



**Project #16-047  
Power & Utilities Poles  
Code Amendment**

**REPORT SUMMARY...**

<i>Project Name:</i>	Power & Utility Poles
<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>	November 10, 2016
<i>Submitted By:</i>	Mike DeSimone, Director

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**RECOMMENDATION**

Staff recommends that the Planning Commission recommend **approval** to the Municipal Council for the following amendments to the Land Development Code (LDC): Section 17.36 (Standards, Specifications and Improvements).

**REQUEST**

This proposed modification to Section 17.36.200 (Electrical Power and Street Lights) of the Land Development Code clarifies that placing new utilities underground versus above ground is the preferred method for providing utility service. The proposed language does not include Wireless Telecommunication Facilities nor high voltage transmission lines. The purpose of this amendment is to ensure that all utility providers are following Logan City Light & Power policies of placing all new utilities underground, with some minor exceptions as listed in the proposed language.

The proposed language is as follows:

- C. All new power and telecommunication distribution and service lines shall be located underground. Where underground placement is infeasible due to terrain, soil conditions, water table, etc., new power and telecommunication lines shall utilize existing distribution systems if available. If new power and telecommunication lines are being extended into an area currently devoid of any existing infrastructure or services, above ground installation may be permitted.
- D. Wireless Telecommunication Facilities are regulated under Chapter 17.45 and are not governed by the provisions of 17.36.200.
- E. High voltage transmission lines serving regional needs are exempt from these requirements.

**GENERAL PLAN**

The Land Development Code was prepared and adopted to implement the vision expressed in the General Plan. These proposed amendments help clarify the overall code and simplify its administration and implementation. The proposed amendments are consistent with the General Plan.

**STAFF RECOMMENDATION AND SUMMARY**

Staff would recommend that the Planning Commission forward a recommendation of approval to the Council for their consideration.

## **PUBLIC COMMENTS**

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

## **PUBLIC NOTIFICATION**

Legal notices were published in the Herald Journal on October 27, 2016, posted on the City's website and the Utah Public Meeting website on November 3, 2016, and noticed in a quarter page ad on October 23, 2016.

## **AGENCY AND CITY DEPARTMENT COMMENTS**

No comments have been received.

## **RECOMMENDED FINDINGS FOR APPROVAL**

The Planning Commission bases its decisions on the following findings:

1. Utah State Law authorizes local Planning Commission to recommend ordinance changes to the legislative body (Municipal Council).
2. The Code Amendment is done in conformance with the requirements of Title 17.51 of the Logan Municipal Code.
3. The proposed Code Amendments are minor in nature and clarify the requirement to place new utilities underground versus above ground.
4. The provisions of these amendments are consistent with the overall goals and objectives of the Logan General Plan.
5. No public comment has been received regarding the proposed amendment.

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



# APPLICATION FOR PROJECT REVIEW

Planning Commission    Board of Adjustment    Board of Appeals    Other

Date Received <b>10-7-16</b>	Received By	Receipt Number	Zone	Application Number <b>PC 16-047</b>
<b>Type of Application (Check all that apply):</b> <input type="checkbox"/> Design Review <input type="checkbox"/> Conditional Use <input type="checkbox"/> Subdivision <input type="checkbox"/> Zone Change <input type="checkbox"/> Boundary Line Adjustment <input type="checkbox"/> Code Amendment <input type="checkbox"/> Appeal <input type="checkbox"/> Variance <input type="checkbox"/> 4950' Design Review <input type="checkbox"/> Other _____				
<b>PROJECT NAME</b>				
<b>TEXT AMENDMENT – LOGAN LAND DEVELOPMENT CODE</b>				
PROJECT ADDRESS				COUNTY PLAT TAX ID #
<b>CITYWIDE – TEXT AMENDMENT.</b>				-- --
AUTHORIZED AGENT FOR PROPERTY OWNER ( <b>Must</b> be accurate and complete)				MAIN PHONE #
<b>LOGAN CITY COMMUNITY DEVELOPMENT DEPARTMENT</b>				<b>(435) 716-9021</b>
MAILING ADDRESS		CITY	STATE	ZIP
<b>290 NORTH 100 WEST</b>		<b>LOGAN</b>	<b>UTAH</b>	<b>84321</b>
EMAIL ADDRESS				
<a href="http://WWW.LOGANUTAH.ORG">WWW.LOGANUTAH.ORG</a> ; <a href="mailto:MIKE.DESIMONE@LOGANUTAH.ORG">MIKE.DESIMONE@LOGANUTAH.ORG</a>				
PROPERTY OWNER OF RECORD ( <b>Must</b> be listed)				MAIN PHONE #
<b>CITYWIDE</b>				
MAILING ADDRESS		CITY	STATE	ZIP
EMAIL ADDRESS				
DESCRIBE THE PROPOSED PROJECT AS IT SHOULD BE PRESENTED (Include as much detail as possible - attach a separate sheet if needed)				
<b>AMEND LOGAN LAND DEVELOPMENT CODE CHAPTERS 17.36 TO CLARIFY ABOVE GROUND VERSUS BELOW GROUND UTILITIES.</b>				
				Size of Proposed New Building (square feet)
				Number of Proposed New Units/Lots
I certify that the information contained in this application and all supporting plans are correct and accurate. I also certify that I am authorized to sign all further legal documents and permits on behalf of the property owner.		Signature of Property Owner's Authorized Agent		
I certify that I am the property owner on record of the subject property and that I consent to the submittal of this project. I understand that all further legal documents and permits will be sent to my authorized agent listed above.		Signature of Property Owner		

