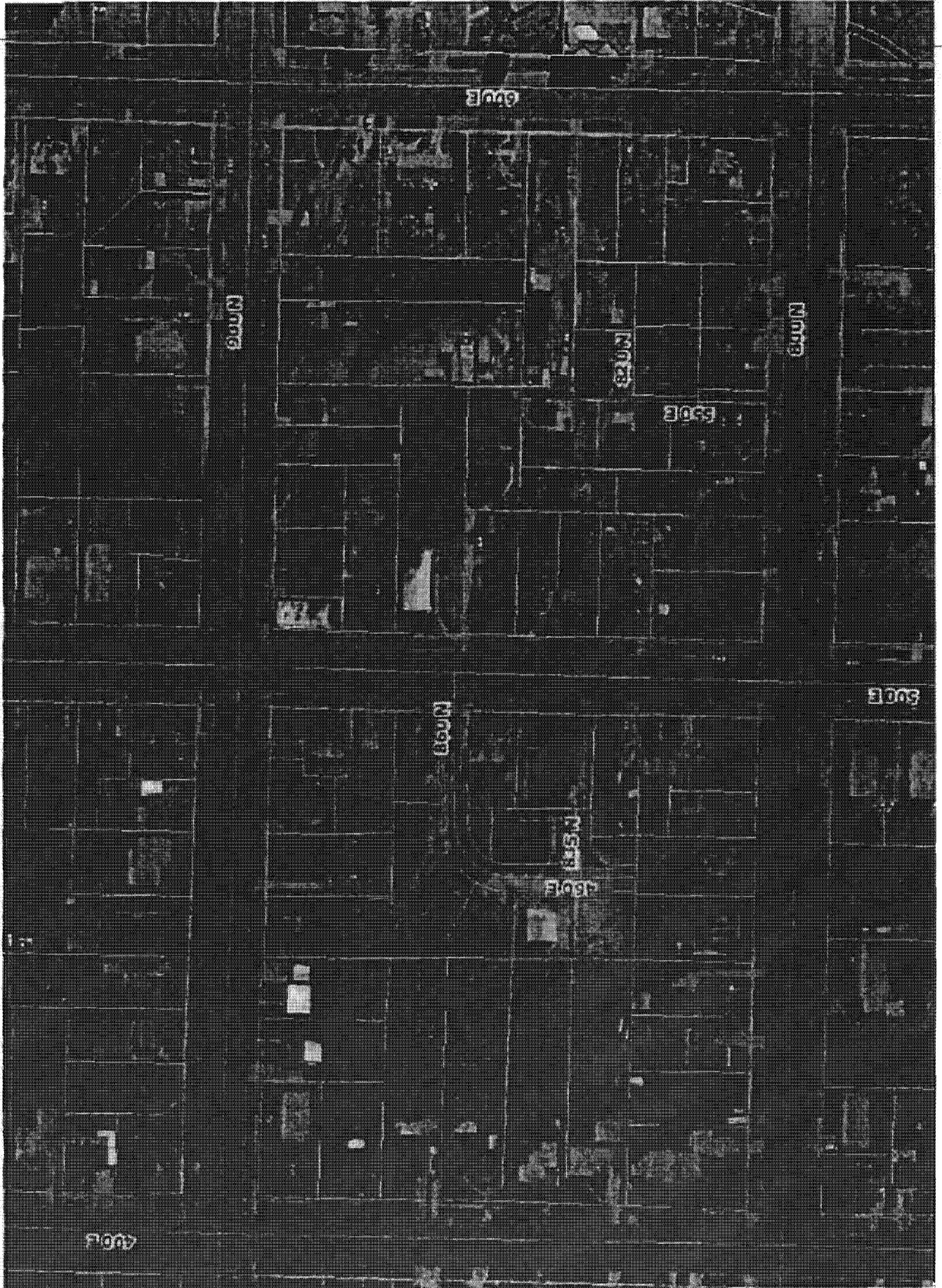
Excludes the division of a single parcel of land into two parcels

Moving forward - staff and PC members meeting to develop standards, once draft standards are complete, will file a LDC amendment, engage public process and come back to Council for ratification of changes









NOTE

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FLOOR

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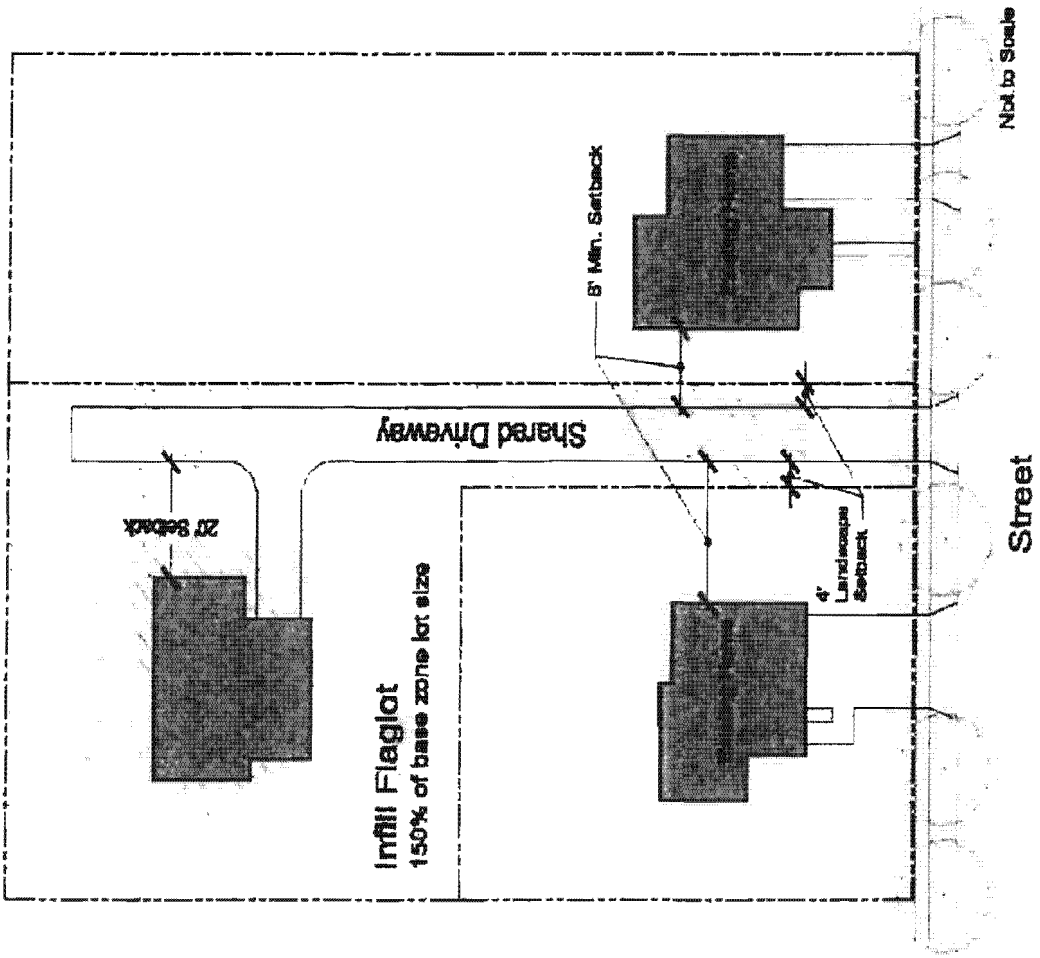
FLOOR

NOTE

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FLOOR

FLOOR





4 lots or less

- Minimum Lot Size. The minimum size of a proposed lot shall be 150% of the minimum lot size established by the underlying zoning district.
- Access may be provided by a shared driveway with a minimum pavement width of 20'. Sidewalks, curb, gutter and parkstrip are generally not required.
- The shared driveway shall maintain a four (4) foot setback from all adjoining property lines and an eight (8) foot setback from any existing residential structure. The four (4) foot setback area shall be landscaped and maintained.
- Building Setbacks.
- All new construction shall maintain a 20' front setback from the paved edge of the shared driveway to ensure adequate parking is available for each of the proposed lots. All side and rear setbacks shall be consistent with the underlying zoning district.



5-12 lots

•Infill or flag lot subdivisions of five (5) to 12 lots shall meet the following standards:-

•Minimum Lot Size. The minimum size and dimensions of the proposed lots and the base lot shall be consistent with the minimum dimensional standards of the underlying zoning district.

•Road Standards.

•Road access and improvements shall be provided within a separate right of way. The access road shall contain two travel lanes and one lane of parking within a minimum 28' of paved surface. Curb and gutter are required along the entire stretch of roadway while parkstrip and sidewalk shall be constructed on at least one side.

•All road improvements shall be located such that all existing residential structures meet a minimum setback of 15' as measured from back of curb to building foundation.

•Building Setbacks. All new construction shall meet minimum setbacks of the underlying zoning district.

13 or more lots

•Infill or flag lot subdivisions of 13 or more lots shall meet the following standards:

•Minimum Lot Size.

•The minimum size and dimensions of the proposed lots and the base lot shall be consistent with the minimum dimensional standards of the underlying zoning district.

•Road Standards. Road access shall be provided by a public road constructed to meet local street standards that includes parking on both sides of two travel lanes, and curb, gutter, sidewalk and parkstrip constructed on both sides of the roadway. The roadway improvements, including minimum turn-arounds, shall be constructed according to minimum City standards and shall be contained within a separate right of way. All road improvements shall be located such that all existing residential structures meet a minimum setback of 15' as measured from back of curb to building foundation.

•Building Setbacks. All new construction shall meet minimum setbacks of the underlying zoning district.

• Requires two connections to public roadways.

Hidden Pines Subdivision

812 Canyon Road

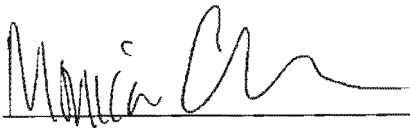


Civil
PROOF OF PUBLICATION

STATE OF UTAH
COUNTY OF CACHE, ss

On this 28th day of May , A.D. 2013 personally appeared before me Monica Christensen who being first being duly sworn, deposes and says that she is the Assistant to the Finance Director of the Cache Valley Publishing Co., publishers of The Herald Journal a daily newspaper published in Logan City, Cache County Utah, and that the Legal Notice, a copy of which is hereto attached was published in said newspaper for 1 issue(s) and that said notice also published on utahlegals.com on the same days(s) as publication in said newspaper

Commencing on the following days:
05/26/2013



_____, Assistant to the Finance Director

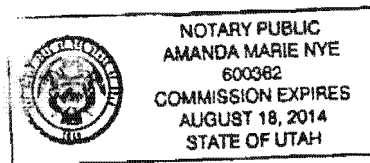
Subscribed and sworn to before me on this 28th day of May , A.D. 2013



_____, Notary Public

Commissioned in the State of Utah

My Commission expires August 1, 2015



LEGAL NOTICE
LOGAN MUNICIPAL COUNCIL

SUMMARY OF AN ORDINANCE passed by the Logan Municipal Council, Logan, Utah is as follows:

ORD.13-30. An ordinance was adopted and approved May 21, 2013 adopting a temporary moratorium on new residential infill subdivisions while the Planning Commission evaluates and prepares recommendations of new development standards.

ORD.13-31. An ordinance was adopted and approved May 21, 2013 amending Chapters 17.12.080 and 17.15.080 of the Land Development Code to clarify that building size limitations within the Neighborhood Centers are parcel based rather than based on the entire Neighborhood Center regardless of property lines.

These ordinances are effective immediately upon publication. Full text of the ordinances may be reviewed at the Office of the Logan City Recorder, City Hall, 290 North 100 West, Logan, Utah during regular business hours.

Teresa Harris,
City Recorder

Publication Date: May 26, 2013



AMENDMENTS & ZONE CHANGE

**PUBLIC
HEARING
PLANNING COMMISSION**

**THURSDAY
May 23, 2013**

5:30 PM

**MUNICIPAL COUNCIL CHAMBERS
LOGAN CITY OFFICES
290 North 100 West**

The Logan City Planning Commission will hold a public hearing to receive input on the following:

PC 13-014 142 W Commercial Zone Change Jed Willets/John Whiting, authorized agent/owner request a zone change from Neighborhood Residential Core (NRC) to Town Center (TC) at 142 West 200 North; TIN 06-021-0021.

PC 13-015 LDC Exterior Lighting Amendment Logan City requests to amend the Land Development Code regulations regarding exterior lighting, in particular; allow pole heights in the Commercial zone to increase from 18' to 32' maximum.

PC 13-016 LDC Infill & Flag Lots Amendment Logan City requests an amendment to the Land Development Code Section 17.37 to include new infill and flag lot development standards.

The Municipal Council is tentatively scheduled to hold a workshop on these items on **Tuesday, June 4, 2013**, and a public hearing on **Tuesday, June 18, 2013**. Both meetings will be held in the Logan City Municipal Council Chambers at 290 North 100 West at 5:30 pm. Contact the Department of Community Development at 716-9022 for more information or www.loganutah.org

- published in H.J. 5/15/13
- posted on City web 4/29/13

LEGAL NOTICE
Logan Planning Commission
May 23, 2013

The following public hearings will be held in the Logan City Municipal Council Chambers at 290 North 100 West at 5:30 p.m. All comments must be submitted to Community Development to be included in the public record before 5:00 p.m. on May 22, 2013. Contact 716-9021 or www.loganutah.org for further info.

Public Hearing:

PC 13-012 Horlacher Subdivision Subdivision Permit Thomas Horlacher, authorized owner/agent, requests a 4-lot subdivision with access right-of-way to the back flag lots on 45 North. The duplex on 51 North front lot will be maintained, resulting in 3 new home lots and 1 existing duplex lot at 45 & 51 North 500 West in the Neighborhood Residential Center Street (NRCS) zone; TIN 06-009-0006;0015.

PC 13-013 Steve's Carpet Barn Design Review Permit Joseph Beck/S.R. Eliason 10th & Main LLC, authorized agent/owner request construction of a new 7,900 SF retail/warehouse project on an existing undeveloped lot at 975 North Main in the Commercial (COM) zone; TIN 05-047-0015.

PC 13-014 142 W Commercial Zone Change Jed Willets/John Whiting, authorized agent/owner request a zone change from Neighborhood Residential Core (NRC) to Town Center (TC) at 142 West 200 North; TIN 06-021-0021.

PC 13-015 LDC Exterior Lighting Amendment Logan City requests to amend the Land Development Code regulations regarding exterior lighting, in particular; allow pole heights in the Commercial zone to increase from 18' to 32' maximum.

PC 13-016 LDC Infill & Flag Lots Amendment Logan City requests an amendment to the Land Development Code Section 17.37 to include new infill and flag lot development standards.

Publication Date: Thursday, May 9, 2013



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Notice Type:

Notice, Meeting

Street Address:

290 North 100 West

Street Address continued:

City:

Logan

Zip:

84321

Start Date:

08/06/13 5:30 PM

End Date:

08/06/13 7:30 PM

Description / Agenda:

Workshop for the following projects:

PC 13-016 LDC Amendment - Infill & Flag Lots Code Amendment. Logan City requests an amendment to the Land Development Code Section 17.37 to include new infill and flag lot development standards.

PC 13-024 LDC Amendment - 17.60 Civil Fees Code Amendment Logan City requests to amend the Land Development Code Section 17.60 to modify the administrative enforcement provisions regarding civil fees.

PC 13-025 1200 E. Rezone Zone Change Logan City/Laree Johnson-Dick Sackett, authorized agent/owner request to rezone two (2) parcels along 1200 East 1250 North from Mixed Residential High (MRH) to a mixture of eight (8) acres of Mixed Residential High (MRH) and twelve (12) acres of Neighborhood Residential Eastside (NRE). This rezone request is a result of the 2012 city-wide zoning project. TIN 05-011-0004;0005.

PC 13-029 LDC Amendment - Wireless Telecommunications Code Amendment. Logan City requests to amend sections 17.13, 17.17, 17.21, 17.45 and 17.50 in the Land Development Code regarding telecommunication facilities.

PC 13-030 LDC Amendment - Historic District 17.27 & 17.46 Code Amendment. Logan City requests to amend sections 17.46 and 17.27 in the Land Development Code to clarify the project review process for Certificate of Appropriateness and design review in the Historic District.

PC 13-031 LDC Amendment - Design Standards 17.18 & 17.50 (continued from June 27, 2013) Code Amendment. Logan City requests to amend sections 17.18 and 17.50 of the Land Development Code to clarify design standards in commercial, industrial, mixed use and commercial service zones. The amendment also clarifies Planning Commission review authority in the design review process.

PC 13-035 LDC - Gateway Zone Code Amendment. Logan City is requesting to amend the Land Development Code Use Table 17.17.030. Change outdoor storage, warehouse, freight movement and waste-related use from not permitted to be allowed by conditional use.

PC 13-039 Hospital Remodel & Budge Clinic Addition Design Review, Conditional Use, Code Amendment & Zone Change. IHC, authorized agent/owner, request an amendment to the Land Development Code Section 17.30 to add a Hospital Overlay at 500 East 1400 North in the Commercial (COM) zone; TIN 05-016-0028.

Public Hearing for the following project:

PC 13-028 Quad Training Code Amendment Brandon Carlisle/Bryan Smith, authorized agent/owner, request an amendment to the Land Development Code Section 17.27.030 allowing health and fitness centers in the Industrial Park (IP) zone; TIN 07-176-0008.

ADA:

Individuals needing special accommodations should notify Teresa Harris, 435-716-9002, at least two working days prior to the meeting. Hearing enhancement devices are available on request.

Electronic Participation:

A council member may join a meeting electronically upon proper notice of the meeting and 24-hour notice to councilmembers. A council member participating electronically will be connected to the meeting by telephone.

Other:**Emergency Notice:**

No

Send copy of notice to:**Audio File Location:****Attachments:**

There are no attachments associated with this notice.

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LEGAL NOTICE
Municipal Council
August 6 & 20, 2013

The following public hearings will be held in the Logan City Municipal Council Chambers at 290 North 100 West at 5:30 p.m. All comments must be submitted to Community Development to be included in the public record before 5:00 p.m. on August 1, 2013. Contact 716-9021 or www.loganutah.org for further info.

Public Hearings:

13-61 **PC 13-016 LDC Amendment - Infill & Flag Lots** Code Amendment. Logan City requests an amendment to the Land Development Code Section 17.37 to include new infill and flag lot development standards.

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13-59 **PC 13-029 LDC Amendment - Wireless Telecommunications** Code Amendment. Logan City requests to amend sections 17.13, 17.17, 17.21, 17.45 and 17.50 in the Land Development Code regarding telecommunication facilities.

13-63 **PC 13-030 LDC Amendment – Historic District 17.27 & 17.46** Code Amendment. Logan City requests to amend sections 17.46 and 17.27 in the Land Development Code to clarify the project review process for Certificate of Appropriateness and design review in the Historic District.

13-64 **PC 13-031 LDC Amendment – Design Standards 17.18 & 17.50** (continued from June 27, 2013) Code Amendment. Logan City requests to amend sections 17.18 and 17.50 of the Land Development Code to clarify design standards in commercial, industrial, mixed use and commercial service zones. The amendment also clarifies Planning Commission review authority in the design review process.

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13-65 **PC 13-039 Hospital Remodel & Budge Clinic Addition** Design Review, Conditional Use, Code Amendment & Zone Change. IHC, authorized agent/owner, request an amendment to the Land Development Code Section 17.30 to add a Hospital Overlay at 500 East 1400 North in the Commercial (COM) zone; TIN 05-016-0028.

Publication Date: Tuesday, July 23, 2013



AMENDMENTS & ZONE CHANGE

**PUBLIC
HEARING
PLANNING COMMISSION**

**THURSDAY
July 11, 2013**

5:30 PM

**MUNICIPAL COUNCIL CHAMBERS
LOGAN CITY OFFICES
290 North 100 West**

The Logan City Planning Commission will hold a public hearing to receive input on the following:

- ✓ **PC 13-016 LDC Infill & Flag Lots Amendment** (continued from May 23, 2013) Logan City requests an amendment to the Land Development Code Section 17.37 to include new infill and flag lot development standards. 13-61
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The Municipal Council is tentatively scheduled to hold a workshop on these items on **Tuesday, August 6, 2013**, and a public hearing on **Tuesday, August 20, 2013**. Both meetings will be held in the Logan City Municipal Council Chambers at 290 North 100 West at 5:30 pm. Contact the Department of Community Development at 716-9021 for more information or www.loganutah.org

- published in H.J. 6/30/13

**CITY OF LOGAN, UTAH
ORDINANCE NO. 13-62**

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 17.60: "Administrative Enforcement," is hereby amended as attached hereto as Exhibit A, respectively:

SECTION 2: This ordinance shall become effective upon publication.

PASSED BY THE LOGAN MUNICIPAL COUNCIL, STATE OF UTAH, _____
THIS DAY OF _____, 2013.

AYES:
NAYS:
ABSENT:

Holly Daines, Chair

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 _____, 2013.

Holly Daines, Chairman

MAYOR'S APPROVAL OR DISAPPROVAL

The foregoing ordinance is hereby _____ this ____ day of _____, 2013.

Randy Watts, Mayor

EXHIBIT A

§17.60.380. Civil Fees

If a responsible person fails to correct a violation by the correction date listed in a notice of violation or in an administrative enforcement order, civil fees shall be owed to the City as follows:

- A. The civil fee for each violation shall be ~~fifty dollars (\$50)~~ one hundred dollars (\$100).
- B. ~~Thereafter, A~~an additional civil fee of ~~fifty dollars (\$50)~~ one hundred dollars (\$100) for each ~~and every~~ subsequent day of violation ~~for each separate violation~~ until the violation is corrected.
- C. The maximum amount of civil fees accruable for each violation listed in a notice of violation or in an administrative enforcement order shall be one thousand dollars (\$1,000).
- D. Payment of any civil fee shall not excuse any failure to correct a violation of the reoccurrence of the violation, nor shall it bar further enforcement action by the City.
- E. Civil fees shall be paid to the City of Logan.

