

Minutes of the meeting of the Logan Municipal Council convened in regular session on Tuesday, August 1, 2023, in the Logan Municipal Council Chambers located at 290 North 100 West, Logan, Utah 84321 at 5:30 pm. Logan Municipal Council Meetings are televised live as a public service on Channel 17 and the City of Logan YouTube channel at: https://www.youtube.com/channel/UCFLPAOK5eawKS_RDBU0stRQ

Council Members present at the beginning of the meeting: Chairman Ernesto López, Vice Chair Amy Z. Anderson, Councilmember Jeannie F. Simmonds, Councilmember Mark A. Anderson and Councilmember Tom Jensen. Administration present: Mayor Holly H. Daines, City Attorney Craig Carlston, Finance Director Richard Anderson, City Recorder Teresa Harris, and Deputy Recorder Esli Morales.

Chairman Ernesto López welcomed those present. There were approximately 36 in attendance at the beginning of the meeting.

OPENING CEREMONY:

Carol Foht with the Logan Tabernacle Summer Concert Series gave the opening thought/prayer and led the audience in the pledge of allegiance.

Ms. Foht introduced herself as the Chair of the Logan Tabernacle Interfaith Events Committee. The committee along with the Cache Community Connections sponsor the Summer Concerts and have been able to meet the challenges of not having the Tabernacle available for performances.

Thanks to the kindness of the bishops of the 1st and 2nd Ward of the Church of Jesus Christ of Latter-Day Saints, they have been able to provide a beautiful venue for the 49 concerts held this summer. All those involved in the performances have represented Cache Valley in a professional and welcoming way. They are proud of those who have volunteered and performed creating a positive reflection of this community and of Cache Valley.

Ms. Foht said it is a positive reflection of Cache Valley and for many summer citizens who attend daily and is the highlight of their time. Through the greeters and other volunteers, the summer citizens have felt welcomed into the community.

They have been able to provide a variety of entertainment from singing, storytelling, songwriting, etc. Those who have not participated in past performances must provide an audition video. Though for those that are not chosen, they hope other venues will provide them an opportunity to perform. They continue to have a prayer offered by different religious leaders and make it welcoming to all. Of the 39 concerts, 9,491 attendees were in attendance.

Mayor Daines presented a small thank you gift to Carol Foht for her service as the Voluntary Coordinator of the Summer Concert Series.

Meeting Minutes. Minutes of the Council meeting held on July 18, 2023, were approved with no corrections.

Meeting Agenda. Chairman López announced there are eight public hearings scheduled for tonight's Council meeting.

ACTION. Motion by Councilmember M. Anderson seconded by Vice Chair A. Anderson to approve the July 18, 2023, minutes and approve tonight's agenda.

Motion carried by roll call vote.

A. Anderson: Aye

M. Anderson: Aye

Jensen: Aye

López: Aye

Simmonds: Aye

Meeting Schedule. Chairman López announced that regular Council meetings are held on the first and third Tuesdays of the month at 5:30 pm. The next regular Council meeting is Tuesday, August 15, 2023.

QUESTIONS AND COMMENTS FOR MAYOR AND COUNCIL:

Chairman López explained that 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 respond to outside of the City Council meeting.

John Beard, a resident of Logan expressed concerns regarding a tree on the park strip and its close proximity to his home.

Mayor Daines addressed the concern by explaining Rex Davis, the City Forester will trim the tree to address the citizen's concern.

Matthew Fatuesi, a resident of Logan expressed concerns about a staff recommendation if it sufficiently addressed the public's concern and played a recording of the remarks made at the Planning Commission and the City Council.

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

MAYOR/STAFF REPORTS:

Stand-Up E-Scooter Pilot Program - Bird Scooters – Russ Holley, Planner

Russ Holley addressed the Council and gave an update on the Bird Scooters who have a one-year pilot program with the City.

Bird is proud to announce the launch of its micromobility program in Logan, UT on 7/11/23, offering an eco-friendly solution to last-mile transportation.

With a fleet of 200 electric scooters, Bird aims to reduce traffic congestion, decrease carbon emissions, and improve accessibility in the city. Scooters can be accessed at a number of locations around town, which riders can access via the Bird app.

Currently, Bird is \$1 to unlock and \$0.39 per min., but riders can always check the Payments section of the app to find their most up-to-date pricing & special offers.

We're excited to bring an innovative and sustainable transportation option to Logan, providing a convenient and fun way for locals to explore the community."

What is Bird?

Bird is a last-mile electric vehicle-sharing company dedicated to bringing low-cost, environmentally friendly transportation solutions to communities across the world.

Practice Safe Riding!

When riding an e-scooter, stay off sidewalks and ride in bike lanes when possible or along the side of the road. Always ride one per scooter, be mindful of pedestrians, and wear a helmet.

Always Park your Bird Responsibly

Keep sidewalks, doorways, and ADA-accessible ramps clear by parking upright and out of the right-of-way.

Always keep sidewalks clear!

When parking your vehicle, always avoid blocking sidewalks, doorways, driveways, and all other right-of-ways!

Get in touch with Bird.

Report an issue and tap community mode in your Bird App. Tap "Help" in your bird app or email [email@bird.co].

- Bird is currently a one-year pilot program.
- There is a required 90-day written notice of termination.
- Bird will be an exclusive scooter provider and must be regulated by the new micromobility ordinance.
- There is a revenue sharing of 25 cents a ride to the city for active transportation to be used for infrastructure improvements.

- Scooters must operate in bike lanes or street shoulders (unless there are no other options and are thereby allowed on sidewalks).
- Park scooters must be upright in a "furniture zone", in/near public bike racks, or street shoulder with unmarked curbs.
- There is no parking in front of fire hydrants, electric boxes, blocking minimum.
- The City reserves the right to create mandatory dismount zones.
- USU does not currently allow Bird on campus (from 700 North, 800 East, etc.). Bird is currently though in contact with USU about having a campus contract. And which may be possible via geofencing.
- Bird agreed to share data with the City.
- And as mentioned before there is an exclusive agreement that has only been sent out to Spin and Bird as an RFP.

In the last 28 days, there have been 1500 rides mostly concentrated in the Downtown area. There are currently 81 scooters deployed in the entire City.

Vice Chair A. Anderson asked as a citizen, if the Bird App can be downloaded to report problems such as a scooter being in the wrong location.

Mr. Holley answered that is correct, the app can be downloaded regardless of scooter use to report issues.

Chairman López inquired if the app is only in English.

Mr. Holley responded he is not certain but would presume so since Bird is an international scooter company.

Vice Chair A. Anderson asked whether the bike warns about an upcoming geofence.

Mr. Holley answered there are geofenced areas such as a turnaround in the vicinity of USU and the scooter will be warned beforehand of entering the area. The City reserves the right to create additional geofence areas and zones. The City does not have an additional geofence area as of right now.

Chairman López inquired if it was part of the contract for the City to retain the ability to create a geofence.

Mr. Holley confirmed that is correct. The City has the ability to create geofence in an area as deemed necessary although they would be controlled and implemented by Bird.

Councilmember Simmonds asked how fast the scooters can go as it may pose a hazard to pedestrians on the sidewalk.

Mr. Holley replied that the scooters can go up to 12 to 15 miles per hour, but the speed can be dialed down. Furthermore, as part of the new micromobility ordinance, scooters must yield to pedestrians walking on sidewalks.

Councilmember M. Anderson inquired about use during the winter months.

Mr. Holley responded during the winter, the scooters are packed up and then returned back in the spring.

Councilmember Jensen asked if reports on the number of accidents will be collected.

Mr. Holley answered the data can be collected and presented to the Council if requested.

Chairman López inquired if there is an option to call in issues.

Mr. Holley replied that the concerns, comments, or feedback can only be reported via the app or on the city website to Bird.

No Mayor/Staff Reports were presented.

COUNCIL BUSINESS:

Planning Commission Update – Councilmember Simmonds

Councilmember Simmonds reported that the Planning Commission addressed a short-term rental in the Hillcrest neighborhood, a three-bedroom with an owner occupied in the basement. They also discussed Central Milling who is building a new office building. Balor Townhomes, a three-unit student apartment complex on 800 North 700 East was approved. Logan Intrada on 1720 S HWY 89-91 was approved as a 36-room hotel with 9,000 square feet of retail and 120 multi-family units, and a five-story building.

ACTION ITEMS:

PUBLIC HEARING - CODE AMENDMENT – Consideration of a proposed ordinance amending Chapter 17.16 of the Land Development Code “Overlay Zones” and Chapter 17.27 “Planned Development (PD) Overlay Zone” – Ordinance 23-22 – Mike DeSimone, Community Development Director

At the July 18, 2023 Council meeting, Community Development Director Mike DeSimone addressed the Council regarding the proposed code amendment.

RECOMMENDATION

Staff recommended that the Planning Commission recommend **approval** to the Municipal Council of the proposed amendments to Chapters 17.27 of the Land Development Code.

