

Minutes of the meeting of the Logan Municipal Council convened in regular session on Tuesday, April 7, 2020 at 5:30 pm via ZOOM Webinar at this link: <https://zoom.us/j/999162981> or Webinar ID: 999 162 981. Instructions for downloading and using ZOOM could be found at <https://support.zoom.us/hc/en-us/articles/201362193-Joining-a-Meeting>. The Logan Municipal Council Meeting was televised live as a public service on Channel 17, City of Logan Facebook page: <https://www.facebook.com/cityoflogan> and KSL live at <https://live.ksl.com/> Those interested could also listen to the meeting by phone call: US: +1 669 900 9128. No public meeting was held in the City Hall building. Chair Amy Z. Anderson conducted the April 7, 2020 Council meeting.

Councilmember's present at the beginning of the meeting via Zoom: Chair Amy Z. Anderson, Vice Chair Tom Jensen, Councilmember Mark A. Anderson and Councilmember Jeannie F. Simmonds. Administration present by Zoom: Mayor Holly H. Daines, Finance Director Richard Anderson, City Attorney Kymber Housley and City Recorder Teresa Harris.

OPENING CEREMONY:

Logan City Economic Development Kirk Jensen provided the opening ceremony and paid tribute to Jennie Christensen who recently passed away.

Meeting Minutes. Minutes of the Council meeting held on March 3, 2020 were reviewed and approved with no changes.

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

ACTION. Motion by Councilmember Simmonds seconded by Councilmember Bradfield to approve the March 3, 2020 minutes with no changes and approve tonight's agenda. Motion carried.

Meeting Schedule. Chair A. Anderson announced that regular Council meetings are held the first and third Tuesdays of the month at 5:30 pm. The next regular Council meeting is Tuesday, April 21, 2020 and will be held via ZOOM.

QUESTIONS AND COMMENTS FOR MAYOR AND COUNCIL:

Chair A. Anderson announced that the Questions and Comments portion of the agenda is suspended until the Council can once again have in-person meetings. She indicated that comments or questions can be emailed to: teresa.harris@loganutah.org, who will distribute to the Mayor and Councilmembers.

47 **MAYOR/STAFF REPORTS:**

48
49 **COVID-19 Update – Mayor Daines**

50
51 Mayor Daines addressed the Council and gave an update on COVID-19. She participated
52 in a conference call with Lt. Governor Spencer Cox who said that he is pleased with the
53 residents of the State of Utah with the Governor’s request to “Stay Home, Stay Safe”.
54 She said there was also a report from the Bear River Health Department who indicated
55 the curve is flattening and the sacrifices that people are making to stay home are paying
56 off.

57
58 Mayor Daines also thanked City employees and staff and reminded residents that the City
59 remains open for business and although the lobbies of the City buildings are closed
60 residents can reach the City by phone or email. City crews are outside working in small
61 groups trying to be cautious about social distancing but as they are essential services,
62 they are still working to keep the City running.

63
64 Mayor Daines also expressed her appreciation to those in the community who are
65 working from home and are doing their part to keep everyone safe. She stated we will
66 continue to watch for guidance from Governor Herbert on when we can resume other
67 activities and again thanked everyone for pulling together through this very difficult time.

68
69 Chair A. Anderson introduced Dr. Allan Anderson, President of the Logan Regional
70 Medical Staff to give an update on the community wide efforts from the medical
71 standpoint to address COVID-19.

72
73 Dr. Allan Anderson addressed the Council and announced that local health officials and
74 Utah State University are teaming up to provide isolation spaces for individuals who test
75 positive for the Coronavirus. He stated that we are starting to see worldwide infection
76 patterns for the Coronavirus shift to family units. That means that slowing the spread of
77 the Coronavirus depends not just on isolating individuals who test positive from the
78 community, but also separating them from their families. That’s especially important
79 when members of an infected person’s family might be in a higher risk category for
80 serious illness from the disease. To resolve this problem, several local physicians and
81 officials from the Bear River Health Department reached out to Utah State University
82 officials. He stated that some of the details are still being worked out but, they should be
83 able to begin using some of the USU dormitory rooms for self-isolation soon. He stated
84 that USU dormitory rooms are ideally suited for long term isolation since they are largely
85 unoccupied and have separate bedrooms and baths, with a shared kitchen. He added they
86 are also working with Justin Hamilton and his coalition of local restaurants who have
87 agreed to provide meal service for people in the isolation rooms.

88
89 Dr. Anderson said the option of isolation in the USU dormitory will be available to
90 individuals who test positive for the Coronavirus who are asymptomatic or have only
91 mild symptoms but are still contagious. The option will also be available to some
92 individuals while awaiting Coronavirus test results.
93

94 The first step in the isolation process will be obtaining a Coronavirus test at the
95 Intermountain Health Care North Clinic in Hyde Park. If an individual test positive, he or
96 she will be contacted by the Bear River Health Department and the option to isolate in the
97 USU dormitory rooms will be offered if necessary, depending on the person's
98 circumstances. Although screening by a doctor is still required prior to Coronavirus
99 testing and, testing in Cache Valley is ramping up dramatically, that makes the necessity
100 of isolation spaces like the ones being offered by USU particularly critical.

101
102 Dr. Anderson added that members of the Cache Valley Lodging Association are offering
103 similar isolation accommodations at local hotels for first responders who feel the need to
104 self-isolate from their families.

105
106 Mayor Daines also announced that the CDC has recommended that anyone going outside
107 should wear a face covering to protect other people in the case the person wearing the
108 mask happens to have the virus but are not symptomatic.

109
110 Vice Chair Jensen asked how do we forecast the rollout of normalcy is it when the curve
111 flattens, when we have no new cases, how is it projected?

112
113 Dr. Anderson responded this is a recommendation that everyone is struggling with in
114 general. Utah's reported cases have been low and that is encouraging, and the thought is
115 that is because of social distancing so if we stop it too soon, it could start the curve going
116 back up. We all need to continue the practice of social distancing and to see what
117 happens in the next two weeks.

118
119 Councilmember Bradfield asked when a vaccine might be developed?

120
121 Dr. Anderson responded that a vaccine has been developed and is now being tested but to
122 prove the safety of the vaccine, will take 12-18 months.

123
124 Chair A. Anderson commented that Governor Herbert talked to the various Counties
125 about creating these isolation centers in their communities. She commended Cache
126 County, USU President Cockett, Dr. Ed Redd and Lloyd Berentzen at the Bear River
127 Health Department for starting this process. Our community started making plans at the
128 very beginning before the rest of the State of Utah, so we have had something almost
129 ready to go when the Governor asked communities to start looking at this option.

130
131 No further items were presented.

132
133 **COUNCIL BUSINESS:**

134
135 Vice Chair Jensen reported that he will reach out to those who have been asked to serve
136 on the Voting District Subcommittee.