§17.60.440. Civil Fees Assessed

- A. Civil fees shall be due and payable immediately upon service of an administrative citation.
- B. The civil fee for each violation listed on the administrative citation shall be ~~twenty-five dollars (\$25)~~ fifty dollars (50) if paid within ten (10) days of service.
- C. Civil fees shall be double if paid after ten (10) days ~~but within twenty (20) days of service.~~
- ~~D. Civil fees shall be triple if paid after twenty (20) days of service.~~
- ~~ED.~~ Payment of any civil fee shall not excuse a failure to correct a violation or any reoccurrence of the violation, nor shall it bar further enforcement action by the City.
- ~~FE.~~ Civil fees shall be paid to the City of Logan.



**Project #13-024
Land Development Code
Text Amendment**

REPORT SUMMARY...

| | |
|-------------------------|---|
| <i>Project Name:</i> | Civil Fees |
| <i>Proponent/Owner:</i> | Logan City Community Development Department |
| <i>Project Address:</i> | Citywide |
| <i>Request:</i> | Code Amendment |
| <i>Type of Action:</i> | Legislative |
| <i>Date of Hearing:</i> | July 11, 2013 |
| <i>Submitted By:</i> | Mike DeSimone, Director |

RECOMMENDATION

Staff recommends that the Planning Commission recommend **approval** to the Municipal Council for the following amendment to the Land Development Code (LDC): Chapters 17.60.

REQUEST

The proposed text amendments to the Land Development Code are located in Section 17.60 and as outlined in the attached amended code language.

Based on Council direction, we are proposing to raise the Civil Penalty Fees from \$50.00 to \$100.00 to help deter lack of compliance with provisions in the Land Development Code.

GENERAL PLAN

These proposed amendments help clarify and further refine the policies expressed in the General Plan and ultimately codified in the Land Development Code.

STAFF RECOMMENDATION AND SUMMARY

Staff finds that the proposed amendments will help the City continue to administer and enforce provisions contained with the Land Development Code.

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 6/13/13, posted on the City’s website and the Utah Public Meeting website on 6/18/13, and a quarter page ad was published 6/9/13.

AGENCY AND CITY DEPARTMENT COMMENTS

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

RECOMMENDED FINDINGS FOR APPROVAL

The Planning Commission bases its decisions on the following findings:

1. Utah state law authorizes local planning commissions to recommend ordinance changes to the legislative body (Municipal Council) that are consistent with the role of the Planning Commission.
2. The Code Amendment is done in conformance with the requirements of Title 17.51 of the Logan Municipal Code.
3. The proposed Code Amendments to Chapter 17.60 modifies an existing penalty fee structure to assist with implementation and enforcement of the Land Development Code. These amendments are consistent with the goals and objectives of the General Plan.

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.

LEGAL NOTICE
Municipal Council
August 6 & 20, 2013

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Publication Date: Tuesday, July 23, 2013



AMENDMENTS & ZONE CHANGE

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**THURSDAY
July 11, 2013**

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The Municipal Council is tentatively scheduled to hold a workshop on these items on **Tuesday, August 6, 2013**, and a public hearing on **Tuesday, August 20, 2013**. Both meetings will be held in the Logan City Municipal Council Chambers at 290 North 100 West at 5:30 pm. Contact the Department of Community Development at 716-9021 for more information or www.loganutah.org

- published in H.J. 6/30/13

LEGAL NOTICE
Municipal Council
July 16 & August 6, 2013

The following public hearings will be held in the Logan City Municipal Council Chambers at 290 North 100 West at 5:30 p.m. All comments must be submitted to Community Development to be included in the public record before 5:00 p.m. on July 11, 2013. Contact 716-9021 or www.loganutah.org for further info.

Public Hearing:

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The Municipal Council is tentatively scheduled to hold a **workshop** on these items on **Tuesday, July 16, 2013**, and a **public hearing** on **Tuesday, August 6, 2013**. Both meetings will be held in the Logan City Municipal Council Chambers at 290 North 100 West at 5:30 pm. Contact the Department of Community Development at 716-9022 for more information or www.loganutah.org

Publication Date: Tuesday, July 2, 2013

→ pushed back to Aug. 6 @ 20

**CITY OF LOGAN, UTAH
ORDINANCE NO. 13-63**

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 17.27: "Historic District (HD) Overlay Zone and Chapter 17.46: "Permit Authority," are hereby amended as attached hereto as Exhibit A and B, respectively:

SECTION 2: This ordinance shall become effective upon publication.

PASSED BY THE LOGAN MUNICIPAL COUNCIL, STATE OF UTAH, _____
THIS DAY OF _____, 2013.

AYES:
NAYS:
ABSENT:

Holly Daines, Chair

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 _____, 2013.

Holly Daines, Chairman

MAYOR'S APPROVAL OR DISAPPROVAL

The foregoing ordinance is hereby _____ this ____ day of _____, 2013.

Randy Watts, Mayor

EXHIBIT A

Chapter 17.27: Historic District (HD) Overlay Zone

§17.27.010. The Historic District Overlay District, Purpose

The Historic District (HD) Overlay Zone is intended to identify those properties in the City which are included within the defined boundaries of the Logan Center Street ~~National~~ Historic District. District boundaries are shown in Figure 17.27.020.

§17.27.020. Modifications of Historic District Boundaries

A. Procedure.

The Historic Preservation Committee may initiate a survey ~~to include outlying areas of the district of areas adjacent to the existing Historic District~~ in order to determine the appropriateness of modifying the district boundaries, or may initiate a survey of other parts of Logan City to determine the appropriateness of creating additional districts.

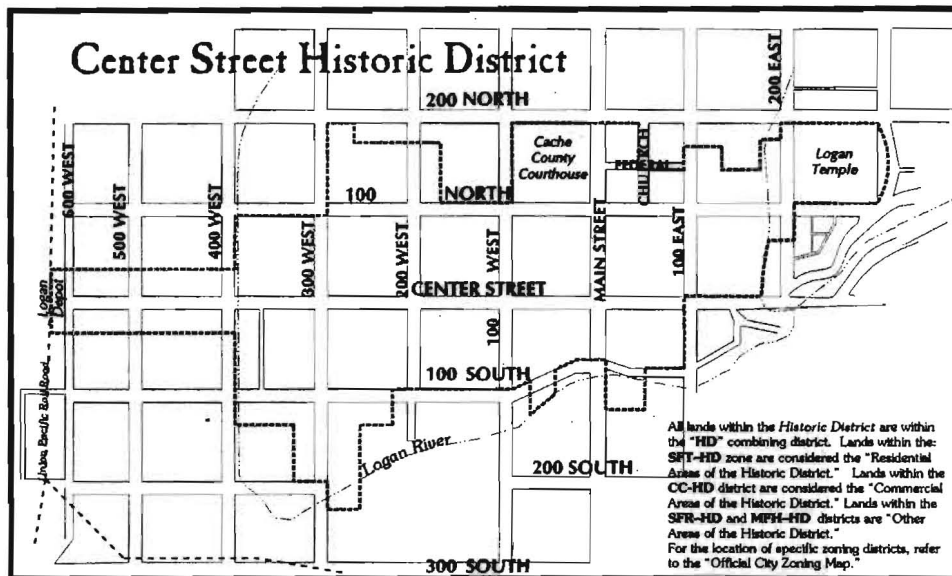
The results of the survey, ~~for the outlying area(s)~~, as well as the proposed boundaries, shall be submitted to the State Historic Preservation Office ~~and the National Trust for Historic Preservation~~ for review and recommendation.

B. Adoption.

The Municipal Council may modify district boundaries, or create additional Historic Districts, upon presentation of the results of the survey and any comments from the Historic Preservation Committee and the State Historic Preservation Office. A public hearing shall be held prior to action by the Council. The Municipal Council may approve or deny the request for modification of the Logan Center Street ~~National~~ Historic District. ~~The Council shall enact changes in boundaries by ordinance.~~

C. Findings.

1. The district boundaries may be expanded if it is found that a concentration of historic structures or sites exist in areas neighboring current boundaries and a recommendation for expansion is received from the State Historic Preservation Office ~~and/ or the National Trust for Historic Preservation.~~
2. The district boundaries may be reduced if it is found that such a reduction is necessary to maintain the status of the overall district. This may occur if properties within an area of the district have ceased to meet criteria provided by the State Historic Preservation Office ~~or the National Trust of Historic Preservation~~ and therefore threaten the overall integrity of the district.
3. Non-contiguous districts may be created if it is found that the area has a concentration of contributory historic structures or sites and a recommendation for creation is received from the Historic Preservation Committee and the State Historic Preservation Office.

Figure 17.27.020: Logan Center Street Historic District

§17.27.030. Recognition of Individual Structures/Sites Outside of the Logan Center Street Historic District

Individual structures and sites outside of the Logan Center Street Historic District may apply for individual nomination to the National Register of Historic Places. The State Historic Preservation Office reviews all requests for individual nomination.

§17.27.040. ~~Reserved~~

~~The following language is reserved for further review by the Municipal Council and is not enacted.~~

§17.27.050. ~~Reserved~~

~~The following language is reserved for further review by the Municipal Council and is not enacted.~~

§17.27.060040. Design Review within the HD Overlay Zone

A. New Construction.

1. New non-residential construction within the HD Overlay Zone shall ~~be subject to obtaining a~~ obtain a Certificate of Appropriateness and a Design Review permit prior to the issuance of a building permit.

2. ~~New detached single family residential construction shall obtain a Certificate of Appropriateness and is not subject to design review.~~

3. Prior to the design review hearing, the project shall be presented to the Historic Preservation Committee for its recommendation.

4. New construction is subject to all requirements of the Uniform-International Building Code, Public Works Standards and Specifications, and the development requirements of other appropriate departments.

B. Remodeling, Renovation, and Restoration.

17.27: Historic District (HD) Overlay Zone

1. Interior changes are not required to obtain a Certificate of Appropriateness and are not subject to design review.;
2. Exterior changes are subject to Section 17.27.050.
 - a. ~~If the structure is a "landmark" historic structure, the exterior changes shall be presented to the Historic Preservation Committee for its Certificate of Appropriateness.~~
 - b. ~~If the structure is "contributory," routine maintenance and upkeep, repainting or replacing roofing, shutters, trim, or similar decorative items with similar or like materials shall not require presentation to the Historic Preservation Committee under the procedures in §17.27.070(B)(1).~~
 - e. ~~If the structure is "contributory" or "non-contributory" and the changes involve additions, renovation, exterior remodeling, or major changes in color, material, texture, or size, the project shall be presented to the Historic Preservation Committee for a Certificate of Appropriateness prior to the issuance of a building permit or commencement of work, if no permit is required.~~

§17.27.070050. Certificate of Appropriateness

- A. The following types of activities require a Certificate of Appropriateness by the Historic Preservation Committee: Required
~~No alteration in the exterior appearance of a structure, site or streetscape affecting a property or properties within the HD Overlay District shall be made or permitted to be made without the issuance of a Certificate of Appropriateness by the Historic Preservation Committee or Director of Community Development as applicable pursuant to §17.27.070(B). Certificates of Appropriateness shall be required for:~~
 1. New construction;
 2. ~~Any~~ demolition of contributory structures;
 3. ~~Any~~ exterior construction requiring ~~needing~~ a building permit, ~~unless otherwise determined by the Director of Community Development to be eligible for administrative review;~~
 4. Removal or replacement/alteration of architectural detailing, such as porch columns, railing, window moldings, window sash replacements, cornices;
 5. Construction of additions;
 6. Construction or alterations of accessory structures, such as garages and sheds;
 7. Construction or alterations of porches and decks;
 8. Exterior masonry work including, and but not limited to, sandblasting and chemical cleaning;
 9. Installation of new siding and roof materials;
 10. Alteration of streetscape features including, and but not limited to, curb, gutter and canals; and
 11. Installation or alteration of any exterior sign; and
 12. ~~Construction or alterations of site features including, and not limited to, fences and retaining walls.~~
- B. The following types of applications shall be reviewed administratively by the Director: Procedure
 1. Fences and retaining walls;
 2. Demolition of non-contributing structures;

3. Demolition of accessory structures;4.4. Signs; and5. Maintenance and upkeep.2. The following applications shall be reviewed administratively using the Logan Historic District Design Standards:

- a. Fences and retaining walls;
- b. Demolition of non-contributing structures;
- c. Demolition of accessory structures;
- d. Signs; and
- e. Maintenance and upkeep.

C. An application for a Certificate of Appropriateness shall be made on the appropriate application and submitted to the Department of Community Development. The Director shall determine completeness of the application and whether the project may be reviewed administratively.

1. All other projects shall be reviewed by the Historic Preservation Committee prior to the issuance of a Certificate of Appropriateness. An application for a Certificate of Appropriateness shall be made on the appropriate application and submitted to the Community Development department. The Director shall determine the completeness of the application and if the project may be reviewed administratively.

D. The Historic Preservation Committee may approve, conditionally approve, or deny the application after reviewing all submitted materials, consideration of the recommendation of the Department of Community Development, and conducting a field inspection if necessary. The Committee shall include written findings with all its decisions.

1. All applications that can not be decided upon at the administrative level shall be reviewed by the Historic Preservation Committee. Applications shall be reviewed to determine consistency with design standards provided in the City of Logan Historic District Design Standards and the Secretary of the Interior's Standards for Rehabilitation. The Committee may approve, conditionally approve or deny the application after reviewing all materials submitted, the recommendation of the Department of Community Development and conducting a field inspection if necessary. Applications shall be reviewed to determine consistency with design standards provided in the City of Logan Historic District Design Standards and the Secretary of the Interior's Standards for Rehabilitation. The Committee shall make written findings of all its decisions.

E. Application Materials.

In addition to the appropriate application form, the application shall include any all documentation required by the Historic Preservation Committee.

F. Public Notice.

Public noticing for Certificates of Appropriateness are processed under the provisions of Chapter 17.63-55 and the requirements of this chapter. Applications for Certificates of Appropriateness, not decided administratively, are heard before the Historic Preservation Committee.

G. Appeals.

17.27: Historic District (HD) Overlay Zone

1. All administrative decisions may be appealed to the Historic Preservation Committee within 15 days following the administrative decision.
2. Decisions of the Historic Preservation Committee may be appealed to the **Planning Commission Board of Appeals** within 15 days following the Committee's decision.

§17.27.080060. Standards for Certificate of Appropriateness

- A. ~~Adoption of the City of Logan Logan Center Street~~ Historic District Design Standards. ~~Prior to the adoption of the Historic District Design Standards, T~~the Historic Preservation Committee shall utilize ~~the Logan Center Street Historic District Design Standards and~~ the Secretary of the Interior's Standards for Rehabilitation ~~and Guidelines for Rehabilitating Historic Buildings~~ as standards for project review.
- B. Review of Certificates of Appropriateness.

In ~~issuing approving an application for~~ a Certificate of Appropriateness, the Historic Preservation Committee shall find that the project substantially complies with ~~the~~ standards outlined in the ~~Logan Center Street~~ Historic District Design Standards and the Secretary of the Interior's Standards for Rehabilitation, ~~and Guidelines for Rehabilitating Historic Buildings, including the following standards:~~

 1. ~~A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.~~
 2. ~~The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.~~
 3. ~~Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.~~
 4. ~~Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.~~
 5. ~~Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.~~
 6. ~~Deteriorated historic features shall be repaired or restored rather than replaced. Where the severity of deterioration requires replacement of distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.~~
 7. ~~Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.~~
 8. ~~Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.~~
 9. ~~New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale,~~

17.27: Historic District (HD) Overlay Zone

~~and architectural features to protect the historic integrity of the property and its environment.~~

~~10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.~~

§17.27.09070. Signs within the Historic District Overlay Zone

- A. Signs within Residential Areas of the Historic District Overlay Zone.
Sign requirements for businesses in the residential areas of the Logan Center Street Historic District are subject to the following standards and specifications and are exempt from not subject to the standards in Chapter 17.40, Signs.
 - 1. Signs shall be single sided and located on private property;
 - 2. Signs shall be flush mounted on the structure or fence, as approved by the Historic Preservation Committee and/ or the Department of Community Development, and shall not exceed two feet in sign area.
 - 3. Signs may be illuminated by a single external light source mounted in the ground. The light shall be shielded so that the source of light is not visible from adjoining properties or a street.
- B. Signs within Commercial Areas of the Historic District Overlay Zone.
 - 1. No pole mounted signs shall be permitted within the commercial portions of the Historic District.
- C. Signs Displaying Historic Information of Site or Structure.
Signs displaying historic information about of the site or the structure are subject to the sign standards in the to be identified in the City of Logan Center Street Historic District Design Standards and are not subject to the standards in Chapter 17.40, Signs.

Figure 17.27.070.A.0-1: Residential Signs at Residential Uses in the Historic District

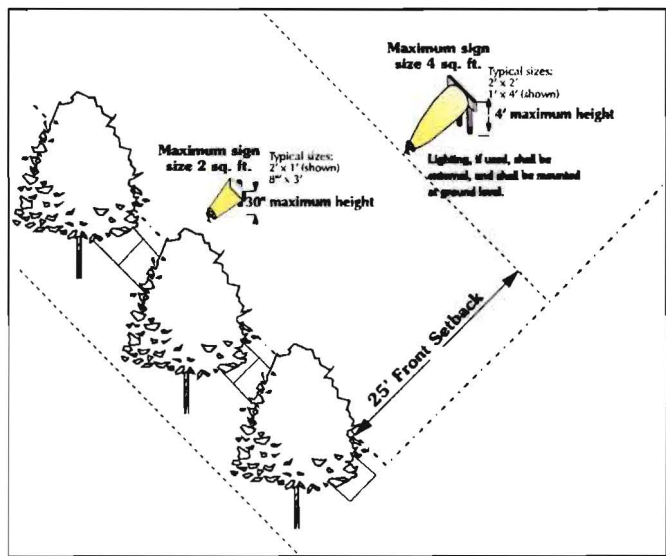


EXHIBIT B

Chapter 17.46: Permit Authority

§17.46.010. Purpose

Permit review procedures are intended to provide an opportunity for a property owner to learn and understand the development standards and regulations of the City prior to initiating development of a site. The various permits are intended to provide the City with an opportunity to work with a property owner in ensuring safe development that meets City standards.

§17.46.020. Application Review Standards

Standards for approving, conditionally approving or denying a project are contained within the specific provisions of this Article. Table 17.46.020 identifies the decision-makers and appeals boards for all project and application types.

Table 17.46.020: Application Decision-Makers and Appeals Boards

| Project Type | Chapter | Applications Heard By: |
|--|---------------|---|
| <u>Certificate of Appropriateness</u> | <u>§17.27</u> | <u>Historic Preservation Committee</u> |
| Subdivisions | §17.47 | Planning Commission |
| Boundary Line Adjustment | §17.48 | City Engineer |
| Conditional Use Permit | §17.49 | Planning Commission |
| Design Review, all other projects | §17.50 | Planning Commission |
| Amendments to the Land Development Code | §17.51 | Planning Commission ¹ Municipal Council |
| Amendments to the Official Zoning Map | §17.51 | Planning Commission ¹ Municipal Council |
| Amendments to the General Plan | §17.52 | Planning Commission ¹ Municipal Council |
| Variances | §17.53 | Board of Adjustment |
| Appeals of Staff Decisions | §17.57 | Board of Adjustment |
| Appeals of Staff's General Plan Interpretations | §17.57 | Municipal Council |
| Appeals of Boundary line Adjustments | §17.57 | Board of Appeals |
| Appeals of Subdivisions, Design Review, Use Permits, or Planning Commission Decisions | §17.57 | Board of Appeals |
| Appeals of Amendments to the Land Development Code, Official Zoning Map, General Plan, Variances, or actions of the Board of Appeals | §17.57 | District Court |

§17.46.030. Permit Required Before Proceeding

The construction, alteration, repair, removal, use or occupancy of any site improvements, site development, structure, or any part thereof shall not commence or proceed until the issuance of an appropriate permit(s).

A. Complete Applications.

A complete permit application shall be submitted prior to review by the appropriate department. Permits may be issued following a review to ensure that the proposed project is in compliance with the Logan Municipal Code.

B. Permits Issued Only For Complying Projects.

Permits shall be issued only upon the approval of a site plan meeting the requirements of the Department of Community Development and the International Building Code. The Chief Building Official, in association with the Public Works Director, City Engineer, and the Director, shall prepare a list of the requirements for site plan



**Project #13-030
Historic District Amendment
Text Amendment**

REPORT SUMMARY...

Project Name: Historic District Amendment
Proponent/Owner: Community Development Department
Project Address: Citywide
Request: Code Amendment
Type of Action: Legislative
Date of Hearing: July 11, 2013
Submitted By: Mike DeSimone, Director

RECOMMENDATION

Staff recommends that the Planning Commission recommend **approval** to the Municipal Council for the following amendment to the Land Development Code (LDC): Chapters 17.27 and 17.46.

REQUEST

The proposed text amendments to the Land Development Code are attached in their entirety and are summarized as follows:

- Amend LDC Chapter 17.27 to clarify when a Certificate of Appropriateness is required, when formal design review is required, and clean up the language and formatting in the Chapter.
- Amend LDC Table 17.46.020 to include the Historic Preservation Commission and Certificate of Appropriateness in the list of decision makers.

GENERAL PLAN

This is a "clean up" type of amendment that is consistent with the General Plan.

STAFF RECOMMENDATION AND SUMMARY

Staff finds that the proposed amendments will clarify the relationship between the Historic District requirements and processes with the Land Development Code; clarify when a Certificate of Appropriateness is required; and includes the Historic Preservation Commission within the list of decision makers.

PUBLIC COMMENTS

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

PUBLIC NOTIFICATION

Public notices were published in the Herald Journal on June 27, 2013, posted on the City's website and the Utah Public Meeting website on June 27, 2012, and noticed in a quarter page ad on June 30, 2013.

