

Minutes of the meeting of the Logan Municipal Council convened in regular session on Tuesday, September 3, 2024, 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: Chair Amy Z. Anderson, Vice Chair Mark A. Anderson, Councilmember Ernesto López, and Councilmember Mike Johnson. Administration present: Mayor Holly H. Daines, Assistant City Attorney Mohamed Abdullahi, Finance Director Richard Anderson, and City Recorder Teresa Harris.

Excused: Councilmember Jeannie Simmonds and City Attorney Craig Carlston.

Chair Amy Z. Anderson welcomed those present. There were approximately 14 in attendance at the beginning of the meeting.

OPENING CEREMONY:

Nathan Hess, Board VP and Festival Director with Logan Pride offered the opening ceremony and led the audience in the pledge of allegiance.

Mr. Hess read a quote from Rumi, a 13th-century poet/philosopher, which emphasizes the importance of removing labels and embracing all members of the community. The community is invited to attend the Logan Pride Festival on September 28. The Logan Pride Foundation began in 2017 with a simple goal of building a healthy LGBTQ+ community and providing a safe space, education, and outreach. Preserving, the foundation's existing space is of foremost importance to the board. "There is beauty and strength in diversity." The revenue of the foundation comes from the festival held each year along with contributions by various sponsors, whom they are incredibly grateful to.

Meeting Minutes. Minutes of the Council meeting held on August 20, 2024 were reviewed and approved with no corrections.

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

ACTION. Motion by Vice Chair M. Anderson seconded by Councilmember López to approve the August 20, 2024 minutes and tonight's agenda as presented. Motion carried by roll call vote.

A. Anderson: Aye

M. Anderson: Aye

Johnson: Aye

López: Aye

Simmonds: Excused

Meeting Schedule. Chair A. Anderson announced that regular Council meetings are held on the first and third Tuesdays of the month at 5:30 p.m. The next regular Council meeting is Tuesday, September 17, 2024.

QUESTIONS AND COMMENTS FOR MAYOR AND COUNCIL:

Chair A. Anderson 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 and items that are germane or relevant to the authority of the City Council. 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.

Joshua Molitor, a resident of Logan read a quote by Bruce Springsteen. He expressed concern about an inland port being proposed by Hyde Park to Cache County and the possible negative impact it will have on the City of Logan.

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

MAYOR/STAFF REPORTS:

Board Appointment (Light and Power Advisory Board) – Mayor Holly Daines

Mayor Daines requested ratification to appoint the following:

Light and Power Advisory Board – New Appointment *Richard Guy*

ACTION. Motion by Vice Chair M. Anderson seconded by Councilmember Johnson to approve ratification of Richard Guy as presented. Motion carried by roll call vote.

A. Anderson: Aye

M. Anderson: Aye

Johnson: Aye

López: Aye

Simmonds: Excused

No further Mayor/Staff Reports were presented.

COUNCIL BUSINESS:

Board and Committee Reports – Chair A. Anderson, Councilmember Johnson and Councilmember López ([13:22](#))

Chair A. Anderson stated that the Library Board will be putting up a Christmas Train and are requesting donations, the Friends of the Library are working to raise donations. The

Local Homeless Council met and is working on finding funding for a feasibility study in Rich, Box Elder, and Cache County. The Utah Leagues of Cities and Towns Conference will be held on September 4 and 5 in Salt Lake. The Economic Development Committee Meeting will be meeting later this month.

Councilmember Johnson stated that the Parks & Recreation Board met as did the BPAC (Bicycle Pedestrian Advisory Committee). There are several ongoing events for BPAC, one of which is National Bike Week which is September 30 to October 6. This is a week that encourages the public to try and not drive but walk or bike instead. The Bear River Health Department Bike Week is September 9 to the September 13. He also participated in the 5K for City employees.

Councilmember Johnson attended the presentation of the Clean Cities Anti-Idling declaration, which the City has participated in for the past 10 years. He said that studies show the average citizen loses 2 years of life due to the air pollution in Utah, 75% of Utahns will lose 1 year of life, and 25% of Utahns will lose 5 years of their life.

There is an Adams Neighborhood Meeting on September 9 at Adams Park. There is a Bridgerland Neighborhood Meeting on Saturday, September 7 at Bridger Park. The public is invited to climb the stairs at Maverick Stadium on September 11 in remembrance of September 11/the World Trade Center.

Councilmember López attended the Light & Power Advisory Board and Library Board meetings. The Light & Power Advisory Board discussed the new-generation gas powerplant. New board members were ratified. There was an update on the ongoing battery project, it is not working as intended. The second dam sedimentary removal is completed. The hydro plant is working more efficiently than before due to the removal of the sediment.

The Friends of the Library donated \$15,000 to the new library during construction. The library reviewed policies and changes that need to be adopted. The Youth Council is a work in progress in conjunction with the Logan School District and Superintendent Frank Schofield. Ryan Nelson, a teacher at Logan High School has volunteered to supervise the Youth Council. It will mainly be focused on sophomores and juniors, but other grade levels are not prohibited from participating.

Mayor Daines remarked with the sediment removal at second dam, the Wilson Neighborhood in conjunction with Day of Service has volunteered to help clean up the campgrounds at the second dam and nearby trails. The public is welcome to participate as well.

No further Council Business items were presented.

ACTION ITEMS:

PUBLIC HEARING - CODE AMENDMENT – Consideration of a proposed amendment to the Land Development Code Chapter 17.38 “Wireless Telecommunications Facilities”. Including changes to police heights and setbacks from playgrounds and streets in public parks – Ordinance 24-15 – Russ Holley, Planner ([25:55](#))

At the August 20, 2024 Council meeting, Planner Russ Holley 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 17.38 of the Land Development Code (LDC).

REQUEST

This is an update of Chapter 17.38 Wireless Telecommunications Facilities amending placement and design, height allowances for new monopoles, stealth applications, and tower siting. The request also creates new setbacks in Public Zones from playgrounds, pavilions, and other similar gathering areas.