137
138 Mayor Daines commented there are some on the subcommittee who do not feel
139 comfortable with virtual technology so she suggested waiting until the subcommittee can
140 meet in person.

Vice Chair Jensen agreed and said there is no rush to meet now. He will contact those on the subcommittee and will report back at the April 21 Council meeting.

No further Council items were presented.

ACTION ITEMS:

Chair A. Anderson said there are seven public hearings scheduled for tonight's Council meeting. Those interested in making a comment need to do so through the Zoom meeting link by logging on and at the bottom of the screen there is the option to "raise your hand" through Zoom. She will unmute those wanting to make a comment and will allow the standard three minutes to make a comment on that agenda item.

PUBLIC HEARING - Consideration of a proposed resolution approving an Interlocal Agreement to combine Logan and North Logan Fire and EMS Services – Resolution 20-07

Chief Brad Hannig addressed the Council and explained that the City of Logan and the City of North Logan have determined that it is in the best interest of both communities to combine their fire/rescue services in order to obtain economies of scale, better service coverage, and to lower costs to each community. Chief Hannig feels this will be a great partnership with North Logan City.

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

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

Councilmember Simmonds referred to Section Four regarding Basic Services which lists Providence, River Heights, and Mendon in the EMS portion. She asked are these cities listed because that is the geographic area that EMS covers or is this related to the proposed agreement.

Chief Hannig responded under Cache County CCEMS we currently cover these areas and we don't have a separate contract with them for EMS services which is yet to be determined. What its referring to in the document is our current response areas.

Vice Chair Jensen asked Chief Hannig if he sees this agreement with North Logan as a model for doing the same with other communities.

Chief Hannig said there is a high probability that other cities will choose to consolidate with each other. Mendon has talked to Logan about providing service to their community so that could happen in the future. He feels that consolidation makes sense whether that's one large system or smaller consolidated departments. Logan City currently provides service to River Heights and Providence. We also have a contract with Cache County to provide fire protection for College, Youngward and Logan Canyon.

Councilmember Simmonds asked will we be participating with the County in the analysis they are doing.

Mayor Daines responded there is an upcoming meeting scheduled with all of the interested Mayor's in Cache Valley this Friday at 4:00 p.m. to review the analysis.

Mayor Daines said that Cache County has made a request that we extend the contract with CCEMS and based on how the study turns out, there may be a need to extend and we are not going to leave anyone without service. What she has conveyed to County Executive Craig Buttars is let us get the report back from the consultant and see what their recommendations are and make sure everyone is covered.

Councilmember Bradfield commented that he will take Mayor Daines and Chief Hannig at their word that the smaller cities will not get left behind and will not go without service.

Mayor Daines clarified and said Logan City will look at what the recommendations are from the County and we might need to extend the services for a short period of time until a greater resolution can be accomplished.

Councilmember Bradfield said if he were one of those smaller cities, he would be contacting Logan right away and would want to work something out right away. He feels for the smaller cities, we need to make sure that if they are not reaching out to us in a timely manner that we need to reach out to them.

ACTION. Motion by Councilmember Simmonds seconded by Vice Chair Jensen to approve Resolution 20-07 as presented. Motion carried by roll call vote.

A. Anderson: Aye

M. Anderson: Aye

Bradfield: Aye

Jensen: Aye

Simmonds: Aye

PUBLIC HEARING – Budget Adjustment FY 2019-2020 appropriating: \$2,000 donated funds toward the purchase of range balls – Resolution 20-08

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

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 Jensen seconded by Councilmember M. Anderson to approve Resolution 20-08 as presented. Motion carried by roll call vote.

A. Anderson: Aye

M. Anderson: Aye

Bradfield: Aye

Jensen: Aye

Simmonds: Aye

PUBLIC HEARING – Consideration of a proposed trade of real property owned by the City of Logan located at approximately 200 North 2300 West in Cache County, Utah (commonly known as the Cache Humane Society Dog Park) consisting of approximately 2.5 acres of parcel #05-059-0002, in exchange for property owned by the Cache Humane Society located at approximately 2370 West 200 North in Cache County, Utah consisting of approximately .61 acres of parcel #05-057-0008 which fronts along 200 North

Logan City Attorney Kymber Housley addressed the Council and explained the City had a five-year lease with Cache Humane Society and we leased a five-acre parcel to them. That lease has now expired, and the question is what we do with the existing dog park which is the proposed trade of property before the Council at this time. The primary motivation is to benefit the Cache Humane Society because we view them and the services they provide to the community a worthy endeavor and this land trade gives them more flexibility and options to remain in this location if 200 North were to expand. The decision to trade the property is the Mayor's decision but it does require a public hearing and the City would also like input from the Council.

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

Logan resident LaDonna Connors addressed the Council and stated she is a long-time user of the dog park. She asked, is the Dog Park being moved and who will be the new owner.

Chair A. Anderson responded Logan City has been leasing the dog park property to the Cache Humane Society to run so now the property will become Cache Humane Society's property and they will keep the dog park as it is now.

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

Councilmember Simmonds asked if Cache Humane moves their location is there any assumption that they will keep the dog park active or will they just own the property.

Mr. Housley stated they will just own the property.

Councilmember Bradfield asked what the greatest benefit of this property trade is.

279 Mayor Daines responded this is a win-win for both parties. We are getting frontage which
280 makes our property more valuable and Cache Humane is getting the dog park and
281 property they need.

282
283 **PUBLIC HEARING - Budget Adjustment FY 2019-2020 appropriating: \$36,440 a**
284 **grant the Library received from the State of Utah . The funds will be used to**
285 **purchase a new security system for the Library; \$13,140 reimbursable State funded**
286 **police overtime shifts – Resolution 20-10 – Richard Anderson, Finance Director**
287

288 Mr. Anderson addressed the Council regarding the proposed budget adjustments.

289
290 Chair A. Anderson opened the meeting to a public hearing.

291
292 There were no comments and Chair A. Anderson closed the public hearing.

293
294 **ACTION. Motion by Councilmember Bradfield seconded by Councilmember**
295 **Simmonds to approve Resolution 20-10 as presented. Motion carried by roll call**
296 **vote.**

297 **A. Anderson: Aye**

298 **M. Anderson: Aye**

299 **Bradfield: Aye**

300 **Jensen: Aye**

301 **Simmonds: Aye**

302
303 **PUBLIC HEARING - Consideration of a proposed resolution modifying the**
304 **Landlord License Fee in the Business License Fee Schedule – Resolution 20-06 –**
305 **Mike DeSimone, Community Development Director**
306

307 Community Development Mike DeSimone addressed the Council regarding the proposed
308 resolution. He proposed amending the current Business License Fee Schedule by
309 eliminating the discount for “Good Landlord Participants” and changing the Landlord
310 License application fee to \$75.00 (new) and \$50.00 (renewal). These fees are consistent
311 with the City’s business license fee structure for other minor businesses. The current
312 landlord license fee is either \$50.00 for those landlords not participating in the good
313 landlord certification program versus \$10.00 for those landlords who are certified as good
314 landlords. The current fee structure allows a landlord to obtain a Good Landlord
315 Certification from an approved training, present it to the City with either the initial
316 application or a renewal, and the fee is reduced to \$10.00. The certification is good for two
317 years.