REQUEST

This is a proposal to create a Planned Development Overlay Zone & review process in Chapter 17.27.

SUMMARY OF PROPOSED PD OVERLAY ZONE CODE LANGUAGE

Purpose - The purpose of the Planned Development (PD) Overlay Zone is to introduce a greater degree of flexibility and discretion into the development review process and provide a process where projects that don't fit into the "box" of a zone can be evaluated and permitted.

Applicability - The PD Overlay Zone may be applied to specific circumstances or types of projects that address a unique situation, confer a substantial benefit to the City, or incorporate design elements or a mixture of uses that represent a significant improvement in quality over what could otherwise be accomplished by standard zoning and development provisions. *The PD overlay is not intended for use where a proposed development is reasonably feasible under the City's existing zoning classifications.*

Minimum Area - Minimum three (3) acre site.

We had set three (3) acres as the base starting point for using the PD overlay in order to get more impact from a project. For context on different project sizes, the Silos site on 300 South is approximately 2 acres, Borden Lofts (300 South) is 2.72 acres, Adams Wealth project on So Main is approximately 6 acres while the apartment project directly west is another 2 acres, and Riverwalk is approximately 7.5 acres. It is important to recognize that a PD overlay won't be appropriate for every site or project, regardless of size. However, we also don't want to preclude potential projects that have significant or unique attributes that would lend themselves to a really important project. Based on the discussion at the PC workshop, I am suggesting the following modification to 17.27.030 which stays with the base sizing of 3 acres but provides for some discretion if there are compelling reasons on why a smaller site should be considered.

Current Draft:

§17.27.030 Minimum Area Requirement

The PD Overlay Zone may only be applied to sites larger than three (3) acres.

Modified Draft:

§17.27.030 Minimum Area Requirement

The PD Overlay Zone may only be applied to sites larger than three (3) acres unless the City finds compelling reasons that a smaller project should be considered in the PD process. Compelling reasons could include such factors as the site contains significant redevelopment potential, location, potential catalyst for larger redevelopment, preservation of historic resources, proximity to important open space, or the project incorporates innovative building and site design principles.

Process - Track 2 review process requiring both legislative actions (Rezone & LDC amendment) and quasi-judicial actions (Design Review) in both an informal (workshop) and formal (hearing) processes. The tentative multi-step process is as follows:

1. Concept Plan Review. The first step in the PD process is the submittal of a concept plan for review by staff, Planning Commission and Council in a workshop setting. The purpose behind this informal stage is to get a concept in front of various levels of decision makers for ideas, comments, feedback, direction, etc., all of which the applicant should use in preparing their formal submittal. Both the Commission and the Council would review the concept plan; however, there is no formal action from either group. Hopefully just constructive feedback.
2. Planned Development Application & Review. The next step involves a proponent submitting formal applications for the following items:
 - a. Zoning Map Amendment- place the Overlay Zone onto the site (similar to a rezone).
 - b. LDC Amendment - amend LDC 17.27 to include specific PD project language (intent, purpose, site and building design standards, code deviations, etc.) thereby binding all future activities on the subject site.
 - c. Design Review Permit - development plan review and approval.
3. Decision Track:
 - a. Planning Commission - Commission makes recommendations to Council on the Zoning Map Amendment and the LDC Amendment. The Commission is the final decision authority on the Design Review Permit (Development Plan).
 - b. City Council - final decision on the Zoning Map Amendment and LDC Amendment. They will have the Development Plan as an accompaniment for their decision making. Any significant deviations or changes to LDC language resulting in change to development plan would get routed back to Commission.
4. Review and Approval Procedures:
 - a. Both the Commission and the Council may modify the proposed Planned Development (with findings) to better meet the intent of the Code, General Plan, compatibility with neighborhood, other plans, etc...
 - b. Approvals based on conformance with General Plan, LDC, and findings supporting that the proposal, which may not be feasible under the existing zoning, would lead to a better overall project, provide greater benefits to existing and future residents, protects critical lands, resource areas, recreational opportunities, and enhances the neighborhood through an integrated planning and design approach.
 - c. All provisions of the LDC and base zone are applicable unless the PD and associated approval expressly waives or modifies specific requirements. However, any deviation has to be reviewed and approved in the context of the overall benefits expected to be gained from the project.
 - d. Shown as a PD overlay on zoning maps.
 - e. All permits & approvals for subsequent development shall comply with the

- approved PD.
- f. A request for the PD Overlay Zone has to include a specific project and specific LDC language.
 - g. No expiration of the PD; however, all future development on the site has to be built according to the approved PD plan unless amended through the same process.

PD Amendments - Changes or amendments to an approved PD are required to follow the same review process. Minor adjustments may be approved at staff level.

Included with the draft LDC language are examples of how a specific Planned Development project would be incorporated into the Land Development Code in Chapter 17.27A. The first is a hypothetical PD to redevelop an existing shopping center while the second is a hypothetical residential PD project. We are envisioning the LDC PD section format to be relatively consistent but also flexible enough to capture the specifics of the proposed PD. The elements that should be codified in the LDC amendment are relative to a specific project and would generally include the following:

- **Description of Purpose & Intent** - paint the picture of what the PD is trying to accomplish.
- **Applicability and Context** - define the project site and the context within which it is located. I will probably include the zoning map here.
- **Range of Uses** - permitted, conditional, or prohibited. These could limit the range of uses in a PD or just default to the underlying zoning.
- **Description of Commercial Improvements** - describe what is included in the PD and also refer to the development plan.
- **Description of Residential Elements** - unit counts, overall densities, types of residential, residential layout, etc.
- **Development Standards** - include specific standards for components (commercial, residential, mixed use, industrial) that are different than the LDC code requirements or defer to underlying zone and LDC requirements.
- **Useable Outdoor Space and Landscaping** - a formal landscape and useable outdoor space plan are required with project submittal. This section would reference that plan and/or detail any deviations from code requirements.
- **Access and Parking** - refer to the approved parking plan if different than the code parking requirements.
- **Signage** - reference to a sign plan and expressly calls out any deviations from the sign code.
- **Statement of Compliance** - compliance with approved PD development plan, applicable codes, and building requirements.
- **Timing of Improvements** - referencing a specific timeline for improvements if unique or different than "typical" timing.

STAFF RECOMMENDATION AND SUMMARY

As described above, the purpose of the Planned Development (PD) Overlay Zone is to provide a more fluid, discretionary review process that results in better, more unique, innovative and well-planned developments that we may not otherwise see. We believe this additional flexibility in the design and decision-making process will be beneficial for the City, its residents, and the development community.

GENERAL PLAN

The Land Development Code was prepared and adopted to implement the vision expressed in the General Plan. The purpose of the Planned Development (PD) Overlay Zone is to allow for flexibility and discretion in the application of the City's zoning and development regulations in order to allow for unique, innovative and well-planned developments that would not be possible under one of the City's existing zoning designations. The proposed amendments continue to implement the vision of, and are consistent with, the General Plan.

PUBLIC COMMENTS

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

PUBLIC NOTIFICATION

Legal notices were published in the Herald Journal on 6/10/23, posted on the Cities website and the Utah Public Meeting website on 6/12/23, and noticed in a quarter page ad on 6/8/23.

AGENCY AND CITY DEPARTMENT COMMENTS

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

RECOMMENDED FINDINGS FOR APPROVAL

The Planning Commission bases its decisions on the following findings:

1. Utah State Law authorizes local Planning Commission to recommend ordinance changes to the legislative body (Municipal Council).
2. The Code Amendments are done in conformance with the requirements of Title 17.51 of the Logan Municipal Code.
3. The proposed Code Amendments are consistent with the Logan City General Plan.
4. No public comment has been received regarding the proposed amendments.

On June 22, 2023, the Planning Commission recommended to the Municipal Council **approval** of the following Land Development Code Amendments:

Land Development Code (LDC) Chapter 17.16 "Overlay Zones," and Chapter 17.27 "Planned Development (PD) Overlay Zone."

Based on input at the Planning Commission, a public notification element for the Concept plan has been included under 17.27.040.A.2.

Planning Commissioners vote (5-0):

Vice Chair A. Anderson requested Mr. DeSimone explain at what point in the process is there public approval.

Mr. DeSimone responded the PD Concept Plan is where an initial idea, a concept is presented to the Council and then goes to staff review after which point it is disseminated to the public. Public feedback can be received at this time prior to going to the Planning Commission.

Councilmember Simmonds said the Planning Commission will regularly delay the approval of a project or a design review approval until they have completed the zone change. The process be interconnected so that the design review and the zone change move forward together.

Mr. DeSimone responded that it can, or cannot, it will depend on whether the Planning Commission wants to withhold approval until the Council makes its determination. The Council does not have authority over the project-specific but rather over the language-specific regarding the project.

Councilmember Simmonds said she had reservations about the Planning Commission not completing the design review prior to sending it to the Council to be reviewed. It is difficult for the Council to construct the language.