AGENCY AND CITY DEPARTMENT COMMENTS

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

RECOMMENDED FINDINGS FOR APPROVAL

The Planning Commission bases its decisions on the following findings:

1. Utah state law authorizes local Planning Commissions to recommend ordinance changes to the legislative body (Municipal Council).
2. The Code Amendment is done in conformance with the requirements of Title 17.51 of the Logan Municipal Code.
3. The proposed Code Amendments clarify the regulatory process for the Historic District Overlay, the Certificate of Appropriateness and the Historic Preservation Commission.
4. The proposed Code Amendment do not change or alter any historic design standards or substantive requirements. The proposed amendments are "clean up" in nature.
5. This type of Code Amendment is consistent with the overall goals and objectives of the General Plan as it helps to clarify the purpose, intent, processes and requirements of the Land Development Code.

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.

LEGAL NOTICE
Municipal Council
August 6 & 20, 2013

The following public hearings will be held in the Logan City Municipal Council Chambers at 290 North 100 West at 5:30 p.m. All comments must be submitted to Community Development to be included in the public record before 5:00 p.m. on August 1, 2013. Contact 716-9021 or www.loganutah.org for further info.

Public Hearings:

13-61 **PC 13-016 LDC Amendment - Infill & Flag Lots** Code Amendment. Logan City requests an amendment to the Land Development Code Section 17.37 to include new infill and flag lot development standards.

13-62 **PC 13-024 LDC Amendment – 17.60 Civil Fees** Code Amendment Logan City requests to amend the Land Development Code Section 17.60 to modify the administrative enforcement provisions regarding civil fees.

PC 13-025 1200 E. Rezone Zone Change Logan City/Laree Johnson-Dick Sackett, authorized agent/owner request to rezone two (2) parcels along 1200 East 1250 North from Mixed Residential High (MRH) to a mixture of eight (8) acres of Mixed Residential High (MRH) and twelve (12) acres of Neighborhood Residential Eastside (NRE). This rezone request is a result of the 2012 city-wide zoning project. TIN 05-011-0004;0005.

13-59 **PC 13-029 LDC Amendment - WirelessTelecommunications** Code Amendment. Logan City requests to amend sections 17.13, 17.17, 17.21, 17.45 and 17.50 in the Land Development Code regarding telecommunication facilities.

13-63 **PC 13-030 LDC Amendment – Historic District 17.27 & 17.46** Code Amendment. Logan City requests to amend sections 17.46 and 17.27 in the Land Development Code to clarify the project review process for Certificate of Appropriateness and design review in the Historic District.

13-64 **PC 13-031 LDC Amendment – Design Standards 17.18 & 17.50** (continued from June 27, 2013) Code Amendment. Logan City requests to amend sections 17.18 and 17.50 of the Land Development Code to clarify design standards in commercial, industrial, mixed use and commercial service zones. The amendment also clarifies Planning Commission review authority in the design review process.

PC 13-035 LDC – Gateway Zone Code Amendment. Logan City is requesting to amend the Land Development Code Use Table 17.17.030. Change outdoor storage, warehouse, freight movement and waste-related use from not permitted to be allowed by conditional use.

13-65 **PC 13-039 Hospital Remodel & Budge Clinic Addition** Design Review, Conditional Use, Code Amendment & Zone Change. IHC, authorized agent/owner, request an amendment to the Land Development Code Section 17.30 to add a Hospital Overlay at 500 East 1400 North in the Commercial (COM) zone; TIN 05-016-0028.

Publication Date: Tuesday, July 23, 2013

CITY OF LOGAN, UTAH
ORDINANCE NO. 13-64

AN ORDINANCE AMENDING TITLE 17 OF THE LAND DEVELOPMENT CODE
MODIFYING COMMERCIAL, INDUSTRIAL AND MIXED USE DESIGN STANDARDS AND
CLARIFYING PLANNING COMMISSION REVIEW AUTHORITY IN THE DESIGN
REVIEW PROCESS

WHEREAS, it is the intent of the Council to manage growth by implementing the principles of the General Plan and Land Development Code; and

WHEREAS, in accordance with the vision of the General Plan, the Council desires to make land use decisions which promote enduring quality and consideration for the entire community; and

WHEREAS, the diversity of development styles and types have made it difficult to apply design standards uniformly in a fair and equitable manner; and

WHEREAS, the Council finds that the application of specific design standards in a flexible manner is warranted due to unique site circumstances or issues with neighborhood compatibility; and

WHEREAS, the Council further finds that the additional discretion provided to the Planning Commission in the design review process will help to ensure quality design and development are constructed in the City without compromising the overall intent of the Logan General Plan or Land Development Code.

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

That certain code entitled "Land Development Code, City of Logan, Utah" Chapter 17.18: "General Development Standards: Districts and Corridor Zones" is hereby amended as attached hereto as Exhibit A; and

That certain code entitled "Land Development Code, City of Logan, Utah" Chapter 17.50 "Design Review Permits" is hereby amended as attached hereto as Exhibit B.

This ordinance shall become effective upon publication.

PASSED BY THE LOGAN MUNICIPAL COUNCIL, STATE OF UTAH, _____
THIS DAY OF _____, 2013.

AYES:
NAYS:
ABSENT:

Holly Daines, Chair

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 _____, 2013.

Holly Daines, Chairman

MAYOR'S APPROVAL OR DISAPPROVAL

The foregoing ordinance is hereby _____ this ____ day of _____, 2013.

Randy Watts, Mayor

EXHIBIT A

Chapter 17.18: General Development Standards: District and Corridor Zones

§17.18.010. ~~Districts and Corridors~~ General Development Standards

A. Purpose.

The purpose of Chapter 17.18 is to provide unified development standards for Logan's Districts and Corridors, to promote streamlining of development review, to ensure consistency, and to provide flexibility in site design, ~~consistent with Logan's General Plan.~~

B. Applicability.

Chapter 17.18 applies to all development proposals in Logan's Districts and Corridors ~~and development in other zones when specified by this Title or by the City.~~ Some Sections of 17.18 may not be applicable to certain types of development ~~in certain locations of the City due to unique site conditions, neighborhood compatibility, access issues or some other technical consideration.~~ ~~as specified by this Code.~~ ~~The Director or the applicable decision body (depending upon the review process) shall make the interpretation of applicability during the design review process.~~ ~~Where an interpretation of applicability is required, the Community Development Director shall make the interpretation or elevate the decision to the applicable decision body.~~

C. Design Review and Decision Criteria.

Development proposals which comply with the standards in this ~~Code Chapter that do not require any adjustment or modification to a specific standard~~ shall be reviewed as Track 1 Design Review decisions, ~~in accordance with Chapter 17.50. Track 1 approval may be granted if an adjustment(s) to the standards is not requested. The standards listed in the sections below are the review criteria for Track 1 decisions.~~ Development proposals which ~~require adjustments or deviations from the standards identified in this Chapter, or include one or more adjustments, and/or~~ include requests requiring a public hearing, shall be reviewed as Track 2 Design Review decisions. ~~Where adjustments are requested, the adjustments criteria in the sections below are the applicable decision criteria.~~

D. Site Design ~~for Districts and Corridors.~~

1. Site plans shall be coordinated with adjoining projects to take advantage of landscape screening, common access, or similar features.
2. Site planning shall employ sustainable practices ~~where feasible~~ including:
 - a. ~~Integrating W~~water quality features such as bioswales and bio-retention basins ~~integrated~~ in a cohesive and logical manner and to take advantage of site topography, orientation and visibility.
 - b. ~~Utilizing i~~mpervious paving ~~materials used~~ in lieu of pervious paving for circulation areas for automobiles and light duty trucks ~~and by reducing the amount of paving to the~~ ~~Paving shall be reduced to the minimum only where~~ necessary to accomplish site circulation and parking needs.
 - c. ~~Using R~~ecycled products ~~used~~ for driveway and parking lot base material.
3. Location of Accessory Facilities.
 - a. Accessory facilities such as mechanical equipment, trash collection, storage areas, and vehicle service areas shall be ~~adequately screened and shall be located in areas that are not away from portions of the site which are~~ visible from public roadways.
4. Circulation, Parking and Loading (see ~~Chapter 17.38 Parking~~).

17.18: General Development Standards: District and Corridor Zones

- a. As a general design guideline for new projects, All the following is the preferred approach for parking areas: parking facilities shall be located ~~to at~~ the side or ~~to~~ the rear of the primary building and not between the front of the primary building and the street providing primary access. ~~The setback for all parking areas shall be equal to or greater than the setback for the front façade of the primary building. Parking shall not be located between the front of the primary building and the street providing primary access.~~ On corner lots, parking shall not be located between the primary building and any street creating the corner lot. In certain circumstances, parking may be located between the front of the primary building and the street due to unique site and design conditions or constraints, neighborhood character and compatibility, shared access, property interconnectivity or some other technical consideration.
- a.b. Pedestrian access to primary building entrances shall be separated from auto access by walkways.
- b.c. Driveway access along streets ~~shall be kept to the minimum width which is essential for proper traffic and service circulation. Driveways~~ shall be aligned with existing or planned driveways on the opposite side of the street or aligned with existing or future street median breaks. Driveways shall be located to avoid arterial streets, ~~close proximity to~~ street corners, ~~or~~ adjacent driveways, and ~~to avoid~~ areas with restricted visibility.
- e.d. In order to minimize interference with street circulation, a minimum driveway length of twenty feet is required between the property line and the first parking stall, unless a greater distance is required herein.
- d.e. Parking, delivery, service, and loading facilities on each site shall be sufficient to serve its businesses without the need to park, ~~load or back onto on~~ adjacent streets. Shared parking areas with other uses are encouraged. Each project shall comply with the number and configuration of parking and loading spaces required in Chapter 17.38.
- e.f. Parking lot design shall include landscape planters, sidewalks, or other separators at the end of parking bays. All parking, loading and driveway areas shall be separated from landscaped areas by concrete curbs as ~~further required specified~~ in Chapter 17.39.
- f.g. ~~Access to loading facilities shall eliminate the need for trucks to back into or out of street rights-of-way.~~ Provisions shall be made for required access and circulation of emergency vehicles.
5. Landscape Design (see ~~also~~ Chapter 17.39).
- a. A combination of trees, shrubs, groundcover and landscaped berms ~~will shall~~ be used to provide variety and to reduce the apparent mass of large, blank facades.
- b. Landscaping, ~~and~~ berms, ~~and/or low fencing will shall be used to~~ reinforce circulation patterns while screening and shading and screen and shade parking and loading areas. large visible paved surfaces such as loading areas.
- e. ~~Parking lots and other large circulation areas shall be designed to reduce visibility of vehicles through the use of planting, earth mounds, and/or low fencing along the street frontage. However, views through the site shall be maintained for orientation and security.~~

17.18: General Development Standards: District and Corridor Zones

- d.c. Street trees shall be provided along all public and private streets with a minimum of one tree installed for each thirty feet of frontage. One dominant species of street tree shall be selected for each street as approved by the City Forester.
 - e.d. Plant, shrub and tree species shall be appropriate to Logan's climate and will require minimal water and care. New trees shall be uniform in appearance and be wind tolerant. Large visible slopes shall be landscaped with trees, shrubs and groundcover. Disturbed slopes shall also be hydro-seeded/mulched where feasible with a perennial ground cover for erosion control.
 - f.e. Live plant materials shall be used for all ground cover areas. Wood chip mulch or similar material will be used for weed prevention.
 - g.f. An automatic irrigation system shall be provided. Where drought-resistant landscape materials are planted, only temporary irrigation is needed until the landscaping is established.
 - h.g. Landscaping shall be provided around the perimeter of a building to minimize the "hard edge" that is created where a building meets the ground or pavement.
6. Fencing and Screening. ~~(see also Section 17.36.220)~~
- a. All exterior mechanical equipment, utility meters and valves, refuse storage and containers, and aboveground storage tanks shall be located and screened in a manner which is compatible with the design of the project and nearby development, ~~in accordance with Section 17.39.050.F.~~
 - b. Outdoor storage of merchandise, materials or equipment shall be located and screened in a manner which is compatible with the design of the project and nearby development. ~~accordance with Section 17.39.050.F.~~
 - e. ~~The maximum height of a fence or wall around an industrial use shall be eight feet.~~
 - d.c. New fencing along public rights-of-way shall be softened with landscaping along the entire outside fence line, shall not impair traffic safety by obscuring views, and shall not consist of chain link or barb-wire.
 - e. ~~Fencing shall not impair traffic safety by obscuring views.~~
 - f.d. Fencing shall be designed for compatibility with nearby building and landscape materials. Fences shall be constructed of highly durable materials. Use of wood, ornamental iron, and masonry is encouraged. Chain link and barb-wire fencing shall not be installed along street frontages.
7. Lighting. ~~(see also Section 17.36.190).~~
- a. Exterior lighting type, brightness, height and fixture design shall be appropriate to the building design, its function and location.
 - b. Light bulbs or tubes shall not be exposed. Generally, exterior lighting shall be shielded and be non-glare. Lights must not emit direct light into adjacent streets or neighboring properties.
 - c. Security lighting shall be indirect, diffused, shielded, and/or directed away from an adjacent Neighborhood district.

§17.18.020. Building Design Standards – Commercial and Mixed Use Development**A. Purpose.**

17.18: General Development Standards: District and Corridor Zones

The purpose of this Section is to promote high quality and aesthetically pleasing design and development within the Districts and Corridors. ensure that new buildings and building remodels are designed to promote quality development and aesthetically pleasing Districts and Corridors.

B. Applicability.

The provisions of this Section apply to commercial and mixed use development in District and Corridor zones. Residential projects, where permitted, are subject to the applicable development standards of Chapter 17.14 and 17.15. Industrial development is subject to the development standards in 17.18.080 below.

C. Standards.

1. Variation in Front and Street-Facing Elevations.

- a. For all new development, no two adjacent buildings may possess the same front/street-facing elevation. This standard is met when building elevations differ by at least three 3 of the following seven 7 following criteria:

1. ~~Differing~~ Mix of Materials;
2. Articulation;
3. Roof line;
4. Entry;
5. Fenestration (the arrangement of windows and other openings);
6. Height; or
7. Detailing (including colors and materials and textures for multiple bu

~~a) On any one side of a block frontage, building elevations of adjacent buildings shall not repeat.~~

a) Use a variety of materials and alteration in the façade to clarify entry and reduce perceived building scale.

- b. All sides of a building that are visible from a public right of way, park, school, sidewalk, etc., shall receive equal architectural design consideration (i.e., windows, doors, architectural treatments, etc). No building shall have a blank, flat wall.



Required: Use a variety of materials and alterations in the façade to clarify entries and reduce the perceived building scale.

17.18: General Development Standards: District and Corridor Zones

b) —



Example: This is a good example of appropriate use of multiple materials. However, too many materials, colors, and textures can create confusion and lack of continuity.



Example: Integrating a variety of forms helps reduce the mass of a building.

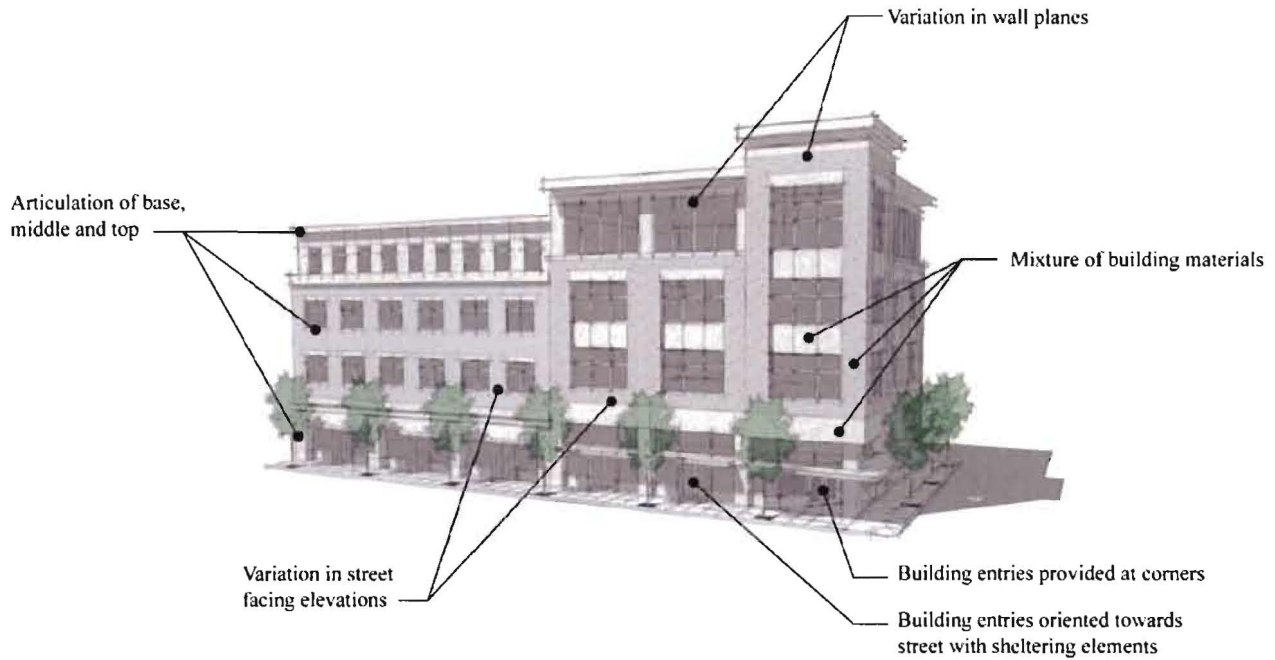


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Figure 17.18.020: Town Center, Commercial and Mixed Use Building Design Standards



2. Building Materials Mix.
 - a. Building materials shall be compatible with the architectural style and design of the building.
 - b. A mixture of building materials is required on all building elevations.
 - c. Materials that convey texture, scale, finish and color **similar to those used traditionally** shall be used. Acceptable building materials include: masonry, **including** (brick, stone, **or equivalent** imitation stone, and rusticated masonry block); stucco; wood; textured concrete fiber cement **board(Hardie) when detailed; metal;** or a combination of these materials. Stucco (EIFS) is only permitted when it is sufficiently detailed to provide interest and surface variation. Scoring is acceptable to achieve the required detailing. Areas between score lines should not exceed 64 square feet. **Whenever stucco (EIFS) is used as an exterior material, details shall be introduced into the surface design to provide interest and surface variation.**



Required: Use building materials that are architecturally compatible with the architectural style and design of the building.



Required: Whenever stucco (EIFS) is used as an exterior material, details shall be introduced into the surface design to provide interest and surface variation.

17.18: General Development Standards: District and Corridor Zones

Whenever stucco (EIFS) is used as an exterior material, surface texture must be incorporated in the form of scoring, where no surface component exceeds 64 square feet in area.

- d. The mixture of material(s) used on the front facade must continue or transition on the remaining sides and rear of new buildings, for example by turning a building corner and maintaining consistent horizontal and/or vertical lines.
- e. Large, panelized products shall not be used for portions of a building that are visible from a public street, pedestrian way or any abutting residential uses.
- f. Façade components shall help to establish a human scale. Examples include providing exterior wall treatments that establish rhythms and patterns of windows, columns, and floors of the building. Windows and doors will be similar in scale.



Required: Whenever stucco (EIFS) is used as an exterior material, surface texture must be incorporated in the form of scoring where no surface component exceeds 64 square feet in area.



Example: Express façade components using methods that will help convey a human scale. Comparable to this historic building wall, dividing a single development into distinct façade modules is one example of how to accomplish this.

3. **Articulation of Wall Planes. Wall Planes**

- a. In the Town Center and Mixed Use zones, building elevations of more than 800 square feet in surface area must be divided into distinct planes of 800 square feet or less. In other Districts and Corridors, the standard is 1,200 square feet. A wall planes is considered distinct from other wall planes when there is a



Example: Large storefront windows can help to establish a sense of human scale and provides street-level pedestrian interest.

17.18: General Development Standards: District and Corridor Zones

recess or projecting section of the structure that projects or recedes at least 1 foot for a length of at least 6 feet. The purpose of this standard is to promote human-scaled buildings by breaking down larger wall masses into modules and articulated planes.



Example: Select materials and architectural elements that reduce the building's scale.

4. Base, middle, top.
 - a. Building design will provide a clear, distinctive base, an occupied middle, and a top (e.g., an eave, cornice, and/or parapet line) that complement and balance one another.
 - b. A building's facade shall emphasize each floor in the external design. Examples of meeting this standard include use of belt courses or other horizontal shadow producing trim band of contrasting color, relief, and materials, varying materials, and using structural elements
5. Roof.
 - a. Varied roof or parapet forms shall be used to reduce the perceived scale of the building and to conceal roof top equipment from public view.
 - b. Any roof shall have at least one of the following features:
 1. Overhanging eaves of at least 2 feet.
 2. Sloping roof or multiple roof planes.
 3. A parapet concealing a flat roof.
 - c. False roof forms or varying parapet elements shall have depth behind the façade of the building no less than 20% of the depth of the building footprint.



Example: Using sloped roof forms can help reduce the perceived scale of a building.

17.18: General Development Standards: District and Corridor Zones

- 6. Center Street National Historic District.
 - a. All buildings within the Center Street National Historic District must comply with the Center Street National Historic District Design Standards and shall receive a Certificate of Appropriateness where required.
- 7. Adaptive Reuse.
 - a. Adaptive reuse of buildings shall provide street-level amenities and human scale design.
 - b. Adaptive reuse projects shall remain consistent with traditional building forms and materials.



Required: Varied roof forms and depth help to reduce perceived building scale. False roof forms shall have depth behind the façade of the building no less than 25 % of the depth of the building footprint.



Example: The adaptive reuse of this historic building is a great example of providing street-level pedestrian interest on the front of retail buildings.



Example: Varied roof forms, heights, design details, and materials can be used to clarify entrances and reduce perceived building scale.



Example: These photos illustrate the importance of adaptive reuse projects remaining consistent with traditional building forms and materials.

17.18: General Development Standards: District and Corridor Zones

§17.18.030. Building Orientation and Entries

A. Purpose.

The purpose of this Section is to ensure that primary building entrances are **visually prominent and** oriented to the street, ~~visually prominent and~~ **while** easily accessible to pedestrians.



Required: A building's primary entrance shall be oriented toward the public street.

