

**CITY OF LOGAN, UTAH
ORDINANCE NO. 25-11**

**AN ORDINANCE AMENDING TITLE 17 THE LAND DEVELOPMENT CODE OF
LOGAN CITY, UTAH**

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

SECTION 1: That certain code entitled "Land Development Code, City of Logan, Utah" Chapter
17.24 "Critical Lands (CL) Overlay Zone" are amended as attached hereto as Exhibit A.

SECTION 2: This ordinance shall become effective upon publication.

ADOPTED BY THE LOGAN MUNICIPAL COUNCIL THIS ____ DAY OF _____, 2025.

Anderson, Amy Z.	<input type="checkbox"/> Aye	<input type="checkbox"/> Nay	<input type="checkbox"/> Abstained	<input type="checkbox"/> Excused
Anderson, Mark A.	<input type="checkbox"/> Aye	<input type="checkbox"/> Nay	<input type="checkbox"/> Abstained	<input type="checkbox"/> Excused
Johnson, Mike	<input type="checkbox"/> Aye	<input type="checkbox"/> Nay	<input type="checkbox"/> Abstained	<input type="checkbox"/> Excused
López, Ernesto	<input type="checkbox"/> Aye	<input type="checkbox"/> Nay	<input type="checkbox"/> Abstained	<input type="checkbox"/> Excused
Simmonds, Jeannie F.	<input type="checkbox"/> Aye	<input type="checkbox"/> Nay	<input type="checkbox"/> Abstained	<input type="checkbox"/> Excused

Jeannie F. Simmonds, Chair

ATTEST:

Teresa Harris, City Recorder

PRESENTATION TO MAYOR

The foregoing ordinance was presented by the Logan Municipal Council to the Mayor for
approval or disapproval on the ____ day of _____, 2025.

Jeannie F. Simmonds, Chair

MAYOR'S APPROVAL OR DISAPPROVAL

The foregoing ordinance is hereby _____ this ____ day of _____,
2025.

Holly H. Daines, Mayor

EXHIBIT A



MEMORANDUM TO MUNICIPAL COUNCIL

DATE: August 5, 2025
FROM: Mike DeSimone, Director
SUBJECT: Ordinance #25-11 (LDC Amendments – Critical Lands Overlay Zone)

Summary of Planning Commission Proceedings

Project Name: Critical Lands Overlay Zone
Request: Code Amendment
Project Address: Citywide
Recommendation of the Planning Commission: **Approval**

On July 10, 2025, the Planning Commission recommended **approval** to the Municipal Council of the following Land Development Code Amendments:

Amend Land Development Code (LDC) Chapter 17.24 "Critical Lands Overlay Zone" modifying the regulatory standards in riparian and wetland areas.

Planning Commissioners vote (7-0):

Motion: Doutre

Second: Heare

Yea: S. Doutre, K. Heare, D. Lewis, S. McNamara, E. Peterson, J. Duncan, J. Lucero

Nay: none **Abstain:** none

Attachments

Ordinance #25-11

Staff Report

PC Minutes

Chapter 17.24: Critical Lands (CL) Overlay Zone

§17.24.010 Purpose

The purpose of this Chapter is to provide for the safe, orderly and beneficial development of areas characterized by development hazards and valuable natural conditions while limiting the substantial alteration and degradation of such areas and include the following Critical Lands:

- A. Floodplains. Lands with a potential flood hazard as identified by the City Engineer and as defined in Logan Municipal Code 15.27 (Flood Damage Prevention Ordinance).
- B. Riparian Areas. Lands ~~adjacent to within 150 feet as measured from the Annual High Water Line (AHWL)~~ of a stream or river draining a basin size greater than one square mile, and the land within 25 feet of centerline of a stream draining an area less than one square mile.
- C. Geologically Unstable Areas. Lands that are geologically unstable due to potential erosion hazards, unstable slopes, steep slopes (slopes in excess of 30 percent), in proximity to Quaternary Faults, susceptible to debris flows, containing soils unsuitable for development, and susceptible to a high water table.
- D. Wildland Urban Interface. The line, area, or zone where structures and other human development meet or intermingle with undeveloped wildland or vegetation fuels. (Lands with potential of wildfire as determined by the Logan City Fire Chief.)
- E. Lands above 4,850'. Residential building lots located on the eastern bench of Logan City at an elevation at or above 4,850' mean sea level.
- F. Wetlands. Areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions as delineated during a formal wetland delineation and approved by the U.S. Army Corps of Engineers.

§17.24.020 Review Process

- A. For project sites containing one or more Critical Lands, compliance with the development requirements of this Chapter shall be applied during the underlying regulatory and review processes outlined in Chapter 17.39.
- B. Application Process. Any application for project approval which contains a specific Critical Lands as defined in this Chapter shall submit a Critical Lands Analysis performed by qualified professionals licensed in the State of Utah that identifies and addresses the following:
 1. Floodplains. A delineation prepared by a Professional Engineer licensed in the State of Utah of the 1% Special Flood Hazard Area (also referred to as the 100 year floodplain) and, if applicable, the 0.2% Special Flood Hazard Area (also referred to as the 500 year floodplain) boundaries as depicted on the latest FIRM maps including Base Flood Elevations (BFE), and a delineation of any previous flood events, including highest know flood elevations, on the site. If work is proposed to be completed in the Special Flood Hazard Area, provide a floodplain permit, no rise certificate, and relevant information and application for FEMA permits as may be required.
 2. Riparian Areas. A delineation and description of the riparian corridor that includes the including the annual- Ordinary High Water Mark, top of bank, a description and condition of the existing vegetative cover in the corridor, and any natural or manmade drainages that traverse the riparian corridor.