SUMMARY OF PROPOSAL

These proposed changes are a result of the Planning Commission’s request for more clarity in this chapter of the LDC and subsequent workshop discussions on the related impacts and anticipated outcomes.

The proposal sets a preference for co-locating onto existing structures and increases new pole height in the IP, CS, and COM from 60’-70’ to 70’-80’ respectively. A base pole height of 60 feet in all other zoning districts is proposed (The Planning Commission recommended this stay at 40 feet tall at the August 8th Meeting). This request clarifies antenna widths and prohibits them from extending beyond stealth materials (fake tree limbs, etc.). The proposal requires a two horizontal foot pole setback for every vertical foot of pole height from a playground, pavilion, or similar gathering area. The proposal sets a new standard for a solid material fence or wall with additional perimeter landscaping around all ground equipment.

STAFF RECOMMENDATION AND SUMMARY

As described above, the purpose of these amendments is to better mitigate the impacts of wireless facilities near public parks and throughout other areas of the city. Staff considers these changes more in line with current industry standards and will better integrate new facilities into the built environment while better mitigating negative impacts to park users and activities within parks and open space.

GENERAL PLAN

The Land Development Code was prepared and adopted to implement the vision expressed in the General Plan. The proposed amendments continue to implement the

vision of the General Plan by further clarifying development standards. These proposed amendments are consistent with the General Plan.

PUBLIC COMMENTS

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

PUBLIC NOTIFICATION

Legal notices were published in the Herald Journal on 7/27/24 and posted on the City's website and the Utah Public Meeting website on 7/29/24.

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 based its decisions on the following findings:

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

On August 8th, 2024, the Planning Commission **recommended approval** to the Municipal Council for the Wireless Towers Code Amendment with the amendment of keeping new tower heights in all other zoning districts at 40' feet tall. **Planning Commissioners vote (5-0).**

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

Joshua Molitor, a resident of Logan suggested that it is prudent to conceal the cell tower but also to make it visible, so people are aware of its location.

Dr. Gail B. Yost, a resident of Logan asked if children would be capable of accessing the tower in any manner, and if so, what can be done to ensure their safety.

Matthew Fatuesi, a resident of Logan also agreed the cell tower should be safety-oriented.

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

Councilmember Johnson asked if it was possible for the City to prohibit a cell tower from being placed in public parks.

Mr. Holley answered that if the cell tower is deemed essential communication, then the Federal Act would supersede any local ordinance. This is determined by the provider

reports which show that the tower is required in that location. It would be difficult for the City to prohibit a cell tower from being placed in a public park. The City may find a reason to not allow a cell tower in that portion of the park, but it would still have to be placed in the general vicinity.

Chair A. Anderson requested confirmation that the fencing placed around the cell tower is to prevent individuals from accessing the cell tower.

Mr. Holley confirmed that is the case, the fencing is to keep people away from the cell tower. The pole itself is designed with ladder rungs, however, they are not installed at a certain/regular height, so they are not climbable.

Councilmember López inquired if the cell towers being pushed further back will have any impact on the coverage they will provide.

Mr. Holley responded if there was any impact by their moving the cell tower further back, the Planning Commission has some leeway to grant them additional height in order to achieve the same coverage.

ACTION. Motion by Councilmember Johnson seconded by Vice Chair M. Anderson to adopt Ordinance 24-15 as presented. Motion carried by roll call vote.

A. Anderson: Aye

M. Anderson: Aye

Johnson: Aye

López: Aye

Simmonds: Excused

PUBLIC HEARING - Consideration of a proposed resolution adopting the Hillcrest Neighborhood Plan Update – Resolution 24-32 – Aaron Smith, Business License Administrator ([37:15](#))

At the August 20, 2024 Council meeting, Business License Administrator Aaron Smith addressed the Council regarding the proposed resolution.

Summary of Planning Commission Proceedings Project Name: Hillcrest Neighborhood Plan Update 2024 Recommendation of the Planning Commission: Approval Executive Summary of Hillcrest Neighborhood Plan Update the Hillcrest Neighborhood Plan was adopted in 2016. Since then, many goals of the plan have moved forward, while some have not. Also, many community paradigms and aspects of the neighborhood have changed over the last seven years. This update is intended to evaluate the progress made in implementing the plan and consider new goals and objectives based on the changes in the current conditions in Hillcrest and Logan. The plan update is divided into four sections: Introduction, Hillcrest Plan Recommendations Review, Public Participation, and Updates to Goals and Recommendations

Section 1 - Introduction

In 2016, Hillcrest was a neighborhood that was primarily built out but did have a few land use question marks remaining. In the subsequent years, most of those undeveloped areas have been developed. The underlying land uses associated with those developments were in response to the neighborhood plan. Primarily, outside of USU-owned properties, the development has been residential. Hillcrest has been substantially impacted by rising home prices in the region. There have also been several zoning and land use changes that have impacted the neighborhoods that were not considered during the development of the neighborhood plan. Perhaps the most significant changes were permitting of accessory dwelling units (ADUs) for a portion of the neighborhood and permitting short-term rentals. Regarding infrastructure, there have been improvements to trails, and sidewalk connectivity, and there are a few larger road construction projects queued for the next couple of years, including the 'oval-a-bout' at 1000 N and 1200 E. Development has also helped to fill the gaps, but there remain opportunities for pedestrian improvement along the trail corridors, the collector roads in the neighborhood, and the intersections adjacent to the new Hillcrest Elementary School. One of the biggest changes to the neighborhood is the construction and reorganization of Hillcrest Elementary. This school used to function as both a neighborhood school and a dual language Immersion (DLI) school. Following reforms to the DLI program, Hillcrest is now a DLI-only school and not a neighborhood school. Though there remains a significant number of students in the neighborhood who participate in the DLI program, those who do not participate in DLI now attend Adams Elementary School. Also, the old Hillcrest Elementary is slated to be demolished to create green space. Organizationally, the Hillcrest Neighborhood Council remains active and participates in the planning process for the neighborhood and as a forum for city and neighborhood communication.