B. These standards apply in the following districts:

1. Town Center.
2. Commercial.
3. Mixed Use Center.
4. University Corridor.

C. Standards.

1. Buildings and their primary entrances shall be oriented to streets **and must express human scale.**
2. ~~Where feasible,~~ **Corner** buildings with two street frontages shall have the primary entrance oriented to the street corner.
3. Primary building entrances shall be immediately access**ible** by street sidewalks, pedestrian ways, plazas, courtyards, **public transit areas,** or other civic spaces, ~~as approved through design review.~~

4. Primary building entrances shall include at least one (1) sheltering element

Required: Develop the street-level to provide visual interest to pedestrians at the sidewalk edge and to convey a human scale.

matching the scale and design of the building such as awnings, canopies, colonnades, marquees, building overhangs, arcades or porticos extending at least 6-feet over adjoining walks. Additional sheltering elements may be required in some zones, or may be required through design review.



Example: Locating an entrance on the corner can provide street-level interest to the front and side of a building.

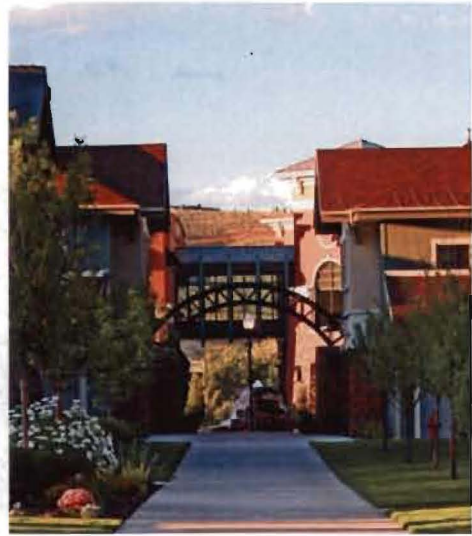
- ~~5. Primary entrances, for all types of development, must express human scale.~~

- ~~6.5. Design the primary entrance to be the prominent feature of the building. Primary entrances shall have a sheltering element that matches the scale and design of the building.~~

17.18: General Development Standards: District and Corridor Zones



Required: Primary entrances, for all types of development, must express human scale.



Required: Design the primary entrance to be the prominent feature of the building.



Required: The primary entrance of a building will orient to sidewalks and pedestrian ways.



Required: Primary entrances shall have a sheltering element that matches the scale and design of the building.

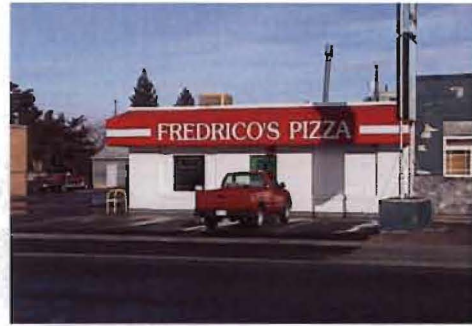


Prohibited: A primary entrance that is not appropriate to the size and design of the building.

17.18: General Development Standards: District and Corridor Zones



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§17.18.040. Transition Areas**A. Purpose**

The purpose of this Section is to ensure new infill development is compatible with adjacent neighborhoods. The standards are intended to provide for gradual transitions from shorter to taller structures and consistency in setbacks along streets.

B. Applicability

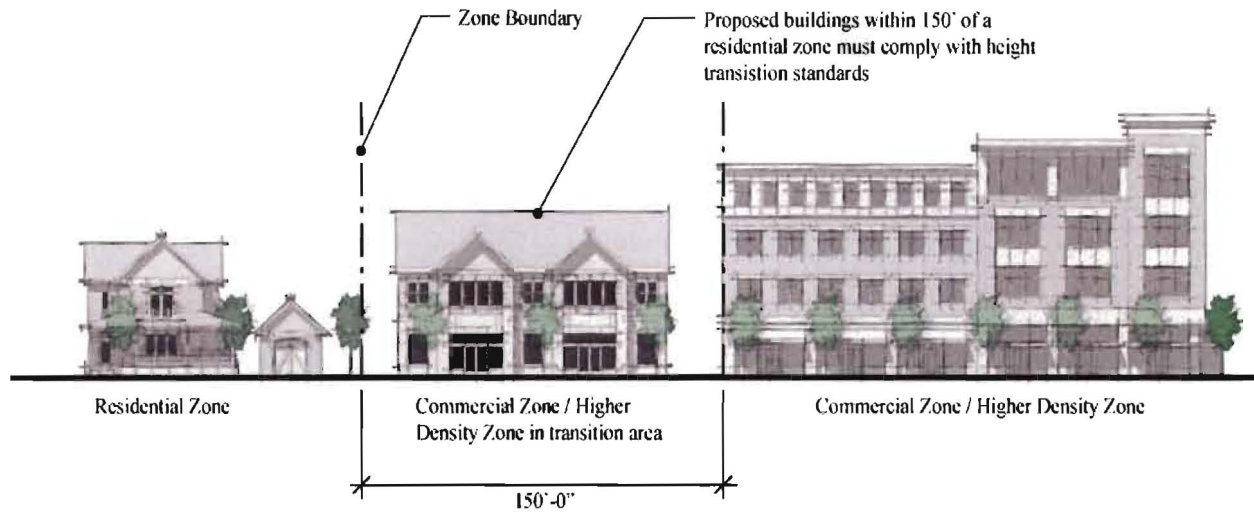
This Section applies to all new commercial, industrial or mixed use structures proposed for construction, addition, or expansion adjacent to, or within 150 feet of, the following residential zones: (NRC, NRCS, NROC, NRE, NRW, MH, MRM, & MRH).

C. Standards

1. **Height Transition Standards.** Where a building is to be constructed or expanded, those portions of the building within 150 feet of any residential zone shall meet the minimum height transition requirements listed in Section 17.14.050.
2. **Setback Transition Standards.** New commercial, industrial, or mixed use development either immediately adjacent to, or directly facing (including across a public street), a residential zone shall be subject to the same setback standards as applicable to that residential zone.

17.18: General Development Standards: District and Corridor Zones

Figure 17.18.040.C: Building Height Transition



3. New commercial, industrial or mixed used buildings proposed for placement or expansion adjacent to, or across the street from, a residential zone shall maintain a front yard character similar in nature and context to that of a residential use or neighborhood.
4. When parking lots are located adjacent to residential areas, an additional parking setback of ten (10) feet with landscaping, and other screening techniques are required to produce, at the time of construction, a total screen of the parking lot from adjacent properties.



Required: New commercial buildings in a residential context shall maintain a front yard character.



This fast food restaurant is a great example of retaining the traditional residential development patterns of its context.



Required: When parking lots are located adjacent to residential areas, additional setbacks, landscaping, and other screening techniques will reduce the visual impact to the neighborhood.

§17.18.050. Buildable Area Extensions**A. Purpose.**

The purpose of this Section is to allow, by right, certain encroachments into required setbacks, and exempting certain architectural features from required setbacks and structure height calculations. The intent is to provide flexibility in building design where certain architectural features contribute aesthetically or functionally to a building without changing its floor area, occupancy, or intensity of use. When evaluating adjustments or modifications to buildable area for consistency with the above purpose, the approval body shall consider whether the subject site has unique physical characteristics and/or whether the proposed structure has special operational or functional requirements necessitating the adjustment. Adjustments are also limited by applicable building and fire safety regulations.

B. Applicability.

1. The provisions of this Section apply to all development within all Districts and Corridors.

C. Standards.

1. Eaves, balconies, stoops, stairs, overhangs, awnings, bay windows, and similar features may extend beyond the required buildable area by up to 36 inches.
2. Unenclosed porches, balconies and similar structures extending not more than 30 inches above grade shall not be counted against maximum lot coverages.
3. Spires, cupolas, belfries and domes, and similar architectural features not used for human occupancy and covering not more than ten percent (10%) of the ground area covered by the structure to which they are accessory, may exceed height restrictions through design review, except where prohibited by Federal Aviation Regulations, part 77.

§17.18.060. Building Design Standards - Industrial Park Development**A. Purpose.**

The purpose of Logan's Industrial Park development standards are to:

1. Support employment and production uses by providing a functional and attractive environment.
2. Ensure a quality development image.
3. Protect and enhance private property values and investments.
4. Protect public investments.
5. Promote transition and compatibility with adjacent uses.
6. Employ sustainable design practices.

B. Applicability.

The provisions of this Section apply to new industrial development including new construction and/or additions to existing buildings, and excluding changes in uses or occupancy, interior building modifications and temporary uses or facilities. The applicability of these standards to the expansion of existing buildings may be modified or altered due to existing building configuration, site conditions, processing requirements or other technical considerations provided appropriate mitigation offsetting any identifiable impacts are identified and considered. The provisions of this section apply to all exterior building construction, changes in materials, repainting and mechanical equipment, as well as new or expanded outdoor facilities, parking, fencing, landscaping and exterior lighting in the Industrial Park zone. The standards do not

17.18: General Development Standards: District and Corridor Zones

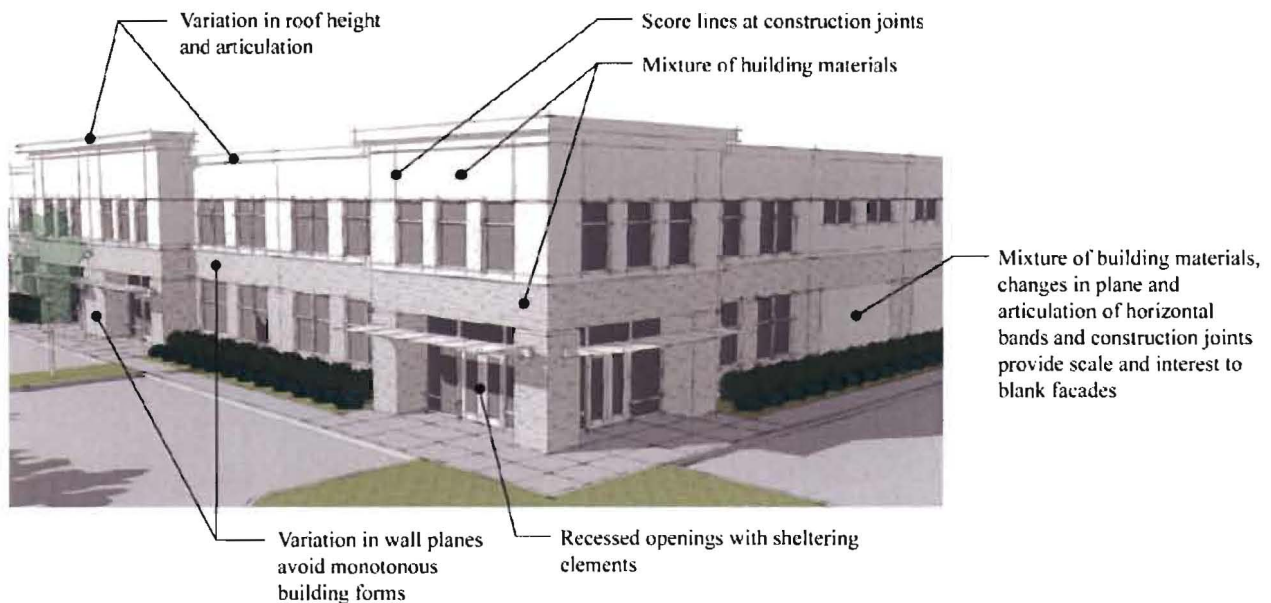
~~apply to changes in permitted uses, interior building modifications needed to accommodate permitted uses, and temporary uses or facilities.~~

C. Standards.

1. Architectural Design.

- a. The architectural design of new buildings and major exterior additions shall relate to neighboring buildings. While specific designs need not be duplicated, the general size, bulk, materials, and colors shall have a complimentary design relationship to other buildings in the vicinity. Due to their potential impact upon the character of Logan as a whole, particular attention shall be given to the architectural design quality of buildings which will be highly visible from public streets.
- b. Primary buildings in close proximity on the same property shall have harmonious proportions and similar architectural styles. Nearby accessory buildings shall be of a compatible design and treatment.
- c. Variety in roof shapes and forms is encouraged to add diversity, enhance scale, and complement the features of nearby buildings. Where parapet walls are used, they shall be designed as an integral part of the building design.

Figure 17.18.080.C1: Industrial Park Building Articulation and Detailing

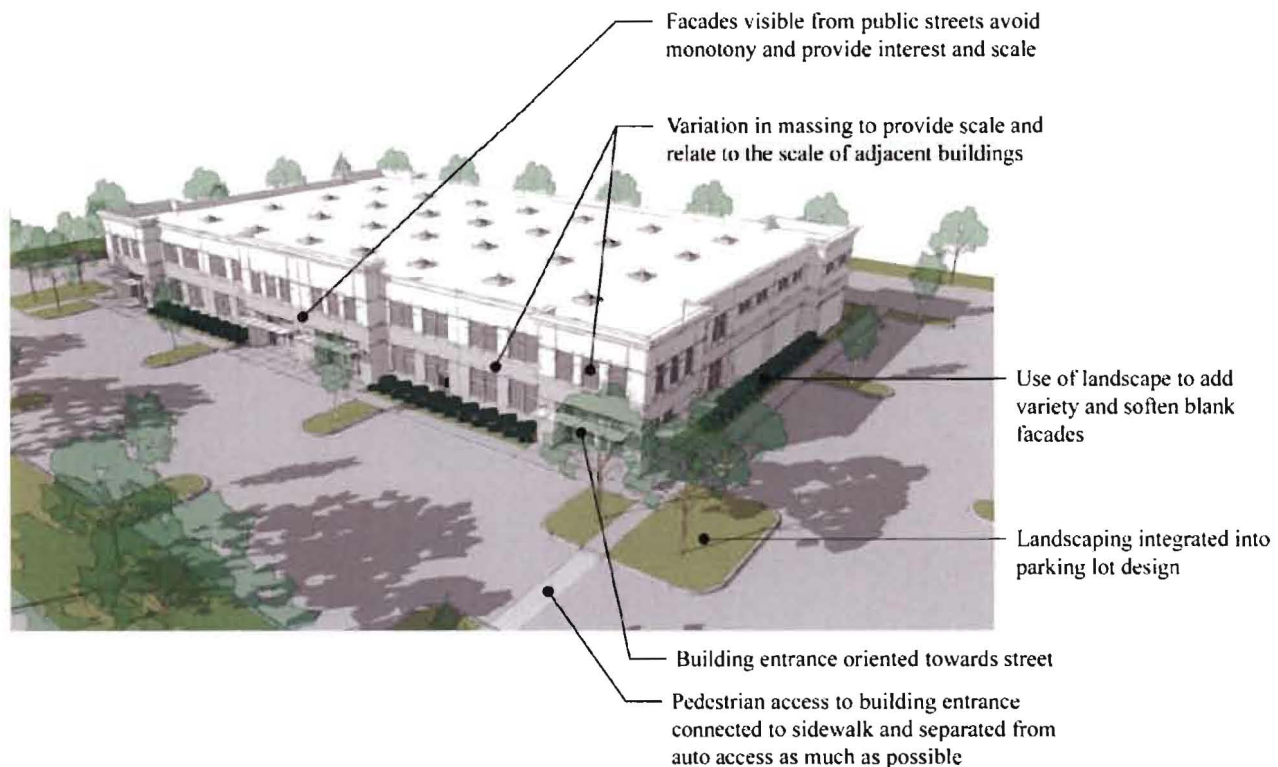


- d. Exterior design features including materials, texture, color and trim detailing shall be included on all building elevations visible to public streets, pedestrian ways, and Neighborhood districts.
- e. The mixing of unrelated architectural styles, materials and details is to be avoided.
- f. Exterior siding materials shall be masonry, plaster, wood, metal, textured concrete, or an approved alternative material. Metal clad buildings shall have baked-on enamel exterior finishes or its equivalent type of finish.
- g. Highly reflective glass shall not cover more than twenty percent of a building surface visible from a street.

17.18: General Development Standards: District and Corridor Zones

- h. Monotonous building forms shall be avoided by using various methods to help create interest and reduce scale. Examples include the staggering of vertical walls, recessing openings, providing upper-level roof overhangs, using deep score lines at construction joints, contrasting compatible building materials, and using horizontal bands of compatible colors. A minimum of two of these methods shall be utilized at a minimum of 40-foot intervals along facades visible from public streets, pedestrian ways, and Neighborhood districts.
- i. Ground-floor entrances shall include an off-set of at least four feet in depth and of a sufficient width to easily discern the location of the entrance. Examples of off-sets include recesses, extensions, or other breaks in elevation.
- j. Mixed-use buildings containing non-industrial uses shall highlight the public entry to the structure to create a sense of human scale and to emphasize a primary entry feature.
- k. Exterior walls shall incorporate compatible finishes and colors. Very bright, very light and very dark colors shall be used sparingly as accents, rather than as primary wall colors.
- l. Utility doors, fire doors, loading docks and other potentially unsightly service features shall be designed to blend with the building's architecture.

Figure 17.18.080.C2: Industrial Park Building Design Standards



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EXHIBIT B

17.50: Design Review Permits

§17.50.010. Purpose

The purpose of design review is to encourage high quality development design and enhance neighborhood character. The design review process is intended to ensure conformance to city standards and encourage superior design while providing for flexibility in project design. Two procedural “tracks” are provided whereby an applicant can choose to follow the prescriptive (Track 1) standards in Title 17, or propose an alternative design (Track 2) that is consistent with the purpose and intent of Title 17 and results in a superior design.

§17.50.020. Design Review Committee

The Planning Commission shall review Track 2 design review applications, including proposed site layout, building design, grading and drainage, for conformity with Title 17 and shall follow the notice and meeting requirements of Section 17.50.070.

§17.50.030. Standing To Apply

Any property owner, or proponent with the written permission of the property owner, may apply for consideration of a design review permit..

§17.50.040. Design Review Permits

A. Design Review Permits are required for the following types of development:

1. Single family dwellings located above the 4950' elevation;
2. Attached single family dwellings;
3. Townhomes and Townhouses;
4. Multi family residential buildings;
5. Subdivisions;
6. Commercial development;
7. Industrial development;
8. Recreation development;
9. Public development;
10. Freestanding signs;
11. Wall art over 10% of the first story façade area; and
12. Electronic Message Display Signs

B. Design Review Permit is required for certain modifications to uses.

1. All remodeling, renovation or additions, including parking and access, that result in an increase in size by more than 25% or 20,000 square feet, whichever is less; or
2. Exterior remodeling or renovation that is found by the Director to result in an increase in a nonconforming design condition.

§17.50.050. Procedures

Design Review Permits shall be processed as either a Track 1 Permit or a Track 2 Permit, and the review process shall follow the procedural requirements in Section 17.55.

§17.50.060. Design Review Track 1: The Director shall be the review authority for Track 1 design review applications.

A. Track 1 Design Review Permits shall meet the following criteria:

1. The project or use does not require any variance or conditional use permit;

17.50: Design Review Permits

2. The applicant has not requested any adjustment or modification to the standards in Title 17;
 3. The Director has not referred the application for a Design Review Permit to the Planning Commission for any other reason. The Director may refer applications to the Planning Commission Section 17.50.070 (Track 2) at his or her discretion where the application does not clearly demonstrate compliance with the applicable standards and criteria of Title 17; and
 4. The application meets all of the approval criteria in Section 17.50.080.;
- B. The applicant shall be notified of the design review permit decision.
 - C. Appeals shall be heard by the Board of Appeals following the provisions of Chapter 17.57.
 - D. The Administrative Record of Decision shall serve as the administrative record of proceedings.

§17.50.070. Design Review Track 2: The Planning Commission shall be the reviewing authority for design review applications that do not meet the criteria under Section 17.50.060.A. The Planning Commission shall review Track 2 applications according to Section 17.55.

§17.50.080. Approval Criteria

The Planning Commission may approve a design review permit upon substantiating the following findings:

- A. The maximum allowable density under the applicable zoning district has not been exceeded, unless a density bonus has been approved for the subject site in conformance with this Title.
- B. The design review permit substantially conforms to the requirements of Title 17 of the Logan Municipal Code.
- C. Where an adjustment to a provision of Title 17 is requested as part of the design review application, the following criteria shall apply:
 1. The adjustment is consistent with the purpose and intent of the zoning district in which the project is located;
 2. The adjustment is consistent with the purpose of the standard for which the adjustment is requested;
 3. Permitted use standards, including conditional use standards, shall not be adjusted;
 4. Density standards shall not be adjusted;
 5. Adjustments to height, bulk, ~~parking, open space, and~~ landscaping, setbacks, lot coverage and floor area requirements ~~-(including setbacks, lot coverage, buffering, parking ratio, and floor area)~~ may be approved provided that the adjustment does not exceed ten (10) percent of the base standard. ~~;~~ and Adjustments to design standards and guidelines such as building placement, building orientation, form, materials, fenestration, articulation, wall planes or façade variation may be approved by the Planning Commission with findings that demonstrate the proposed design changes are not due to financial considerations on behalf of the project proponent, are consistent with surrounding land use patterns and community design, will not compromise future projects or design, and any deviations reflect the City's desire to encourage and permit development that has lasting value to the community; and
 6. Historic district guidelines shall not be adjusted through this procedure.

§17.50.090. Conditions and Modifications**A. Permit Approval Conditions.**

In reviewing an application for a design review permit, the decision making body may modify the project or impose conditions concerning site development, site design, and building design features to ensure conformance to applicable development and design standards, consistent with the purpose of this section. The issues that may be reviewed include and are not limited to:

1. Size and location of site, including all property owned by the proponent;
2. Streets and roads in the area;
3. Ingress and egress to adjoining existing and proposed public streets. Where adjoining streets are regulated by the Utah Department of Transportation, access to street(s) shall conform to the requirements of the Cache Access Management Plan;
4. Location and amount of off street parking;
5. Internal traffic circulation system;
6. Pedestrian and vehicular connectivity to adjoining properties;
7. Fencing, screening and landscaped separations;
8. Building bulk and location;
9. Architecture design and detailing;
9. Usable open space;
10. Landscaping, screening and/or buffering;
11. Signs and lighting;
12. Noise, vibration, air pollution, adverse effects of lighting, and other development factors;
13. Setbacks as approved or modified by the Planning Commission from the site plan in conformance with the provisions of this Title; or
14. Existing trees, water bodies or other natural features.