17.24: Critical Lands (CL) Overlay Zone

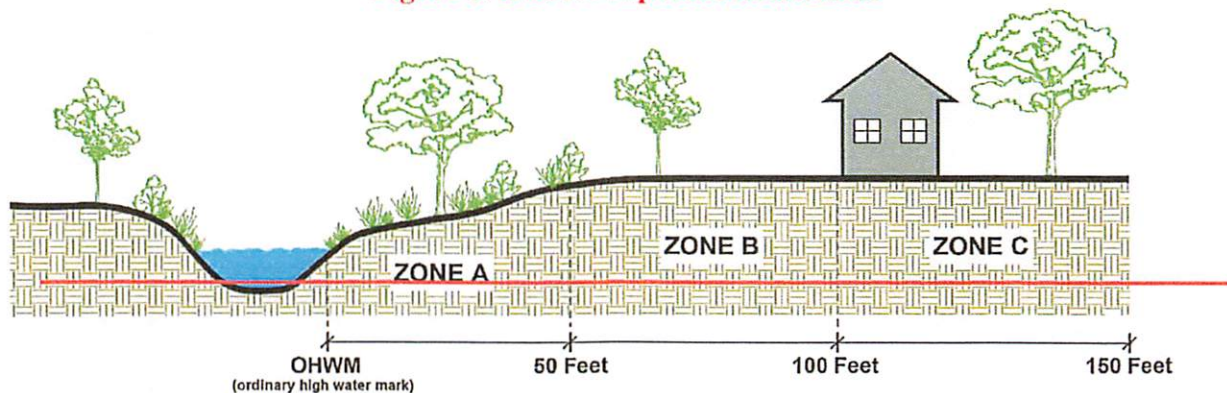
3. Geologically Unstable Areas. A geologic engineering report prepared by a Professional Engineer licensed in the State of Utah that complies with the requirements of Section 17.24.070. Additional Geotechnical analysis may be required with the building permit application.
4. Wildland Urban Interface. A Fire Prevention and Control Plan shall be submitted if a project site is in a Wildfire Threat Area as designated by the Logan City Fire Department.
5. Lands Above 4,850. An engineering report prepared by a Professional Engineer analyzing the site's slope characteristics and any anticipated cuts & fills both pre and post construction; and a report and/or plans prepared by a Licensed Architect that complies with the site and building design requirements of this Chapter.
6. Wetlands. A wetland delineation conducted using the 1987 Federal Manual for Identifying and Delineating Jurisdictional Wetlands, as amended.

§17.24.050 Development Standards for Floodplains

The City's Policy regarding new development within a designated floodplain is that all new development including, but not limited to, road construction, site preparation, building construction, etc., shall avoid building, constructing, grading, and filling in a delineated special flood hazard zone. All development shall comply with the applicable regulations and standards of the National Flood Insurance Program (NFIP), the most current effective Flood Insurance Study (FIS), the most current Flood Insurance Rate Maps (FIRM) as administered by the City Engineer, and the City's Flood Damage Prevention Ordinance contained in Logan Municipal Code Chapter 15.27.

§17.24.060 Development Standards for Riparian Areas

The purpose of these standards and requirements are to preserve and enhance riparian areas by protecting them from adverse effects and potentially irreversible impacts caused by development activities. All Riparian Areas are divided into three (3) distinct zones, each with their own specific standards and requirements for use and development. All riparian areas shall be clearly delineated on the ground during construction and shown on the preliminary and final development plans. A proposed Riparian Area Disturbance and Remediation Plan shall be submitted with the preliminary development plans.

Figure 17.24.060: Riparian Area Zones**Riparian Areas**

17.24: Critical Lands (CL) Overlay Zone

- ~~A. Zone A is the first 50' as measured landward from the Ordinary High Water Mark (OHWM) and is considered a "no-disturbance" area subject to the following:~~
- ~~1. No new permanent structures are permitted in this zone.~~
 - ~~2. No more than 10% of the land area within this zone may be disturbed, including grading, clearing, grubbing, tree removal, etc. All disturbed areas shall be revegetated within 60 days of initial disturbance. Erosion control measures shall be implemented.~~
 - ~~3. Trees larger than 12" dbh (diameter of tree at breast height) shall not be removed from this riparian zone unless they are considered a hazard tree, diseased or dead, or are identified in a river or stream restoration program. All trees that are removed shall be replaced with native species trees.~~
- ~~B. Zone B is the next 50' as measured landward from the Ordinary High Water Mark (OHWM) (50'—100'). The 100' line, as measured horizontally from the OHWM, is the building setback line for new construction. This 100' line is also the boundary between Zone B and Zone C. Activities in this zone are subject to the following:~~
- ~~1. Structures and site development accessory to a residential dwelling including, but not limited to, decks, patios, landscaping, retaining walls, fences, etc., are permitted in this zone, and shall not encroach into Zone A.~~
 - ~~2. No more than 50% of the land area within this zone may be disturbed, including grading, clearing, grubbing, tree removal, etc. All disturbed areas shall be revegetated within 60 days of initial disturbance. Erosion control measures shall be implemented.~~
 - ~~3. Trees larger than 12" dbh (diameter of tree at breast height) shall not be removed from this riparian zone unless they are considered a hazard tree, diseased or dead, or are identified in a river or stream restoration program. All trees that are removed shall be replaced with native species trees.~~
- ~~C. Zone C is the area 100'—150' as measured landward from the Ordinary High Water Mark (OHWM). The 100' line, which is the boundary between Zone B and Zone C, is the building setback line for new construction. Activities in Zone C are subject to the following:~~
- ~~1. Development and uses permitted in the underlying zoning district are allowed in this zone subject to the exceptions listed below.~~
 - ~~2. No more than 70% of the land area within this zone may be disturbed, including grading, clearing, grubbing, tree removal, etc. At least 30% of the land area in this zone shall remain undisturbed and in permanent open space. All disturbed areas shall be revegetated within 60 days of initial disturbance. Erosion control measures shall be implemented.~~
- ~~D.A. General standards and requirements for all Riparian Areas/Zones.~~
- ~~1. Setbacks. All structures, development, uses, and new road construction shall be setback 25' from the Ordinary High Water Mark (OHWM), except where expressly permitted in this Section.~~
 - ~~2. No more than 50% of the land area within the riparian area may be disturbed, including grading, clearing, grubbing, tree removal, etc.~~
 - ~~13. Routine repair and maintenance of existing structures, roadways, driveways, utility facilities, accessory uses, and other development are authorized subject to the limitations in Chapter 17.52.~~
 - ~~24. Stream, wetland, riparian and upland enhancement or restoration projects approved by Logan City are permitted. Stream, wetland, flood control, riparian and upland enhancement or restoration projects approved by Logan City are authorized under this Chapter.~~