Mr. DeSimone clarified the final recommended code language drafted by the Planning Commission will be sent to the Council to construct the official language in the code. The Planning Commission can withhold final approval predicated upon the City codifying the language after which the Planning Commission can approve or disapprove the proposal based on the Council's decision.

Councilmember Simmonds requested confirmation if the codified language grants the Council and the public an assurance that what has been approved will actually be constructed by the proponent.

Mr. DeSimone confirmed that is the case, any deviation to the project will have to restart the entire process again. It is a development agreement, a contract that the City has agreed to prove the project as it is specifically written, and the developer agrees to build exactly that. If the developer wants to change the project, move buildings, make modifications, changes to footprints or occupancy, etc. the proponent would have to as mentioned before starting the process again.

Councilmember Simmonds further inquired if that is predicated on a percentage or any change at all.

Mr. DeSimone answered there is room for some flexibility for example if the developer planned to have the hotel be a Hilton but instead went with a Marriott that is an administrative change. However, if the developer wanted to build one more hotel or build no hotels at all would be a crucial change and for which they would have to recommence the approval process again.

Councilmember M. Anderson remarked the process was not available beforehand and has been useful as it permits public comment at the Council and Planning Commission before the proponent comes in for approval before the Planning Commission or the Council.

Chairman López requested confirmation that this particular process is what is being added because it did not exist beforehand.

Mr. DeSimone confirmed that this is correct. This process is currently not in place but is not the only element being added.

Councilmember Simmonds added that many cities have development agreements reflecting this process, however, it is nowhere near as open for the public to participate in.

Chairman López opened the meeting to a public hearing.

Dr. Gail B. Yost, a resident of Logan inquired if the change is large enough if neighborhood input is sufficient and how do we manage to receive enough input from those who will be impacted the most.

Mr. DeSimone answered notices can and are posted in the newspaper, physically on location, on the website. They City tries to make notices as visible as possible and to reach out to as many as possible.

Mayor Daines emphasized the importance of neighborhood council chairs in terms of getting information out to more people.

Councilmember Simmonds encouraged the use of large signage in the actual location to spur public comment as well for large projects.

Marilyn Griffin, a resident of Logan emphasized the importance of additional noticing not just in the newspaper or on social media websites because there are a lot of residents who do not actively use these two forms of communication for one reason or another.

Joe Nelson, a resident of Logan is grateful for the opportunity for the community to participate in the administrative process. He suggested the use of surveys as a possible option to gain future public feedback.

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

Vice Chair A. Anderson requested confirmation on notification options.

Councilmember Simmonds answered the information on the notification is found in A17.27.04.08(2).

ACTION. Motion by Councilmember Jensen seconded by Councilmember M. Anderson to adopt Ordinance 23-22 as amended as presented.

Councilmember Simmonds proposed a friendly amendment with the addition that “*Public comments received during the concept plan review process will be shared at both workshops and with the proponent.*” She expressed concerns about whether the proponent is acting upon the comments received and wants to ensure that the public is aware that their comments are received.

Mr. Desimone replied the comments received are shared with the proponent and the Planning Commission along with the Council. The only comments not included in the packet are those received after the packet is sent out. He proposed the following wording: for A17.27.04.08(2) as “*Public comments received during the concept plan review process will be shared, with the proponent, Planning Commission, and City Council.*”

ACTION. Motion by Councilmember Jensen seconded by Councilmember M. Anderson to adopt Ordinance 23-22 as amended. Motion carried by roll call vote.

A. Anderson: Aye

M. Anderson: Aye

Jensen: Aye

López: Aye

Simmonds: Aye

PUBLIC HEARING - Consideration of a proposed resolution adopting revised Logan Light and Power Residential, Commercial and Industrial Electrical Rate Schedules - Resolution 23-29 – Mark Montgomery, Light & Power Director

At the July 18, 2023, Council meeting, Light & Power Director Mark Montgomery and Consultant Dave Berg gave a presentation on the Commercial and Industrial Electrical Rate Schedules.

Mr. Montgomery stated over the past years there has been an increase in power rates. An example is the Hunter Coal Plant near Price, Utah which has been an excellent resource because it is inexpensive and reliable. The fuel price at the Hunter Coal Plant used to be \$25 for a ton. The City just purchased coal for the plant since coal cannot be delivered by rail. The cost was \$86.00.

Over the last two years, The City should have implemented surcharges, because we have fallen short of our budget and the amount it cost us. During 2022, we agreed to continue covering the cost with reserves but in fiscal year 2022-2023 year the fee must be implemented. This has ranged from 0.01 kWh per month to 0.05 kWh for all customers. The proposed rate increase is to move 0.02 kWh for everyone. This should take the surcharges for most months, though not all. And on top of the proposed two cents, there is a 2% rate increase on the average residential home, roughly \$1.50 but more for those that expand more energy.

Chairman López opened the meeting to a public hearing.

Dr. Gail B. Yost, a resident of Logan inquired if there are available resources to those who are unable to pay their utility bills.

Mr. Montgomery responded the billing department can work with individuals needing a payment plan. However, for low-income supplements, the Light and Power Department only receives the money it generates. The Light and Power Department does not specifically connect with the public in that manner.

Mr. Anderson clarified that BRAG (Bear River Association of Governments) and other organizations will work with those needing resources.

Dr. Gail B. Yost asked if the City contributes to BRAG.

Mr. Anderson answered the revenue for BRAG is gathered in the same manner much like the City.

Mr. Montgomery added if the Light and Power Department contributed directly to BRAG, power rates would have to be increased to cover the contributions.

Mayor Daines clarified that BRAG has other governmental sources of funding (such as from the State) and the City contributes a set amount from the RDA.

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

ACTION. Motion by Councilmember Simmonds seconded by Councilmember M. Anderson to approve Resolution 23-29 as presented. Motion carried by roll call vote.

A. Anderson: Aye

M. Anderson: Aye

Jensen: Aye

López: Aye

Simmonds: Aye

**PUBLIC HEARING - VACATION OF A SEWER LINE EASEMENT –
Consideration of a proposed ordinance vacating a sewer line easement on property located at 1150 South 100 West, Logan, Utah (Walmart Subdivision). Parcel 02-086-0027 – Ordinance 23-24 – Paul Lindhardt**

At the July 18, 2023 Council meeting, Public Works Director Paul Lindhardt addressed the Council regarding the proposed vacation of a sewer line easement. The intent is to vacate the existing sewer and the new sewer line easement will be dedicated and recorded in conjunction with this vacation. A new fueling station is being built at Walmart at the location of the sewer line easement.

Chairman López opened the meeting to a public hearing.

Joe Nelson, a resident of Logan requested that the trees that are part of the easement location be preserved as much as possible.

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

ACTION. Motion by Councilmember Jensen seconded by Vice Chair A. Anderson to adopt Ordinance 23-24 as presented. Motion carried by roll call vote.

A. Anderson: Aye

M. Anderson: Aye

Jensen: Aye

López: Aye

Simmonds: Aye

PUBLIC HEARING - VACATION OF A PUBLIC UTILITY EASEMENT – Consideration of a proposed ordinance vacating all public utility easements and access easements located at 95 East 200 North, Logan, Utah (Fire Station #70) formerly known as the Wilkes 200 North Subdivision. Parcel 06-017-0001 – Ordinance 23-25 – Paul Lindhardt

At the July 18, 2023 Council meeting, Public Works Director Paul Lindhardt addressed the Council regarding the proposed vacation of a public utility easement. The easement is to vacate utility easements to build the existing fire station. The easements have been moved or in the process of moving. A verbal comment was received regarding the north corner of the lot, but there is an easement provided around the location of corner. There were no further comments.

Chairman López opened the meeting to a public hearing.

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

ACTION. Motion by Vice Chair A. Anderson seconded by Councilmember Simmonds to adopt Ordinance 23-25 as presented. Motion carried by roll call vote.

A. Anderson: Aye

M. Anderson: Aye

Jensen: Aye

López: Aye

Simmonds: Aye

PUBLIC HEARING - VACATION OF A RIGHT OF WAY – Consideration of a proposed ordinance vacating property located at or near the Willow Lakes Subdivision (1100 West at 1100; 1300 West at 1100 South; 1500 West at 1100 South; 1100 South; 1400 South at 1300 West; 1400 South at 1300 West) – Ordinance 23-26 – Paul Lindhardt

At the July 18, 2023 Council meeting, Public Works Director Paul Lindhardt addressed the Council regarding the proposed vacation of a right of way. The existing right of way

is to be vacated for the conservation easement. All of the roads in the Willow Lakes Subdivision will be dedicated as public rights of way making them accessible to the residents and the public.

Chairman López opened the meeting to a public hearing.

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

ACTION. Motion by Councilmember Jensen seconded by Vice Chair A. Anderson to adopt Ordinance 23-26 as presented. Motion carried by roll call vote.