B. Permit Modifications.

Modifications to an approved site plan and/or elevations may be approved by the Director upon finding that the modification substantially conforms to the design review permit and is not a change of more than ten (10) percent from the approved plan (i.e., for any quantitative standard, specification or condition of approval).



**Project #13-031
Commercial Design Review Amendment
Text Amendment**

REPORT SUMMARY...

| | |
|-------------------------|------------------------------------|
| <i>Project Name:</i> | Commercial Design Review Amendment |
| <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> | July 11, 2013 |
| <i>Submitted By:</i> | Mike DeSimone, Director |

RECOMMENDATION

Staff recommends that the Planning Commission recommend **approval** to the Municipal Council for the following amendment to the Land Development Code (LDC): Sections 17.18 and 17.50.

REQUEST

This set of proposed text amendments to the Land Development Code are categorized into two parts and are attached in their entirety. The first component of this LDC amendment includes language in 17.18 and 17.50 which should provide greater flexibility in the Design Review process for commercial and industrial projects. The purpose of these modifications is to recognize that a written standard does not necessarily take into consideration the circumstances unique to a site or a previous decision, and may sometimes not fit as uniformly as we would like. It also helps to formalize those decisions where the application of standards are potentially unclear or conflicting. It is important to make sure all understands that the intent is to not open the door for “quasi-variances” where all standards are just thrown out nor open the door for the inclusion of public clamor into the design review process. The sole purpose is to give the PC enough discretion in applying seemingly competing or conflicting standards to make the best decision possible based on the site conditions, the code, the General Plan, and adequate and defensible findings. These Sections are discussed below:

- Amend Chapter 17.18.010.B to provide flexibility in applying Chapter 17.18 standards to all commercial or industrial projects based on unique site conditions.
- Amend Chapter 17.50.080.C.5 to provide flexibility in applying design standards during the design review process provided specific findings are met.

The second component of this LDC amendment is to clean-up some of the language in the Commercial design standards to make it consistent with other parts of the Code and to read easier. It also includes a specific reference to parking location in project design and review. The base standard is to require the placement of parking to the side or rear of new structures. In most cases, especially downtown, this design fits with the historical pattern of development. In other situations, especially those involving more suburban types of commercial development or commercial redevelopment, this standard can be a little more challenging to implement. Changes to 17.18.010.D.4.a provide some additional flexibility to the PC to consider various factors when reviewing a project’s design. These Sections are discussed below:

- Amend Chapter 17.18.010.C & D to clarify language and formatting.
- Amend Chapter 17.18.010.D.a as referenced above.

- Amend Chapter 17.18.020 to clarify language and formatting. Added 17.18.020.C.1.b to clarify that four sided architecture is required on commercial buildings.
- Amend Chapter 17.18.030 to clarify language and formatting.
- Amend Chapter 17.18.060.B to provide additional flexibility for industrial developments, especially industrial expansions, where trying to match new building lines with existing buildings or design being driven by production requirements.

GENERAL PLAN

The Land Development Code was prepared and adopted to implement the vision expressed in the General Plan. These proposed amendments help clarify and implement the policies expressed in the General Plan and ultimately codified in the Land Development Code. These amendments are consistent with the General Plan.

STAFF RECOMMENDATION AND SUMMARY

Staff finds that the proposed amendments will enable the Planning Commission to have greater latitude in reviewing projects during the design review process to ensure they are compatible with surrounding land use patterns and existing development without compromising the values and purposes expressed in both the Logan General Plan and the Development Code.

PUBLIC COMMENTS

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

PUBLIC NOTIFICATION

Public notices were published in the Herald Journal on June 27, 2013, posted on the City's website and the Utah Public Meeting website on June 27, 2012, and noticed in a quarter page ad on June 30, 2013.

AGENCY AND CITY DEPARTMENT COMMENTS

As of the time the staff report was prepared, a comment was received from CVTD requesting inclusion of language that referenced CVTD's facilities. The Planning Commission will need to review the comments and consider whether they are appropriate for inclusion. Staff would recommend that we include the suggested reference to include public transit in Chapter 17.18.030 on page 18-10 and not include the other two suggestions. The suggested language in 17.18.010 and 17.50.090 are not in context with the provisions being addressed in those specific sections.

RECOMMENDED FINDINGS FOR APPROVAL

The Planning Commission bases its decisions on the following findings:

1. Utah state law authorizes local Planning Commissions to recommend ordinance changes to the legislative body (Municipal Council).
2. The Code Amendment is done in conformance with the requirements of Title 17.51 of the Logan Municipal Code.
3. The proposed Code Amendments clarify the design review decision making process for the Planning Commission.
4. The proposed Code Amendments clarify language in Chapters 18 to provide clearer substantive requirements and remove ambiguities. Many of the proposed amendments are "clean up" in nature.
5. This type of Code Amendment is consistent with the overall goals and objectives of the General Plan as it helps to clarify the purpose, intent, processes and requirements of the Land Development Code.

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.

LEGAL NOTICE
Municipal Council
August 6 & 20, 2013

The following public hearings will be held in the Logan City Municipal Council Chambers at 290 North 100 West at 5:30 p.m. All comments must be submitted to Community Development to be included in the public record before 5:00 p.m. on August 1, 2013. Contact 716-9021 or www.loganutah.org for further info.

Public Hearings:

13-61 **PC 13-016 LDC Amendment - Infill & Flag Lots** Code Amendment. Logan City requests an amendment to the Land Development Code Section 17.37 to include new infill and flag lot development standards.

13-62 **PC 13-024 LDC Amendment – 17.60 Civil Fees** Code Amendment Logan City requests to amend the Land Development Code Section 17.60 to modify the administrative enforcement provisions regarding civil fees.

PC 13-025 1200 E. Rezone Zone Change Logan City/Laree Johnson-Dick Sackett, authorized agent/owner request to rezone two (2) parcels along 1200 East 1250 North from Mixed Residential High (MRH) to a mixture of eight (8) acres of Mixed Residential High (MRH) and twelve (12) acres of Neighborhood Residential Eastside (NRE). This rezone request is a result of the 2012 city-wide zoning project. TIN 05-011-0004;0005.

13-59 **PC 13-029 LDC Amendment - WirelessTelecommunications** Code Amendment. Logan City requests to amend sections 17.13, 17.17, 17.21, 17.45 and 17.50 in the Land Development Code regarding telecommunication facilities.

13-63 **PC 13-030 LDC Amendment – Historic District 17.27 & 17.46** Code Amendment. Logan City requests to amend sections 17.46 and 17.27 in the Land Development Code to clarify the project review process for Certificate of Appropriateness and design review in the Historic District.

13-64 **PC 13-031 LDC Amendment – Design Standards 17.18 & 17.50** (continued from June 27, 2013) Code Amendment. Logan City requests to amend sections 17.18 and 17.50 of the Land Development Code to clarify design standards in commercial, industrial, mixed use and commercial service zones. The amendment also clarifies Planning Commission review authority in the design review process.

PC 13-035 LDC – Gateway Zone Code Amendment. Logan City is requesting to amend the Land Development Code Use Table 17.17.030. Change outdoor storage, warehouse, freight movement and waste-related use from not permitted to be allowed by conditional use.

13-65 **PC 13-039 Hospital Remodel & Budge Clinic Addition** Design Review, Conditional Use, Code Amendment & Zone Change. IHC, authorized agent/owner, request an amendment to the Land Development Code Section 17.30 to add a Hospital Overlay at 500 East 1400 North in the Commercial (COM) zone; TIN 05-016-0028.

Publication Date: Tuesday, July 23, 2013



AMENDMENTS & ZONE CHANGE

**PUBLIC
HEARING
PLANNING COMMISSION**

**THURSDAY
July 11, 2013**

5:30 PM

**MUNICIPAL COUNCIL CHAMBERS
LOGAN CITY OFFICES
290 North 100 West**

The Logan City Planning Commission will hold a public hearing to receive input on the following:

- ✓ PC 13-016 LDC Infill & Flag Lots Amendment (continued from May 23, 2013) Logan City requests an amendment to the Land Development Code Section 17.37 to include new infill and flag lot development standards. 13-61
- ✓ PC 13-024 LDC Amendment – 17.60 Civil Fees Code Amendment Logan City requests to amend the Land Development Code Section 17.60 to modify the administrative enforcement provisions regarding civil fees. 13-62
- ✓ PC 13-028 Quad Training Code Amendment Brandon Carlisle/Bryan Smith, authorized agent/owner, request an amendment to the Land Development Code Section 17.27.030 allowing health and fitness centers in the Industrial Park (IP) zone; TIN 07-176-0008. 13-53
- ✓ PC 13-029 LDC Amendment - Wireless Logan City requests to amend sections 17.13, 17.17, 17.21, 17.45 and 17.50 in the Land Development Code regarding telecommunication facilities. 13-59
- ✓ PC 13-031 LDC Amendment – Historic District Logan City requests to amend sections 17.46 and 17.27 in the Land Development Code to clarify the project review process for certificate of appropriateness and design review in the Historic District. 13-64
- ✓ PC 13-031 LDC Amendment – Design Standards 17.18 & 17.50 (continued from June 27, 2013) Code Amendment. Logan City requests to amend sections 17.18 and 17.50 of the Land Development Code to clarify design standards in commercial, industrial, mixed use and commercial service zones. The amendment also clarifies Planning Commission review authority in the design review process. 13-64

The Municipal Council is tentatively scheduled to hold a workshop on these items on **Tuesday, August 6, 2013**, and a public hearing on **Tuesday, August 20, 2013**. Both meetings will be held in the Logan City Municipal Council Chambers at 290 North 100 West at 5:30 pm. Contact the Department of Community Development at 716-9021 for more information or www.loganutah.org

- published in H.J. 6/30/13

**CITY OF LOGAN, UTAH
ORDINANCE NO. 13-65**

**AN ORDINANCE AMENDING TITLE 17 OF THE LAND DEVELOPMENT CODE
CREATING A HOSPITAL OVERLAY ZONE**

WHEREAS, in accordance with the vision of the General Plan, the Council desires to make land use decision which promote enduring quality and consideration for the entire community; and

WHEREAS, the Logan Regional Hospital is a significant provider of regional medical services for both Logan City and the entire Cache Valley; and

WHEREAS, the changing technological needs of medical facilities has influenced building design such that it is necessary to design and build structures housing medical uses with taller story heights in a design oriented vertically rather than horizontal; and

WHEREAS, the Council finds that the use of a Hospital overlay zone will provide sufficient regulatory oversight to ensure regional medical facilities are allowed to design and construct buildings in excess of the base zoning height to meet changing medical technological needs without unduly impacting neighboring residential properties; and

WHEREAS, the Council further finds that the application of a Hospital overlay zone will help to ensure that quality design and development are constructed in the City without compromising the overall intent of the Logan General Plan or Land Development Code.

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

That certain code entitled "Land Development Code, City of Logan, Utah" Chapter 17.30: "Hospital (H) Overlay Zone" is hereby amended as attached hereto as Exhibit A; and

This ordinance shall become effective upon publication.

**PASSED BY THE LOGAN MUNICIPAL COUNCIL, STATE OF UTAH, _____
THIS DAY OF _____, 2013.**

AYES:

NAYS:

ABSENT:

Holly Daines, Chair

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 _____, 2013.

Holly Daines, Chairman

MAYOR'S APPROVAL OR DISAPPROVAL

The foregoing ordinance is hereby _____ this ____ day of _____, 2013.

Randy Watts, Mayor

EXHIBIT A

Article IV: Overlay Zoning Districts

Chapter 17.23: Overlay Zones Established

§17.23.010. Overlay Zones Established

- A. AL_z: Airport Limitation overlay zone, Chapter 17.24.
- B. AP_z: Aquifer/Wellhead Protection overlay zone, Chapter 17.25.
- C. HL_z: Historic Landmark overlay zone, Chapter 17.26.
- D. HD_z: Historic District overlay zone, Chapter 17.27.
- E. GF_z: Greenfield overlay zone, Chapter 17.29.
- F. H: **Hospital overlay zone, Chapter 17.30.**
- G. CL_z: Critical Lands overlay zone, Chapter 17.31.
- H. X_z: Existing lot size overlay zoning district, Chapter 17.33.

§17.23.020. Use of Overlay Zones

A. Nomenclature.

An Overlay Zoning classification is appended to a base zoning district so that the lands are classified as Base Zoning District-Overlay District. As an example, property in the Neighborhood Residential Center Street-Historic District zoning district (NRCS-HD).

B. Multiple Overlay Districts.

Property within the City may be included in more than one Overlay District. For example, a property may be within both the Historic District and a Critical Lands area. In this case, the property would be enumerated as NRCS-HD-CL.

Chapter 17.30: Hospital (H) Overlay Zone

§17.30.010. Purpose

The Hospital (H) Overlay Zone is intended to identify lands within the City that are appropriate for Regional Medical Centers and/or Hospitals, and to promote quality design consistent with General Plan policies and Land Development Code requirements by allowing for modifications to the base zone's building height standards. The Hospital Overlay Zone may be applied to any zone except the Neighborhood Residential zones.

§17.30.020. Permitted Uses

The permitted uses in the Hospital Overlay Zone are in accordance with the allowed uses of the base zone within which the Hospital Overlay Zone is applied.

§17.30.030. Application of the Hospital Overlay Zone

The maximum height of the base zone may be modified with the Hospital Overlay Zone subject to the following:

- A. The maximum height allowed under the Hospital Overlay Zone is 120';
- B. A Conditional Use Permit is required for any proposal is excess of the maximum height of the base zone; and
- C. The height transition standards outlined in the Land Development Code are applicable to projects within the Hospital Overlay Zone.



**Project #13-039 (Code Amendment)
Hospital Overlay District
Code Amendment**

REPORT SUMMARY...

Project Name: Hospital Overlay District Amendment
Proponent/Owner: Community Development Department
Project Address: Citywide
Request: Code Amendment
Type of Action: Legislative
Date of Hearing: July 25, 2013
Submitted By: Mike DeSimone, Director

RECOMMENDATION

Staff recommends that the Planning Commission recommend **approval** to the Municipal Council for the following amendment to the Land Development Code (LDC): Section 17.30.

REQUEST

This proposed text amendment to the Land Development Code would create a Hospital Overlay Zone to enable the existing hospital to construct taller than the underlying zoning district currently permits.

The purpose is as follows:

§17.30.010. Purpose

The Hospital (H) Overlay Zone is intended to identify lands within the City that are appropriate for Regional Medical Centers and/or Hospitals, and to promote quality design consistent with General Plan policies and Land Development Code requirements by allowing for modifications to the base zone's building height standards. The Hospital Overlay Zone may be applied to any zone except the Neighborhood Residential zones.

The permitted uses are as follows:

§17.30.020. Permitted Uses

The permitted uses in the Hospital Overlay Zone are in accordance with the allowed uses of the base zone within which the Hospital Overlay Zone is applied.

The applicability is as follows:

§17.30.030. Application of the Hospital Overlay Zone

The maximum height of the base zone may be modified with the Hospital Overlay Zone subject to the following:

- A. The maximum height allowed under the Hospital Overlay Zone is 120';
- B. A Conditional Use Permit is required for any proposal in excess of the maximum height of the base zone; and
- C. The height transition standards outlined in the Land Development Code are applicable to projects within the Hospital Overlay Zone.

The purpose for the creation of this overlay zone is to enable the existing hospital to construct the proposed addition (before the PC on the same docket) as well as in anticipation of future expansion plans involving replacement of the towers. Future expansion plans call for the existing towers to be replaced with structures ranging in height from 90' – 120' depending upon current design considerations. Hospital stories are typically taller than conventional commercial or residential stories and may range in height from 15' – 20' per story due to the type of mechanical and other support equipment necessary.

GENERAL PLAN

The Land Development Code was prepared and adopted to implement the vision expressed in the General Plan. This proposed amendment helps provide flexibility for hospitals as they expand or remodel to meet changing medical technologies and increased demands for services. The provision of competitive health care and the provision for a functional and viable hospital in Logan is important to the General Plan and the residents of Logan City. Adequate provisions are in place to ensure compatibility with surrounding land uses, both existing and future, and with neighboring single family residential areas. These amendments are consistent with the General Plan.

STAFF RECOMMENDATION AND SUMMARY

Staff finds that the proposed amendments will enable the hospital to continue to grow in response to increasing demands while remaining a permanent fixture in Logan. The proposed overlay district will be applicable to the existing hospital site, will enable the expansion of the hospital vertically as opposed to horizontally, and will require the adherence to height transition standards to ensure adequate transitioning is implemented in order to minimize impacts on neighboring properties. Staff would recommend that the Planning Commission forward a recommendation of approval to the Council for their consideration.

PUBLIC COMMENTS

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

PUBLIC NOTIFICATION

Public notices were published in the Herald Journal on July 11, 2013, posted on the City's website and the Utah Public Meeting website on July 11, 2013, and noticed in a quarter page ad on July 3, 2013.

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 Amendment is done in conformance with the requirements of Title 17.51 of the Logan Municipal Code.
3. The proposed Code Amendment establishes a new maximum height specifically for hospital uses and is not applicable elsewhere without additional review by both the Planning Commission and the Municipal Council.
4. The proposed Code Amendment will enable the existing hospital facility to remain competitive by permitting future redevelopment efforts that are, by function, taller, than the underlying base zone permits.

5. Impacts to neighboring properties will be evaluated at the time a Conditional Use Permit is reviewed. The minimum height transition standards currently in place within the Land Development Code will help to ensure that structures exceeding the maximum base zone height are adequately setback from any property lines.
6. The provisions of this Hospital Overlay Zone do not alter the permitted or prohibited uses of the underlying base zone.
7. The provision of a Hospital Overlay Zone is consistent with the overall goals and objectives of the Logan General Plan as it seeks to ensure the existing complex remains a viable component of the community.
8. No public comment has been received regarding the proposed hospital overlay zone.

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.

LEGAL NOTICE
Municipal Council
August 6 & 20, 2013

The following public hearings will be held in the Logan City Municipal Council Chambers at 290 North 100 West at 5:30 p.m. All comments must be submitted to Community Development to be included in the public record before 5:00 p.m. on August 1, 2013. Contact 716-9021 or www.loganutah.org for further info.

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13-64 **PC 13-031 LDC Amendment – Design Standards 17.18 & 17.50** (continued from June 27, 2013) Code Amendment. Logan City requests to amend sections 17.18 and 17.50 of the Land Development Code to clarify design standards in commercial, industrial, mixed use and commercial service zones. The amendment also clarifies Planning Commission review authority in the design review process.

PC 13-035 LDC – Gateway Zone Code Amendment. Logan City is requesting to amend the Land Development Code Use Table 17.17.030. Change outdoor storage, warehouse, freight movement and waste-related use from not permitted to be allowed by conditional use.

13-65 **PC 13-039 Hospital Remodel & Budge Clinic Addition** Design Review, Conditional Use, Code Amendment & Zone Change. IHC, authorized agent/owner, request an amendment to the Land Development Code Section 17.30 to add a Hospital Overlay at 500 East 1400 North in the Commercial (COM) zone; TIN 05-016-0028.

Publication Date: Tuesday, July 23, 2013



AMENDMENTS & ZONE CHANGES

**PUBLIC
HEARING
PLANNING COMMISSION
THURSDAY
July 25, 2013
5:30 PM
MUNICIPAL COUNCIL CHAMBERS
LOGAN CITY OFFICES
290 North 100 West**

The Logan City Planning Commission will hold a public hearing to receive input on the following:

- ✓ **PC 12-058 LDC Text Amendment** Amend sections 17.04-17.08 redefine the residential zones and densities in Logan City; 17.12 redefine residential zones; 17.13 amend residential use table; 17.14 clarify general residential development standards; 17.15 clarify specific residential development standards; 17.62 definitions.
- ✓ **PC 13-025 1200 E. Rezone** Zone Change Logan City/Laree Johnson-Dick Sackett, authorized agent/owner request to rezone two (2) parcels along 1200 East 1250 North from Mixed Residential High (MRH) to a mixture of eight (8) acres of Mixed Residential High (MRH) and twelve (12) acres of Neighborhood Residential Eastside (NRE). This rezone request is a result of the 2012 city-wide zoning project. TIN 05-011-0004;0005.
- ✓ **PC 13-035 LDC – Gateway Zone** Code Amendment. Logan City is requesting to amend the Land Development Code Use Table 17.17.030. Change outdoor storage, warehouse, freight movement and waste-related use from not permitted to be allowed by conditional use.
- ✓ **PC 13-039 Hospital Remodel & Budge Clinic Addition** Code Amendment & Zone Change. Amend the Land Development Code Section 17.30 to add a Hospital Overlay. **13-65**

The Municipal Council is tentatively scheduled to hold a workshop on these items on **Tuesday, August 6, 2013**, and a public hearing on **Tuesday, August 20, 2013**. Both meetings will be held in the Logan City Municipal Council Chambers at 290 North 100 West at 5:30 pm. Contact the Department of Community Development at 716-9022 for more information or www.loganutah.org

- published in H.J. 7/7/13



PLANNING COMMISSION MINUTES

Meeting of July 25, 2013

City Hall Council Chambers * 290 North 100 West Logan, UT 84321 * www.loganutah.org

Minutes of the meeting for the Logan City Planning Commission convened in regular session Thursday, July 25, 2013. Chairman Simmonds called the meeting to order at 5:30 p.m.

Planning Commissioners Present: Amanda Davis, David Adams, Angela Fannesbeck, Konrad Lee, Russ Price, Jeannie Simmonds

Staff Present: Mike DeSimone, Russ Holley, Amber Reeder, Debbie Zilles, Kymber Housley, Paul Taylor, Craig Humphreys, Bill Young

Minutes as written and recorded from the July 11, 2013 meeting were reviewed. Commissioner Davis moved that the minutes be approved as submitted. Commissioner Adams seconded the motion. The motion was unanimously approved.