Section 2 - Hillcrest Plan Recommendations Review

In this section, each of the recommendations from the neighborhood plan was evaluated for level of implementation. Overall, implementation has been mixed, but several high-profile recommendations have been implemented, including updates to the FLUP and Zoning Maps, Deer Pen residential development, trail improvements to Logan Canyon, and connectivity improvements to Hillcrest Elementary. Some other projects are underway or in the planning stages, such as the 1000 N 'Oval-about' and other improvements along 1200 E, sidewalk and pedestrian improvements, and park improvements at Deer Pen. Some recommendations have not yet moved forward, including expansion of mixed-use, continuation of housing renovation grants, lighting improvements to protect night skies, and connecting the canal trail and the shoreline trail at the south end through the Country Club.

Section 3 - Public Participation

Public participation for the plan update included a neighborhood workshop and a questionnaire. The neighborhood workshop was held on October 19, 2023, at Hillcrest Elementary to discuss the progress made on implementing the Hillcrest Plan and discuss areas of ongoing concern and potential projects to further the plan as part of the update. City staff conducted a presentation and facilitated a discussion regarding infrastructure, parks, trails, housing, and zoning. A questionnaire and comment boards were also provided for attendees to share their thoughts about ways to improve the neighborhood.

The questionnaire was distributed at the workshop and sent to neighborhood members through the Hillcrest email list. The questionnaire considered various topics, including housing, infrastructure, parks, and trails, and featured 25 questions. 28 responses were received. Comments received through the workshop and questionnaire were categorized and reviewed to inform the goals and recommendations of this plan update.

Section 4 – Updates to Goals and Recommendations

This section highlights proposed goals and recommendations that reinforce and build upon the recommendations of the 2016 Hillcrest Plan. This list should be considered supplemental to the existing plan and not a replacement. The section is broken down into three parts: zoning and housing, infrastructure, and parks and trails.

Zoning and Housing Recommendations

1. Consider expansion of ADUs into the area of Hillcrest where they are currently not allowed
2. Restrict STRs in single-family zones
3. Prioritize property maintenance and occupancy enforcement in the neighborhood

Infrastructure

1. Improve pedestrian connections around Hillcrest Elementary School • Provide ADA compliant crosswalks at all corners of the Hillcrest Elementary block. • Reduce corner radiuses and narrow intersections.
2. Improve crossing at 1500 N 1600 E • Provide ADA curb cuts and marked crossing • Redesign the corners of the intersection with a reduced radius and install bulb-outs for traffic calming
3. Complete plans and construct pedestrian trail crossing at 1500 N and the canal trail

Parks and Trail

1. Redesign the north connection trail between Aspen Drive and the Bonneville Shoreline Trail
2. Lundstrom Park Improvements • Connect Lundstrom Park to the Canal Trail. • Improve Lundstrom Park internal pathways connections. • Continue urban forestry planning efforts in the public spaces of Hillcrest.
3. Revisit efforts to connect the canal trail and Bonneville Shoreline Trail at the southern end

Planning Commissioners vote (5-0).

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

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

ACTION. Motion by Councilmember Johnson seconded by Councilmember López to approve Resolution 24-32 as presented. Motion carried by roll call vote.

A. Anderson: Aye

M. Anderson: Aye

Johnson: Aye

López: Aye

Simmonds: Excused

PUBLIC HEARING - Budget Adjustments FY 2024-2025 appropriating: \$47,625 Capital Reserves toward the Fire Station 71 roof replacement; \$300,000 funds the Environmental Department received from the National Forest Department to purchase trees for open space within the City of Logan; \$9,920 funds the Fire Department received from the Department of Agriculture to purchase equipment used in wildland deployments - Resolution 24-33 – Richard Anderson, Finance Director ([41:15](#))

At the August 20, 2024 Council meeting, Finance Director Richard Anderson addressed the Council regarding the proposed budget adjustments.

Chair A. Anderson requested confirmation that Fire Station 71 is the fire station located by the university.

Mr. Anderson confirmed that Fire Station 71 is located near the university.

Councilmember Johnson asked how many trees can be purchased with the grant received.

Mr. Anderson responded it would depend on the year and variety and could also be used to pay for the installation of the trees.

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

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

ACTION. Motion by Vice Chair M. Anderson seconded by Councilmember López to approve Resolution 24-33 as presented. Motion carried by roll call vote.

A. Anderson: Aye

M. Anderson: Aye

Johnson: Aye

López: Aye

Simmonds: Excused

PUBLIC HEARING - Unspent Appropriations FY 2024 – Carry Forwards:

ADMINISTRATION - \$15,000 for the Public Art Program

COMMUNITY DEVELOPMENT - \$150,000 Community Development funds for the General Plan

FIRE DEPARTMENT - \$57,000 for MOPA Emergency Communications System

PUBLIC WORKS - \$70,731 for the 400 North 600 West Intersection; \$5,291 for a part-time Inspector (Google Fiber); \$405 for benefits; \$115,415 for Google Fiber Blue Staker; \$9,695 for a backhoe plow; \$21,974 for Aerial Photos; \$547,043 for Capital Projects
PARKS & RECREATION - \$128,087 for various Parks & Rec Capital; \$50,000 for various Parks & Rec Capital; \$340,000 for various Parks & Rec Capital; \$10,066 for Parks & Rec mower equipment; \$15,000 for the Laub Plaza sound system
WATER & SEWER - \$148,324 for Masterplan Updates; \$1,575 for Wastewater equipment; \$3,759,796 for Water Capital Improvements; \$955,133 for Wastewater Capital Improvements; \$13,331 for Water Equipment
SEWER TREATMENT – \$755,487 for Bioreactor 4 Design
ELECTRIC - \$316,198 for the SOCC Battery Project; \$120,280 for Meter Changeout Program; \$118,227 for various Electric Capital Projects; \$1,200,000 for the UDOT relocation project; \$120,741 for various Electric Capital Projects; \$19,299,224 for the Natural Gas Generation Project; \$168,238 for the Sediment Removal Project; \$22,473 for Hydro 2 Projects
ENVIRONMENTAL - \$9,559,884 for Environmental Capital Projects; \$624,253 for Rolling Stock; \$2,330 for Landfill Permits; \$8,192 for Landfill Study; \$34,794 for Technical Evaluation of Limits
STORM WATER - \$802,081 for Master Plan Updates; \$3,276,678 for Capital Projects
EMERGENCY MEDICAL SERVICES - \$12,000 for Sunset of Part-time Program; \$918 for Benefits; \$125,958 for new ambulance and remount; \$57,000 for MOPA Emergency Communications System