318
319 He proposed implementing this change in fees for new licenses immediately but extend a
320 one-year grace period for renewals as that will enable us to inform license holders of the
321 fee change with this year’s renewal notice. The renewals are generally sent out in June, and
322 at which time, we will inform all holders of landlord licenses that, effective with next year’s
323 renewal (July 1, 2021), the good landlord certificate discount will no longer be available.

The City will honor the discount this year. There are approximately 1,756 current landlord licenses, and of those, 768 or 44% are good landlord certified and 988 or 56% are not certified.

In terms of code enforcement, of the 148 formal code enforcement cases in 2019 involving rental properties, 46 (31%) were good landlord certified, 67 (45%) were not good landlord certified, and 35 (24%) were not licensed. In comparing this to the total numbers of the two types of landlord licenses, approximately 6% of each license type (certified vs non-certified) had formal code enforcement cases initiated by the City. This would indicate to us that the good landlord certification does not necessarily result in less of a demand on the City's code enforcement staff time, yet we are discounting the annual license fee by 80%.

Councilmember Simmonds commented that she feels we should have three levels of licensing. She stated that in talking with Mr. DeSimone he indicated his purpose was to know who the landlords were so he would have contact information. It seems to her that if they are in a business and they own an 85-unit rental complex they should be a Level I business or Level II which is the more expensive level of licensing and they should pay the same fee because they use more of our services and they have equal the number of complaints as everyone else based on the statistics.

Mr. DeSimone said changing the levels would take a disproportionate fee study and he doesn't really want to spend the money on a study at this time.

City Attorney Housley commented that State law requires the fee study to be completed and the City has to show there is a greater cost to license that particular business than other businesses and it is hard to do. Landlord licensing is specifically regulated by State Statute and is not the same as our other commercial business licenses. We can no longer charge for inspections and we are limited on what we can charge for landlord licensing.

Vice Chair Jensen asked other than streamlining, will this give Community Development a greater opportunity to do inspections.

Mr. DeSimone said they currently cannot inspect inside rental units. All this resolution will do is eliminate the \$10 license fee that we are currently charging.

Councilmember Bradfield asked how many landlords are paying this amount every year?

Mr. DeSimone responded there are currently 1,756 landlord licenses and 768 of those are Good Landlord certified and 988 are not certified.

Councilmember Bradfield asked what the cost is to run the landlord license program.

Mr. DeSimone responded there are two Business License Clerks that process the license requests which take over a month to send out. It's not a money maker by any means.

Chair A. Anderson clarified the proposed resolution will bring more revenue into the City because we are eliminating the discount.

Councilmember Bradfield asked could a discount be given to an “onsite” landlord.

Mr. DeSimone responded it could be done but would involve validating their address every year and he doesn’t feel the City would gain anything by giving a discount for this purpose.

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 Simmonds seconded by Councilmember Bradfield to approve Resolution 20-06 as presented. Motion carried by roll call vote.

A. Anderson: Aye

M. Anderson: Aye

Bradfield: Nay

Jensen: Aye

Simmonds: Aye

PUBLIC HEARING - Consideration of a proposed resolution to approve an increase in Building Permit Fees – Resolution 20-09 – Mike DeSimone

Community Development Mike DeSimone addressed the Council regarding the proposed resolution to amend the current Building Permit Fee Schedule to update the base hourly rate associated with building permits and inspections, update minimum permit fees for the more routine permit types such as siding, water heaters, windows, etc., eliminate certain fees such as business license inspection fees, and include new fee categories (solar systems & mobile home placement) that we currently are permitting. This fee schedule was last updated in 2005.

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 Jensen seconded by Councilmember Simmonds to approve Resolution 20-09 as presented. Motion carried by roll call vote.

A. Anderson: Aye

M. Anderson: Aye

Bradfield: Nay

Jensen: Aye

Simmonds: Aye

PUBLIC HEARING - Consideration of a proposed request to rezone 3.3 acres at approximately 200 North 1375 West from Commercial (COM) to Commercial Services (CS); TIN 05-061-0024; 05-100-0001; -0002; -0003; -0004; -0005; -0006; -0007; -0008; -0009 – Ordinance 20-05 – Aaron Smith

Planner Aaron Smith addressed the Council regarding the proposed rezone and stated that Logan City is requesting the rezone of an approximately 3.3-acre area from COM to CS.

Logan City is proposing the rezone to align zoning with the current and proposed development at the location. As part of the current review of the Future Land Use Plan (FLUP) plan proposed by city staff, this area was identified as having zoning that was out of sync with current land use at the location and surrounding area. The land is an island of COM zoning surrounded by public land uses of the Cache County Jail and Sheriff's Office, a State fish hatchery, a parking lot, and the Logan Landfill. Currently operating on the property are uses that are permitted in the Commercial Services zone, including contractors, light manufacturing, and vehicle service and repair. The buildings on the site are industrial in nature and feature plain facades and roll-up doors. Instead of having the zoning and land uses in opposition to one another, staff's determination is to have the land use and zoning complement each other in the area.

Originally this rezone was going to be submitted along with a larger city-wide rezone application that is to follow the FLUP amendment that was reviewed by the Planning Commission and is now being considered by the City Council. While the FLUP amendment was being considered and before the city-wide rezone application was prepared, a development project for the site (PC 20- 012 Cardall Metal Buildings) was submitted. The proposed project is industrial in nature and matches existing development in the area. Following the project application, the city prepared a rezone application to run concurrent with the project so that both the rezone and development project could be considered by the Planning Commission at the same time.

GENERAL PLAN

A FLUP amendment submitted by Logan City in January 2020 included a FLUP change for this property from Commercial to Commercial Services. The Commercial designation in the FLUP are intended to be retail, service, and hospitality businesses. Generally, the zoning designation is found along Main Street, 1400 N and 400 N. The Commercial Services FLUP designation fills the need between industrial and commercial land uses. These are alternative locations for light manufacturing, wholesale and warehousing, and uses that support the construction and manufacturing trades. Overall, the existing and proposed uses at the site align with the CS designation.

ZONING

The COM and CS zones directly reflects the language in the General Plan for the land use designations.

COM - Current Zone

The COM zone is intended for retail, service, and hospitality businesses that serve city-wide or regional populations. Residential development is allowed in the zone; however, free standing residential buildings are not permitted.