17.24: Critical Lands (CL) Overlay Zone

35. Continuous and on-going farming practices, farm uses, and the pasturing of livestock are permitted within a riparian area. All new farming practices, farm uses, cultivation, livestock grazing and building construction shall be setback at least 50' from the Ordinary Annual High Water Mark Line (OHWAHWL).
46. Existing utilities may be maintained and/or replaced within a riparian area provided any disturbed areas are restored within 60 days of disturbance.
57. Additions, alterations, rehabilitation, or replacement of existing structures or developments that do not increase the existing structural footprint in the Riparian riparian Area-area are permitted provided the disturbed areas are restored within 60 days of disturbance, using native vegetation.
8. Additions, alterations, rehabilitation, expansions or replacement of existing structures, developments, uses, roadways, utilities, or driveways that will increase the existing footprint in the riparian area (degree of non-conformity) may be expanded with a Conditional Use Permit as permitted in Chapter 17.52 "Legally Existing Nonconformities" except for the following:
 - a. Any proposed construction or expansion that is located only on the landward side of the existing improvements and away from the OHWM is not required to obtain a Conditional Use Permit.
69. Measures to remove or abate nuisances, or any other violation of State Statute, administrative agency rule, or City ordinance are authorized under this Chapter.
- ~~7. Stormwater retention or detention facilities, and on-site sewage disposal systems are prohibited in all riparian zones.~~
- ~~8. Commercial and multi-family parking lots are prohibited in all riparian zones.~~
- ~~10. Parks and Recreational facilities are permitted within a riparian area.~~
- ~~11. The installation of underground utilities are permitted within a riparian area provided all disturbed areas are restored within 60 days of disturbance.~~
- ~~12. The construction, expansion or replacement of public or private bridges are permitted within a riparian area subject to permitting from relevant regulatory entities.~~

§17.24.070 Development Standards for Geologically Unstable Lands

- A. Geologically Unstable areas are extremely sensitive to development, and because surface disturbance such as grading, filling, or vegetation removal has a high potential to threaten life or property, development in these areas should be avoided.
- B. Project approval within a geologically unstable area shall only be allowed after an engineering geologic study, completed by a Professional Engineer and approved by the City Engineer and Director, establishes that the site is stable for the proposed use and development. At a minimum, the study shall include:
 1. Index map.
 2. Project description to include location, topography, drainage, vegetation, and discussion of previous work and discussion of field exploration methods.
 3. Site geology, based on a surficial survey, to include site geologic maps, description of bedrock and surficial materials, including artificial fill, locations of any faults, folds, etc., and structural data including bedding, jointing and shear zones, soil depth and soil structure.
 4. Discussion of any off-site geologic conditions that may pose a potential hazard to the site, or that may be affected by on-site development.
 5. Suitability of site for proposed development from a geologic standpoint.
 6. Specific recommendations for cut slope stability, seepage and drainage control or other design criteria to mitigate geologic hazards.

17.24: Critical Lands (CL) Overlay Zone

7. If deemed necessary by the engineer or geologist in order to establish whether an area to be affected by the proposed development is stable, additional studies and supportive data shall include cross-sections showing sub-surface structure, graphic logs with subsurface exploration, and results of laboratory test and references.
 8. Signature and registration number of the engineer and/or geologist licensed as professional engineer in the State of Utah.
 9. Additional information or analyses as necessary to evaluate the site.
- C. Prohibited Actions. Notwithstanding any other provision of Logan City Ordinances, it shall be unlawful to clear, "grub," grade, fill, or excavate any land in any manner which presents an unreasonable risk of erosion, flooding, landslide, or any other unsafe condition, and it shall be unlawful to erect any structure which will not be reasonably safe for use as a human habitation due to the following:
1. Historic high groundwater table;
 2. Surface water;
 3. Expansive soils;
 4. Collapsible soils;
 5. Proximity to a potential landslide area;
 6. Proximity to a Quaternary Fault;
 7. Proximity to an alluvial fan;
 8. Proximity to an active landslide; or
 9. Any other unsafe condition, as determined by the City.
- D. All permitted development that removes vegetation or disturbs topsoil and leaves the disturbed soil at a slope of thirty (30) percent or more shall comply with the following standards:
1. Any exposed soil shall be revegetated in a manner to reestablish a vegetative cover within a one year period from issuance of a Certificate of Occupancy. If irrigation is not provided, then the exposed soil must be planted with species that can survive without irrigation.
 2. Vegetative cover, rock, dry or conventional masonry, or other permanent cover must be maintained on areas that have been disturbed.
 3. These restrictions shall not apply to areas of exposed bedrock which exhibit no erosion potential.
- E. Cuts and Fills.
1. All cuts and/or fills involving more than two hundred fifty cubic yards of material must be designed by an engineer to comply with applicable building codes and requirements of this Chapter.
 2. If the excavation is not a dedicated street or a public right-of-way, the engineer shall certify that the permitted work was constructed to plans and meets all standards set forth in the approved plans.
 3. Nothing in this section shall abridge the City's right to inspect work in progress or in its completed state, to make appropriate measurements and tests to determine if the cut and fill was made according to plan, and to require alterations prior to final approval.
- F. Any development that is proposed in a Geologically Unstable area shall be identified on a preliminary site plan at the time of application for review and shall be clearly identified on the final development plan or final plat map prior to final review and approval.
- G. All structures in a Geologically Unstable area shall have foundations designed by an engineer.
- H. All newly created lots, or lots modified by a property line adjustment or plat amendment, shall identify specific building envelope on each lot that contains

17.24: Critical Lands (CL) Overlay Zone

sufficient buildable area outside any erosive or unstable areas able to accommodate the anticipated uses. The creation of a lot for open space or conversation purposes is exempt from this requirement.