Carry Forward of Capital Projects: \$6,183 for Fire Station; \$4,555,078 for Curb, Gutter, and Street Improvement Projects; \$1,044,195 for Curb, Gutter and Street Improvement Projects; \$5,188,368 for Curb, Gutter and Street Improvement Projects; \$462,809 for Curb, Gutter and Street Improvement Projects; \$2,446 for the Library

Capital Equipment: \$6,845 for Community Development Vehicles; \$55,394 for Police Vehicles; \$1,909,552 for Fire Vehicles; \$306,094 for Public Work Vehicles; \$69,231 for Parks & Rec Vehicles

Restricted Revenue and Grants - \$61,878 for Police Alcohol Enforcement; \$60,000 for Class C Street Projects; \$13,069 for Class C Street Projects; \$1,510,465 for Class C Street Projects; \$3,413,598 for Transportation Tax Projects

FEDERAL GRANTS - \$1,130,696 CDBG Grants; \$12,185 for Bullet Proof Vest Grant; \$1,450 for Willow Park Ballfield; \$1,107,340 for Green Waste Facility; \$24,586 for Logan River Stabilization Project

STATE GRANTS - \$50,000 for General Plan Update Grant; \$23,500 for First Responders Mental Health Grant; \$673,627 for Utah Outdoor Recreation Grant; \$20,853 for UCA Proportionate Share of Remaining Funds; \$78,514 for Lead Water Principal Forgiveness

MISC GRANTS - \$5,379,004 for County Road Tax Grant; \$34,882 for Utah League of Cities and Towns; \$31,250 for Deed Battery Storage Grant

Carry Forward of Reimbursement Grants:

RAPZ GRANTS - \$776,927 RAPZ Reimbursement Grants; \$184,307 RAPZ Population Split Grant – **Resolution 24-34** – **Richard Anderson, Finance Director** ([43:20](#))

At the August 20, 2024 Council meeting, Finance Director Richard Anderson addressed the Council regarding the proposed carry forwards.

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

Joshua Molitor, a resident of Logan asked for more details on the line item for \$9,559,884 for Environmental Capital Projects.

Mr. Anderson responded further details can be found in the prior year 2023's adopted budget there is a list of capital projects. The majority have already been completed or are in the process of being completed. The list will be more detailed in the explanation of what the projects are and again is located within the adopted budget.

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

ACTION. Motion by Councilmember Johnson seconded by Vice Chair M. Anderson to approve Resolution 24-34 as presented. Motion carried by roll call vote.

A. Anderson: Aye

M. Anderson: Aye

Johnson: Aye

López: Aye

Simmonds: Excused

WORKSHOP ITEMS:

TEA REZONE – Consideration of a proposed rezone of three properties totaling approximately 0.92 acres located at 351 South 100 East from Traditional Neighborhood Residential (NR-6) to Commercial (COM) – Ordinance 24-16 – Russ Holley (46:00)

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 three properties totaling approximately 0.92 acres located at approximately 351 South 100 East (TIN# 02-053-0026; -0027; -0028) from Traditional Neighborhood Residential (NR-6) to Commercial (COM).

Land use adjoining the subject property

<i>North:</i>	NR-6: Residential Uses	<i>East:</i>	NR-6: Residential Uses
<i>South:</i>	NR-6: Residential Uses	<i>West:</i>	TC-1: Ville 364 (former motel)

PROJECT

The proponent is requesting to rezone three properties for a total of 0.92 acres of property from NR-6 to COM. The largest property, located in the rear, is vacant with the two smaller properties along 100 East both currently having single-family homes on them. This block

between Main Street and 100 East is currently split-zoned, with the west half being COM and the east half being NR-6. Most of the existing homes along 100 East were built in the early to mid-1900's.

GENERAL PLAN

The Future Land Use Plan (FLUP), adopted in 2008, identifies these properties as Commercial (COM) The General Plan, a nonregulatory visioning plan, describes COM areas as being intended for retail, service, and hospitality businesses that provide employment centers and serve city-wide and regional populations. Most COM designations inside Logan City are located near the Main Street/Highway corridor north and south of downtown.

ZONING HISTORY

Logan City adopted its first zoning map in 1950. From 1950-1972 these properties were zoned R2, a low-density residential zone. From 1972-1976 the property was zoned R1, a low-density residential zone. From 1976-2000, the property was zoned R3, a medium-density residential zone. From 2000-2011 the properties were zoned SFR, a low-density single-family residential zone. From 2011-2013, the properties were zoned COM, a general commercial zone allowing a wide-ranging of commercial uses. From 2013-2023, the properties were zoned NR-6 a low-density single-family residential zone. The downzone in 2013, was part of the 2012 citywide outreach effort, in which numerous properties along 100 East were downzoned back to NR-6.

LAND DEVELOPMENT CODE

The Land Development Code (LDC) 17.10.080 states the COM is intended for retail, service, and hospitality businesses that serve city-wide and regional populations. COM land will be located near high-capacity streets and served by mass transit. COM land may also support vertical mixed-use building with commercial on ground floors and residential on the upper floors. COM lands adjacent to NR zones are subject to transitional development requirements that may require lower building heights and larger setbacks near or adjacent to NR zoned properties.