CS – Proposed Zone

The CS zone fills a need between industrial and commercial land uses. CS areas provide alternative locations for light manufacturing, warehousing, wholesaling, or other uses that support construction and manufacturing trades that are typically service oriented. The CS zone does not allow for residential uses. Generally, the CS zone is less restrictive than the COM zone in regard to permitted uses, especially industrial uses. Of note is that

commercial storage units, vehicle storage, automobile repair, heavy truck sales, kennels, contractors, and most industrial uses are allowed in the CS zone. In addition to uses, some development standards would change as well. The maximum building height for the CS is 38', while COM is 40' or up to 55' with additional setbacks. Minimum building setback are similar between to the two zones. Building fenestration and open space are the same between the two zones. The CS zone does not allow for front yard parking.

SUMMARY

This approximately 3.3-acre site is in a location that is well suited for the CS zone. The public land uses around the site reduce the impact on neighbors for more industrial uses, and the existing development on the site matches the design and uses expected in the CS zone. Also, the proposed rezone matches the proposed FLUP amendment that has been recommended for approval to the City Council by the Planning Commission.

AGENCY AND CITY DEPARTMENT COMMENTS

No comments.

PUBLIC COMMENTS

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

RECOMMENDED FINDINGS FOR APPROVAL

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

1. The proposed rezone is consistent with the existing neighborhood development pattern.
2. The proposed rezone is compatible with the General Plan and the FLUP designation of CS.
3. The proposed rezone will ensure new development is done in a more compatible manner to that of the surrounding area.
4. The streets and infrastructure servicing these areas are sufficient in size and capacity to support CS land uses.

On February 27, 2020, the Planning Commission recommended that the Municipal Council **approve** the Valley View Rezone (6-0).

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 Simmonds seconded by Councilmember Bradfield to adopt Ordinance 20-05 as presented. Motion carried by roll call vote.

A. Anderson: Aye

M. Anderson: Aye

Bradfield: Aye

Jensen: Aye

Simmonds: Aye

514 **WORKSHOP ITEMS:**

515
516 **Budget Adjustment FY 2019-2020 appropriating: \$25,000 a grant the Public Works**
517 **Department was awarded from the Utah Department of Transportation (UDOT).**
518 **This is a study for the pedestrian tunnel connection under Main Street near the**
519 **Logan River; \$10,000 grant funds toward the purchase of police equipment; \$3,650**
520 **additional funding the City will receive from Cigna. The funds will be used to**
521 **continue promoting wellness among City employees with activities, nutrition,**
522 **exercise trackers, and other wellness programs – Resolution 20-12 – Richard**
523 **Anderson, Finance Director**

524
525 Finance Director Richard Anderson addressed the Council regarding the proposed budget
526 adjustments.

527
528 The proposed resolution will be an action item and public hearing at the April 21, 2020
529 Council meeting.

530
531 **Consideration of a proposed amendment to the Future Land Use Plan (FLUP) Map**
532 **for multiple properties located in and around the City of Logan – Ordinance 20-04 –**
533 **Russ Holley, Planner**

534
535 Planner Russ Holley addressed the Council regarding the proposed amendment to the
536 Future Land Use Plan.

537
538 **REQUEST**

539 The City is requesting a Map Amendment to the current Future Land Use Plan (FLUP)
540 for several areas in and around the City. Some of the proposed changes anticipate future
541 residential, commercial and industrial growth areas that are currently located in
542 unincorporated areas outside the perimeter of the city and other changes represent
543 boundary changes with North Logan City. This proposal also amends areas that have
544 recently been rezoned to conflicting zoning districts and changes the designation on
545 properties that have been purchased by Utah State University near campus.

546
547 **GENERAL PLAN**

548 Chapter Three in the General Plan describes the reasons why a Future Land Use Plan is
549 key to future growth and development in the City. A FLUP shows the needed areas to
550 accommodate long range growth. The FLUP is accompanied with conceptual
551 descriptions of each land use category. Sample pictures and graphics help to visualize the
552 goals and objectives of each land use. Commercial, Industrial, Mixed Use Center,
553 Gateway and Residential areas are all described.

554
555 Mr. Holley reviewed several areas in and around the City. Some of the proposed changes
556 anticipate future residential, commercial and industrial growth areas that are currently
557 located in unincorporated areas outside the perimeter of the city and other changes
558 represent boundary changes with North Logan City. This proposal also amends areas that
559 have recently been rezoned to conflicting zoning districts and changes the designation of
560 properties that have been purchased by Utah State University near campus. He advised

the FLUP is a policy document, this proposed amendment is not a rezone. The FLUP helps steer development based on land use. It is a long-range plan that can determine how the City should grow.

OVERVIEW

North area – near the airport changes reflect the City boundary adjustment with North Logan. The gateway area is proposed to be changed to the Industrial Park (IP) zone and the area to the south (near Gossner’s) is planned for future growth to the west. The area from 600 North to 2200 North and from 1400 West to 1900 West is proposed to change from Resource Conservation (RCA) to Industrial Park Overlay (IP-DX). DX means “development with exemption” – some of these lands are sensitive lands, which without some action to modify, may be undevelopable. Other portions could potentially be developed with proper care (i.e. mitigating environmental impacts).

1400 North 1000 West area is currently identified as Mixed-Use and MF housing (adopted in 2008), the proposal is to change it to Industrial and Commercial Services to be more compatible to the area to line up with other uses nearby.

Area around County Jail along Hwy 30 and 1000 West is currently Mixed-Use, the proposal is to change it to align with the uses that are currently there such as Commercial and Commercial Services. The public areas were updated to reflect public property owned by UDOT, the County and Logan City. The area around the landfill is not changing. This area does not follow current City boundaries and is mainly vacant land.

Changed boundary by the Kunzler Annexation, which was recently finalized. The area around 800-1300 South and 1580 West currently identified as Resource Conservation is proposed to change to Neighborhood Residential.

Councilmember Simmonds suggested that we also include along the river and designate that development cannot occur as either Recreation or some other zone other than a single-family zone.

Mr. Holley said they typically need a property line to follow but he will look at this area and see if this can be included as well.

South area along Hwy 89 is mostly cleanup work. There is some private land, north of the Blackhawk Condos, next to the highway that is identified as Recreation, but it is privately owned and is proposed to change to Commercial, which is a better fit for that area.

Clean up around 2200 South; the Wesley Nelson farms has recently de-annexed into Nibley City so that area will be removed.

Mr. Holley said there is one area on LeGrand Street that he would like to talk more about. The applicant has submitted a project to the Planning Commission for a Mixed-Use project which is just North of the soccer complex across LeGrand Street and along the highway. There is also an autobody repair shop in the area. Staff is proposing Commercial for this area rather than Mixed-Use because Mixed-Use calls for buildings

right out next to the street. With the highway in close proximity and speeds of 55-mph, a residential area being less than 10 feet from the edge of the highway is in his opinion, is a bad idea. He feels either a Detached Residential (DR) or a Mixed Residential (MR) after some sort of subdivision that separates the highway portion of the property with the LeGrand portion of the property makes more sense.

Vice Chair Jensen said the concern he has is with the 55-mph speed along the highway those who are leaving from Logan have already accelerated up to that speed and if there is Commercial in the area there will be more people trying to cross and he feels it will create a safety hazard.