A. Anderson: Aye

M. Anderson: Aye

Jensen: Aye

López: Aye

Simmonds: Aye

PUBLIC HEARING – Application to the Council of Governments (COG) 2023 Funding Cycle for the street improvements project located at 1000 North, 200 West – 50 East – Samuel Odd, Public Works Program Manager

Public Works Program Manager Samuel Odd addressed the Council regarding the Council of Governments (COG) application which requires a public hearing prior to applying for funding with a matching amount by the City.

What is COG?

- Cache County Council of Governments (CCCOG shortened to COG) provides transportation funding through a .25% county-wide sales tax.
- This year \$6-7 Million in funding is available county-wide.
- To apply and receive funds must follow the Transportation Fund Program Manual
- The requirement to have a public hearing for all applications.

1000 North; Main to 200 West Project:

- Priority project for many years
- Delays due to property acquisition (finally completed last week!)
- Previous COG award in 2019
- COG Application to help offset increased costs.
- Start construction next spring.

Councilmember Jensen inquired how close the project will be getting to the Lexington building.

Mr. Odd said there have been negotiations over these past few years to determine exactly what the right-of-way line looks like and how close it will be to Lexington.

Chairman López opened the meeting to a public hearing.

Cassandra Erickson, a resident of Nibley inquired what kind of improvements are going to be made.

Mr. Odd answered as far as walkability, sidewalks will be installed on every part of the project. These sidewalks will be adjacent to the curb and gutter but will be 5-to-6-foot width.

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

Mr. Odd explained that no action is needed by the Council regarding this application.

PUBLIC HEARING - Budget Adjustments FY 2023-2024 appropriating: \$18,000 a grant the Police Department was awarded from the Internet Crimes Against Children (ICAC) Task Force of Utah to be used to investigate, protect and educate the community on child exploitation; \$24,531 a grant from the State of Utah to the Library for new equipment and supplies for the new makerspace room in the new Library; \$159,667 RAPZ Tax 2023 Municipal Population Allocation to be used for the July 3rd Independence Day and July 24th Pioneer Day Fireworks, Trapper Park Bridge Construction, Golf Range Improvements and Canal Pipe at Trapper Park; \$300,000 funds for 1900 West Dog Park; \$100,000 funds for 200 South Neighborhood Park; \$75,000 funds for 1400 West Regional Disc Golf Course; \$750,000 a grant Parks & Recreation received from the State of Utah to be used for the Recreation Complex project; \$9,770 a grant Parks & Recreation received from the State of Utah to be used for the Stewart Nature Park project; \$2,437 funds the Communication Center received from the State of Utah for the EMS FY2024 grant to be used for medical related training for personnel; \$85,000 a grant the Police Department was awarded from the State of Utah, State Task Force to be used to reduce, prevent and investigate drug use; \$75,770 funds received from the State of Utah for Parks & Recreation to fund After School Programs - Resolution 23-30 – Richard Anderson, Finance Director

At the July 18, 2023 Council meeting, Finance Director Richard Anderson addressed the Council regarding the proposed budget adjustments.

Chairman López opened the meeting to a public hearing.

Erin Bennett, a resident of Logan inquired about the proposed park to be built over the existing landfill and whether there could be any environmental concerns.

Mayor Daines responded that structures such as homes, are not permitted to be built over a landfill or the adjacent project zone, which is a total of 200 acres. There are specific requirements that come from the EPA (United States Environmental Protection Agency) in terms of covering the landfill, there will be long-term monitoring of methane. Considering the topography, the soil of Utah methane is difficult to recapture as an

alternate form of energy. The City has been setting funds aside for closure costs including for the new landfill created according to State regulations. It is an accepted option to put a park in place at this location as not much else can be done with a former landfill area.

Ms. Bennett inquired further regarding toxicity testing on the property.

Mayor Daines replied periodically as part of the standard regulations, the City's Environmental Department must test the site and present the results to the State.

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

ACTION. Motion by Vice Chair A. Anderson seconded by Councilmember Simmonds to approve Resolution 23-30 as presented. Motion carried by roll call vote.

A. Anderson: Aye

M. Anderson: Aye

Jensen: Aye

López: Aye

Simmonds: Aye

Consideration of an ordinance adopting the 1400 North Main Community Reinvestment Project Area Plan – Ordinance 23-23 – Kirk Jensen, Economic Development Director

Economic Development Director Kirk Jensen addressed the Council regarding the proposed ordinance. The clarification for the benefit of the public is this is not the approval of a proposed project or approval of a budget. This is only for approving the creation of a project area.

The Project Area Selection:

- Undeveloped
- Buildings need reinvestment.
- Economically underperforming
- Prime commercial/residential location w/proximity to services.
- Public/Private partnership to improve the area.

Plan Elements:

- Boundaries
- Land Uses
- Layout of Principal Streets
- Population Densities
- Building Intensities
- Development/ Design Standards

Financial Assistance:

- Permit/Fee Waivers
- Tax Increment Financing
- Redevelopment Agency Reserves

Reimbursed Costs:

- Demolition
- Public Infrastructure
- On-Site Upgrades
- Land Write-Downs

Projected Agency Expenditures:

- \$13 million over 20 Years
- Subject to Taxing Entity Interlocal Agreements

Public Benefits:

- Investment
- High-Quality Design
- Pedestrian Enhancement
- Traffic Circulation Enhancements
- Strengthening of a Key Commercial Area
- Direct, Indirect & Induced Economic Benefits
- Strengthening of the Tax Base
- Increase to Affordable-Moderate Housing Supply

Tax Base Impact:

Increase of an estimated \$900,000 per year upon expiration of project area. (The school district will have \$1,000,000 in funds per year).

Chairman López inquired if the tax base impact is for the portion received by the City.

Mr. Jensen confirmed that is the case including all three taxing entities. The portion of Logan City will be an additional \$90,000 per year because the City is already receiving property tax for the existing parcel. The Logan City School District will receive 75 cents on the dollar, an additional \$150,000 per year. All of the proposed development includes commercial aspects and therefore significant contributions to the tax bases.

ACTION. Motion by Councilmember M. Anderson seconded by Vice Chair A. Anderson to adopt Ordinance 23-23 as presented. Motion carried by roll call vote.

A. Anderson: Aye

M. Anderson: Aye

Jensen: Aye

López: Aye

WORKSHOP ITEMS:

REZONE – Consideration of a proposed rezone (Palatial Living Storage Facility). Tyler Burns/Renewvate Realty LLC, authorized agent/owner is requesting a rezone of a 1.01-acre parcel from Mobile Home (MH) to Mixed Residential Traditional (MR-9) located at 675 North 500 West – Ordinance 23-27 – Russ Holley, Planner

Planner Russ Holley addressed the Council regarding the proposed rezone.

RECOMMENDATION

Staff recommended that the Planning Commission forward a recommendation of **approval** to the Municipal Council for a rezone of approximately 1.01 acres of property located at approximately 675 N 500 W (TIN# 05-044-0019) from Mobile Home (MH) to Mixed Residential Transitional (MR-9).

Land use adjoining the subject property

<i>North:</i>	MH: Mobile Home Park	<i>East:</i>	MH: Mobile Home Park
<i>South:</i>	NR-6: Mixed Residential Uses	<i>West:</i>	IP: Industrial Uses

PROJECT

The proponent is requesting to rezone a lot approximately 1.01 acres from MH to MR-9 that has been used as storage area and one caretaker home site for the Palatial Living Mobile Home Park. The property was historically associated with the mobile home park until recently when it was sold to a different property owner. The lot is accessed via 500 West or 725 North, both private streets within the mobile home park. The rezone request does not include any formal development plans.

GENERAL PLAN

The Future Land Use Plan (FLUP), adopted in 2008, identifies this property as Detached Residential. The Logan City General Plan states that in areas designated Detached Residential (DR), all new development, whether infill between existing homes, replacement of existing homes or new development on vacant land, will be detached single family structures. The nearest MR FLUP designations are located along 1000 North and about three blocks away.

PROPERTY HISTORY

In August of 1977, the Logan City Board of Adjustment granted Wally Nickel a variance to build metal storage buildings on this property for use in conjunction with the Palatial Living Mobile Home Park. The 1977 variance was for up to three buildings, only one along the west border was built. In August of 2004, the Community Development Department grandfathered the railroad caboos as a legal dwelling unit and recognized its legal establishment in 1978. The property has been used for storage and accessory uses since 1977.

LAND DEVELOPMENT CODE

The Land Development Code (LDC) regulates land uses and entitles properties with specific development allowances. LDC 17.07.140 states that the Mobile Home zoning

district is intended to accommodate existing mobile home parks. Mobile home parks are developments in which the resident may own or rent the mobile home but rents the land on which the mobile home is located. New mobile home parks are not permitted. Densities shall not exceed six (6) units per acre and the minimum lot size shall be 6,000 square feet. Site development shall be consistent with original project approvals. LDC 17.07.080 states the MR-12 zones are intended for mixed and multi-family housing options built at a density of no more than 12 units per acre. Building height maximums are set at 35 feet and front setbacks at 10 feet. Parking stalls are required at two stalls per every one unit. MR-12 developments are typically stacked apartment complexes and or townhome style developments.