STAFF SUMMARY

The FLUP and General Plan show this entire block, along with blocks to the north, as future COM areas. The Ville 364 project and associated TC-1 zoning is an anomaly and currently under a down-zoning process back to COM to match the area. Staff would encourage that as part of the forthcoming new General Plan project, some focused thought and future consideration be put into these fringe areas along 100 East and 100 West. Thoughtful consideration for future development in a comprehensive and empathetic manner is warranted for these fringe areas. Currently, the staff recommends approval to rezone to COM.

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 one comment had been received and is attached for review.

PUBLIC NOTIFICATION

Legal notices were published in the Herald Journal on 8/10/24 and the Utah Public Meeting website on 8/12. Public notices were mailed to all property owners within 300 feet of the project site on 8/5/24.

RECOMMENDED FINDINGS OF APPROVAL

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

1. The Logan City FLUP identifies the area as COM which is consistent with this request.
2. The area is contiguous with other COM zoned properties on the same block and along high-capacity streets and corridors as prescribed in the LDC.
3. The COM zone allows for a range of commercial and mixed-use developments, which are similar to some of the surrounding developments.
4. The transitional development standards in the LDC will ensure compatibility with NR-6 zoned properties located east of the subject area.

On August 22, 2024, the Planning Commission recommended approval to the Municipal Council for the TEA Rezone from Neighborhood Residential (NR-6) to Commercial (COM). **Planning Commissioners vote (5-2).**

Chair A. Anderson inquired when the zone in question was downzoned from commercial to NR-6.

Mike DeSimone, Community Development Director replied the downzone occurred in 2012 or 2013.

Chair A. Anderson asked if all residential buildings are currently occupied.

Mr. Holley confirmed that all residential buildings are privately occupied and have not been converted to commercial use.

Councilmember Johnson asked if there was any historic value in the properties.

Mr. Holley answered that the property in question is not part of the historic district. They could qualify since they are over 50 years old, but he is unaware of the home's integrity and rating.

Chair A. Anderson said as the general plan is updated will there be any timing issues resulting in a zone change or will it remain consistent with the FLUP.

Mr. Holley responded that the FLUP will be reevaluated extensively, and that progress will be 18 to 36 months depending on the consultant.

Chair A. Anderson requested Mr. Holley speculate based on experience on the possible impact or lack thereof, and if the zone would change.

Mr. Holley speculated that the zone would be changed to commercial in the new FLUP. The reason being the road category and the amount of traffic in the area. For the reasons mentioned, it is unlikely for new single-family homes to be built in that area. It could though become mixed-use or some form of multi-family housing.

Councilmember Johnson inquired if there were any concerns about changing the zone in the middle of the block rather than a corner of the block.

Mr. Holley explained that it would depend on the type of development and land use. It would not be an obstacle to commence the change mid-block. Ideally, the change would occur with more properties and other areas to create a better layout and design.

Councilmember Johnson asked what comments were made by the neighborhood.

Mr. Holley replied that the neighborhood is not in favor of the change.

Chair A. Anderson requested a refresher on what can be built in commercial.

Mr. Holley answered a gas station, retail, offices, restaurants, car wash, a credit union, and so forth can go into commercial.

Chair A. Anderson inquired if the proponent had any projects in mind or if simply the proponent did not want to invest funds until the rezoning is passed.

Mr. Holley answered the latter, the proponent will not invest until a rezone is passed.

The proposed ordinance will be an action item and public hearing at the September 17, 2024, Council meeting.

VILLE 364 DOWNZONE – Consideration of a proposed rezone of two properties totaling approximately 1.32 acres located at 364 South Main from Town Center (TC-1) to Commercial (COM) – Ordinance 24-17 – Russ Holley ([1:01:35](#))

Planner Russ Holley addressed the Council regarding the proposed downzone.

RECOMMENDATION

Staff recommended that the Planning Commission forward a recommendation of **approval** to the Municipal Council for a rezone of two properties totaling approximately 1.32 acres located at approximately 364 South Main (TIN# 02-053-0014; -0038) from Town Center One (TC-1) to Commercial (COM).

Land use adjoining the subject property

<i>North:</i>	COM: Commercial Uses	<i>East:</i>	NR-6: Residential (rezone pending)
<i>South:</i>	COM: Commercial Uses	<i>West:</i>	COM: Commercial Uses

PROJECT

The proponent is requesting to rezone three properties for a total of 0.92 acres of property from NR-6 to COM. Developed in the 1980's as a two-story motel, the property has recently been converted to long-term residential land uses. The existing development on the block is split with commercial uses configured along Main Street and residential uses eastward along 100 East. The existing two buildings are set near Main Street running east/west with asphalt parking lots covering most of the remaining site.

GENERAL PLAN

The Future Land Use Plan (FLUP), adopted in 2008, identifies these properties as Commercial (COM) The General Plan, a nonregulatory visioning plan, describes COM areas as being intended for retail, service and hospitality businesses that provide employment centers and serve city-wide and regional populations. Most COM designations inside Logan City are located near the Main Street/Highway corridor north and south of downtown.

LAND DEVELOPMENT CODE

The Land Development Code (LDC) 17.10.080 states the COM is intended for retail, service and hospitality businesses that serve city-wide and regional populations. COM land will be located near high-capacity streets and served by mass transit. COM land may also support vertical mixed-use building with commercial on ground floors and residential on upper floors.

STAFF SUMMARY

The FLUP and General Plan show this entire block, along with blocks to the north, as COM areas. An 80-foot-tall building with 0' setbacks and no landscaping, which are allowed in the TC zone, would not fit into the character of this block and the surrounding COM uses and buildings. The Ville 364 project and associated TC-1 rezone in 2022, was site specific to that project and the conversion of the older motel into low to moderate income housing. Now that this project has been approved and entitled, these properties should be downzoned to be consistent with the rest of the block and to prevent the property from being sold and developed into TC-1 style buildings. Staff recommends approval to rezone to COM.