§17.24.080 Development Standards for Lands with Wildfire Threats**A. Requirements for Subdivisions.**

1. A Fire Prevention and Control Plan shall be submitted with any application for approval of a development or preliminary plat which contains Wildfire Threat Areas as designated by the Logan City Fire Department.
2. The Director shall forward the Fire Prevention and Control Plan to the Fire Chief for review and comment.
3. The Fire Prevention and Control Plan shall include the following items:
 - a. An analysis of the wildfire hazards on the site, as influenced by existing vegetation and topography;
 - b. A map showing the areas that are to be cleared of dead, dying, or severely diseased vegetation;
 - c. A map of the areas that are to be thinned to reduce the interlocking canopy of trees;
 - d. A tree management plan showing the location of all trees that are to be preserved and removed on each lot. In the case of heavily forested parcels, only trees scheduled for removal shall be shown;
 - e. The areas of primary and secondary fuel breaks that are required to be installed around each structure, as required by this section; and
 - f. The location and slope of all roads and driveways serving the project site sufficient for emergency vehicle access and fire suppression activities.
4. Approval Criteria. In consultation with the Logan City Fire Chief, the decision making body shall approve the Fire Prevention and Control Plan when, in addition to the findings required by this chapter, the additional finding is made that the wildfire hazards present on the property have been reduced to a reasonable degree, balanced with the need to preserve and/or plant a sufficient number of trees and plants for erosion prevention, wildlife habitat, and aesthetics.
5. The decision making body may require, through the imposition of conditions attached to the approval, the following requirements as deemed appropriate for the development of the property:
 - a. Delineation of areas of heavy vegetation to be thinned and a formal plan for such thinning;
 - b. Clearing of sufficient vegetation to reduce fuel load;
 - c. Removal of all dead and dying trees; or
 - d. Relocation of structures and roads to reduce the risks of wildfire and improve the chances of successful fire suppression.
6. The Fire Prevention and Control Plan shall be implemented during the installation of the public improvements required of a subdivision and shall be considered part of the subdivider's obligations for land development. If a subdivision is not involved, the Plan shall be implemented prior to the issuance of any building permits. The Fire Chief, or designee, shall inspect and approve the implementation of the Fire Prevention and Control Plan.
7. In all new residential developments, provisions for the perpetual maintenance of the Fire Prevention and Control Plan shall be included in the covenants, conditions and restrictions for the development.

B. Requirements for construction of all structures.

17.24: Critical Lands (CL) Overlay Zone

1. All new construction and any construction expanding the size of an existing structure shall have a fuel break as defined below.
 - a. A “fuel break is defined as an area which is free of dead or dying vegetation, and has native, fast-burning species sufficiently thinned so that there is no interlocking canopy of this type of vegetation. Where necessary for erosion control or aesthetic purposes, the fuel break may be planted in slow burning species. Fuel breaks do not involve stripping the ground of all native vegetation.
 - b. Primary Fuel Break. A primary fuel break will be installed, maintained and shall extend a minimum of 30 feet in all directions around structures, excluding fences, on the property. The goal within this area is to remove ground cover that will produce flame lengths in excess of one foot. Such a fuel break shall be increased by five feet for each ten percent increase in slope over ten percent.
 - c. Secondary Fuel Break. A secondary fuel break will be installed, maintained and shall extend a minimum of 100 feet beyond the primary fuel break where surrounding landscape is owned and under the control of the property owner. The goal of the secondary fuel break is to reduce fuels so that the overall intensity of any wildfire is reduced through fuels control.
2. All structures shall be constructed or re-roofed with Class B or better non-wood roofing materials, as determined by the International Building Code. No structure shall be constructed or re-roofed with wooden shingles, shakes, wood-product material or other combustible roofing material, as defined in the building ordinance.
- C. Fuel breaks in areas which are also highly erosive or steep slopes shall be included in the erosion control measures outlined in this Chapter.

§17.24.100 Development Standards for Lands above 4,850’.

- A. The purpose of this section is to protect the scenic quality of Logan City by ensuring that future development located above an elevation of 4,850’ (elevation datum established by City Engineer) is compatible with existing, developed areas as well as existing landforms, including significant ridgelines, hillside areas and viewsheds found on the eastern benches of Logan. The intent of this Chapter is to:
 1. Implement hillside development standards to minimize the impact of man-made structures and grading on views of existing landforms, unique geologic features, existing landscape features and open space as seen from public roads, parks, and adjoining residential development;
 2. Protect and preserve views of significant ridgelines;
 3. Minimize cut and fill, earthmoving, grading operations and other man-made effects on the natural terrain to ensure that finished slopes are compatible with existing land character; and
 4. Promote site sensitive design and architecture compatible with hillside terrain and which minimizes any negative visual impacts from public roadways, parks, and adjoining residential areas.
- B. General Requirements for Development above 4,850’.
 1. All final grades shall be:
 - a. Consistent with the existing landscape to the greatest extent possible by avoiding uninterrupted slope surfaces that stand out against existing topographic contours;
 - b. Contoured to resemble existing terrain by varying slope increments and by breaking the visual surface of banks and inclines both vertically and horizontally; and

17.24: Critical Lands (CL) Overlay Zone

- c. Constructed to allow for the creation of berms or mounding at the top of slopes, and in other locations, for the screening of structures and to facilitate proper site drainage.
2. Design, height and massing of new development above 4,850' shall:
 - a. Maintain a balance of scale and proportion using design components that are harmonious with natural landforms and landscaping;
 - b. Be low in height, conform with hillside topography by stepping or staggering the mass of the proposed building up or down slope, and avoid flat pad construction and vertical massing;
 - c. Utilize structural elements, building materials and color tones which blend artificial surfaces with surrounding native elements;
 - d. Utilize construction materials, glass, roofing, fencing and other surfaces that are of a non-reflective nature; and
 - e. Utilize a variety of building and structural elements such as articulated walls, cornice detailing, reveals, alcoves, building projections, trellises, landscaping or other features which are appropriate to the scale of the building, and which serve to break up continuous building walls;
3. Roadways, driveways and utility alignments shall be:
 - a. Located to minimize grading by following existing contours;
 - b. Constructed to blend with the existing landscape, through alignment with the natural curving contour of the land, rather than using straight lines and excessive cuts and fills; and
 - c. Concealed from view through preservation and maintenance of existing vegetation or through planned landscaping that is constant with the natural character of the area.
4. Landscape planting and vegetation preservation shall:
 - a. Incorporate trees planted in random groupings or clusters that mimic or maintain natural assemblages rather than in systematic rows;
 - b. Maintain vegetation lines which convey the existing slope of the hillside;
 - c. Preserve native vegetation, including grasses and open space, whenever possible;
 - d. Use native materials to the greatest extent possible and/or non-natives that are compatible with indigenous vegetation and confined to the adjacent vicinity of the proposed structure;
 - e. Include a sufficient irrigation, maintenance and monitoring program designed to provide species requirements as well as protect against sedimentation, soil loss and land sliding; and
 - f. Be landscaped in such a manner that reduces the potential fire hazard while creating a minimum defensible space.
5. Exterior and landscape lighting applications shall be:
 - a. Designed to minimize nighttime disruption and visual glare by shielding lamp sources downward and away from view of designated public roads;
 - b. Controlled by timers and/or motion sensors, to limit the duration of use and reduce prolonged glare; and
 - c. Sized with the minimum wattage necessary to meet desired application.