PUBLIC HEARING

PC 13-025 1200 E. Rezone Zone Change Logan City/Laree Johnson-Dick Sackett, authorized agent/owner request to rezone two (2) parcels along 1200 East 1250 North from Mixed Residential High (MRH) to a mixture of eight (8) acres of Mixed Residential High (MRH) and twelve (12) acres of Neighborhood Residential Eastside (NRE). This rezone request is a result of the 2012 city-wide zoning project. TIN 05-011-0004;0005.

STAFF: Mr. DeSimone explained that this is a staff initiated rezone request based on the City's zoning project conducted last year (2012). The zoning on this site was changed in 2011 to Mixed Residential High (MRH). Neighboring residents protested the zoning change after the fact, and during the 2012 zoning project, this is one of the sites that a consensus could not be reached on a specific zone for the site. Staff put together a working committee comprised of representatives from the City, the landowner and the neighborhood to develop a consensus based zoning scheme that was compatible with the neighborhood, consistent with the landowners long term plans, and consistent with the City's General Plan. The result was a tentative project design that included high density multi-family development on the western eight (8) acres and lower density single family residential on the eastern twelve acres. This concept was presented at a Hillcrest neighborhood meeting in August 2012. Since then, the landowner's developer has withdrawn from the project and the zoning remains as Mixed Residential High as the zoning was never changed. In subsequent conversations with the landowners, it appears the property may have a purchaser and has requested that we postpone this rezone action until plans can be prepared.

Mr. DeSimone asked the Commission to continue this project to enable the landowner to firm up a purchase/sale agreement for the property.

MOTION: Commissioner Lee moved that the Commission continue PC 12-025 to the September 26, 2013 meeting. Commissioner Price seconded the motion.

[Moved: Commissioner Lee Seconded: Commissioner Price Passed: 5-0]

Yea: D. Adams, A. Davis, A. Fannesbeck, K. Lee, R. Price Nay: Abstain:

PC 13-032 Willow Brook Town Homes Subdivision & Design Review Permit. Rod Thompson/Robert Bair, authorized agent/owner, request construction of 113 dwelling units within 29 new multi-family residential buildings. A subdivision of 31 new parcels on 10.05 acres of land adjacent to 1400 North, between 400 West and 600 West, is also requested. A clubhouse, swimming pool, storage buildings, parking lots, landscaping and full streetscape improvements will be installed. The project is located at 550 West 1400 North in the Mixed Residential Medium (MRM) zone; TIN 04-081-0018.

STAFF: Mr. Holley reviewed the Staff Report as written, recommending approval.

PROPONENT: Rod and Jake Thompson explained that they want this project to be a benefit to the area. They realize that 1400 North is a busy road and they want the front façade to look very attractive, as well as serving a much needed purpose. The design of the landscape will screen the parking area. They are proud of this project and will be including some extra amenities which will attract more affluent renters to the area.

Commissioner Adams asked if there was another way to break up the articulation so they didn't appear quite so "cookie cutter". Mr. Thompson said this design is consistent with what is in the area, however, it could certainly be modified.

Commissioner Price asked for clarification on the orientation. Mr. Thompson explained that the front façade will face 1400 North, parking will be in the rear. There will be pedestrian access from both the front and rear, with sidewalks and access entries along the front.

PUBLIC: None

COMMISSION: Chairman Simmonds asked about the variety of housing. Mr. Holley explained that in order to avoid repetitious and monotonous rows of buildings, no two multi-family buildings may possess the same street facing elevation on a block face and shall not have the same front façade as the adjacent or opposite front facades. These building variation standards can be met when four of the following eight criteria differ from one another: different mix of materials, articulation changes in wall plane, variation in roof elevation, entry/porch placement and configuration, fenestration, architectural styles, height and color.

Commissioner Lee noted that condition 10 "*No building shall possess the same front façade (as determined by at least 4 of the 8 building variety categories) as the building directly adjacent on either side*" cannot be adequately determined with the renderings presented. He would like to see a more aggressive approach to in meeting that condition.

Commissioner Price agreed and said it would be helpful to see a complete block face elevation. There has been a good attempt at changing materials, however, it is difficult determine with the renderings submitted.

MOTION: Commissioner Lee moved that the Commission continue PC 13-032 to the August 8, 2013 meeting to allow the proponent to develop new renderings outlining the variety in building design. Commissioner Price seconded the motion.

[Moved: Commissioner Lee Seconded: Commissioner Price Passed: 5-0]
Yea: D. Adams, A. Davis, A. Fannesbeck, K. Lee, R. Price Nay: Abstain:

PC 13-035 LDC – Gateway Zone Code Amendment. Logan City is requesting to amend the Land Development Code Use Table 17.17.030. Change outdoor storage, warehouse, freight movement and waste-related use from not permitted to be allowed by conditional use.

STAFF: Ms. Reeder reviewed the Staff Report as written, recommending approval to the Municipal Council for the proposed amendment to the Land Development Code (LDC) Table §17.17.030 Allowed Uses in District and Corridor Zones, modifying the proposed uses from “N” (not permitted) to “C” (requiring a Conditional Use Permit) in the Gateway zone.

The City recognizes that the nature of each of the Gateway areas is different and so the uses should be considered carefully. The uses of outdoor storage, warehousing, and waste-related transfer may not be appropriate for all areas designated as Gateway but may be compatible if designed appropriately. The project under consideration for SA Ferrous Industries on the West Gateway is an example where it may be appropriate with the proper design considerations. Allowing for the uses by Conditional Use Permit allow for discretionary consideration on the impacts that affect the use and enjoyment of adjoining properties and perception of the City at its “gateway”.

PUBLIC: Greg Merrill, owner of the parcel, provided a history of the property. The property to the north is undeveloped natural wetland, the south is the Logan landfill, the east is undeveloped and the west is owned by the County and being used as a salvage yard. In 2011 he tried to sell the property, however, he learned because it had been rezoned Gateway, the value had dropped significantly. He asked the Commission to realize that this property, although zoned Gateway, is surrounded by parcels with uses that are not intended to be in the Gateway zone.

Alex Bearson, the manager of the SA Ferrous Industries, purchasing the land from Mr. Merrill, pointed out that this property borders the landfill and environmental transfer center. Moving forward, he hopes that the same standard will be held to all the properties in that area. The intent is to make the property look nice. He would like to fit in with the surrounding land uses and is in favor of the Code Amendment.

COMMISSION: Mr. DeSimone pointed out that this west Gateway area contains the environmental transfer center, the sewer treatment ponds and predominately public buildings. The Use Chart for this zone does not distinguish the different Gateway corridors. These types of uses may not be appropriate within the south Gateway corridor, but would be in this location, which is the resulting challenge. One of the goals of reviewing the Land Development Code is to create more of a form based code, which concentrates more on physical form, rather than separation of uses. As long as the use is not detrimental, the focus should be more on the aesthetics of the site.

Chairman Simmonds expressed her strong conviction that the planning process is, and should be, directed toward the future, not necessarily what is currently there.

Mr. Holley explained that the purpose of the Gateway zone is to develop aesthetically pleasing, high quality, and economically functional highway entrances to the City. Corporate campuses, recreational uses and open space will be the primary uses. Gateway development and design standards are intended to accomplish: attractive buildings with large setbacks from primary roadways, preservation of open spaces and natural areas, and high quality site and building designs.

Commissioner Adams noted that this west Gateway is much different from the north and south Gateway. The ability to allow a use based on a Conditional Use Permit does allow for some flexibility. Mr. DeSimone agreed and explained that the frustration relates to the restrictive uses allowed in the Gateway zone. For example, ICON is clearly not allowed in the Gateway zone; however, they function just fine. The intent is for some type of campus setting (setback with green space) and the design is what is key, the goal is to capture more of the aesthetics rather than the use.

Chairman Simmonds expressed concern that a change, which might benefit this particular situation, will affect all the Gateway zones.

Mr. DeSimone explained that the Gateway is currently a zoning category that is so restrictive that most of the uses currently within the zone are nonconforming.

Commissioner Lee suggested an alternative strategy which would have differently zone Gateways (i.e. Gateway-West, South, North); therefore, rather than making a change to the entire Gateway zone, there could be specific standards for each particular Gateway corridor.

Commissioner Fonesbeck noted that the west Gateway is very unique due to the current uses; however she is concerned that this change would then create allowances in all the Gateway zones. She said she appreciates Mr. Merrill's comments about the history of the property and he makes some very good points, nevertheless the Planning Commission's role is to plan for the future, rather than accommodate specific projects.

Commissioner Price noted that the Commission is often asked to weigh forms against uses, however there needs to be some recognition that there are some uses which inherently have a visual impact that may not be desired (for example, the current salvage yard near this project). If the use could be contained within the campus style design, it would be much more desirable.

Chairman Simmonds asked if it would be possible to create specific Gateway zones. Mr. DeSimone said that could be done. Mr. Housley, the City Attorney, suggested considering how many Gateway zones would actually need to be created, for example the north and south zones could possibly have the same specifications.

Commissioner Fonesbeck pointed out the need to ensure that the west Gateway zone does not become a row of outdoor dumps and storage sheds; the bigger picture should be carefully considered.

Mr. DeSimone advised that Staff will withdraw this project and bring a new project before the Commission in September.

PC 13-033 SA Ferrous Industries Design Review & Conditional Use Permit. Dennis Parry/Gregory Merrill, authorized agent/owner, request to construct a 3,000 SF office building and a 45,000 SF warehouse on 9.37 acres at 200 North 1900 West in the Gateway (GW) zone; TIN 05-060-0011.

STAFF: Ms. Reeder reviewed the Staff Report as written, recommending approval. The subject property is 9.37 acres at the southeast corner of 200 North and 1900 West. The proposal includes a design review for new development and a conditional use permit for the proposed use, pending approval of a code amendment in the Gateway zone. Development includes a new office on the corner of the property, parking area, area future development, and warehouse facility for sorting and transfer of recycled materials including pulp paper, plastics, and metals.

PROPONENT: Alex Bearson, the manager of SA Ferrous Industries, said there will be no open storage. The company provides recycling services to companies such as ICON, Thermo Fisher and Pepperidge Farms. He said they plan to build a beautiful, state of the art facility. All work will be inside the facility. He hopes that all the adjacent properties will be held to the same standards.

PUBLIC: Craig Wyatt said this seems to "smack in the face that the City can do what they want in that corridor, but a private citizen wants something and you're picking it apart". He said this seems to be quite "heavy handed government".

Greg Merrill asked about the adjoining City projects. Ms. Reeder explained that they have been reviewed by the Commission and met all the requirements in place at the time of application. Mr. Merrill said they should all have the same requirements.

Ruelinda Nixon helped design this project and advised that there is only so much that can be done to make it look nice. Because of the location, this project should be given some consideration, especially related to economic feasibility. She said this project is perfectly suited for the location.

COMMISSION: Chairman Simmonds asked about curb, gutter and sidewalk. Mr. Reeder said that has not been required at this point and will need be evaluated and decided by the Public Works Department and UDOT.

Ms. Reeder assured Commissioner Fannesbeck that Staff is comfortable with condition 7 and 9 and that the setback on 1900 West will be moved back for additional landscaping.

Commissioner Price asked about the metal siding that will be used. Mr. Bearnson said corrugated steel, like on Cache Food Pantry building, will be used. It will be painted and patterned to look more office/commercial style rather than warehouse. The warehouse roof will be steel and solar panels and will not be visible.

Mr. Bearnson explained for Chairman Simmonds that the mechanical equipment will be on the back of the project, south end and will be enclosed.

Commissioner Price asked about the area on the south side. Mr. Bearnson said there could be some scrap wood or concrete temporarily stored there until it could be processed, however, everything will be kept below the 8' fence and screened from the road. Mr. DeSimone pointed out that additional landscaping could also help with screening concerns.

Chairman Simmonds expressed concern with the length and wide of the solid façade. Although it would face the landfill, that may change in the future. Her desire is for more visual breakup on that side. Commissioner Price agreed. Ms. Reeder pointed out that there are different types of materials and articulation at the base and that this south elevation is not considered 'exposed'.

Commissioner Price expressed concern that due to the use, this project is not being held to the same form standards. Chairman Simmonds agreed. Ms. Reeder said there were considerations on the type of building based on the needs of the project.

Chairman Simmonds asked about the bin storage location. Mr. Bearnson said there would be a few bins in the yard at any given time to be used for drop off. The bins can be stored in the rear and will be screened by the fence. They can be moved and/or adjusted as necessary.

Commissioner Lee said the project is a great use for the property. He expressed concern with condition 9 regarding interior landscaping and felt that a Performance Landscaping Plan would be sufficient to give the landowner more flexibility. This project will provide a useful resource to the community. Commissioner Adams agreed.

Changes to the wording of the conditions was discussed and changed in the amended conditions contained within the motion.

MOTION: Commissioner Lee moved that the Commission conditionally approve a Design Review and Conditional Use Permit for PC 13-033 with the amended conditions of approval as listed below. Commissioner Davis seconded the motion.

CONDITIONS OF APPROVAL

1. All standard conditions of approval are recorded and available in the Community Development Department.
2. Subject to approval of the proposed text amendment, allowing for the proposed uses as conditional uses in the Gateway zone.
3. The outside bin storage area shall be relocated from the 1900 West frontage. Outside storage on the site shall be screened and shall not extend above the height of a sight-obscuring screening fence.
4. A public pedestrian entrance is required on the north and west elevations facing public streets. Weather protection (awnings, canopies, colonnades, marquees, building overhang) required for all ground floor entrances.
5. Right-of-way improvements (curb, gutter, park strip, street trees, and sidewalk) to be constructed on street frontages.
6. A pedestrian path between buildings on the site shall be delineated.
7. Land set asides required per code, a minimum of 20% of the site (81,632 SF) to be open space and a minimum of 10% of the site (40,816 SF) to be useable outdoor space. The landscaped setback on 1900 West is to be extended to provide additional landscaped area.
8. A Performance Landscaping Plan, prepared in accordance with LDC §17.39 shall be submitted to the Community Development Department for approval prior to the issuance of the building permit. The plan shall include the following:
 - a. Street trees to be provided along frontages at a minimum of 1 tree per 30' of frontage, species approved by City Forester.
 - b. Open Space (landscaped) areas and useable outdoor space shall consist of a minimum of 30% of the total site.
 - c. 20 trees per gross acre of land and 50 shrubs/perennials/ornamental grasses per gross acre of land shall be planted throughout the property (25 % shall be evergreen) as per LDC §17.39.050. A minimum of 5 species of trees are required.
 - d. Vertical landscape shall be provided in bermed areas to visually screen parking areas. Plant species should vary and provide visual interest year round.
9. Screening shall be implemented on the interior of the site, adjacent to the warehouse or in areas that will allow vertical landscaped elements to screen the warehouse building.
10. The north and west elevations of the office building shall provide for 30% transparency (window fenestration) in their design.
11. A screening fence is required on the north and west sides of the facility. The fencing must be 8' tall, be solid and sight-obscuring, have landscaping along the entire fence line, and be constructed of a durable material such as wood or masonry.
12. 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
 - i. Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed, or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements and shall extend to within 150' of all portions of the facility, and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility.
 - ii. All portions of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 400' from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided.
 - iii. Each building and suite shall be labeled to be seen from the street for approaching emergency vehicles.
 - iv. Fire sprinkler and fire alarm systems required.

b. Light and Power

- i. Require a one line diagram, a load data sheet, a digital site plan in AutoCAD format (DWG) and Public Utility Easements (PUE) on all property lines, 5' PUE on all property lines facing a road and a 10' PUE on all other property lines.

c. Engineering

- i. Connect to City water line at approx. 1400 N and extend to site. Provide water model of new line to ensure size is capable of meeting flow requirements. Minimum line size for industrial/commercial is 12".
- ii. Need sewer easement and agreement with City to connect sewer to landfill system.
- iii. Need water agreement for services outside of public right-of-way.
- iv. Permission and encroachment permits must be obtained from UDOT for new water line extension.
- v. Comply with Public Works design and construction standards & specifications.

FINDINGS FOR APPROVAL

1. The building is compatible with surrounding land uses and will not interfere with the use and enjoyment of adjoining or area properties because of the building design, landscaping, and setbacks are consistent with area properties.
2. As conditioned, the project conforms to the requirements of Logan Municipal Code Title 17.
3. The project is consistent with the intent of the Gateway Zone as stated in LDC §17.16.040E.
4. The use provides adequate off-street parking in conformance with Title 17.
5. The project, as conditioned, conforms to landscaping requirements in Title 17.
6. The project met the minimum public noticing requirements of the Land Development Code and the Municipal Code.

[Moved: Commissioner Lee Seconded: Commissioner Davis Passed: 5-0]

Yea: D. Adams, A. Davis, A. Fannesbeck, K. Lee, R. Price Nay: Abstain:

PC 13-036 Stevens Henager EMD Sign Design Review. YESCO/Logan Crossroads Office LLC, authorized agent/owner, request to replace the existing EMD Monument sign with a larger one at 755 S. Main Street in the Commercial (COM) zone; TIN 02-065-0038.

STAFF: Mr. Holley reviewed the Staff Report as written, recommending approval.

PROPONENT: Deanne Leatherman, from YESCO, explained that the proposed sign will use less electricity and be more efficient and user-friendly than the existing sign.

PUBLIC: None

COMMISSION: None

MOTION: Commissioner Davis moved that the Commission conditionally approve a Design Review Permit for PC 13-036 with the conditions of approval as listed below. Commissioner Fannesbeck seconded the motion.

CONDITIONS OF APPROVAL

1. All standard conditions of approval are recorded and available in the Community Development Department.
2. The monument sign is approved at 44.6 SF, with an EMD portion of 26.5 SF.
3. No off-premise advertising shall occur on any portion of the sign.
4. The EMD sign transitions, frame effects, dwell time, operational characteristics shall comply with LDC §17.40.160.
5. The following transitional effects are prohibited: flashing, blank white transitions, blinking, starbursts and any frame effect not listed as permitted in LDC §17.40.160.C.

6. Each message/ advertisement (spot) displayed on the EMD shall have a dwell time of a minimum of three (3) seconds.
7. Brightness levels shall not exceed the illumination standards indicated in LDC §17.40.160.C.6.
8. This EMD sign and any other permanent commercial signage proposed on this property shall obtain a sign permit from the Department of Community Development prior to installation. Exact sign measurements, both existing and proposed shall be reviewed for compliance. The sign permit shall be issued as per LDC §17.40.
9. Any exterior lighting intended to illuminate signage on this property shall be down lit and have a concealed lighting source.

FINDINGS FOR APPROVAL

1. The project has been revised and amended by the conditions of project approval to address the issues and concerns raised within the public and administrative records.
2. The project has been revised and amended by the conditions of project approval to conform to the requirements of Title 17 of the Logan Municipal Code, the City of Logan Public Works Standards and Specifications, and the requirements of various departments and agencies.
3. The project is compatible with existing land uses and zoning regulations for Commercial zones.

[Moved: Commissioner Davis Seconded: Commissioner Fannesbeck Passed: 5-0]
Yea: D. Adams, A. Davis, A. Fannesbeck, K. Lee, R. Price Nay: Abstain:

PC 13-037 Darwin's Landing Design Review. Architectural Nexus/Mortensen Properties LC, authorized agent/owner, request the demolition of the existing home and the construction of a new vertical mixed-use building containing ground floor commercial and three (3) upper floor residential apartments at 780 East 700 North in the Mixed Use (MU) zone; TIN 06-053-0011.

STAFF: Mr. Holley reviewed the Staff Report as written, recommending approval.

PROPONENT: David Abraham, the project architect from Architectural Nexus, explained that vehicle circulation will be internal to the site and should not add to the congestion. The goal is to emphasize walkability with a project that fits in with the surrounding area. He confirmed for Chairman Simmonds that the mechanical equipment will be screened behind the tower element, south of the stair tower on the major portion of the building. He explained that the exterior materials will include hardy board siding, metal panels and natural wood elements.

Tyler Mortensen and Preston Parker advised that the commercial space will be a small restaurant/eatery which will serve a light breakfast, fresh produce, sandwiches and burgers.

PUBLIC: Mr. Holley received a phone call from a nearby resident concerned with additional traffic on Darwin Avenue, which is already a congested area.

Zoe Cardon grew up in the area and owns the only single-family home left on Darwin Avenue. She appreciates the City trying to deal with the sprawl of concrete in the area; however, she is opposed to the project. Darwin Avenue has become an "island of congestion" and adding a commercial component to this location is not the thing to do. She would like the area to become more open and not increase vehicle and pedestrian traffic.

Andrew Dolan expressed concern with a large mature tree located west of the proposed building. He would very much like the tree to remain.

COMMISSION: Chairman Simmonds asked about curb, gutter and sidewalk. Mr. Holley advised that Darwin Avenue and 700 South will receive full streetscape improvements.

Chairman Simmonds asked about the delivery/unloading area which would be servicing the commercial component. Mr. Holley explained that it will most likely be a smaller truck/van type of vehicle which will handle these functions during off-hours.

Commissioner Adams asked about the proposed commercial space. Mr. Holley said it is planned for a small restaurant/eatery; the intention is for a walk in type of facility to cater to nearby residents and students.

Commissioner Price expressed concern with increased pedestrian traffic and asked if Engineering and Public Works had reviewed the project. Mr. Holley explained that both departments had reviewed the project.

Commissioner Davis asked if the parking would need to be adjusted if the commercial component changed. Mr. Holley said it is being proposed at the highest standard for all potential options.

Commissioner Price said he likes this project.

Commissioner Lee said this is a great project, a good design and improvement to that property. The only concern is the pedestrian traffic in the area.

Commissioner Fonesbeck said she is very excited to see a real mixed-use project that is compatible with the area.

MOTION: Commissioner Davis moved that the Commission conditionally approve a Design Review Permit for PC 13-037 with the conditions of approval as listed below. Commissioner Price seconded the motion.