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 one comment has been received and is attached for review.

PUBLIC NOTIFICATION

Legal notices were published in the Herald Journal on 8/10/24 and the Utah Public Meeting website on 8/12. Public notices were mailed to all property owners within 300 feet of the project site on 8/5/24.

RECOMMENDED FINDINGS OF APPROVAL

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

1. The Logan City FLUP identifies the area as COM which is consistent with this request.
2. The area is contiguous with other COM zoned properties on the same block and along high-capacity streets and corridors as prescribed in the LDC.
3. The downzone to COM will prevent the sell and redevelopment of this property into downtown (TC-1) style buildings and development patterns which would be out of character for this block.
4. The development standards in the LDC for COM zoning will ensure compatibility with properties located in the area.

On August 22, 2024, the Planning Commission **recommended approval** to the Municipal Council for the TEA Rezone from Town Center One (TC-1) to Commercial (COM). **Planning Commissioners vote (7-0).**

Chair A. Anderson requested confirmation that the owners of Ville 364 are aware of the downzone and are on board with the downzone.

Mr. Holley confirmed the owners of Ville 364 are aware of the downzone and are in favor of it.

Chair A. Anderson asked if the TC-1 zoning of Ville 364 possibly prompted the TC-1 zone change across the street.

Mr. Holley estimates that is the case since the proponent was advised not to pursue the zoning change to TC-1.

Councilmember Johnson inquired if the area was commercial prior to being TC-1.

Mr. Holley confirmed that was the case, the area is simply now reverting back to commercial as previously discussed.

Councilmember Johnson asked if it is common to upzone an area and then downzone the area back to its previous zoning.

Chair A. Anderson explained it was due to the unique nature of the project. Because it was a hotel, there was commercial on the main floor. However, when it was converted to housing, it needed to be temporarily rezoned, before going back to its original zoning.

The proposed ordinance will be an action item and public hearing at the September 17, 2024, Council meeting.

CODE AMENDMENT – Consideration of a proposed code amendment to the Land Development Code amending Chapter 17.36 to modify the operational standards of home occupations, amending Chapter 17.37.70 to permit all types of Accessory Dwelling Units (ADU), remove the prohibition on ADU's around USU, expand ADU's to all zones, adopt new standards for detached ADU's, and modify operational standards for ADU's. Amending Chapter 17.37.130 to prohibit short term rentals (STR) in single family zones with some exceptions, reduce the total number of permitted and licensed STR's citywide, and modify operational standards for STR's – Ordinance 24-18 - Mike DeSimone, Community Development Director ([1:05:45](#))

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 17.36 & 17.37 of the Land Development Code.

REQUEST

This is a proposal to update the operational standards for home occupations, expand the types and permissible locations of Accessory Dwelling Units (ADU), and limit the use, location and numbers of Short-Term Rentals (STR) in residential neighborhoods.

This memo supplements the staff report and information provided for the August 8, 2024 Planning Commission meeting and incorporates the code changes discussed at that meeting.

SUMMARY OF CHANGES (8/8/24 PC Hearing)

Home Occupations

- Updated 17.36.030.A.10 regarding on-site parking and off-site parking.

The original purpose behind the parking changes were to make on-site parking the first priority and off-site (street) the second priority as we go through the review of a Home Occupation. The approach with HO's is no different than when the Commission approves a larger commercial project and requires minimum parking to be provided on the site. It doesn't mean that customers won't or can't park in the public street, it just means that in establishing your business, and especially if your business involves customers coming to your home, it is your responsibility to provide adequate parking on your property, and it is not the responsibility of the "public" to provide parking to meet your customer's needs.

Accessory Dwelling Units

- Discussion around what type of structure an ADU can or cannot be permitted in. Current code language limits ADU's to detached single family residential dwellings.

PC wanted to expand ADU's into both detached single family residential dwellings and attached single family residential dwellings (townhomes). After discussing this with our Building Official, I did not include ADU's in townhomes because the building code specifically states that ADU's are only permitted in detached residential structures. While conceptually, having two units arranged vertically (up/down) and also being attached horizontally is a good idea, the practical side of that is that we would review & permit that as a multi-family structure rather than an attached single family residential dwelling with an ADU. If the building code ever changes, we can come back and address this issue.

- Changed the minimum lot size requirement of 6,000 square feet as applicable only to external ADU's. Internal ADU's will not have a minimum lot size requirement.
- The maximum building size for an external ADU was changed to reflect proportionality (50%) to the footprint of the detached residential structure along with a maximum size of 1,000 square feet. The three faceted approach discussed by the Commission was confusing as it tried to relate the size of an ADU to total square footage, building footprint and a "not to exceed size" type of clause. An ADU is an accessory type of use and/or structure to the primary residential building and as such, it should be secondary in nature, e.g., size, scale, proportionality, etc.
- Building setbacks for the external ADU were modified to default to the underlying zoning district.

Short Term Rentals

Made the following changes to 17.37.130:

- Eliminated proposed language prohibiting STR's in single family zones and restored original language.
- Retained CUP requirement language.
- Increases separation or saturation of STR's in residential zones from 500' to 1,000' and as measured from property line to property line ("as the crow flies").
- Changed the total numbers (saturation) of STR's in all residential zones from 3 per 1,000 of population to 1 per 1,000 of population. Current population of Logan is approximately 55,000 which would equate to a maximum of 55 STR's in all residential zones. This excludes those in the commercial type of zones.
- Removed the max occupancy limitation to eight occupants and restores original language tying occupancy to number of bedrooms (2 persons per bedroom plus an additional 2 persons).

- Updated parking requirements to reduce the parking requirement to 1 space per 2 bedrooms and allowance for recognizing the driveway as a legitimate parking space if there is adequate room to park a vehicle.