Areas by USU changed to reflect areas that are publicly owned (some property purchased by USU). Bear River Health Department property on 1300 North, behind the hospital, needs to be changed to reflect Public rather than Commercial.

Area around 1400 North intersection proposed to change to Commercial to reflect what is on the ground.

Some of the proposed changes are based on long-range planning and others are because of City jurisdictional boundary changes, street alignment changes and public ownership changes.

The area around L-59 project and Canyon Road Park proposed to change to reflect the current land uses.

RECOMMENDED FINDINGS FOR APPROVAL

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

1. Utah State Law authorizes local Planning Commission to recommend ordinance changes to the legislative body (Municipal Council).
2. The Map Amendment is done in conformance with the requirements of Title 17.51 of the Logan Municipal Code.
3. The proposed Map Amendment resolves issues created by city boundary adjustments.
4. The proposed Map Amendments will facilitate future growth in a manner consistent with the General Plan.
5. No public comment has been received regarding the proposed amendments.

On February 13, 2020, the Planning Commission recommended that the Municipal Council **approve** amendments to the Future Land Use Plan (5-0).

Councilmember Bradfield asked if the FLUP is a “take it or leave it” type of document.

Mr. Holley responded no, it’s a policy and visioning map. It is not the law or an ordinance but when you talk about predictability, and long range planning, he feels it should be considered whenever a rezone is proposed and that is why staff wants to update the FLUP periodically so, its relevant.

Chair A. Anderson stated the Council can make recommendations to the amendments being proposed for the FLUP. She feels the FLUP is something the Council might want to take their time reviewing carefully after the public hearing is held which is what the Planning Commission did as well.

The proposed ordinance will be an action item and public hearing at a future Council meeting.

Consideration of a proposed rezone in the Hillcrest Neighborhood of approximately 8.37 acres of property located at approximately 1250 N 1300 E from Suburban Neighborhood Residential (NR-4) to Traditional Neighborhood Residential (NR-6) – Ordinance 20-06 – Russ Holley

Planner Russ Holley addressed the Council regarding the proposed rezone.

PROJECT INTRODUCTION

The proponent (Nic Porter) is requesting to rezone approximately 8.37 acres at approximately 1250 N. 1300 E. from the current zone of NR-4 to NR-6. The square-shaped property slopes slightly downward from east to west and sits between older single-family homes to the east and the currently under-construction foothill lofts apartments to the west. To the south, sits two churches and the land is vacant to the north. The applicant is also requesting a 46-lot single-family subdivision with lot sizes ranging from 6,002 SF to 6,508 SF. The layout creates two new small blocks and an outer perimeter of lots with 35' wide roads throughout the proposed subdivision.

BACKGROUND INFORMATION

This 8.37-acre piece was part of the 19.36-acre property that was historically used for gravel extraction in association with the Legrand Johnson Construction Company. Approximately three years ago, the business ceased operations on the site. The split zoning designations of Mixed Residential Medium (MR-20) and Suburban Neighborhood Residential (NR-4) was established in July of 2017 with the Logan City Council ORD# 17-17, approving 9.0 acres of MR-20 (180 dwelling units) and the remaining ~10 acres as NR-4 single-family residential zoning. With the construction of the foothill lofts apartment complex on the 9 acres and the street dedication of 1300 East, the remaining NR-4 area became 8.37 acres in size. To reach this agreement of 9 acres of MR-20 and the remaining areas to be NR-4, which was codified with the ordinance adoption, it took numerous months of engaging well-attended public meetings and debates. Both sides of the debate, one being the need for more multi-family housing near the University and the other being a desire for more opportunities for larger single-family homes that would result in more families moving into the neighborhood, eventually resulted in both positions compromising and agreeing on splitting the property into two zones. Subsequent to the multi-family project, the NR-4 area was approved for a 19-lot single-family subdivision with 60' streets and 10,000 SF minimum lots sizes. This subdivision was not opposed by the surrounding neighborhood because it aligned with the agreement. Prior to final plat recordation of the 19-lot subdivision, the property was sold to a different party and the final plat was never recorded. The new property owner is the applicant for this request.

702
703 **GENERAL PLAN / PROPERTY HISTORY**

704 The Future Land Use Plan (FLUP), within the Logan City General Plan, identifies this
705 property as Detached Residential (DR). DR areas are described as single-family home
706 developments with a range of density listed as 4 to 6 dwelling units per acre. The General
707 Plan is not a regulatory document, just a guiding and visioning document. Regulations
708 associated with land use and specific development standards are found in the Logan City
709 Land Development Code and the Logan City Official Zoning Map. These documents
710 specify development standards. In 2017, the Community Development Department under
711 the direction of the City Council conducted a citywide downzone that included several
712 single-family areas within the city being zoned from NR-6 to NR-4. These
713 neighborhoods were either developed at approximately four dwellings per acer or vacant
714 areas intended to be developed at four units per acre. They included areas of Hillcrest,
715 Cliffside and Woodruff Neighborhood.

716
717 **DENSITY**

718 The NR-4 zoning district allows up to four (4) units per acre and a 10,000 SF minimum
719 lot size and a 90-foot minimum lot width. The NR-6 zoning district allows up to six (6)
720 units per acre, a minimum lot size of 6,000 SF and a minimum lot width of 50'. The
721 proposed subdivision has a gross density of 5.49 units per acre and lot sizes in the
722 subdivision range from 6,002 SF to 6,508 SF.

723
724 **SETBACKS**

725 The LDC requirements for building setbacks in both the NR-6 and NR-4 zones are as
726 follows (as measured from property lines):

727 Front:	25'
728 Corner	20'
729 Side:	8'
730 Rear:	10'

731 As new homes are proposed on individual lots, setbacks will be reviewed and approved
732 by City staff prior to issuing a building permit. The existing single-family home lot
733 complies with setback standards. Pending the outcome of the rezone request, density, lot
734 size and lot width will comply with the zoning requirements of the LDC.

735
736 **STREETS**

737 The proposed subdivision includes private streets that connect in two locations to the new
738 1300 East street. The subdivision includes additional streets of 1220 N., 1280 N., 1335 E.
739 and 1370 E. All of the proposed private streets have 35' cross-sections based on the
740 Private Street Cross Section found in the Logan City engineering standards. The
741 proposed street has a 20' pavement width, a 2.5' mountable curb on both sides, and a 5'
742 park-strip and 5' sidewalk on one side.

743
744 While the LDC does permit private roads, the code specifies that all privately owned
745 streets shall be designed, built, and maintained to the same standard as public streets.
746 Staff finds that the proposed private street cross-section is inadequate for the proposed
747 development. The proposed street cross-section, while found in the City's engineer
748 standards, is intended to be used for small subdivision, such as flag lots, that have only

one street connection and 8 or less units. The proposed street cross-section lacks amenities that are expected for residential street in a subdivision of this size, such as on-street parking and sidewalks along both sides of the street. For residential blocks, as proposed in this subdivision, the Logan City engineering standards and Transportation Master Plan specify a 60' street cross-sections. The residential cross-section standard includes two 11.5' traffic lanes, on-street parking, and an 8' park-strip and 4' sidewalk on both sides of the road.