CONDITIONS OF APPROVAL

1. All standard conditions of approval are recorded and available in the Community Development Department.
2. Full streetscape improvements, including curb, gutter, park strip, street trees and sidewalk, as per city standards and specifications, shall be installed along both street frontages.
3. A Performance Landscaping Plan, prepared in accordance with LDC §17.39 shall be submitted to the Community Development Department for approval prior to the issuance of the building permit. The plan shall include the following:
 - a. Street trees shall be provided in park strips along all street frontages, spaced every 30'. Species and sizes approved by the Logan City Forester.
 - b. Open space and useable outdoor space areas shall meet the minimum requirements of LDC §17.15.050.
 - c. In addition to the required street trees, three (3) trees and nine (9) shrubs shall be planted on the project site.
 - d. The small planting bed adjacent to the ADA parking stall at the northeast corner shall have additional shrubs and flowers to better screen parking areas from public sidewalks.
 - e. Varieties and sizes of all plant material shall be specified on the plan and plant quantities shall be per LDC §17.39.050.
4. All dumpsters shall be visually screened or buffered from public streets by either the use of landscaping, fencing, gates or walls.
5. A minimum of 12 vehicular parking stalls and 5 lockable bicycle stalls shall be provided.
6. The Commission accepts the parking stall behind the wooden screen wall (5' from the front property line) with the condition that dense shrubbery is planted in front of the wooden screen wall.
7. In accordance with LDC §17.50.080 the Commission accepts the 27% transparency for the west (corner) façade as substantial conformance to the required 30%.
8. Weather protection shall be provided at all exterior street facing entrances.

9. In accordance with LDC §17.50.080 the Commission accepts the 58% building frontage along 700 North, without the consideration of the wooden screen wall, as substantial conformance to the required 60%.
10. All exterior lighting, including exterior building lighting, shall be down-lit concealed source lighting and shall be reviewed and approved prior to the issuance of a building permit.
11. All rooftop mechanical equipment shall be completely screened and setback from view from the street.
12. No signs are approved with this permit. All signage shall be approved and permitted by staff in accordance with the Land Development Code.
13. No fences are approved with this permit. All fences shall be approved and permitted by staff in accordance with the Land Development Code.
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. Engineering
 - i. Construct curb, gutter, park strip, and sidewalk on Darwin Ave and 700 N.
 - ii. Site plans indicate an entrance off Darwin Ave. and an exit from the property onto 700 N. Reduce entrances and exits from the property to minimum widths (12-14') for each with proper signage and flow arrows.
 - iii. Indicate on the site plan the location of the planned delivery loading and unloading area servicing the commercial portion of building.
 - iv. Comply with current City storm water requirements.
 - v. Separate water and sewer services to commercial and residential uses.
 - b. Environmental
 - i. The dumpster cannot be accessed facing straight west, so the approach will need to be adjusted so the dumpster faces south west. The collection truck will use Darwin Avenue as part of its approach. The Pi Kappa Alpha Fraternity across the street to the north at 759 East 700 North will continue to share this dumpster.
 - c. Fire
 - i. Access is adequate from 700 North and Darwin.
 - ii. Code requires fire sprinklers to be installed.
 - iii. Fire hydrant location adequate
 - iv. Water supply is marginal.
 - d. Water
 - i. Backflow protection meeting current codes and policies will be required on all culinary water connections. New water connections off the 8", not the 4", water main on 700 north.

FINDINGS FOR APPROVAL

1. The project is compatible with surrounding land uses and will not interfere with the use and enjoyment of adjacent properties because of the building design, materials, landscaping, and setbacks to adjacent development.
2. The project conforms to the requirements of Logan Municipal Code Title 17.
3. The project provides adequate open space/useable outdoor space in conformance with Title 17.
4. The project provides adequate off-street parking in conformance with Title 17.
5. The project meets the goals and objectives of the MU zoning designation within the Logan General Plan by providing high-quality commercial services and residential housing options near roadways, and is designed for easy circulation of both pedestrian and vehicles.
6. The project meets the goals and objectives in the General Plan by creating efficient infill and redevelopment that better utilizes and puts less strain on existing utilities, infrastructure and roadways.
7. The project complies with maximum height, density and building design standards and is in conformance with Title 17.
8. The project substantially conforms to transparency requirements on the corner façade at 27% and exceeds the requirements on the front façade at 34%.

9. Considering the wooden screen wall on the front façade the project complies with minimum building frontages at 65% and substantially complies with minimum building frontages without the screen wall at 58%.
10. The minimum public noticing requirements of the Land Development Code and the Municipal Code were met.
11. Darwin Avenue and 700 North Street provide access and are adequate in size and design to sufficiently handle automobile traffic related to the land use.

[Moved: Commissioner Davis Seconded: Commissioner Price Passed: 5-0]
Yea: D. Adams, A. Davis, A. Fannesbeck, K. Lee, R. Price Nay: Abstain:

PC 13-038 1000 W 390 N Bldg Addition Design Review. Robert Lundskog/Log Enterprises LLC, authorized agent/owner, request to add 6,000 SF to the north side of the existing building, re-face and upgrade the building to match the new construction. Pave and landscape the remaining open areas to match up with UDOT SR-252 Project at 390 North 1000 West in the Commercial (COM) zone; TIN 05-085-0009.

STAFF: Ms. Reeder reviewed the Staff Report as written, recommending approval.

PROPONENT: Robert Lundskog said that additional windows could be added to the office area portion, to the maximum extent possible (substantial compliance). He said that they would not be storing anything that is taller than the screening fence.

PUBLIC: None

COMMISSION: Commissioner Davis asked if there was a height limit on items that could be stored within the fenced storage area. Ms. Reeder said that a condition can be added to stipulate that nothing can be taller than the screening fence.

Chairman Simmonds would like to see more transparency in the office area section of the building.

Commissioner Price asked about the articulation on the west elevation. Ms. Reeder advised that they have provided a change of material with some level of detail by the panels in the stucco and the change in color.

MOTION: Commissioner Adams moved that the Commission conditionally approve a Design Review Permit for PC 13-038 with the amended conditions of approval as listed below. Commissioner Price seconded the motion.

CONDITIONS OF APPROVAL

1. All standard conditions of approval are recorded and available in the Community Development Department.
2. The addition will continue at the setback of the existing building. Parking is permitted on the west side of the building as there is a landscaped area between the sidewalk and the building providing a visual buffer for the parking.
3. The impound area and any outside storage areas will be screened with a sight-obscuring material and vertical landscaping, to be approved by staff. A fence permit will be required.
4. Access from 1000 West must be approved per the Utah Department of Transportation.
5. Due to finding based on business needs transparency on the north and west elevations is allowed to be reduced. Additional windows, to the extent possible, to be added to the office are on the west elevation.
6. A Performance Landscaping Plan, prepared in accordance with LDC §17.39 shall be submitted to the Community Development Department for approval prior to the issuance of a building permit. The plan shall include the following:

- a. Open space (landscaped areas) and usable outdoor space shall consist of a minimum 20% of the total site.
 - b. A minimum of 20 trees and 50 shrubs/perennials/ornamental grasses shall be planted throughout the property (25% shall be evergreen) in accordance with LDC §17.39.050.
 - c. Vertical landscape shall be provided in bermed areas to visually screen parking and service areas. Plant species should vary and provide visual interest year round.
 - d. Street trees are required; species to be determined by the City Forester.
7. All exterior lighting shall be down-lit concealed source lighting. Exterior building lights shall be in compliance with LDC §17.11.140.
 8. No signs are approved with this permit. All signs must be approved through the Sign Permit process.
 9. Prior to the 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
 - i. Access from 400 North and 1000 West, fire hydrant location and water supply all appear to be adequate.
 - b. Environmental
 - i. Coordinate dumpster location with the Environmental Department.
 - c. Engineering
 - i. Provide storm water detention/retention per City standards for entire site.
 - ii. Provide separate water and sewer services for the new building or as required by the Engineering Department.
 - iii. Provide documentation from CAMP for UDOT approval of site changes and access to SR-252.
 - d. Water
 - i. Both buildings (new and existing) will have to meet current code for backflow requirements; double check testable backflow preventer assembly will need to be installed on all culinary drinking water connections.
 - ii. Landscape irrigation system shall meet current backflow prevention codes.

FINDINGS FOR APPROVAL

1. The building is compatible with surrounding land uses of the CS zone and will not interfere with the use and enjoyment of adjoining or area properties because the building design, landscaping and setbacks are consistent with area properties.
2. The project conforms to the requirements of Logan Municipal Code Title 17.
3. The project is compatible with the surrounding neighborhood character as this is a commercial service area and the project will bring more customer traffic into the area and enhance commercial activity for the surrounding properties.
4. The addition is setback to the current setback of the existing building, which reflects the surrounding pattern. Parking is extended along the front of the building, consistent with the existing structure. The negative effects of parking between the road and the building are mitigated by the landscaping and parking setback.
5. The project has provided for architectural variation on the façade in lieu of transparency as the nature of the industrial and warehouse uses are not conducive to window transparency.
6. The orientation of the building provides a front entrance and a pedestrian walkway providing access.
7. The use provides adequate off-street parking in conformance with Title 17.
8. The project, as conditioned, conforms to the landscaping requirements in Title 17.
9. The project meets the goals and objectives of the Commercial Services Zoning designation within the Logan General Plan by providing commercial services along high capacity roads.
10. The minimum public noticing requirements of the Land Development Code and the Municipal Code were met.

[Moved: Commissioner Adams Seconded: Commissioner Price Passed: 5-0]
Yea: D. Adams, A. Davis, A. Fannesbeck, K. Lee, R. Price Nay: Abstain:

PC 13-039 Hospital Remodel & Budge Clinic Addition Design Review, Conditional Use, Code Amendment & Zone Change. IHC, authorized agent/owner, request an amendment to the Land Development Code Section 17.30 to add a Hospital Overlay. The proposal also includes the addition of an approximately 89,000 SF addition to the Budge Clinic on the southwest side of the hospital. The addition would be four (4) floors. Three (3) floors will be for physicians' offices and one floor for outpatient medical services. When the addition is completed, the hospital will then remodel approximately 60,000 SF of interior space in the clinic and medical arts areas. Two new entrances on the west and south sides will be created at 500 East 1400 North in the Commercial (COM) zone; TIN 05-016-0028.

STAFF: Mr. DeSimone explained that the purpose for the creation of this overlay zone is to enable the existing hospital to construct the proposed addition (before the PC on the same docket) as well as in anticipation of future expansion plans involving replacement of the towers. Future expansion plans call for the existing towers to be replaced with structures ranging in height from 90' – 120' depending upon current design considerations. Hospital stories are typically taller than conventional commercial or residential stories and may range in height from 15' – 20' per story due to the type of mechanical and other support equipment necessary.

Staff finds that the proposed amendments will enable the hospital to continue to grow in response to increasing demands while remaining a permanent fixture in Logan. The proposed overlay district will be applicable to the existing hospital site, will enable the expansion of the hospital vertically as opposed to horizontally, and will require the adherence to height transition standards to ensure adequate transitioning is implemented in order to minimize impacts on neighboring properties. Staff would recommend that the Planning Commission forward a recommendation of approval to the Council for their consideration.

Ms. Reeder reviewed the request for the Design Review and Conditional Use Permits for the addition/remodel as outlined in the Staff Report, recommending approval.

PROPONENT: Steven Dibble, representing IHC, explained that medical facilities require 16' floors. The parking structure is now complete, which will allow for the use of the current parking lot to be used for construction. Mr. Dibble answered for Commissioner Price that all mechanical equipment will be on the roof and screened; they will be using the existing chiller and boiler.

PUBLIC: None

COMMISSION: Commissioner Adams asked if there are other buildings in the area comparable to 120'. Mr. DeSimone said the Eccles Theatre is approximately 85' and the business building on the USU campus is 150'.

Commissioner Lee was excused at 8:40 p.m.

MOTION: Commissioner Price moved that the Commission forward a positive recommendation to the Municipal Council for approval of a Hospital Overlay zone as outlined in PC 13-039 to enable the existing hospital for construction taller than the underlying zoning. Commissioner Fannesbeck seconded the motion.

FINDINGS FOR APPROVAL for HOSPITAL OVERLAY ZONE CODE AMENDMENT

1. Utah State Law authorizes local Planning Commissions to recommend ordinance changes to the legislative body (Municipal Council).
2. The amendment is in conformance with the requirements of Logan Municipal Code Title 17.51.
3. The amendment establishes a new maximum height specifically for hospital uses and is not applicable elsewhere without additional review by both the Planning Commission and the Municipal Council.

4. The amendment will enable the existing hospital facility to remain competitive by permitting future redevelopment efforts that are, by function, taller, than the underlying base zone permits.
5. Impacts to neighboring properties will be evaluated at the time a Conditional Use Permit is reviewed. The minimum height transition standards currently in place within the Land Development Code will ensure that structures exceeding the maximum base zone height are adequately setback from any property lines.
6. The provisions of this Hospital Overlay Zone do not alter the permitted or prohibited uses of the underlying base zone.
7. The provision of a Hospital Overlay Zone is consistent with the overall goals and objectives of the Logan General Plan as it seeks to ensure the existing complex remains a viable component of the community.
8. No public comment has been received regarding the proposed Hospital Overlay Zone.

Moved: Commissioner Price Seconded: Commissioner Foncesbeck Passed: 5-0]
Yea: D. Adams, A. Davis, A. Foncesbeck, K. Lee, R. Price Nay: Abstain:

MOTION: Commissioner Price moved that the Commission conditionally approve a Design Review and Conditional Use Permit for PC 13-023 with the conditions of approval as listed below. Commissioner Adams seconded the motion.

CONDITIONS OF APPROVAL for DESIGN REVIEW & CONDITIONAL USE PERMIT

1. All standard conditions of approval are recorded and available in the Community Development Department.
2. A Performance Landscaping Plan, prepared in accordance with LDC §17.39 shall be submitted to the Community Development Department for approval prior to the issuance of the building permit. The plan shall include the following:
 - a. Varieties and sizes of all plant material shall be specified on the plan and plant quantities shall be per LDC §17.39.050.
 - b. Plant material shall be placed around the perimeter of the building footprint in a 3' minimum planting strip to screen foundations and grade changes with the exception of entrances, full glass facades, patios and utilities.
3. A survey of the bicycle facilities will be provided for review with parking requirements.
4. Height is allowed to a maximum of 72' 4" to the top of the rooftop mechanical screen parapet and an average building elevation of 60' subject to the applicable Code.
5. Exterior lighting and pole height will be reviewed and approved as per current LDC regulations prior to the issuance of a building permit.
6. All exterior lighting, including exterior building lighting, shall be down-lit concealed source lighting and shall be reviewed and approved prior to the issuance of a building permit.
7. No signs are approved with this permit. All signage shall be approved and permitted by staff in accordance with the Land Development Code.
8. The building setback on 400 East is accepted without frontage at the minimum setback as the proposal is an addition to an existing building and will reduce parking between the building and street.
9. 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
 - ii. Comply with City design and construction standards.
 - b. Water/Cross Connection
 - i. Culinary water connections and point-of-use connections will be required to meet all applicable codes as they relate to cross connection control and backflow prevention.

FINDINGS FOR APPROVAL for DESIGN REVIEW & CONDITIONAL USE PERMIT

1. The project is compatible with surrounding land uses and will not interfere with the use and enjoyment of adjacent properties because of the building design, materials, landscaping, and setbacks to adjacent development.
2. The project conforms to the requirements of Title 17 of the Logan Municipal Code.
3. Adequate open space and useable outdoor space is provided in conformance with Title 17.
4. The project provides adequate off-street parking in conformance with Title 17.
5. The project meets the goals and objectives of the COM zoning designation within the Logan General Plan by providing for hospital services.
6. The project complies with design standards and is in conformance with Title 17.
7. The minimum public noticing requirements of the Land Development Code and the Municipal Code were met.
8. 1400 North provides access and is adequate in size and design to sufficiently handle automobile traffic related to the land use.
9. The setback of the building from adjacent residential areas will allow for additional height to be compatible with the surrounding neighborhood.

Moved: Commissioner Price Seconded: Commissioner Adams Passed: 4-0]
Yea: D. Adams, A. Davis, A. Fannesbeck, R. Price Nay: Abstain:

PC 12-058 LDC Text Amendment (continued from previous meetings) Amend sections 17.04-17.08 redefine the residential zones and densities in Logan City; 17.12 redefine residential zones; 17.13 amend residential use table; 17.14 clarify general residential development standards; 17.15 clarify specific residential development standards; 17.62 definitions.

MOTION: Commissioner Adams moved that the Commission continue PC 12-058 to the August 8, 2013 meeting. Commissioner Fannesbeck seconded the motion.

[Moved: Commissioner Adams Seconded: Commissioner Fannesbeck Passed: 4-0]
Yea: D. Adams, A. Davis, A. Fannesbeck, R. Price Nay: Abstain:

WORKSHOP ITEM(S) for August 8, 2013

- ✓ PC 13-040 Rooftop Investments Subdivision
- ✓ PC 13-041 Roxanne Pauni Daycare
- ✓ PC 13-042 Old Farm Subdivision

Meeting adjourned at 9:01 p.m.

Minutes approved as written and digitally recorded at the Logan City Planning Commission meeting of July 25, 2013.

Michael A. DeSimone
Community Development Director

Jeannie Simmonds
Planning Commission Chairman

Russ Holley
Senior Planner

Amber Reeder
Planner II

Debbie Zilles
Administrative Assistant

CITY OF LOGAN, UTAH
RESOLUTION NO. 13-49

CITY OF LOGAN LIGHT & POWER DEPARTMENT
RATE SCHEDULE #6
GENERAL SERVICE - DISTRIBUTION VOLTAGE

EFFECTIVE DATE: ~~July-Sept 1, 2014~~

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AVAILABILITY:

At any point on the City's interconnected system where there are facilities of adequate capacity.

APPLICATION:

This schedule is for alternating current, single, or three-phase electric service supplied at the City's available voltage through one kilowatt-hour meter at a single point of delivery for all service required on the premises, except by written permission of the Director of the Light & Power Department, or his assigned representative. All meters will be of the Demand Register type unless determined by City Electric Meter Department to be otherwise.

The customer shall adhere to all service and billing requirements including the installation of approved metering equipment as per Logan City Electric Service Requirements.

CUSTOMER SERVICE CHARGE:

Not applicable at present.

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MINIMUM BILLING:

\$7.60 for single phase service.
\$11.40 for three phase service.

FOR CUSTOMERS WITH GREATER THAN 30 kW DEMAND RATE:

DEMAND RATE: ~~—\$0.00 per kW for the first 5 kW~~
~~\$11.582400~~ per kW for all additional kW

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ENERGY RATE:

\$0.09788 per kWh for the first 1,500 kWh
~~\$0.050024579~~ per kWh for all additional kWh's

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CITY OF LOGAN LIGHT & POWER
RATE SCHEDULE #6
GENERAL SERVICE – DISTRIBUTION VOLTAGE
Page 2

~~FOR CUSTOMERS WITH LESS THAN OR EQUAL TO 30 kW DEMAND~~

~~**DEMAND RATE:** — \$11.53 per kW for all kW~~

~~**ENERGY RATE:** — \$0.05539 per kWh for all kWh's~~

~~FOR CUSTOMERS WITH LESS THAN 5 kW DEMAND~~

~~**ENERGY RATE:** — \$0.09788 per kWh for all kWh's~~

Note:—The specific rate will apply according to the month the meter is read.

POWER FACTOR:

The Power Factor adjustment applies only to Customers with three phase service.

This rate will be based on the Customer maintaining at all times a power factor between 95% lagging and 95% leading, or higher, as determined by measurement. If the Power Factor at the time of the monthly peak demand is found to be less than 95% lagging or leading, the monthly kilowatt demand, as recorded by the City's meter, will be increased by $\frac{3}{4}$ of 1% for every 1% that the Power Factor is less than 95%.

VOLTAGE DISCOUNT:

~~Where the customer takes service from the City's available lines of 2300 volts or higher and provides and maintains all transformers and other necessary equipment as required by City of Logan Light & Power Department, the voltage discount based on measured demand will be \$0.37 per kW.~~

DEMAND:

The Kilowatt Demand is based on 15-minute period of Customer's greatest use during the month determined to the nearest kW.

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**CITY OF LOGAN LIGHT & POWER
RATE SCHEDULE #6
GENERAL SERVICE – DISTRIBUTION VOLTAGE
Page 3**

SEASONAL SERVICE:

Customers with annually recurring periods of seasonal use, where service is discontinued during part of a year may be contracted under this schedule. Seasonal Service will be determined by actual monthly energy and demand charges.

Refer to the current Logan City Light and Power Fees Schedule for current pricing information pertaining to connection fees, service charges and re-read fees.

SERVICE CHARGES:

Refer to the current Logan City Light and Power Fees Schedule for current pricing information pertaining to fees, service charges and re-read fees.

CONNECTION FEE:

Refer to the current Logan City Light and Power Fees Schedule for current pricing information pertaining to fees, service charges and re-read fees.

FORCE MAJEURE:

Neither the City nor Customer shall be subject to any liability or damages due to the inability of the City to serve the Customer's load due to lack of available power and energy or other conditions beyond the City's control. In the event of natural disasters or acts of God such as earthquakes, floods, or severe storms, neither party shall be liable for damages due to lack of ability for operations which affect the other party economically. Should any of the foregoing occur, the minimum billing demands that would otherwise be applicable under this Schedule shall be waived and Customer will have no liability for service charges until such time as Customer is reasonably able to resume service.

Electric Rate Schedules Illustration of Proposed Rate Structure Changes to Schedule 6
July-Sept 2013/2

THIS RESOLUTION duly adopted upon this _____ day of _____, 2013 by the following vote:

Ayes:

Nays:

Absent:

Holly Daines, Chair

ATTEST:

Teresa Harris, City Recorder

**CITY OF LOGAN
RESOLUTION NO. 13-51**

**A RESOLUTION APPROVING POLLING PLACES AND
APPOINTING POLL WORKERS FOR THE
AUGUST 13, 2013 MUNICIPAL ELECTION**

BE IT RESOLVED BY THE LOGAN MUNICIPAL COUNCIL that the attached list of poll workers are hereby appointed to serve for the Municipal Primary Election to be held August 13, 2013;

BE IT FURTHER RESOLVED that the election polling locations, as listed, are hereby approved.