The purpose being this is to reduce the loss of green space to concrete, especially when there is adequate space to park a car in a driveway.

- Changed the "purpose built planned communities with vacation rentals" to be reviewed and approved through the Planned Development Overlay process.

STAFF RECOMMENDATION AND SUMMARY

The changes to the Home Occupation standards are driven by the questions we receive over the course of administering that program. The changes to the Accessory Dwelling Unit standards reflect the realization that the level of impacts is not as great as what was believed when the City originally adopted the ADU approach. The original changes to the Short-Term Rental regulations reflect a fundamental issue over whether Short Term Rentals should be in residential neighborhoods, the concern over the loss of permanent housing to long term residential use and the belief that the City is over saturated with STR's. The proposed changes are not the result of operational issues or enforcement concerns, etc. Changes to the STR's regulations also includes new language permitting STR's in purpose built communities or neighborhoods through the Planned Development Overlay process. Staff recommends that the Planning Commission forward these proposed amendments to the Logan Municipal Council.

GENERAL PLAN

The Land Development Code was prepared and adopted to implement the vision expressed in the General Plan. The purpose of these code changes is to update and clarify provisions in the Land Development Code relative to Home Occupations, Accessory Dwelling Units, and Short-Term Rentals. The proposed updates are consistent with the General Plan.

PUBLIC COMMENTS

All public comment has been forwarded to the Planning Commission.

PUBLIC NOTIFICATION

Legal notices were published in the Herald Journal on 7/27/24 and posted on the City's website and the Utah Public Meeting website on 7/29/24 for the initial public hearing held on August 8, 2024. That meeting was continued until August 22, 2024.

AGENCY AND CITY DEPARTMENT COMMENTS

As of the time the staff report was prepared, 14 comments have been received.

RECOMMENDED FINDINGS FOR APPROVAL

The Planning Commission bases its decisions on the following findings:

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

2. The Code Amendments are done in conformance with the requirements of Title 17.51 of the Logan Municipal Code.
3. The proposed Code Amendments are consistent with the Logan City General Plan.
4. The proposed Code Amendments are consistent with UCA Title 10, Chapter 9a, Part 5 & Part 6.

On August 22, 2024 the Planning Commission recommended to the Municipal Council approval of the following Land Development Code Amendments:

Amend Land Development Code (LDC) Chapter 17.36 "Home Occupations" and 17.37 "Additional Development Standards" to include the following:

1. Home Occupation's:

- Permit Home Occupations in multi-family structures.
- Increase the amount of allowable weekly customer traffic.
- Clarify parking and storage requirements.

2. Accessory Dwelling Unit's:

- Permit ADU's Citywide and eliminate ADU exclusion area around Utah State University.
- Permit all types of ADU's (internal or external).
- Permit ADU's in all zones.
- Modify the parking standards for ADU's.
- Added development standards for external ADU's (placement, scale/size, height, etc.).
- Eliminated prohibition on using ADU for a Short-Term Rental.
- Retain owner occupancy requirements.
- Retain minimum lot size of 6,000 square feet for external ADU's.

3. Short Term Rental's:

- Reduce the overall density of STR's by increasing the minimum distance requirements between licensed STR's to 1,000 feet in single family residential zones.
- Decrease the total numbers of licensed STR's in residential zones by reducing the threshold of STR's from 3/1,000 to 1/1,000 persons.
- Modify the parking standards for STR's.
- Permit STR's in purpose built neighborhoods or communities through the Planned Development Overlay process.

Planning Commissioners vote (7-0).

Chair A. Anderson asked if daycare centers were impacted by the change.

Mike DeSimone, Community Development Director answered that daycare centers were not impacted by the change, they are not regulated as home occupations.

Chair A. Anderson inquired about the reason for permitting ADU's to have short-term rentals if the purpose is to increase housing.

Mr. DeSimone responded that if the homeowner changes their mind about ADU's this allows the homeowner to do something different.

Chair A. Anderson requested clarification on the meaning of the 50% coverage if that meant the whole lot.

Mr. DeSimone clarified that it is no more than 50% coverage of the side or rear yards, this does not include the whole lot, but rather just that specific area.

Councilmember Johnson remarked that the 6,000-sf. minimum lot size is per chance redundant considering the lot coverage and setbacks.

Mr. DeSimone replied that it was a recommendation made by the Planning Commission to apply to external ADU's.

Councilmember López inquired if an ADU becomes a short-term rental, they will still need to meet the requirements of a short-term rental.

Mr. DeSimone answered that is correct, all the requirements of a short-term rental will have to be met.

Chair A. Anderson asked what the complaints were regarding illegal/unlicensed short-term rentals were they parking or noise complaints, and so forth.

Mr. DeSimone responded there were not many complaints, and the majority of complaints were directed to the police department.

Chair A. Anderson said if there is an illegally occupied short rental, what can the City do as code enforcement.

Mr. DeSimone replied that the City has to show that the person in question is violating the code, and the City will monitor when possible.

Councilmember Johnson inquired if Code Enforcement can rely on evidence provided by citizens.

Mr. DeSimone answered that it helps code enforcement establish a pattern and continue to investigate.

Chair A. Anderson expressed concerns about keeping short-term rentals at 1,000.

Councilmember Johnson asked the reason for the decrease in total STR's from 3/1,000 to 1/1,000.

Mr. DeSimone explained that the increase in the separation of STR's will directly change the ration of STR's per ration.

Chair A. Anderson requested confirmation that there was more interest in ADU's than short-term rentals, especially in the area surrounding USU.

Mr. DeSimone confirmed that is correct, there were far more inquiries into ADUs than short-term rentals.

Councilmember Johnson inquired if detached ADUs would still require an owner-occupied home unit.

Mr. DeSimone confirmed that is the case, the homeowner must reside in the main unit in order to have a detached ADU.

The proposed ordinance will be an action item and public hearing at the September 17, 2024, Council meeting.