STAFF SUMMARY

The property legally established land uses and structures in 1977-1978 and has been used in accordance with those permits subsequently. Although the caboose was recently removed from the site, the dwelling unit was grandfathered in 2004. Amendments to LDC language limit new mobile homes and mobile home parks. The character of the neighborhood is mixed with industrial uses to the west, multi and single family to the south and east and mobile homes to the east and north. A lower density transitional development would likely fit into the character of the neighborhood. Staff considered the request reasonable and within the character of the neighborhood. Even though out of compliance with the FLUP, the MR-9 zone is similar to the surrounding areas in use and also under the same FLUP designation.

AGENCY AND CITY DEPARTMENT COMMENTS

No comments have been received.

PUBLIC COMMENTS

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

PUBLIC NOTIFICATION

Legal notices were published in the Herald Journal on 7/1/23, posted on the City's website and the Utah Public Meeting website on 7/3/23 and mailed out to adjacent property owners within 300' on 6/26/23.

RECOMMENDED FINDINGS OF APPROVAL

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

1. The surrounding zoning is NR-6 and IP with the MR-9 zone being defined as transitional this is an appropriate location.
2. The MR-9 zone is appropriate because of the mix of surrounding land uses.
3. The majority of the surrounding area is mobile homes, industrial, multi-family and single family.
4. This site was developed as one dwelling unit and ancillary storage facilities to Palatial Living Mobile Home Park and can continue as that use.

On July 13, 2023, the Planning Commission recommended the Municipal Council **approve** the Palatial Living Rezone. **Planning Commissioners vote (6-0).**

Councilmember M. Anderson requested confirmation if the site is one acre in size.

Mr. Holley confirmed that is correct. Public comment was received regarding concerns about snow plowing, but no other comments were received.

Councilmember Jensen requested confirmation if the actual shape of the area is a trapezoid-like figure.

Mr. Holley confirmed that is the case and the street itself is private.

Vice Chair A. Anderson requested a reminder on the height and limit for MR-9.

Mr. Holley answered that MR-9 is the same as MR-6, 35 feet with a limit to two or three stories. The fourplexes are MR-6, they are grandfathered (legal) because the City downzoned several areas in 2006. There are four-fourplexes on the property.

Chairman López asked what the density of mobile homes is.

Mr. Holley responded mobile homes are typically seven units per acre which is close to the NR-6 single-family housing. The odd thing about mobile homes is the owner does not own the property (the land) but rather rents the pad site from the property owner.

Chairman López inquired what is the closest MR-9 to this location.

Mr. Holley replied there are two and a half lots to the east along 600 North 200 West that are MR-9 zoning.

Vice Chair A. Anderson asked if the mobile home park is approved, could an argument be made by the owner that MR-9 would be a more appropriate zoning.

Mr. Holley said the way the mobile home code reads now is that trailers may come and go. As long as they do not exceed the original trailer park capacity, then they are free to have them at this location. The original permit maximum occupancy cannot be exceeded. If the property redevelops that would mean every single trailer would need to be removed.

Chairman López asked how many portions the mobile home area is in.

Mr. Holley answered two portions because the street bisects the mobile home park.

The proposed ordinance will be an action item and public hearing at the August 15, 2023, Council meeting.

REZONE & CODE AMENDMENT – Consideration of a proposed rezone (Cache Valley Marketplace) from Commercial (COM) to Commercial Planned Development Overlay (COM/PD Overlay) located at approximately 1300 North Main Street and a proposed Code Amendment to Chapter 17.27A: PD-1 “Cache Valley Marketplace” – Ordinance 23-28 - Russ Holley

Planner Russ Holley addressed the Council regarding the proposed rezone.

RECOMMENDATION

Staff recommended that the Planning Commission **conditionally approve** a Design Review & Subdivision Permit for Project #23-047 Cache Valley Marketplace and **recommend approval** of a rezone for a Planned Development Overlay and a Code Amendment, in the Commercial (COM) zone located at approximately 1300 North Main Street, TIN# 05-014-0078

Current Land use adjoining the subject property

<i>North:</i>	COM: Commercial Uses	<i>East:</i>	COM/MR: Com/Residential Uses
<i>South:</i>	COM: Commercial Uses	<i>West:</i>	COM: Commercial Uses

Project Proposal

This is a proposal to redevelop the existing 25.5-acre Cache Valley Mall site into a 150,000 SF big-box retailer, 156-room hotel/retail building, 346 multi-family residential units, and associated parking and landscaping. The original mall site, at nearly 40-acres, has been subdivided separating the outer pad-sites and commercial stores. Even with the pad site developments along the surrounding streets, the 25.5-acre site still retains street frontage on Main Street, 1400 North, 1250 North, and 200 East. This proposal includes demolishing the entire Cache Valley Mall and constructing six (6) new buildings. Accessory garage buildings are proposed near the multi-family residences.

Planned Development Overlay Zone

The Logan City Land Development Code (LDC) entitles property within the Commercial (COM) to a wide range of commercial uses, residential uses, and development configurations. The (Pending) Planned Development Overlay Zone (PD Overlay) permits additional or different development configurations associated with a specific PD project. The PD Overlay zone is proposed to overlay the existing base COM zone. The additional overlay zone and accompanying code amendment is specifically tied to the 25.5-acre project site. If this proposed rezone is adopted, the Official Zoning Map will be amended with a Planned Development Overlay on this site with COM remaining as the base zone. Unless specifically cited to modify or waive COM regulations in the proposed 17.27A. PD Overlay code sections, the base zone COM requirements still apply to the project.

Planned Development Code Amendment

Chapter 17.27.A. PD-1 Cache Valley Marketplace proposes new language associated with this project proposal. The Planning Commission will review the proposed PD overlay code amendments and make a recommendation to the City Council who ultimately have approval authority over all PD Overlay code amendments. PD Overlay

code amendments shall include a purpose, intent, applicability, range of uses, improvement descriptions, and development standards. The purpose of the Planned Development (PD) Overlay Zone is to allow for flexibility and discretion in the application of the City's zoning and development regulations in order to allow for unique, innovative and well-planned developments that would not be possible under one of the City's existing zoning designations. Unless specifically cited to modify or waive regulation in 17.27.A PD Overlay code sections, base zone COM requirements still apply to the project.

Concept Plan Review

The pending Planned Development overlay code language establishes a Concept Plan Review process which requires an applicant to submit a conceptual development plan to the Planning Commission and Council for feedback. The applicant presented the concept plan to both the Logan City Planning Commission and Municipal Council for review and feedback. No formal action was taken at this phase in the process and with generally positive feedback, the applicant was encouraged to further refine the project and then submit formal applications for consideration by the City. The general feedback from both the Planning Commission and City Council concerned a lack of consolidated open space especially near the residential uses, transit (bus stop) accessibility, pedestrian circulation throughout the entire site, and the requested sizing of the proposed signage. All other general deviations or requests from the project developers were deemed acceptable.

Subdivision Permit

The applicant is proposing a (4) four-lot subdivision (lot 8 amendment) that creates four buildable areas, one for the big box, one for the hotel/retail, one for two multi-family buildings and the remaining lot for the final two multi-family buildings. The COM zone does not have minimum lot sizes or widths and simply requires compliance to development standards per lot. Binding cross easements can account for per-lot deficiencies with overall project compliance approvals. As conditioned with overall compliance to applicable development standards in the COM zone, the project meets the requirements of the LDC.

Design Review Permit

The LDC 17.43 requires a Design Review Permit for new commercial and multi-family residential developments. The Design Review Permit assures compliance with adopted code standards and design specifications applicable to the project proposal. The Planning Commission is the Land Use Authority on Design Review Permits.

Density & Land Use

The LDC allows a density of 30 units per gross acre in the COM zone. At a total of 25.5 acres, and a proposed 346 residential units, the overall density is 13.5 units per acre. The multi-family buildings are shown as stand-alone (freestanding) residential buildings positioned near 200 East and 1250 North. The COM zone requires all buildings to contain commercial land use, but the proposed PD Overlay would waive this requirement. The proposed "big box" retail and hotel land uses and structure types are both permitted in the

COM zone. As proposed and if the rezone and code amendment is adopted, the project complies with density and land use regulations.

Setbacks

The Land Development Code (LDC) requirements for setbacks in the **COM** zone are as follows (as measured from property lines):

Front (0-40' tall bldg.):	10'
Front (41-55' tall bldg.):	40'
Side:	8'
Rear:	10'
Parking (front):	10'
Parking (side/rear):	5'

The proposed project complies with setbacks except for the proposed multi-family buildings which are shown at approximately 58' tall (mid-gable) and the hotel building is shown at 52' tall, and both are shown with front setbacks of less than 40'. The PD Overlay is being proposed to modify these height and setback regulations to allow for the project layout and heights as designed.