§17.24.110 Development Standards for Wetlands

The purpose of these standards and requirements are to preserve and enhance wetlands by protecting them from adverse effects and potentially irreversible impacts caused by development activities.

A. Applicability.

17.24: Critical Lands (CL) Overlay Zone

1. Jurisdictional Wetlands. These requirements apply to delineated wetlands determined by the U.S. Army Corp of Engineers to be waters of the United States as regulated under Section 404 of the Clean Water Act and considered jurisdictional wetlands;
 2. Wetland Buffer Area. These requirements apply to the first 25' of land area surrounding a delineated jurisdictional wetland;
 3. Non-Jurisdictional Wetlands. These requirements do not apply to wetlands that have been formally delineated by a wetland professional and are considered by the U.S. Army Corp of Engineers to be non-jurisdictional wetlands;
 4. Wetland Delineation Not Required. A formal wetland delineation by a wetland professional is not required if a potential wetland is located at least 100' from any proposed structure, use, or development and is proposed to remain outside the scope of development;
 5. Off-Site Wetland Delineation. The approximate boundaries of potential wetlands located on adjoining parcels owned by a different entity shall be shown on a proposed development plan. A formal wetland delineation is not required; and
 6. Off-Site Wetland Setbacks. A minimum setback of 25' from potential off-site wetlands shall be maintained. The approximate wetland boundary shall be determined by field verification, National Wetland Inventory Mapping, or any other similar methods for determining wetland boundaries.
- ~~These requirements only apply to formally delineated wetlands determined by the U.S. Army Corp of Engineers to be waters of the United States as regulated under Section 404 of the Clean Water Act. Delineated wetlands that are considered by the U.S. Army Corp of Engineers to not be waters of the United States are not regulated under this Section.~~
- B. All wetlands ~~located within 100'~~ located within 100' of a proposed project area, ~~except for those wetlands located on surrounding parcels not owned by the applicant,~~ shall be clearly delineated and shown on ~~all the~~ preliminary and final development plans. The wetland delineation ~~ed~~ shall be conducted using the current version of the Federal Manual for Identifying and Delineating Jurisdictional Wetlands and shall be completed by an individual certified by the U.S. Army Corp of Engineers as a wetland specialist and reviewed by the City Engineer and Director.
 - C. The preliminary wetland delineation shall be submitted to Logan City at the time of application for Design Review or Conditional Use Permit. .
 - D. Wetland Disturbance. Any activity proposing to disturb, fill, dredge, clear, destroy, or alter a delineated jurisdictional wetland shall obtain a permit from the U.S. Army Corp of Engineers (Corp Permit).
 1. A copy of the USACE permit application shall be included with the Logan City Design Review or Conditional Use Permit Application.
 2. A copy of the USACE approved permit shall be provided to Logan City prior to submitting construction plans & drawings.
 - ~~CE.~~ Prohibited Activities. No person shall disturb, remove, fill, dredge, clear, destroy or alter any areas, including vegetation, within ~~wetlands and their respective~~ Setbacks/wetland buffer area, except as may be expressly allowed herein.
 - ~~DE.~~ Setbacks.
 1. The setbacks for all structures, uses and development is 25' from a delineated jurisdictional wetland except where expressly permitted in this Section. ~~adjacent to a delineated wetland shall extend 50' as measured landward from the delineated wetland Ordinary High Water Mark (OHWM) and shall be shown on the preliminary development plans.~~

17.24: Critical Lands (CL) Overlay Zone

2. The setbacks for all development adjacent to an irrigation ditch or canal that meets the U.S. Army Corp of Engineers definition for water of the United States is 20' from the delineated wetland, shall extend a minimum of 20' from the Ordinary High Water Mark.
 3. The setbacks for new individual lot lines in a residential subdivision, as well as any proposed fencing along individual lot lines, is 15' from a delineated wetland.
 4. The setbacks for all new road improvements/construction is 20' from a delineated wetland to the back of curb.
- ~~EG.~~ Land Disturbance in ~~the a Wetland Buffer~~ Setback Area. No more than 2050% of the land area within this a wetland buffer setback area may be disturbed, including grading, clearing, grubbing, tree removal, revegetation, landscaping, etc. All disturbed areas shall be revegetated within 60 days of initial disturbance. ~~Erosion control measures shall be implemented. Mitigation plans involving wetland creation, restoration or enhancement authorized in conjunction with a U.S. Army Corp of Engineers permit approval are exempt from this restriction.~~
- ~~F.~~ Wetland Disturbance. No activity will be permitted which disturbs, fills, dredges, clears, destroys, or alters any water, soils and vegetation within delineated wetlands as set forth in this Section, unless approved in writing by the U.S. Army Corp of Engineers (Corp Permit). A copy of the USACE permit approval shall be provided to Logan City.
- ~~GH.~~ Transfer of Density and Development Rights. ~~The Residential~~ density permitted by the underlying zone within the area of the wetlands and/or wetland buffer setback areas may be relocated elsewhere on the same property provided the overall gross density of the entire site is not exceeded.
- ~~HJ.~~ General standards and requirements for all Wetlands and Wetland Buffers, Setback Areas as listed below are also subject to approval by the U.S. Army Corp of Engineers.
1. Routine repair and maintenance of existing structures, roadways, driveways, utilities, ~~facilities,~~ accessory uses, and other development are permitted, authorized subject to the limitations in Chapter 17.52.
 2. Stream, wetland, riparian and upland enhancement or restoration projects approved by Logan City are permitted. approved by Logan City are authorized under this Chapter.
 3. Continuous and on-going farming practices, farm uses, and the pasturing of livestock are permitted, ~~within a wetland or wetland setback area.~~ All new farming practices, farm uses, cultivation, livestock grazing and building construction shall be setback at least 50'-25' from a the Ordinary High Water Mark of the delineated wetland.
 4. ~~Existing utilities may be maintained and/or replaced within a wetland or wetland setback area provided any disturbed areas are restored.~~
 5. 4. Additions, alterations, rehabilitation, or replacement of existing structures that do not increase the existing structural footprint in the wetland or wetland buffer setback area are permitted, provided the disturbed areas are restored using native vegetation.
 5. Additions, alterations, rehabilitation, expansions or replacement of existing structures, developments, uses, roadways, utilities, or driveways that will increase the existing footprint in the wetland buffer (degree of non-conformity) may be expanded with a Conditional Use Permit as permitted in Chapter 17.52 "Legally Existing Nonconformities" except for the following:
 - a. Any proposed construction or expansion that is located only on the landward side of the existing improvements and away from the delineated wetland is not required to obtain a Conditional Use Permit.