CODE AMENDMENT – Consideration of a proposed ordinance amending Section 5.16 of the Logan Municipal Code Regulating Home Occupations - Ordinance 24-19 – Aaron Smith (1:39:50)

Business License Administrator Aaron Smith addressed the Council regarding the proposed code amendment.

Summary of Changes to LMC 5.16 Home Occupations

In response to changes in the Utah State code regarding home occupations, Logan City amended its code in 2017 to exempt some home occupations from being charged a licensing fee. The home occupations that were exempted were low impact businesses where the impacts of the business did not materially exceed the offsite impacts of the residential use. This applied most often to businesses that are primarily a home office and have no, or very limited, on-site customers. Since the adoption of this exemption, Business Licensing has seen an increase in the number of licenses that are exempt, with 396 currently licensed exempt home occupations. These licenses go through application review and are renewed each year.

The proposed amendment would exempt these types of home occupations from licensure, as opposed to exempting them from fees only. Businesses would still be allowed to request a license, but they would then be subject to an administrative fee for application and renewal. The state statute allows for this administrative fee. Exempt business would still be subject to all applicable regulations, including those found in the Logan Land Development Code Section 17.36 Home Occupations.

The intent of this code amendment is to relieve low impact home occupations from having to obtain a business license. It will also relieve Logan City staff from having to review and manage hundreds of low impact licenses. The amendment will still allow for those that wish to obtain a license to do so but have them pay an administrative fee for processing and renewing the license. The proposed license and renewal fee is \$50.

If adopted, currently exempt license holders will be informed of the change and given an opportunity to renew their license in the next renewal cycle beginning January 1. The \$50 administrative fee will be charged for renewal.

The proposed ordinance will be an action item and public hearing at the September 17, 2024, Council meeting.

Consideration of a proposed resolution modifying the Business Licensing Fee Schedule for Home Occupations – Resolution 24-36 – Aaron Smith

Business License Administrator Aaron Smith addressed the Council regarding the proposed code amendment.

Mr. Smith stated that Logan Municipal Code Chapter 5.16 regulates home occupations. Proposed Ordinance 24-19 heard previously amends Logan Municipal Code (LMC) Chapter 5.16 to exempt some home occupations from licensure and allows for exempt home occupations to apply for a license if desired. LMC Chapter 5.16, as amended, states that an administrative fee will be charged for application and renewal of exempt home occupations that request a license which is being proposed at this time.

**Business Licensing
Proposed Fee Schedule – Administrative fee for Home Occupations**

<i>Code</i>	<i>Categories</i>	<i>Application</i>	<i>Renewal</i>
ALC	Alcohol Consent (includes consent and applicable business license)	\$300.00	\$250.00
C-1	Commercial - Level 1 (under 10,000 s.f.)	\$150.00	\$100.00
C-2	Commercial - Level 2 (10,000 s.f.+)	\$250.00	\$200.00
M-1	Minor (Home occupation, USU, secondary use, seasonal)	\$75.00	\$50.00
M-2	Home Occupation – Administrative Fee	\$50.00	\$50.00
E-1	Special Event & Temporary Business	\$75.00	N/A
L-1	Landlord	\$75.00	\$50.00

The proposed resolution will be an action item and public hearing at the September 17, 2024, Council meeting.

Budget Adjustments FY 2024-2025 appropriating: \$13,000 funds the City will receive from the State of Utah to purchase emergency management supplies and materials (Project 726); \$21,731,936 Carryforward for Water Capital Projects (water tank and other projects) - Resolution 24-37 – Richard Anderson ([1:43:50](#))

Finance Director Ricard Anderson addressed the Council regarding the proposed budget adjustment. He added that there was a miscommunication resulting in the \$21,731,936 carryforward not being added to the list of carryforwards, but has hence been added.

Councilmember Johnson inquired what Project 726 might be.

Mr. Anderson answered that for budgeting purposes the item was titled Project 726 for internal tracking purposes.

The proposed resolution will be an action item and public hearing at the September 17, 2024, Council meeting.

No further workshop items were presented.

OTHER CONSIDERATIONS:

Chair A. Anderson invited the community to attend the 9-11 remembrance events occurring in North Logan and throughout Cache Valley.

Councilmember López invited the public to attend the Latino Festival September 14 on Center Street.

No further items were discussed.

ADJOURNED TO A MEETING OF THE LOGAN REDEVELOPMENT AGENCY AT 7:18 p.m.

Minutes of the meeting of the Logan Redevelopment Agency convened on Tuesday, September 3, 2024, 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: RDA Chair Amy Z. Anderson, Vice Chair Mark A. Anderson, Councilmember Ernesto López and Councilmember Mike Johnson. Administration present: Mayor Holly H. Daines, Assistant City Attorney Mohamed Abdullahi, Finance Director Richard Anderson, and City Recorder Teresa Harris.

Excused: Councilmember Jeannie Simmonds and City Attorney Craig Carlston.

Chair Amy Z. Anderson welcomed those present. There were approximately 6 in attendance at the beginning of the meeting.

ACTION ITEM:

PUBLIC HEARING - Unspent Appropriations FY 2024 – Carry Forwards:

REDEVELOPMENT AGENCY - \$25,000 for the Plaza Project – Resolution 24-35 RDA – Richard Anderson ([1:48:16](#))

At the August 20, 224 Council meeting, Finance Director Richard Anderson addressed the Council regarding the proposed carry forward. This will be the final invoice for the Plaza.

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

Gail Yost, a resident of Logan asked where the funding is going.

Mr. Anderson answered the funding will be used to complete the remainder of the plaza and is the final bill.

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

ACTION. Motion by Vice Chair M. Anderson seconded by Councilmember Johnson to approve Resolution 24-35 RDA as presented. Motion carried by roll call vote.

A. Anderson: Aye

M. Anderson: Aye

Johnson: Aye

López: Aye

Simmonds: Excused

There being no further business, the Logan Redevelopment Agency adjourned at 7:20 p.m.

Esli Morales, Deputy City Recorder