Building Heights

The LDC 17.10.080 limits building heights to a maximum of 55' in the COM zone with enhanced setbacks. Ground floor commercial space is required to be at least 12 feet tall. The tallest building in the proposal is the four-story multi-family apartment building shown at 64 feet tall at the highest peak. At mid-gable, the LDC allows mid-gable measurement points, the project's tallest building is approximately 58' tall. The PD Overlay is being proposed to modify these height regulations to allow for the project as shown.

Building Frontage

The LDC requires a minimum 50% building frontage in the COM zone to help frame streets with architecture. This requirement also results in surface parking lots being less visually prominent and more subordinate (rear) to primary buildings. The proposed project has multiple street frontages. On average the project shows a building frontage of 52% and is in compliance with this code requirement. As proposed, the project complies with the LDC.

Lot Coverage

The LDC 17.10.100 establishes a maximum lot coverage of 60% (building(s) footprint) in the COM zone. Collectively, the proposed building footprint(s) are at approximately 27% lot coverage and below the maximum code regulations. As submitted, the project complies with the lot coverage maximums in the LDC.

Parking Requirements

The LDC requires 1.0 parking stalls per hotel room, 1.5 - 2.0 stalls per multi-family dwelling units (1.5 stalls/studio and one-bedroom units and 2.0 stalls/2 bedroom or larger units), 1.0 stalls for every 250 SF of retail space and 1.0 stalls for every 500 SF of big box stores. Based on the proposal, 1140 parking stalls are required as per the LDC. The project provides a total of 1,375 parking stalls, including 97 garage stalls for multi-family

residents. The LDC 17.31.040 requires bike racks/parking areas for commercial and residential developments. As conditioned with bike parking, the project complies with the LDC parking requirements.

Site Layout & Pedestrian Circulation

The LDC 17.30 require projects to provide pedestrian and street connectivity. The proposed site layout places the building near the sidewalk edge making walking quick and convenient. Some areas in the site lack direct and safe pedestrian networks and crossings. As conditioned with sidewalk connections and walkability throughout the site, including to adjacent bus stop locations, the project meets the requirements in the LDC.

Building Elevations

The LDC requires commercial projects to have four-sided architecture and a mix of materials. Acceptable building materials are masonry, stucco, fiber-cement board, wood, and metal. Material mixes shall wrap all four sides of buildings and blank walls exceeding 40 linear feet are prohibited. All buildings are shown with a mix of brick, stucco (EFIS), fiber-cement, and metal materials. The big box is also shown with stone accent materials. As proposed, the project complies with building material requirements in the LDC.

Useable Outdoor Space and Landscaping

The LDC 17.10.080 requires 10% landscaping and an additional 10% useable outdoor space in the COM zone, while LDC 17.32.050 requires 10% useable outdoor space and 20% landscaping for residential developments. The LDC 17.32 generally describes useable outdoor space as outdoor areas that are designed and used in conjunction with a primary use for the benefit and enjoyment of the residents and their guests of the development. Useable outdoor space may include public gathering areas, patios, decks, walkways, plaza's, active recreational areas, and natural open space areas but do not include parking lots, driveways, and other similar vehicular oriented areas. Landscaping is defined as planted and natural areas contained trees, shrubs, grasses, mulches, and other similar materials.

The LDC requires a minimum of 20 trees and a combination of 50 shrubs, flowers and ornamental grasses per acre of land for multi-family residential projects. The LDC also requires minimum perimeter and interior parking lot landscaping to reduce the visual and environmental impacts of asphalt parking lots. At 25.5 acres, 510 trees and 1,275 shrubs/flowers/grasses are required.

The 25.5-acre property (1,110,780 SF) is broken up into four areas, two commercial and two multi-family. The commercial areas total 722,225 SF and would require 144,444 SF (20%) of both outdoor space and landscaping. The multifamily areas total 388,555 SF and would require 116,566 SF (30%) of both outdoor space and landscaping. Based on the two standards and two different development type areas, the project would be required a grand total of 261,010 SF of landscaping and outdoor space. As conditioned with full landscaping and outdoor space requirements and a more meaningful gathering area near the residences, the project meets the requirements of the LDC.

Signage

The LDC 17.33 allows different sign types and sign sizes based on street frontage and building size. Based on street frontages and property width, the project would be allowed up to six (6) monument signs at eight feet tall and 72 SF in size. As per the development plan request, the applicant is proposing three signs at 16 feet tall and 15 feet wide (double the standard) with one on each frontage (1400 N, Main, 1250 N). Staff is recommending that the City consider approving a slightly larger sign size than what is permitted in the code for a reduced number of signs and views this as a reasonable tradeoff and appropriate to the overall size and scale of the project. Staff is recommending that the project be entitled to three eleven-foot-tall signs with 108 SF, one for each of the three frontages, and one standard sized monument sign on 200 East rather than a total of six signs. Building signage would remain as permitted in the LDC for commercial and multi-family development types. The signage allowance will need to be adopted within the PD Overlay if anything different than standard sign code allowances are given. As conditioned, the project meets the requirements in the LDC.

Lighting

The LDC 17.37.090 requires adequate lighting that adds aesthetic quality and improves safety while mitigating unnecessary glare, sky glow and light trespass. The LDC limits freestanding pole height to 32 feet and luminaire fixtures on buildings and canopies to be concealed source, down-cast and shielded from neighboring properties. Light measurements are required to range between 0.5 – 4.0-foot candles, so areas are sufficiently safe, but not excessively bright. As submitted, no exterior lighting has been shown. As conditioned, the project meets the requirements of the LDC.

AGENCY AND CITY DEPARTMENT COMMENTS

Comments were solicited from the following departments or agencies:

• Environmental	• Water
• Fire	• Engineering
• Light and Power	

PUBLIC COMMENTS

Notices were mailed to property owners within 300 feet of the subject property. Any comments received at the time of report preparation are included with the packet.

PUBLIC NOTIFICATION

Legal notices were published in the Herald Journal on 7/1/23, posted on the City's website and the Utah Public Meeting website on 7/3/23 and mailed out to adjacent property owners within 300' on 6/26/23.

RECOMMENDED MOTION

Staff recommends that the Planning Commission **Conditionally Approve** a Design Review & Subdivision Permit for Project #23-047 Cache Valley Marketplace subject to the following recommended conditions of approval and findings of fact for the Design Review and Subdivision Permits,

Recommend Approval for the Planned Development Overlay rezone and PD-1 Code Amendment, in the Commercial (COM) zone subject to the recommended findings of fact, for Property located at approximately 1300 North Main Street, TIN# 05-014-0078.

RECOMMENDED CONDITIONS OF APPROVAL for the DESIGN REVIEW AND SUBDIVISION PERMITS

This project is subject to the proponent or property owner agreeing to comply with the following conditions as written, or as may be amended by the Planning Commission.

1. All standard conditions of approval will be recorded with the Design Review Permit and are available in the Community Development Department.
2. The Design Review Permit is subject to the final approval, by the Municipal Council, of the pending Ordinance 23-22 approving the proposed LDC amendment creating the Planned Development process. Substantive changes to the enabling legislation contained in Ordinance 23-22 may require that this project, including the Design Review Permit, Subdivision Permit, Rezone and Code Amendment, to be re-considered by the Planning Commission.
3. The Planning Commission conditionally approves a four (4) lot subdivision, big box retail building, a hotel/retail building and 346 residential dwelling units on a total 25.5-acre site.
4. The specific land use and development standards approved as part of the PD-1 supersede the relevant standards contained in the LDC.
5. All future commercial businesses and land uses shall comply with the approved PD-1 Cache Valley Marketplace and the Commercial Land Use Table. Business licenses prior to operation.
6. Any changes to the approved PD-1 Cache Valley Marketplace PD are required to amend the original PD-1 through the same approval process.
7. The Planned Development (PD) Overlay rezone and code amendment must be formally adopted by the Logan City Council or the Design Review and Subdivision Permits become null and void.
8. Building setbacks and heights are approved pending code amendment adoption.
9. The project shall provide a minimum of 1140 parking stalls and bike racks for each building as per LDC.
10. The project shall provide a bus stop amenity along Main Street (Green and Blue Line) and a continuous pedestrian way with sidewalks and painted raised crossings to both the big box and retail buildings and the 200 East bus stops.
11. A raised painted crossing shall be installed between the west side of the big box and the west side of the retail building. Additional sidewalks shall be installed so that all multi-family units can walk on either a sidewalk or painted crossing to the big-box and hotel/retail building.
12. The signage plan is approved to allow three monument signs not to exceed 11 feet in height and containing 108 SF of signage size, with one located along 1400 North, Main Street, and 1250 North, and a fourth monument sign to be permitted along 200 East provided it meets the minimum sign requirement in LDC 17.33.