The LDC requires 3 points of connection for subdivisions greater than 20 lots. The subdivision proposes 2 points of connection onto 1300 East and two street-stubs on the north and south side. These stubs are located in areas that would be considered impracticable future street connections. One leads to the back yard of an existing home and the other leads to the middle of the church property to the south. A subdivision can be approved with less than 3 connections where physical conditions of the site or abutting properties preclude street connection. In this case with extreme topography to the north and existing development in the surrounding locations an exception could be considered. A possible future street stub is located at the northeast corner that could eventually connect through vacant land to 1400 E and to the single-family neighborhoods located to the east. As conditioned, with appropriate street cross-section widths and street grid connectivity, the access and streets meeting the requirements in the LDC.

SUMMARY

Because of all the time effort and energy put into the compromising agreements made on this property within the last three years by numerous stake holders that included a large portion of the surrounding neighbors, previous property owners and Logan City elected officials to reach the current result, staff considers this rezone request inappropriate. An expectation was established with these agreements and this request compromises that. The applicant purchased the property knowing that the NR-4 zoning was established, and the 19-lot subdivision was permitted and approved.

RECOMMENDED FINDINGS FOR DENIAL OF THE REZONE

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

1. The rezone request is inappropriate and violates the compromising agreements forged by the previous property owners and the surrounding neighborhood citizens.
2. The rezone request would result in incompatible lots sizes as compared to the immediately adjacent existing homes in the Hillcrest Neighborhood.
3. The Logan City FLUP indicates the area as DR, which could mean either NR-4 or NR-6 based on the site-specific conditions or surrounding neighborhood composition.

RECOMMENDED CONDITIONS OF APPROVAL PENDING THE OUTCOME OF THE REZONE

This project is subject to the proponent or property owner agreeing to comply with the following conditions as written, or as may be amended by the Planning Commission.
All standard conditions of approval will be recorded with the Subdivision Permit and are available in the Community Development Department.

Forty-six (46) new single-family lots and two open space areas are approved with this subdivision permit.

All street cross-sections must provide two travel lanes, on-street parking on at least one side of the street, and a sidewalk and parkstrip on both sides of the street.

Street trees shall be provided on both sides of all streets every 30' on center.

Three (3) street connections shall be provided. The third connection shall be provided at the northeast corner of this property for future connection to 1400 E.

If it is determined by the Planning Commission that the third street connection is not required, a sidewalk stub shall be provided that leads to the northeast corner of the subdivision creating the opportunity for a pedestrian connection to 1400 East and from this neighborhood to the neighborhoods to the east.

The open spaces shall be designated as not buildable on the final plat.

The final plat shall be recorded within one (1) year of this action or comply with LDC 17.58 Expirations and Extensions of Time.

Prior to recording of a Final Plat or issuance of a Building Permit, the Director of Community Development shall receive a written memorandum from the following departments indicating that their requirement has been satisfied:

Place hydrants within 600 feet of all buildable area of all lots.

Roads between 1300 East and 1335 East shall be a public road and shall be 66' in width.

All other roads shall be a minimum of 60' unless approved otherwise by planning commission.

Provide water shares or an in-leu fee for increase water demand on City system.

Provide storm water detention/retention per Logan City storm water design standards.

This shall include the full retention of the 90% storm event on site and the use low impact design methods for the retention of the 90% storm event.

The minimum pavement section for this development shall be 3" of asphalt, 4" untreated base, and 12" of granular borrow. Provide a geotechnical report with the California Bearing ratio at subgrade of the pavement section, if less than 5 provide an engineered pavement section.

Provide CC&R's for HOA maintenance of storm water pond, swales, utility lines, roads, and any other items which are private.

Provide a storm water maintenance agreement.

Provide all private utility agreements required for all private utility lines.

Provide landscaping irrigation meter(s) for detention/retention ponds and open spaces separate from individual lots. These to be assigned to Homeowners Association.

All landscape irrigation system's fed from Logan City water must have a high hazard backflow assembly installed and tested. No dual source feed systems allowed without Logan Cities prior approval and installation criteria (RP & swing joint) is met and inspection is passed.

All backflow assemblies must be tested within 10 days of turning in water to them and annually thereafter.

Water meter setters must meet City standards.

All points of use of water must comply with the 2018 IPC and State of Utah Amendments, during and after construction.

RECOMMENDED FINDINGS FOR APPROVAL FOR THE SUBDIVISION PERMIT

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

Each lot conforms to the requirements of Title 17 of the Logan LDC in terms of lot size and development requirements for the zoning district in which it is located.

The Subdivision Permit conforms to the requirements of Title 17.47 concerning hearings, procedures, application requirements and plat preparations.

The project met the minimum public noticing requirements of the Land Development Code and the Municipal Code.

Infrastructure and utilities are adequate in size to handle anticipated traffic and use.

RECOMMENDATION

Staff recommended that the Planning Commission recommend **denial** to the Municipal Council for a Rezone of approximately 8.37 acres of property located at approximately 1250 N. 1300 E. (TIN# 05-011-0005) from Suburban Neighborhood Residential (NR-4) to Traditional Neighborhood Residential (NR-6). Contingent on the outcome of the rezone, Staff recommends that the Planning Commission require a resubmittal of the Preliminary Plat that substantially complies with the recommended Conditions of Approval for final review and approval.

Land use adjoining the subject property

<i>North:</i>	NR-4: Vacant	<i>East:</i>	NR-4: Residential Uses
<i>South:</i>	NR-4: Religious Uses	<i>West:</i>	MR-20: Multi-Fam. Residential Uses

On February 27, 2020, the Planning Commission recommended that the Municipal Council **deny** a rezone from NR-6 to NR-4 at approximately 1250 North 1300 East (5-1).

Vice Chair Jensen said on the East side in the Hillcrest Neighborhood of the proposed rezone there are large homes and on the West side there are 20-units per acre. He asked if a transition could be done so the properties that are just East of the multi-family area might be a transition with a smaller property size. He said the proposed area is not connected to the Hillcrest Neighborhood and they really won't see this area and its only adjacent to the neighborhood.

Mayor Daines said this was negotiated a long time ago and there were deed restrictions put in place.

Councilmember Simmonds commented that she believes the neighborhood was acting in good faith and they feel very strongly about what happens in this area. She feels if any more density goes into this area, it would be difficult to determine the way out because there is no access to Hillcrest.

Mr. Holley added this is only one parcel which cannot be split. There could be an option if they came back with a two-lot subdivision but being one parcel, it can only have one zoning designation.