3. Natural drainage ways and aboveground storm water facilities shall be enhanced and incorporated as an amenity into the development.
4. When a detention or retention pond is required, the development shall include a landscape plan that utilizes landscape materials that reflect the natural traditions of Logan.
5. New development is encouraged to utilize Low Impact Development Practices where site conditions permit.



#### §17.36.180. Waterlines and Fire Hydrants.

- A. Water Distribution Systems. Water distribution systems shall be constructed by the property owner to State of Utah regulations and the Department of Public Works Standards and Specifications.
- B. Water Pressure. Increases or decreases in water pressure from that existing in the culinary water system prior to installation is the responsibility of the project developer or property owner. Adequate flow of a minimum pressure of the current State of Utah standards at any point in the project shall be the responsibility of the proponent.
- C. Fire Hydrants. Fire hydrants shall be installed to meet the specifications of the Department of Public Works and the Fire Marshal.



#### §17.36.190. Sewage Disposal

The sanitary sewer collection system shall be constructed to the current State of Utah and Department of Public Works Standards and Specifications. All new projects shall connect to the City sewage disposal system. No subdivisions shall be permitted if all of the lots are not to be connected to the City's sewage disposal system.

#### §17.36.200. Electric Power and Street Lights

- A. The project proponent shall be required to provide for power and telecommunication distribution and service lines. Additionally, the proponent shall be responsible for the installation of street and yard lighting under specifications as required by the Department of Public Works and the Light and Power Department.
- B. The replacement, maintenance, and repair of the City's power and telecommunication distribution network, excepting the installation of new substations, shall not be subject to the design review process.

- C. All new power and telecommunication distribution and service lines shall be located underground. Where underground placement is infeasible due to terrain, soil conditions, water table, etc., new power and telecommunication lines shall utilize existing distribution systems if available. If new power and telecommunication lines are being extended into an area currently devoid of any existing infrastructure or services, above ground installation may be permitted.
- D. Wireless Telecommunication Facilities are regulated under Chapter 17.45 and are not governed by the provisions of 17.36.200.
- E. High voltage transmission lines serving regional needs are exempt from these requirements.

#### **§17.36.210. Dedication of Water Rights**

Water rights equivalent to the amount of increased water demand created by the Subdivision, Conditional Use, or Design Review Permit shall be dedicated to the City of Logan. The amount of dedication shall be determined in accordance with R309-510-7 “Source Sizing,” of the Utah Administrative Code. Submittal of proposed water rights to be dedicated to the City and calculations of required amounts to be dedicated shall be submitted to Public Works for approval. Any additional available water rights may be offered to the City for purchase at fair market value.

#### **§17.36.220. Warranty**

Public improvements performed by or on behalf of private development shall be guaranteed for a period of two years after the date of acceptance. The improvements shall be guaranteed against settlement, break up, failure or inability to satisfactorily function as required, lack of adequate drainage. The City may require or retain security to assure performance of improvements during the guarantee period.

#### **§17.36.230. Delay Agreements**

The Director of Public Works may enter into a recorded agreement with a property owner to defer the construction of improvements to a future date. The improvements shall be constructed within five years of the date of the agreement. In cases where the City will be undertaking similar improvements to the same street, and such improvements have been scheduled, a longer period than five years may be approved by the Director of Public Works. Improvement security, in the amount of 125% of estimated construction costs, may be required as a part of the delay agreement.

#### **§17.36.240. Parks, School Sites, Public Places**

##### **A. Park Sites.**

1. New residential development may be required to dedicate park space equal to the project’s proportion of required parkland area as defined in the General Plan.
2. If additional park land is required for dedication in excess of the project’s fair share, the City may negotiate to purchase the parkland at a value in conformance with laws related to municipal property acquisition.
3. In lieu of acquiring parkland within the residential project, the Planning Commission may require that the proponent provide funds in lieu of land dedication to the City for acquisition of parkland in conformance with Council policy or adopted impact fees.

##### **B. School Sites.**