13. Multiple landscaping areas shown shall be consolidated and combined to create a larger and more meaningful landscaped/useable outdoor space near the multi-family buildings.
14. A performance landscaping plan, prepared in accordance with §17.39 of the LDC, shall be submitted for approval to the Community Development Department prior to the issuance of the building permit. The plan shall include the following:
 - a) Landscaping and Useable Outdoor areas shall total a minimum of 261,010 SF.
 - b) Landscaping and Outdoor Space shall be provided in a relative proportionate manner per lot or per phase.
 - c) 510 trees and 1,275 shrubs/perennials/grasses shall be provided for this project.
 - d) 18 SF of interior parking lot landscaping shall be provided per parking stall contained within the surface parking area as per LDC.
 - e) A landscape buffers shall be used in parking lot perimeter areas.
15. All dumpsters shall be visually screened or buffered from public streets by using fencing, walls and landscaping.
16. Rooftop mechanical and/or building wall mechanical equipment shall be placed out of view from the street or screen from view from the street.
17. Exterior lighting shall be concealed source, down-cast and shall not illuminate or cast light onto adjacent properties.
18. No signs are approved with this Design Review Permit. All signage shall be approved and permitted by staff in accordance with the Land Development Code and consistent with the approved PD-1.
19. Surface storm-water retention and detention facilities shall be located away from public streets and buffered from view with landscaping.
20. Prior to issuance of a Building Permit, the Director of Community Development shall receive a written memorandum from each of the following departments or agencies indicating that their requirements have been satisfied:
 - a. *Environmental —contact 716-9761*
 - Minimum 60 ft. straight on clear access required. Approach must be level, no down or uphill slopes and no parking spaces or curb blocking access.
 - Minimum inside measurement for a double enclosure is 24 ft. wide by 10 ft. deep. Minimum inside measurement for a single enclosure is 12 ft. wide by 10 ft. deep.
 - Place bollards in the back of the enclosure to protect walls.
 - Gates are not required, however if desired, they must be designed to stay open during the collection process.
 - Barrel hinges are suggested for the gates. We need the full 12 ft. clearance so gates must be designed to open completely.
 - b. *Engineering —contact 716-9160*
 - Complete the traffic study and install recommendations.
 - All existing easements and rights of way lines shall be shown on the plans. Improvements shall not infringe upon the rights of an existing easement, right of way, or property owned by others.

- Dedicate a 10' Public Utility Easement along each side of all existing and new rights of way within the project and dedicate a 5' Public Utility Easement along each side of all side and rear property lines.
 - All necessary cross access easements/agreements for private road and private utilities across all properties or outside of the project boundary shall be shown on the plat or provided to the City by means of a separate dedicating instrument prior to recording for review and approval.
 - Comply with all engineering standards and specifications.
- c. *Water*—contact 716-9627
- All commercial buildings water mains need to have their own RP (ASSE1013) backflow assembly installed and tested on the water main as it enters the building before any branch offs or possible connections inside or outside of building. All backflow assemblies must be tested within 10 days of turning water into them and annually thereafter. Refer to 2018 IPC Utah State Amendment # 608.1.1,608.1.2,608.1.2.1 for installation criteria. Properly sized drain required to serve RP backflow assemblies. Residential water services or (mains) must be totally separated from any commercial water mains. If residential buildings are three levels above finish grade or higher (water meter elevation), their water main/s must have a minimum DC (ASSE1015) backflow assembly on the water main/s before any branch offs, or possible connections. Separate any residential and commercial water systems (services).
 - All privately or commonly owned landscape irrigation system's fed from Logan City water must have a high hazard rated backflow assembly installed and tested. No dual source feed systems ever allowed to be connected together at any given time. Logan Cities prior approval is needed for a "swing joint system". Installation criteria is annually tested RP assembly (city water) & swing joint. This must be inspected annually and passed by Logan City's backflow inspector.
 - Fire suppression systems that are connected to Logan City water (with no added chemicals) must have a minimum DC (ASSE1015) backflow assembly installed and tested. Fire risers and all B/F assemblies must be installed and tested as per Logan City standards.
 - Project shall comply with all current Utah State plumbing codes, amendments and Utah Admin. code R 309-105-12-(1) rules and regulations including, but not limited to, those pertaining to backflow prevention and cross connection protection, during and after construction, for the safety of the water and its consumption.
- d. *Fire*—contact 716-9515
- Fire apparatus access, Fire hydrants required, Required fire flow compared to available fire flow, Fire sprinklers, Fire Alarms, etc will be evaluated and reviewed with the building permit
- e. *Building*—contact 716-9032
- Submittals after July 1st will be on the 2021, I Codes

RECOMMENDED FINDINGS FOR APPROVAL OF THE SUBDIVISION & DESIGN REVIEW PERMIT

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

1. The conditioned project will not interfere with the use and enjoyment of adjacent properties because of the building design, site layout, height transitions, landscaping, and setbacks.
2. The Design Review and Subdivision Permit conforms to the requirements of Title 17 of the Logan Municipal Code.
3. The conditioned project provides required off-street parking.
4. The project meets the goals and objectives of the COM designation within the Logan General Plan by providing services near high-capacity roadways and is designed in way for easy circulation of both pedestrian and vehicles.
5. The conditioned project complies with density and building design, open space standards and is in conformance with Title 17.
6. The project met the minimum public noticing requirements of the Land Development Code and the Municipal Code.
7. Main Street, 1250 North, 1400 East, 200 East are adequate in size and design to sufficiently handle infrastructure related to the proposed land uses.

RECOMMENDED FINDINGS FOR APPROVAL OF THE PLANNED DEVELOPMENT OVERLAY REZONE AND CODE AMENDMENT

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

1. The Rezone and Code Amendments are done in conformance with the requirements of Title 17 of the Logan Municipal Code.
2. Utah State Law authorizes local Planning Commissions to recommend rezones and Ordinance changes to the legislative body (Municipal Council).
3. The proposed Planned Development Overlay Zone and Code Amendments are consistent with the Logan City General Plan.
4. The proposed Planned Development Overlay and project are consistent with the pending legislation before the Municipal Council.
5. The proposed Code Amendments provide the regulatory platform for adopting and implementing a Planned Development project important for revitalizing a blighted and underutilized commercial area of Logan.
6. The proposed overlay and Code Amendments provide additional affordable housing.
7. The project met the minimum public noticing requirements of the Land Development Code and the Municipal Code

On July 13, 2023, the Planning Commission recommended the Municipal Council **approve** the Cache Valley Marketplace. **Planning Commissioners vote (6-0).**

Project Scope

- Redevelop Cache Valley Mall Site w/\$205M Mixed Use Project
- Demo existing mall complex & parking areas

- 150,000 sf “big box” retailer
- 346 Multi-Family Units in 4 freestanding buildings with ground floor residential & ground floor parking (partial)
- Overall Residential Density – 13.5 du/ac
- 156 Room Hotel with 21,000 sf ground floor commercial
- New Public Right of Way connecting Main Street/Second East
- 25.5-acre site included in the Planned Development Boundary
- 6 Lot Subdivision involves approximately 28 acres
- Part of a new “CRPA” currently in review process

Why this is a Good Project in a Good Location?

- Fifth Development Team to put Mall under Contract
- Revitalize underperforming “blighted” commercial property
- Significant new investment in the community
- Improve Tax Base (sales/property) benefiting residents
- Creates new jobs, new hotel rooms, & new housing
- Significant economic benefits to surrounding businesses
- Locates housing near services – reduce car traffic
- Includes affordable housing in close proximity to services
- Location is walkable to new and existing residents
- Implements Logan General & Adams Neighborhood Plans

Vice Chair A. Anderson inquired if the hotel would have a restaurant.

Mr. Holley responded that it would depend on the brand of hotel selected, but the hotel will certainly have space on the ground floor to have a restaurant.

Vice Chair A. Anderson requested confirmation on whether the west entrance would be a public access point.

Mr. Holley confirmed that is the case. The west access point will be for the hotel and the retail building.

Councilmember Simmonds asked if the proponent were to do all the signs available to them, how many would that be, and the square footage.

Mr. Holley replied that the proponent could do 6 total signs of 72 sq ft, a total of 432 sq ft. The current proposal is for 3 signs at 108 sq ft, a total of 324 sq ft.

Councilmember M. Anderson said the area is already zoned commercial, what part of the plan would the proponent be unable to do.

Mr. Holley answered a reason why the PD overlay was pursued is that the three standing residential units would not be allowed in a commercial zone. The taller buildings would not be allowed in a commercial zone. The setbacks and signage changed a little bit because of the PD. The proponent could still do residential, but the ground floor would

have to be commercial. The mixed-use zone could not have been applied because of issues with frontage.

Vice Chair A. Anderson requested copies of the public comments received by the Planning Commission.

Mr. Holley responded all the verbal comments made during the meeting are in the Planning Commission minutes which have been included in the packet. The submitted comments via email or letter will be included in the Council's packet for August 15, 2023, Council Meeting.

Vice Chair A. Anderson inquired if the comments received were for or against the project.

Mr. Holley answered it is a mix of both, some are in favor, and some are against the proposed development.

Councilmember Simmonds asked where the conditions made by the Planning Commission are shown in the PD Overlay and the changes requested for green space.