17.24: Critical Lands (CL) Overlay Zone

6. Measures to remove or abate nuisances, or any other violation of State Statute, administrative agency rule, or City ordinance are authorized under this Chapter.
7. Stormwater retention or detention facilities may be permitted in a wetland buffer if approved by the City Engineer. ~~are prohibited in all wetlands or wetland setback areas.~~
8. Wetlands and wetland buffer areas shall be owned and maintained by a common entity as required in LDC 17.29.250.
9. Parks and Recreational facilities are permitted.
10. The installation of underground utilities are permitted provided all disturbed areas are restored within 60 days of disturbance.
11. The construction, expansion or replacement of public or private bridges are permitted within a wetland buffer subject to permitting from relevant regulatory entities.

§17.24.120 Reasonable Use Exception

If a landowner believes application of the provisions of this Chapter would deny all reasonable economic use of the owner's property, the owner may request a reasonable use exception pursuant to this subsection. A request for a reasonable use exception shall be made to the Director and shall include the basis for the owner's reasonable use exception request and any information which the Director deems relevant to the request. Expectations of future development plans are not considered a reasonable economic use. A reasonable use exception will be reviewed by the Planning Commission according to the Track II procedures contained in Chapter 17.48. A reasonable use exception may be approved if all of the following are met:

- A. The application of the provisions of this Chapter would deny all reasonable economic use of the land.
- B. No other reasonable economic use of the land would have less impact on the specific Critical Land.
- C. The impact to the Critical Land resulting from granting the reasonable economic use request is the minimum necessary to allow for reasonable economic use of the land.
- D. The inability of the applicant to derive reasonable economic use of the land is not the result of actions by the applicant or the applicant's predecessor.
- E. The reasonable economic use exception mitigates the loss of, or damage to, the Critical Land functions to the extent reasonable feasible under the facts of the application.
- F. The reasonable economic use exception only authorizes a permitted or conditional use authorized by the underlying zoning district and conforms to other applicable requirements of this title to the extent reasonably feasible under the facts of the application.
- G. The applicant shall have the burden of providing evidence to support a reasonable economic use exception.



**Project #25-037
Critical Lands Overlay Zone
Land Development Code Amendment**

REPORT SUMMARY...

<i>Project Name:</i>	Code Amendment – Critical Land Overlay Zone
<i>Proponent/Owner:</i>	Community Development Department
<i>Project Address:</i>	Citywide
<i>Request:</i>	Code Amendment
<i>Type of Action:</i>	Legislative
<i>Date of Hearing:</i>	July 10, 2025
<i>Submitted By:</i>	Mike DeSimone, Director

RECOMMENDATION

Staff recommends that the Planning Commission recommend **approval** to the Municipal Council of the proposed amendments to Chapters 17.24 of the Land Development Code.

REQUEST

This is a proposal to update the Critical Lands Overlay Zone in Chapter 17.24 to modify the riparian and wetland setback standards, and modify the range of uses and activities permitted within setback areas.

BACKGROUND

The City adopted revisions to the Critical Lands requirements in 2023 (PC 23-003) and which included an update to Logan Municipal Code 15.27, Flood Damage Prevention. These changes were driven, in part, by issues and concerns raised during the Willow Lakes residential subdivision project review as well as State and Federal requirements to update the City's Flood Damage Prevention regulations.

Since 2023, the City has dealt with a number of different projects that have raised questions about the efficacy of our current approach to regulating development within or adjacent to various Critical Lands. As a result of the various questions raised during the Hoggan Subdivision, staff (Comm Dev, Public Works, Parks, and Legal) have met to evaluate the current regulatory approach and attempt to answer a fundamental question: Do the current regulations contained in the Critical Land Overlay Zone add any type of protection above and beyond current local, State or Federal law, or do they just add a layer of complexity to an increasingly complex review system with no, or minimal, realized benefit?

We also realized that the current set of Critical Lands regulations fail to consider certain types of uses or activities, e.g. bridges, parks, trails, roads, utilities, etc., that by their very nature, are going to be located within or adjacent to Critical Lands.

SUMMARY OF CHANGES

The bulk of the proposed changes involve the Riparian Areas and Wetlands sections and are reviewed below.

Riparian Areas

LDC Chapter 17.62 defines Riparian Areas:

“**Riparian**” means an area associated with a natural water course including its wildlife and vegetation. As used in Chapter 17.24, “Riparian Area” means lands within 150 feet as

measured from the Annual High Water Line (AHWL) of a stream or river draining a basin size greater than one square mile, and the land within 25 feet of centerline of a stream draining an area less than one square mile.

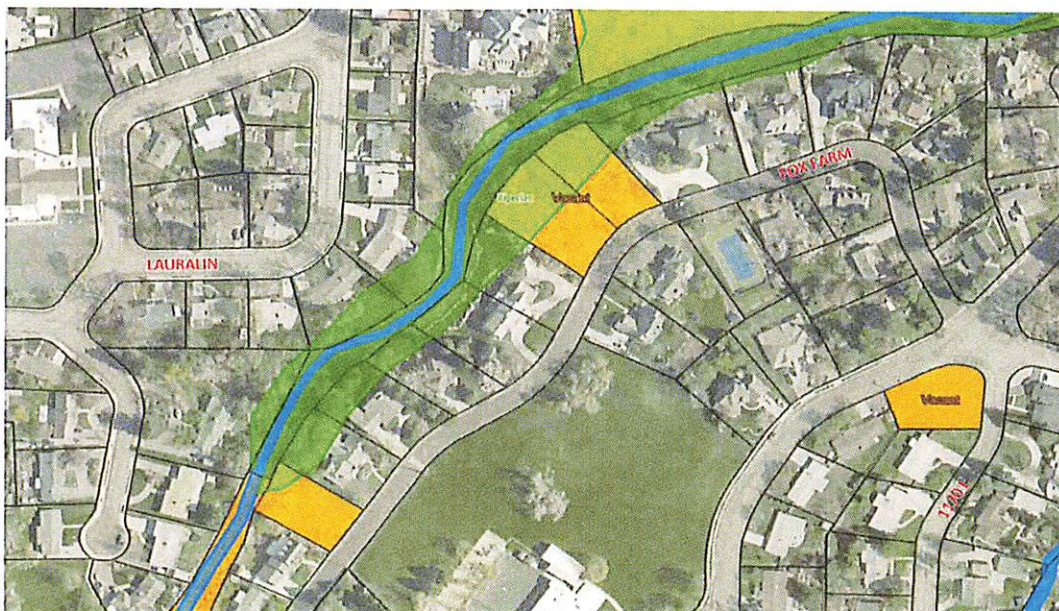
The proposed LDC amendment does not change or alter how a "riparian area" is defined. And in some cases, we rely on the State and/or Fed's to help with the application of this definition (Robinson Ranch & Willow Lakes).