Mayor Daines stated she was serving on the Council when the negotiation and agreement with the Hillcrest Neighborhood was made and it is her personal opinion that we need to honor that agreement.

A representative from Kartchner Homes addressed the Council and stated that Wasatch Properties had this property under contract and had the West portion zoned MR-20 and then dropped the contract and that is the first time it went through and the large public hearings were held. When Kartchner Homes had it, they were able to move it over a little further, taking up more of the single-family and then once again, Wasatch picked it up again and moved it even more. The original agreement with the hillside was that it was supposed to be 1/3 multi-family and 2/3 single-family and it has gone back and forth to where slowly the multi-family has moved further to the East.

The proposed ordinance will be an action item and public hearing at a future in-person Council meeting.

Consideration of a proposed rezone. Dan Larsen-Kartchner Land Management, Jed Merrill, authorized agent/owner, requests a rezone of 8.11 acres from Commercial (COM) to Mixed Use (MU) located at 1105 West 2200 South; TIN: 03-006-0009 (Woodruff Neighborhood) – Ordinance 20-07 – Aaron Smith, Planner

Planner Aaron Smith addressed the Council regarding the proposed rezone.

PROJECT

The proponent is requesting to rezone approximately 8.11 acres at 1105 West 2200 South. The rectangular shaped parcel currently has one home, built in 1961, near the south property line with two adjacent accessory structures. The remaining area is agriculture land. The property has approximately 360' of frontage along 2200 South and is approximately 930' in depth running north and south. 1000 West street is planned to align along the east side of this property as it extends south of the newly installed traffic signal at the intersection of HWY 89-91. This property was annexed into Logan City in May 2017. It has been zoned COM ever since.

GENERAL PLAN

The Future Land Use Plan (FLUP), adopted in 2008, identifies this property 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. New projects should have buildings that meet high architectural standards and constructed with quality materials. Most COM designations are located along or near the Main Street corridor north and south of downtown.

Mixed Use Center (MUC) areas are described in the General Plan as having concentrations of commercial and office uses – with residential uses integrated. MUC developments are required to have both residential and commercial components. MUCs are intended to be compact and designed for people to live, work, and play within a walkable center.

933 **LAND DEVELOPMENT CODE**

934 The Land Development Code (LDC) regulates land uses and entitles properties with
935 specific development allowances. The COM zone allows a wide range of commercial
936 uses. The COM zone is located along major collector and arterial streets with nearby
937 large capacity utilities. Building heights are limited to 40' and lot coverage rates kept
938 under 60%. 20% of project sites are required to be improved with open space and usable
939 outdoor space.

940
941 The Mixed Use (MU) zoning district permits a maximum density of 30 units per acre (40
942 with ground floor commercial) and building heights of 58'. Setbacks are 0'-10' in the
943 front yard and lot coverage is capped at 60%. 20% of project sites are required to be
944 improved with open space and usable outdoor space. Studio/one-bedroom residential
945 units require 1.5 parking stalls; two bedroom or larger units require 2 parking stalls.
946 Commercial parking is based on use square footage. Newly adopted MU standards set
947 minimum commercial building area standards for projects based on acreage. For an 8-
948 acre site, 4,500 SF of commercial building would be required as part of the project. For
949 reference, each of the commercial pads in front of the new Riverwalk development that
950 are currently being constructed are approximately 4,800 SF.

951
952 **NEIGHBORHOOD COMPATIBILITY**

953 This area was recently annexed into the City but was anticipated to do so in the 2008
954 version of the General Plan and identified on the FLUP. The newly installed traffic signal
955 at the intersection of 1000 West/HWY89-91 will significantly impact the character of this
956 quasi-rural area as development pressures continue to intensify. Areas to the south and
957 east largely remain undeveloped agricultural lands with Nibley City and Millville City
958 boundaries in close proximities. The areas to the west are developed as a Motel, built in
959 1996, and a recreational vehicle park. A newly approved office warehouse is located
960 directly west along 2200 South.

961
962 Proximity to this intersection should be considered as communities along the South
963 Corridor Plan area implement standards for setbacks, access, and commercial nodal
964 development patterns. The LDC defines a commercial node as being 700 feet away from
965 the center of the traffic signal. This property is located 718 feet away from the center of
966 intersection. The South Gateway Overlay is placed on properties within 300 feet of the
967 Highway and requires enhanced setbacks. This property is 415 feet away from the
968 Highway. With 1000 West planned to continue southward through Nibley, this property
969 along with the neighboring properties to the west, form a triangular island between HWY
970 89-91, 2200 South and 1000 West.

971
972 From a residential land use standpoint, existing developments, and approved projects
973 within a ¼ mile radius and within the Logan City boundary, there is a disproportionate
974 value of structure types with approximately 640 Multi-Family Units, 250 Mobile Homes,
975 and 250 Single-Family Homes. Multi-Family dwelling unit breakdown is approximately
976 120 duplexes, 200 townhomes, and 312 multi-story apartment units. Mixed Use
977 development, which permit 30-40 units per acre depending on building type, typically
978 result in multi-story apartment complexes. This property developed at maximum density
979 would result in 243 units.

From a mixed-use standpoint, the proposed zone will have access to commercial and job centers via 1000 West and HWY 89-91. While the project may have a minimal commercial component, the proximity to the identified commercial node at the 1000 West intersection may provide for integration of residential and commercial uses in the area. When considering the land use overall in the area, with commercial zoned land within the 700' intersection node, and mixed residential housing around along the periphery of the node, the overall effect is a dense urban node that, with proper pedestrian infrastructure constructed as projects are developed, can be well connected by sidewalks and crosswalks. If the intent is to create a viable commercial node at the 1000 West intersection, then this rezone will help support that purpose, by placing some commercial development near the node, and providing housing that will support the commercial growth at the node.

PREVIOUS REZONE

An application for a rezone of the property from COM to MR-20 was denied by the City Council by a vote of 4-1 on Nov. 5, 2019. The primary concern expressed by staff regarding the previous rezone was the loss of commercial property in close proximity to the new 1000 West intersection and expansion, and the saturation of one residential building type in the area. While a zone change to MU does include limited required commercial development, the overall density of the zone is greater than the previously denied zone of MR-20 (243 units per acre MU, 162 units per acre MR-20).

SUMMARY

The proposed rezone differs from the previous rezone request in two significant ways; one, the rezone is a denser request that permits 30 units to the acre; and two, the rezone has a mandatory commercial component of at least 4,500 SF. This parcel lays at a critical transition between the planned commercial node around the 1000 West intersection and the mixed residential housing along the periphery. Staff supports this rezone as it will provide some commercial development near the node and will provide housing that will help support commercial development in the area. In addition to supporting growth in the area, locating dense residential housing near a commercial node and job center will help reduce vehicle miles travelled and total trips by providing convenient access to goods, services, and jobs.