PASSED BY THE LOGAN MUNICIPAL COUNCIL THIS 6 day of August 2013 by the following vote:

Ayes:

Nays:

Absent:

Holly Daines, Chair

ATTEST:

Teresa Harris, City Recorder

**LOGAN CITY – VOTING CENTERS
2013 PRECINCTS/POLLING LOCATIONS**

| Precinct | Polling Place |
|----------------------------|---|
| All Logan precincts | Riverwoods Conference Center <i>(access from 100 East; parking in terrace)</i> 615 S Riverwoods Parkway Logan, UT 84321 |
| All Logan precincts | Logan River Golf Course Clubhouse 575 W 1000 S Logan, UT 84321 |
| All Logan precincts | Willow Valley Church 825 N 200 West Logan, UT 84321 |
| All Logan precincts | Lundstrom Student Center 1295 E 1000 North Logan, UT 84341 |
| All Logan precincts | Central Stake Center 1255 N 600 East Logan, UT 84341 |
| All Logan precincts | Cache Stake Center 250 W 1200 North Logan, UT 84341 |



PRIMARY ELECTION - 2013

VOTER REGISTRATION – PRIMARY ELECTION

| | |
|--|---|
| Friday, July 12 th | Last day a new resident of Utah can establish a 30-day-voting residency for the Municipal Primary. |
| Monday, July 15 th (postmarked) | Last day the County will accept mail-in voter registration forms. |
| Monday, July 29 th | Last day the County can register voters <u>in office</u> for the Municipal Primary. <i>20A-2-201--15 days</i> They will NOT be able to vote early. Cache County Clerk's Office 755-1460 |

EARLY VOTING - PRIMARY

| | |
|--------------------------------|---|
| Tuesday, July 30 th | Early voting begins at the Logan City Hall building. |
| Friday, August 9 th | Early voting and in-office absentee voting ends at 5 p.m. |

ABSENTEE VOTING – PRIMARY

| | |
|----------------------------------|---|
| Thursday, August 8 th | Last day applications can be accepted for Absent-Voter Ballots can be mailed (or emailed) for the Municipal Primary. |
|----------------------------------|---|

- Ballots must be mailed 28 days before the election for everyone that has requested a ballot.
- Absentee Ballots **can be requested up through the Thursday** before the election (**August 8**).
- A person that collects a complete Absentee Ballot application shall file the completed application with the appropriate election official **within 14 days of the Thursday** before the election (**August 8**).
- To be counted, Absentee Ballots must be received before the close of the polls on Election Day OR postmarked before Election Day and received before noon on the day of the official canvass.
- Absentee Ballots can now be requested online at vote.utah.gov.
- Emergency Absentee Ballots are used for a voter hospitalized after the deadline for requesting an absentee ballot. Any person may obtain an absentee ballot on behalf of a hospitalized voter at the City Recorder's Office **The ballot must be returned by the close of polls.**

CAMPAIGN FINANCIAL REPORT - PRIMARY

| | |
|--------------------------------------|---|
| Thursday, September 12 th | FILING PERIOD - Campaign Financial Statement - for candidates eliminated in the Municipal Primary to file the Campaign Financial Statement for the total of contributions received and expenditures of the date of this filing. <i>(due 30 days after Primary)</i> |
| Tuesday, October 29 th | FILING PERIOD - Campaign Financial Statement. The DEADLINE is 7 days before the General Election. All candidates successful in the Municipal Primary must file this statement for contributions received and expenditures made from August 4 rd through October 26 th . The names of candidates failing to meet this deadline will be removed from the ballot. |

ELECTION DAY - PRIMARY

| | |
|----------------------------------|--|
| Tuesday, August 13 th | Municipal Primary. Polls open at 7:00 a.m. and close at 8:00 p.m. |
|----------------------------------|--|



GENERAL ELECTION - 2013

VOTER REGISTRATION – GENERAL ELECTION

| | |
|----------------------------------|---|
| Sunday, October 6 th | Last day a new resident of Utah can establish a 30-day voting residency for the November Municipal Election. |
| Monday, October 7 th | Last day the County will accept mail-in voter registration forms for the Municipal General Election. <i>(postmarked 30 days before)</i> |
| Monday, October 21 st | Last day the County can register voters in office for the Municipal General Election. (20A-2-201--15 days) They will NOT be able to vote early. Cache County Clerk's Office 755-1460 |

EARLY VOTING – GENERAL

| | |
|-----------------------------------|--|
| Tuesday, October 22 nd | Early voting begins at the Logan City Hall building. |
| Friday, November 1 st | Last day for Early Voting – ends at 5 p.m. |

ABSENTEE VOTING - GENERAL

| | |
|------------------------------------|---|
| Thursday, October 31 st | Last day that applications can be accepted for absent-voter ballots that are to be mailed for the General Municipal Election. |
|------------------------------------|---|

- Ballots must be mailed 28 days before the election for everyone that has requested a ballot.
- Absentee Ballots **can be requested up through the Thursday** before the election (**October 31**).
- A person that collects a complete Absentee Ballot application shall file the completed application with the appropriate election official **within 14 days of the Thursday** before the election (**October 31**).
- To be counted, Absentee Ballots must be received before the close of the polls on Election Day OR postmarked before Election Day and received before noon on the day of the official canvass.
- Absentee Ballots can now be requested online at **vote.utah.gov**.
- Emergency Absentee Ballots are used for a voter hospitalized after the deadline for requesting an absentee ballot. Any person may obtain an absentee ballot on behalf of a hospitalized voter at the City Recorder's Office **The ballot must be returned by the close of polls**

CAMPAIGN FINANCIAL REPORT – GENERAL

| | |
|------------------------------------|---|
| Tuesday, October 29 th | FILING PERIOD - Campaign Financial Statement. The DEADLINE is 7 days before the General Election. All candidates successful in the Municipal Primary must file this statement for contributions received and expenditures made from August 4 rd through October 26 th . The names of candidates failing to meet this deadline will be removed from the ballot. |
| Thursday, December 5 th | FILING PERIOD - Campaign Financial Statement. All candidates successful in the Municipal General Election must file this statement for contributions received and expenditures made beginning October 27 th through the date of this filing. |

ELECTION DAY - GENERAL

| | |
|-----------------------------------|---|
| Tuesday, November 5 th | General Municipal Election Day. Polls open at 7:00 a.m. and close at 8:00 p.m. |
|-----------------------------------|---|

**CITY OF LOGAN, UTAH
RESOLUTION NO. 13-56**

**BE IT RESOLVED BY THE LOGAN MUNICIPAL COUNCIL THAT THE
FOLLOWING ADJUSTMENTS BE MADE TO THE 2013-14 BUDGET:**

1. To appropriate funds for 2013 Freedom Fire Independence Day Celebration at USU.

| | | |
|---|-------------------|----------|
| GENERAL FUND | | |
| Revenue | 100-000000-332120 | \$20,000 |
| Non Departmental Rapz & Restaurant Tax | | |
| Expense | 100-150600-473000 | \$20,000 |
| Parks & Recreation Grants Improvements | | |

2. To appropriate funds for a grant received for Canyon Road Canal Trail slide area construction & installation.

| | | |
|--|-------------------|-----------|
| GENERAL FUND | | |
| Revenue | 100-000000-332120 | \$100,000 |
| Non Departmental Rapz & Recreation Grants | | |
| Expense | 100-150600-473000 | \$100,000 |
| Parks & Recreation Grants Improvements | | |

3. To appropriate funds for a grant received for Logan Aquatic Center leisure pool boiler system replacement.

| | | |
|---|-------------------|----------|
| GENERAL FUND | | |
| Revenue | 100-000000-332120 | \$60,000 |
| Non Departmental Rapz & Restaurant Tax | | |
| Expense | 100-150600-473000 | \$60,000 |
| Parks & Recreation Grants Improvements | | |

4. To appropriate funds for a grant received for Lundstrom Park Trail.

| | | |
|---|-------------------|----------|
| GENERAL FUND | | |
| Revenue | 100-000000-332120 | \$70,000 |
| Non Departmental Rapz & Restaurant Tax | | |
| Expense | 100-150600-473000 | \$70,000 |
| Parks & Recreation Grants Improvements | | |

5. To appropriate funds for a grant received for Upper Second Dam Park parking lot.

| | | |
|---|-------------------|----------|
| GENERAL FUND | | |
| Revenue | 100-000000-332120 | \$30,000 |
| Non Departmental Rapz & Restaurant Tax | | |
| Expense | 100-150600-473000 | \$30,000 |
| Parks & Recreation Grants Improvements | | |

6. To appropriate funds for a grant received from EDCUtah Community Match Grant Program for an economic development conference held at USU.

| | | |
|---|-------------------|---------|
| GENERAL FUND | | |
| Revenue | 100-000000-364000 | \$1,000 |
| Non Departmental Contributions & Donations | | |
| Expense | 100-105115-422000 | \$1,000 |
| Administration Economic Development Ads & Publications | | |

7. To appropriate funds for a grant received from EDCUtah Community Match Grant Program for reimbursement on travel and training for professional economic development.

| | | |
|--|-------------------|-------|
| GENERAL FUND | | |
| Revenue | 100-000000-364000 | \$800 |
| Non Departmental Contributions & Donations | | |
| Expense | 100-105115-423000 | \$800 |
| Administration Economic Development Travel & Training | | |

8. To appropriate funds for a grant received from EDCUtah Community Match Grant Program for marketing purposes related to economic development.

GENERAL FUND

| | | |
|---|-------------------|---------|
| Revenue | 100-000000-364000 | \$3,000 |
| Non Departmental Contributions & Donations | | |

| | | |
|---|-------------------|---------|
| Expense | 100-105115-422000 | \$3,000 |
| Administration Economic Development Ads & Publications | | |

9. To appropriate funds for a grant received for a librarian's attendance to the National Association for Rural and Small Libraries (ARSL) Conference.

LIBRARY FUND

| | | |
|---|-------------------|---------|
| Revenue | 200-000000-334000 | \$2,000 |
| Non Departmental State Government Grants | | |

| | | |
|---|-------------------|---------|
| Expense | 200-200600-443000 | \$2,000 |
| Library Grants Special Departmental Supplies | | |

10. To appropriate restricted reserves for the Youth Peer Court program.

GENERAL FUND

| | | |
|----------------------------------|-------------------|---------|
| Revenue | 100-000000-395000 | \$2,168 |
| Non Departmental Fund Reserve | | |

| | | |
|------------------------------|-------------------|---------|
| Expense | 100-135115-443020 | \$2,168 |
| Police SRO Other Supplies | | |

11. To appropriate funds for Electric Fund work for State of Utah for reimbursement work on 10th West and also on 200 East.

ELECTRIC FUND

| | | |
|---|-------------------|-----------|
| Revenue | 530-000000-369000 | \$300,000 |
| Non Departmental Miscellaneous Revenue | | |

| | | |
|---|-------------------|-----------|
| Expense | 530-530110-476000 | \$300,000 |
| Electric Distribution Construction in Progress | | |

12. To appropriate funds for the ASPIRE Kids grant. These funds will be used to create, expand, and support after school programs.

GENERAL FUND

| | | |
|---------------------------|-------------------|----------|
| Revenue | 100-000000-331000 | \$93,000 |
| Non Departmental | | |
| Federal Government Grants | | |

| | | |
|---------------------------------------|-------------------|----------|
| Expense | 100-150605-412000 | \$84,525 |
| Parks & Recreation After School Clubs | | |
| Non-Benefitted Employees | | |

| | | |
|---------------------------------------|-------------------|---------|
| Expense | 100-150605-443010 | \$8,475 |
| Parks & Recreation After School Clubs | | |
| Other Supplies | | |

THIS RESOLUTION duly adopted upon this _____ day of _____, 2013 by the following vote:

Ayes:
Nays:
Absent:

Holly Daines, Chair

ATTEST:

Teresa Harris, City Recorder

**CITY OF LOGAN, UTAH
RESOLUTION NO. 13-66**

**BE IT RESOLVED BY THE LOGAN MUNICIPAL COUNCIL THAT THE
FOLLOWING ADJUSTMENTS BE MADE TO THE 2013-14 BUDGET:**

1. To appropriate funds for the purchase of property to be used for a trail head and park property (\$134,700 to be used from existing Parks & Recreation Capital appropriation and an additional \$300,000 to be seller financed over 3 years at 3% interest).

GENERAL FUND

Revenue

| | | |
|------------------|-------------------|-----------|
| Non Departmental | 100-000000-393200 | \$300,000 |
|------------------|-------------------|-----------|

Note Proceeds

Expense

| | | |
|-----------------------------------|-------------------|-----------|
| Parks & Recreation Administration | 100-150100-471000 | \$300,000 |
|-----------------------------------|-------------------|-----------|

Land

THIS RESOLUTION duly adopted upon this _____ day of _____, 2013 by the following vote:

Ayes:

Nays:

Absent:

Holly Daines, Chair

ATTEST:

Teresa Harris, City Recorder

The Parks and Recreation Department is seeking approval from the Logan Municipal Council to purchase land from willing owner/seller, Val Egbert, located in unincorporated Cache County for the purpose of public trail and park development.

The location of the property is significant to future trail plans to link the 1000 West Trail along the Logan River to yet-to-be developed City park property located at 1900 West 600 South in Logan. This property contains twenty (20) acres located at approximately 1500 South 1600 West in unincorporated Cache County, and the property is currently maintained by the owner which is irrigated for hay production as well as recreational use, and the property is located along the south bank of the Logan River.

The owner's purchase price for the property is \$20,000 per acre and \$34,700 for the purchase of equipment currently used by the owner for maintenance of the property which will continue to be used by the Department for maintenance of the property.

It is proposed that payment of the land is to be spread over a four-year period beginning this year (2013) with purchasing terms being agreeable to the owner, specifically includes an initial payment upon Council approval in the amount of \$134,700 from the Department capital fund: \$100,000 for the first-year land purchase and \$34,700 for specific maintenance equipment (equipment list attached) followed by subsequent payments in the amount of \$100,000 annually plus 3% interest payable in August of 2014, 2015, and concluding with a final payment in 2016.

EQUIPMENT PURCHASE LIST
FROM VAL EGBERT

Item

Mahindra 4-wheel drive 55-horsepower tractor

Husquarvana 48-inch rotary deck mower

72-inch C-rake implement

84-inch R-blade implement

BX40 Wood Chipper

60-inch rotary cutter implement

3-point post hole digger implement

2 BTM Plow

120-inch disc implement

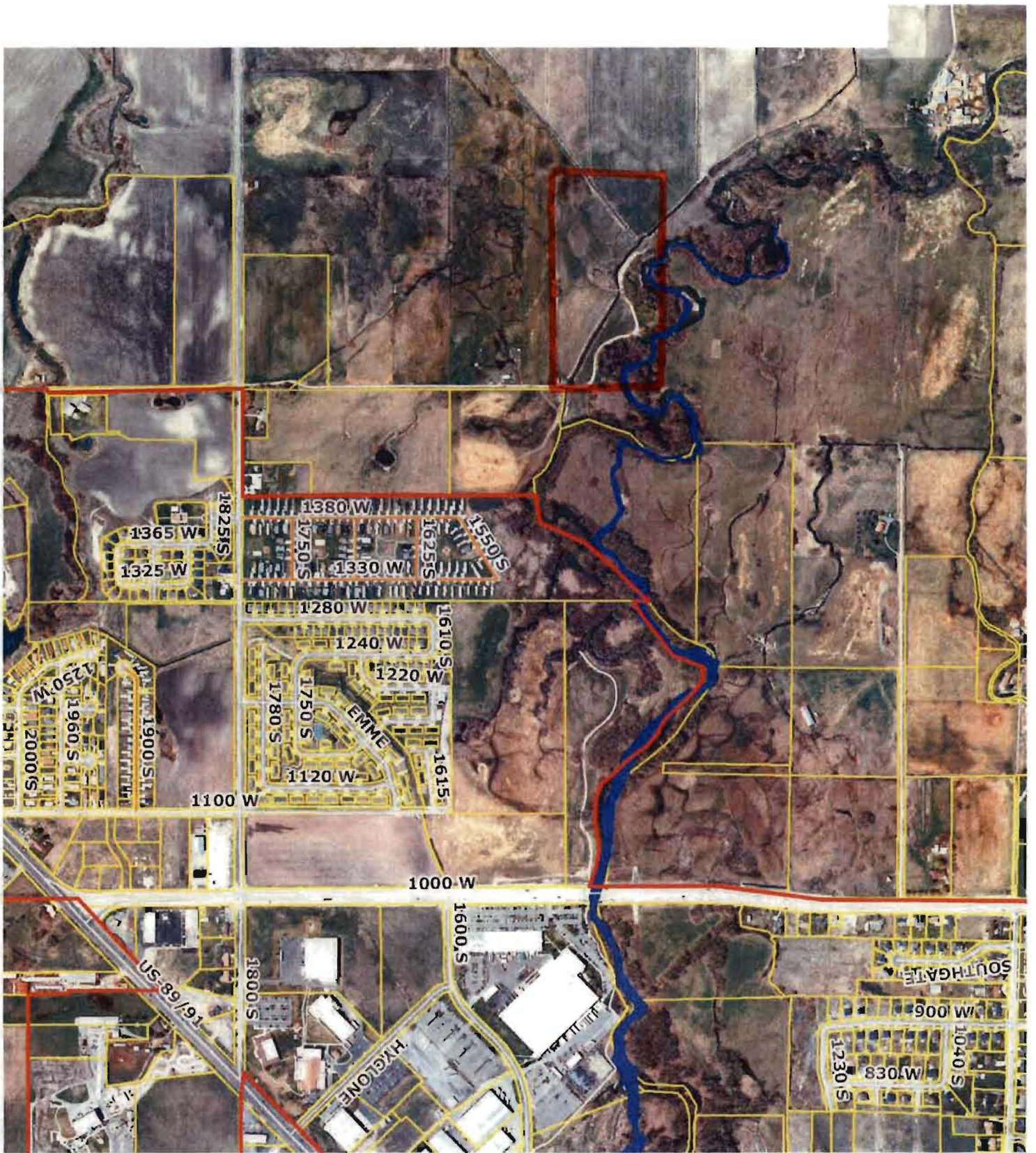
600 feet of irrigation pipe and gates

4 irrigation pumps

Sprinkler pipe fittings and heads

Total Purchase Price of Equipment:

\$34,700





**CITY OF LOGAN, UTAH
RESOLUTION NO. 13-67**

**BE IT RESOLVED BY THE LOGAN MUNICIPAL COUNCIL THAT THE
FOLLOWING ADJUSTMENTS BE MADE TO THE 2013-14 BUDGET:**

1. To appropriate funds for the 2013 RAPZ Tax Municipal Population Allocation for the 2013 Freedom Fire and 1800 S 1000 W trail project.

GENERAL FUND

Revenue

| | | |
|---|-------------------|----------|
| Non Departmental Rapz & Restaurant Tax | 100-000000-332120 | \$72,392 |
|---|-------------------|----------|

Expense

| | | |
|---|-------------------|----------|
| Parks & Recreation Grants Improvements | 100-150600-473000 | \$72,392 |
|---|-------------------|----------|

2. To appropriate funds for 2013 RAPZ Tax Municipal Population Allocation, for Phase Two Dog Park/Emergency Site.

GENERAL FUND

Revenue

| | | |
|---|-------------------|----------|
| Non Departmental Rapz & Restaurant Tax | 100-000000-332120 | \$40,000 |
|---|-------------------|----------|

Expense

| | | |
|---|-------------------|----------|
| Parks & Recreation Grants Improvements | 100-150600-473000 | \$40,000 |
|---|-------------------|----------|

3. To appropriate funds for the 21st Century Grant to support After School Programs in the Logan City School District.

GENERAL FUND

Revenue

| | | |
|---|-------------------|-----------|
| Non Departmental Other Intergovernmental Revenue | 100-000000-332000 | \$130,073 |
|---|-------------------|-----------|

Expense

| | | |
|--|-------------------|-----------|
| Parks & Rec After School Clubs Non-Benefitted Employees | 100-150605-412000 | \$119,473 |
|--|-------------------|-----------|

Expense

| | | |
|--|-------------------|----------|
| Parks & Rec After School Clubs Benefits | 100-150605-419000 | \$10,600 |
|--|-------------------|----------|

4. To appropriate funds awarded to the Logan City Police Department from the Internet Crimes Against Children (ICAC) Task Force of Utah.

GENERAL FUND

| | | |
|-------------------------------|-------------------|----------|
| Revenue | | |
| Non Departmental | 100-000000-334000 | \$12,000 |
| State Government Grants | | |
| Expense | | |
| Police ICAC | 100-135620-414000 | \$3,000 |
| Overtime | | |
| Expense | | |
| Police ICAC | 100-135620-423000 | \$4,000 |
| Travel & Training | | |
| Expense | | |
| Police ICAC | 100-135620-443000 | \$5,000 |
| Special Departmental Supplies | | |

5. To appropriate funds for the State Asset Forfeiture Grant awarded for FY 2014.

GENERAL FUND

| | | |
|-------------------------------|-------------------|---------|
| Revenue | | |
| Non Departmental | 100-000000-334000 | \$4,442 |
| State Government Grants | | |
| Expense | | |
| Police Grants | 100-135600-443000 | \$2,442 |
| Special Departmental Supplies | | |
| Expense | | |
| Police Grants | 100-135600-474000 | \$5,000 |
| Equipment | | |

6. To appropriate funds to reimburse the Logan City Fire Department for the Wildflower Wildland Fire deployment.

GENERAL FUND

| | | |
|----------------------|-------------------|---------|
| Revenue | | |
| Non Departmental | 100-000000-342200 | \$8,649 |
| Fire Department Fees | | |
| Expense | | |
| Fire Suppression | 100-14105-414000 | \$8,649 |
| Overtime | | |

THIS RESOLUTION duly adopted upon this _____ day of _____, 2013 by the following vote:

Ayes:

Nays:

Absent:

Holly Daines, Chair

ATTEST:

Teresa Harris, City Recorder