Proposed changes in LDC 17.24.060 expand on the purpose statement and eliminates the current three tiered approach to Riparian Area Zones. Currently, LDC 17.24.060 spells out three distinct zones adjacent to riparian areas with the most restrictive set of regulations immediately adjacent to a water body and with those restrictions being reduced as the distance from the water body is increased. Zone A is the first 50', Zone B is the second 50' and Zone C is the third 50'. The proposed changes in this Section are to replace the tiered system with a simplified setback of 25' from the Ordinary High Water Mark for all new buildings, development, uses, etc.

Proposed changes in LDC 17.24.060.A establishes a minimum 25' setback from the Ordinary High Water Mark, limits clearing to no more than 50%, rewords stream restoration projects, requires restoration within 60 days, clarifies how non-conformities can be expanded, and exempts parks/recreational facilities, utilities and bridges.

The general thought behind these proposed changes were to simplify the riparian standards, making them easier to understand and implement, especially when reviewing a project in relation to neighboring built out properties. Logan is generally built-out, especially along the Logan River, from 10th West up to Logan Canyon. There are approximately 20 vacant parcels or sites along the river that could accommodate new residential or commercial construction. Conversely, there are hundreds of developed properties adjacent to the river with structures located adjacent to the river.

As an example of the practical issues with the current riparian standards, the map below highlights the challenges of applying the City's current riparian approach to three vacant parcels next to the river. These three vacant parcels are approximately 150' – 180' in depth and surrounded by existing development. The current riparian regulatory approach would require a



new home to be built at least 100' back from the OHWM (17.24.060.B). Adjoining homes on similar sized lots are located anywhere from 20' – 50' away from the Logan River. It's a difficult argument to support that in these types of circumstances, pushing a new home 100' back from the river has a net environmental benefit, especially when adjoining structures are located within 20'. These properties would still comply with the minimum FEMA floodplain requirements, where applicable.

Willow Lakes will be raised as an issued impacted by these changes; however, the project has a wetland restoration & mitigation plan in place and was originally approved under the older Critical Lands standards. Most of the residential lots are located greater than 100' from the River and there is also a conservation easement and proposed trail corridor adjacent to the Logan River through this project. The nature of developed versus undeveloped properties changes moving west beyond Willow Lakes. Most of the area adjacent to the river is outside of Logan, is actively farmed, and generally contains a mixture of wetlands and/or FEMA floodplains. The City's Annexation Plan anticipates potential annexation out to approximately 2000 West over the next 20 years and these specific requests can be reviewed for environmental issues at the time of annexation.



Wetlands

LDC Chapter 17.62 defines Wetlands:

“**Wetlands**” means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions as delineated during a formal wetland delineation and approved by the U.S. Army Corps of Engineers.

LDC 17.24.110 currently applies only to wetlands that have been identified by the U.S. Army Corp of Engineers as jurisdictional wetlands. A wetland delineation is the formal process to identify and draw a boundary around (delineate) the wetland. A jurisdictional wetland is, under the Clean Water Act, a wetland that meets specific legal and policy standards, making it subject to federal regulation. These wetlands are considered "Waters of the United States" and require permits for certain activities like filling or dredging. The key factors in determining jurisdiction involve both scientific criteria (hydric soils, wetland hydrology, and hydrophytic vegetation) and legal/policy considerations.

LDC 17.24.110 does not apply to wetlands that are non-jurisdictional nor does the proposed LDC amendments change or alter how a "wetland" is defined.

Proposed changes in LDC 17.24.110.A clarifies applicability of the wetland regulations and clarifies when a wetland delineation is required. Also added "buffer" to the overall wetland nomenclature.

Proposed changes in LDC 17.24.110.B clarifies that a project located within 100' of a potential on-site wetland requires a formal delineation while excluding the requirement to delineate wetlands on neighboring properties. We can't require that an applicant have a wetland delineation performed on a property they are not legally entitled to access.

Proposed changes in LDC 17.24.110.C clarifies that a preliminary wetland delineation is required at the time of application for a Design Review or Conditional Use Permit.

Proposed changes in LDC 17.24.110.D clarifies that in the case of a proposed wetland fill, the applicant is required to submit proof they have applied to the U.S. Army Corp of Engineers for permits at the time of application for a Design Review or Conditional Use Permit, and the actual Corp Permit is required prior to applying for formal construction permits.

Proposed changes in LDC 17.24.110.E minor language changes.

Proposed changes in LDC 17.24.110.F (1) reduces wetland setbacks from 50' to 25' for all structures, uses and development, (2) retains the 20' setback from a jurisdictional ditch or canal, (3) added a wetland setback for new lot lines in a residential subdivision, and (4) establishes a 20' setbacks for new road construction.