Mr. Holley replied the conditions made by the Planning Commission is found in the PD section 17.27A. The conditions are found there but in other areas such as 17.27.08.08 (2) A. For example, the condition for the bus stop or raised crosswalk has been specifically made in the conditions of the design review by the Planning Commission the same is applicable to the green space.

Councilmember Simmonds requested clarification on why the conditions made in the design review do not follow or appear in the code language.

Mr. Holley explained there are specific design conditions attached to the plan by the Planning Commission and then there are specific code language applied to the proposal by the City. For example, if the standard code language condition is 10 feet, but the developer needs 15 feet. The condition to accept 15 feet would be found in the PD Overlay condition rather than in the code since it is not the typical standard or condition. It is still a condition, but it is not the standard condition code. The green space is not in the PD Overlay because it is part of the design review process. The green space area is required in the project and moving its location does not change the requirements that need to be met in order to be utilized.

Mr. DeSimone clarified the specific code amendment language codifies it, the example of the signpost clearly states the height, width, and square feet. The request to make signs bigger is associated with the code, but anything requesting a change via the design permit although based on the code is not the base code but an amendment. The amendment or rather a condition is shown but its location is on a different document (the design review) since it is not the standard base code of an amendment, a condition.

Mr. Holley added it is difficult to do a PD Overlay without having two sections of regulations since a PD Overlay in itself is a different section.

Chairman López requested confirmation if the proponent changed anything from what is being codified, they would be required to commence the entire process again. And if any flexibility is allowed, is it about function or what is the determination.

Mr. Holley clarified if there is any change say in relation to square footage, building location, etc. Some flexibility is allowed though for example if the structural engineer states a column needs to be moved 3 inches. Though any changes to footprints or occupancy, etc. the proponent would have to commence the process again. It is a result of a functional code that must be met does the change meet what the Planning Commission approved or not.

Vice Chair A. Anderson read, (32) *“A traffic study impact shall be completed by a 3rd party consultant hired by the city and paid for by the developer. The developer shall follow and be responsible for all recommendations identified in the study; these recommendations may be both on-site or off-site.”* If there is major road work to be done it is on the developer to complete the work, is that correct.

Mr. DeSimone answered the developer is responsible for improvements, but in this instance, some improvements have been negotiated for which the City will pay through the RDA. We are not certain yet, we believe there will be light, but we are awaiting the results of the traffic study. Though the developer will be responsible for a portion of the improvements that are impacted by the development as will the City for a portion.

The proposed ordinance will be an action item and public hearing at the August 15, 2023, Council meeting.

Budget Adjustments FY 2023-2024 appropriating: \$9,401 funds the Fire Department received from the Department of Agriculture to purchase equipment for wildland deployments; \$7,585 a grant the Fire Department received from the State of Utah to be used for EMS training - Resolution 23-32 – Richard Anderson, Finance Director

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

The proposed resolution will be an action item and public hearing at the August 15, 2023, Council meeting.

OTHER CONSIDERATIONS:

Chairman López discussed the possibility of moving the public comment period with City Attorney Craig Carlston. In the end, no changes will be made at this time.

Chairman López also clarified that in a previous council meeting, a comment was made about the Council inviting a Marxist organization to speak. The Council did not invite a known Marxist organization to speak nor any of those invited were from a Marxist organization.

No further items were discussed.

ADJOURNED. There being no further business, the Logan Municipal Council adjourned to a meeting of the Logan Redevelopment Agency at 8:10 p.m.

Minutes of the meeting of the Logan Redevelopment Agency convened on Tuesday, August 1, 2023, in the Logan Municipal Council Chambers located at 290 North 100 West, Logan, Utah 84321 at 8:10 pm.

Council Members present at the beginning of the meeting: Chairman Ernesto López, Vice Chair Amy Z. Anderson, Councilmember Jeannie F. Simmonds, Councilmember Mark A. Anderson, and Councilmember Tom Jensen. Administration present: Mayor Holly H. Daines, City Attorney Craig Carlston, Economic Director Kirk Jensen, Finance Director Richard Anderson, City Recorder Teresa Harris and Deputy Recorder Esli Morales.

Chairman López welcomed those present. There were approximately 20 in attendance at the beginning of the meeting.

PUBLIC HEARING – Consideration of a proposed budget for the 1400 North Main Community Reinvestment Project Area, located approximately in the area between 1250 North and 1400 North and Main Street and 200 East; the area between 1120 North and 1250 North and 150 East and 200 East; and the area between 1000 North and 1120 North and 100 East and 200 East in Logan, Utah. The Project Area consist of approximately 51.29 acres of predominately privately owned land – Resolution 23-31 RDA – Kirk Jensen, Economic Development Director

Economic Development Director Kirk Jensen addressed the Council regarding the proposed resolution.

Mr. Jensen explained that the property tax revenues resulting from an increase in the valuation of property within the Project Area will be paid to the Agency for Project Area development rather than to the taxing entity to which the tax revenues would otherwise have been paid: if the taxing entities consent to the Project Area budget; the taxing entities agree to share property tax revenue under an interlocal agreement; and the Project Area Plan provides for the Agency to receive tax increment. The Agency has requested \$13,000,000.00 in property tax revenues that will be generated by development within the Project Area to fund a portion of the project costs within the Project Area.

These property tax revenues will be used for the following: Agency administrative expenses: \$649,841.00; affordable housing: \$1,302,122.00 (and an additional \$500,000.00 from the Agency's Affordable Housing Reserves); private developer incentives: \$11,048,037.00. These property taxes will be taxes levied by the following governmental entities, and, assuming current tax rates, the taxes paid to the Agency for

this Project Area from each taxing entity will be as follows: Logan City School District \$9,564,100.00; Cache County \$1,844,700.00; City of Logan \$1,591,200.00. All of the property taxes to be paid to the Agency for the development in the Project Area are taxes that will be generated only if the Project Area is developed.

Resolution #23-31 RDA:

- Agency's first look at the project area budget.
- Consents precede approval.
- Public hearing – community input.
- Approval is considered at a later date.

Budget Key Elements:

- No reduction to existing tax revenue for taxing entities.
- Term = 20 Years (Cannot exceed this time frame)
- Revenue Cap = \$13 million (RDA cannot receive more)
- Revenues
- Expenditures

Other Budget Elements:

- Reinvested Project-Generated Affordable Housing Reserves (10%).
- Existing RDA Affordable Housing Reserves (\$500,000).
- Private Developer Incentives (\$10.5 million)
- RDA Administration (5%)
- Transportation Infrastructure (\$500,000)
- Cache Valley Marketplace Investment (\$205 million)
- Other Project Area Development (\$35 million)

Logan City Financial Assistance:

- Permit/Fee Waivers
- Tax Increment Financing
- Redevelopment Agency Affordable Housing Reserves

Reimbursed Costs:

- Demolition
- Public Infrastructure
- On-Site Upgrades
- Land Write-Downs

Projected Agency Expenditures:

- \$13 million over 20 Years
- Subject to Taxing Entity Interlocal Agreements

Public Benefits:

- Investment
- High-Quality Design
- Pedestrian Enhancement
- Traffic Circulation Enhancements
- Strengthening of a Key Commercial Area
- Direct, Indirect & Induced Economic Benefits
- Strengthening of the Tax Base
- Increase to Affordable-Moderate Housing Supply

Tax Base Impact:

Increase of an estimated \$735,000 per year upon expiration of project area.

RDA Project Investment Comparison:

- Logan Gateway (12.5%)
- Logan River Business Park (10.4%)
- *1400 N. Main CRPA* (5.4%)
- Cache Valley Marketplace (5.7%)
- CVM w/other City Assistance (7.6%)

Chairman López inquired how the cap is determined and if the State required the cap to be more or less than a specific percentage.

Mr. Jensen answered the cap is determined by the budget. The cap will be in the final development agreement. The State also requires the cap but does not specify a percentage that he is aware of. It is mutually agreed upon to establish the cap by all the tax entities including the City.

Chairman López opened the meeting to a public hearing.

Joe Nelson, a resident of Logan thanked staff for the report and is in favor of boundaries. Within these budgetary boundaries, he hoped that healthy community spaces continue to be built and these spaces to be of use for the public community.

Blake Cameron, a resident of Logan and owner of Aspen Dental located at 170 East 1400 North expressed concerns about the current proposed plan which will block their dumpster from being picked up.

Katie Rae, a resident of Logan is concerned about the proposed development and the possible repercussions or rather lack of inspiration. She feels there is a need for green space, but green space well thought out and including a nice dog park and area next to the pool. She would like to see a plan to build something that can be beautiful and of use for a long time.

Donna Berry, a resident of Logan reiterated the importance of a community space. There is a concern about 326 units to be built on 200 East 1400 North and the increased traffic as a result.

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

Mr. Jensen explained that no action is needed by the Council at this time only a public hearing is required.

Chairman López thanked the public for their comments and their willingness to participate in the process.

ADJOURNED. There being no further business, the Logan Redevelopment Agency adjourned at 8:36 p.m.

Esli Morales, Deputy City Recorder