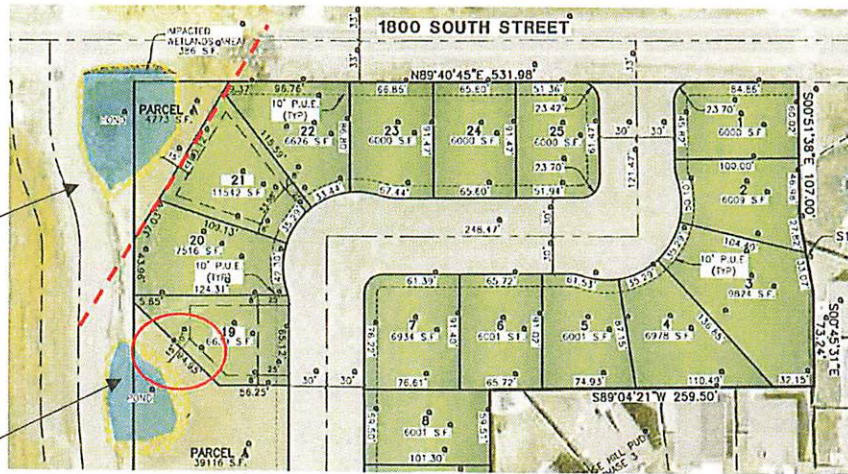
Proposed changes in LDC 17.24.110.G modified the permitted land disturbance within a wetland buffer area to 50%.

Proposed changes in LDC 17.24.110.H minor language changes. This section just states our current policy of gross residential density versus net residential density.

Proposed changes in LDC 17.24.110.I include minor language changes, (3) modified agricultural setbacks to 25', (5) clarified expansion of non-conforming uses or activities, (7)

allows stormwater facilities in wetland buffers, (8) requires ownership of wetlands by an HOA, and (9 - 11) permits parks/recreational facilities, underground utilities, and bridges in a wetland buffer.

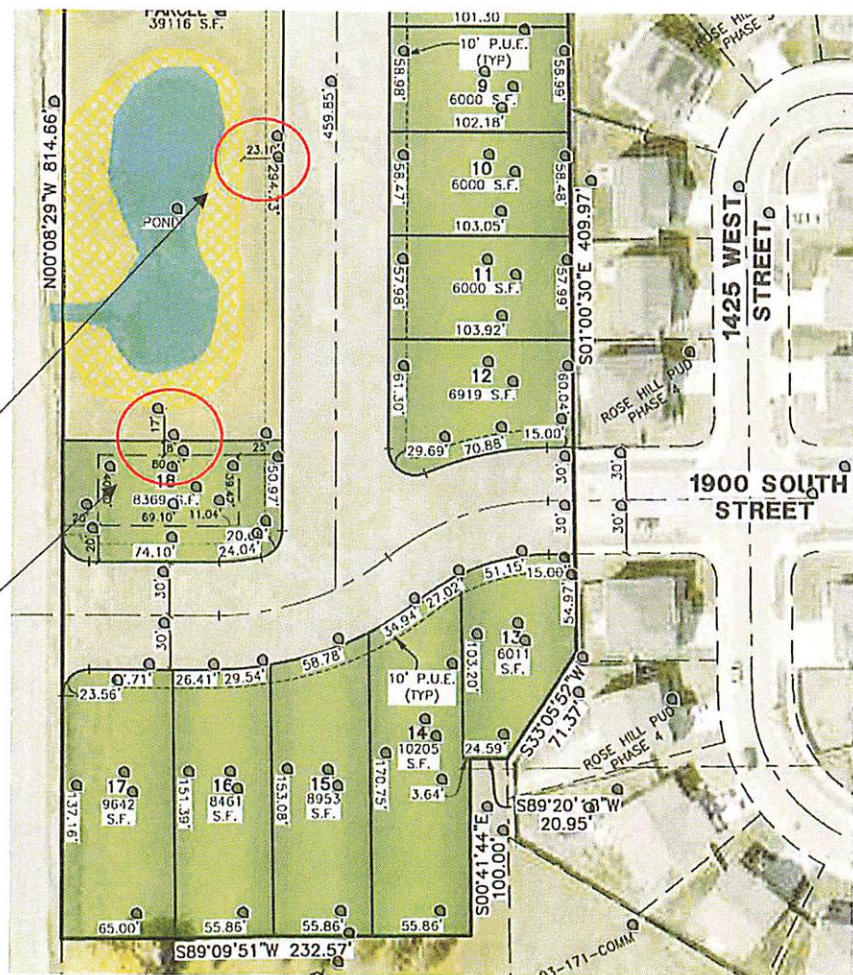
To help illustrate how these proposed changes would affect a residential project, the following graphic shows a revised Hoggan Estates. As a reminder the blue and yellow show the delineated wetland boundaries. This project brought to light the challenges in the current process of regulating new or expanded roadways adjacent to wetlands.



The proposed new residential lot lines are located at least 15' from the wetland boundary and the area around the wetlands are required to be owned & managed by an HOA. The rear building setback places the new home at least 25' from the adjoining wetland.

The proposed public road is located at least 20' from the wetland boundary.

The residential building setback lines coincide with the proposed wetland buffer line (25').



STAFF RECOMMENDATION AND SUMMARY

The purpose of these changes is to simplify the regulation of new development adjacent to or within areas identified as critical lands, and also address different types of use, activities or developments that might normally be located next to the Logan River, or adjacent to a wetland, but were left out of the earlier code revisions.

In light of these proposed code amendments, the more fundamental question that the Commission and Council need to evaluate is whether existing Federal and State regulation governing impacts of critical lands, i.e., riparian areas and wetlands, are adequate, and whether the additional requirements under LDC 17.24 add value to the review process and the overall protection of important environmental areas, or are we creating an additional level of complexity without any real value.

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 regulating development within or adjacent to Critical Lands. The proposed updates are consistent with the General Plan.

PUBLIC COMMENTS

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

PUBLIC NOTIFICATION

Legal notices were published in the Herald Journal on 6/28/25 and posted on the City's website and the Utah Public Meeting website on 6/30/25.

AGENCY AND CITY DEPARTMENT COMMENTS

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

RECOMMENDED FINDINGS FOR APPROVAL

The Planning Commission bases its decisions on the following findings:

1. Utah State Law authorizes local Planning Commissions to recommend ordinance changes to the legislative body (Municipal Council).
2. The Code 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.
5. No public comment has been received regarding the proposed amendments.

This staff report is an analysis of the application based on adopted city documents, standard city development practices, and available information. The report is to be used to review and consider the merits of the application prior to and during the course of the Planning Commission meeting. Additional information may be revealed by participants at the Planning Commission meeting which may modify the staff report and become the Certificate of Decision. The Director of Community Development reserves the right to supplement the material in the report with additional information at the Planning Commission meeting.