Issues that were raised during the last rezone request remain valid regarding commercial use and housing types. The extension of 1000 West along the eastern edge of the property does improve the viability of the property for future commercial development. Also, with the existing housing stock in the area and projects under development, the housing portfolio in the area continues to skew towards multi-family development. Overall, this is a complicated rezone at a critical location in Logan as it is located near an important highway intersection and sits on a transition with neighboring communities. Staff's assessment is that while this rezone only partially meets the existing FLUP designation, it will meet other adopted long-term planning goals for Logan, particularly is will help to stimulate development around the commercial node at the 1000 West intersection that was identified in the South Corridor Plan and codified in the South Gateway Overlay Zone.

1027 **RECOMMENDED FINDINGS FOR APPROVAL**

1028 The Planning Commission bases its decision on the following findings supported in the
1029 administrative record for this project:

- 1030
- 1031 1. The MU zone has a mandatory commercial component that will help to meet the intent
1032 of the COM FLUP designation.
 - 1033
 - 1034 2. The MU zone is compatibility with neighboring uses and zones.
1035
 - 1036 3. The location is compatible with the purpose of the MU zone.
1037
 - 1038 4. The subject property is in an area and surrounded by streets and infrastructure that can
1039 handle and appropriately serve Mixed Use developments.
 - 1040
 - 1041 5. The proposed MU zone will support the goals of the Cache Valley South Corridor
1042 Development Plan.
 - 1043

1044 **RECOMMENDATION**

1045 Staff recommends that the Planning Commission recommend **approval** to the Municipal
1046 Council for a Rezone of approximately 8.11 acres of property located at approximately
1047 1105 West 2200 South (TIN# 03-006-0009) from Commercial (COM) to Mixed Use
1048 (MU).

1049

1050 On March 12, 2020, the Planning Commission recommended that the Municipal Council
1051 **deny** a rezone from Commercial (COM) to Mixed Use (MU) for the Merrill Rezone
1052 Project (4-2).

1053

1054 Mr. Smith said some of the concerns discussed were the 1000 West extension may
1055 improve the commercial viability for the property and the housing portfolio in this area is
1056 leaning heavily towards multi-family. This rezone only partially aligns with the Future
1057 Land Use Plan of commercial at this location. This area is in the Cache County School
1058 District versus the Logan School District, so the tax base goes to the Cache County
1059 School District.

1060

1061 City Attorney Kymber Housley said that is correct, the property tax from this area would
1062 go to the Cache County School District.

1063

1064 Mr. Smith stated the main concern from the Planning Commission was the multi-family
1065 density in the area.

1066

1067 Vice Chair Jensen said sometimes multi-family impacts single-family homes and they
1068 have an objection but there are not a lot of single-family homes in close proximity, so he
1069 does not see an issue with the proposed rezone.

1070

1071 Councilmember Simmonds said when we did the first piece of the MR-20, there was a lot
1072 of concern expressed by Nibley City to preserve and protect the Firefly Park so we were
1073 very careful to make sure they had downlighting and no car lights would face the park.

Now, we are considering adding more people and density in this same area and she is concerned. Commercial is not typically open 24/7, 365 days per year like apartments and homes are and where the Mixed Use allows even more density than MR-20 and very little Commercial it will have the same and even greater issues of impact on that particular park.

Mr. DeSimone said it should be Nibley's responsibility to plant trees to help with the lighting concerns in the park.

Councilmember Bradfield asked if Kartchner Homes sees this as a viable commercial zone?

Dan Larsen from Kartchner Homes responded and said they are not commercial developers. He said their desire for multi-family is more for the resident who lives in the home near this area who has very sternly said that he is not going to sell to someone who is going to build a three story product which is typically what a commercial and higher density would be. Kartchner Homes wants to meet the request of the property owner by keeping the area at most with two story structures and their proposed projects would be townhomes. He stated that last time it went through a rezone, Mr. Holley clarified that the density in this area only took in Logan's portion in the study and did not take into consideration all of the single-family density in Nibley.

Planner Russ Holley stated that when this came through as MR-20 late last year, there were comparisons and tables for the surrounding areas that included multi-family numbers versus single-family numbers, and he did not account for any areas outside of Logan City. So, all of the single-family homes in Nibley were not counted and there were higher proportions of multi-family.

Vice Chair Jensen commented that as this area is developed it will be one of the largest traveled intersections in the County along 1000 West and Highway 89/91.

The proposed ordinance will be an action item and public hearing at the April 21, 2020 Council meeting.

**Consideration of a proposed resolution adopting Pretreatment Rates –
Resolution 20-11 – Issa Hamud, Environmental Director**

Environmental Director Issa Hamud addressed the Council regarding the proposed rates.

The City of Logan Environmental Department operates an approved Pretreatment program with the intended purpose of protecting the Logan City wastewater collection and treatment system. This program is mandated & sanctioned by the EPA and the state of Utah Division of Water Quality. The program task is to monitor the quality of wastewater discharged from industrial and commercial facilities to prevent the release of harmful materials into our sanitary sewer system. City of Logan Ordinance number 13.12.005 - 13.12.351 is the foundation of this program.

The pretreatment program protection is established in its two-layer water quality limits designed to protect the sewer treatment system infrastructure and penalize violators. The first layer is the surcharge limits and the second layer are local limits. The surcharge limit has a water quality limit less than the allowable capacity and it is designed to allow us to detect a potential problem from a commercial or industrial entity at an early stage and recover monetary penalties equivalent to the cost of treating stronger than expected sewer discharge. Occasional exceedances of the surcharge limits are expected and the potential harm to the treatment system is also limited to an extent.

The local limit is a limit based on the treatment capacity of the sewer treatment system and any significant violation of this limit could result in a pass through the treatment system thus resulting in a violation of the treatment system water quality limits. Followed by enforcement actions from the State or the EPA to Logan City sewer treatment system and the business entity which caused the violation.

The pretreatment program has served Logan City since 1983, and the pretreatment limits are protecting the Lagoon effluent. However, growth, expansion of industries, and our future plans for a more robust treatment system in two years is making us reconsider the surcharge limit penalty calculations.

Last summer (2019) the City asked EEC Environmental to review our surcharge limit penalty calculation after we observed higher than expected monetary recoveries from some of the large significant users connected to the system. EEC Environmental completed its review in December 2019 and recommended that we modify the method used by the Logan City Industrial Pretreatment program to levy surcharges for biochemical oxygen demand (BOD) & total suspended solids (TSS) overages. The formula for overage surcharges was created nearly twenty years ago and was confusing to explain and enforce. Some of the most affected industries are currently planning expansions and continued more stringent penalties will limit their ability of cost control and by easing these penalties we are asking them to consider putting more capital on the improvement of their pretreatment systems. Our plan is to monitor the effect of this change more closely in the next two to three years, influence the contemplated improvement by the industry, and update the surcharge limits again when the new wastewater treatment plant construction is completed and running.

This past year with the help of EEC Environmental the City revised the formula for a surcharge to one that will both ease the financial burden of the businesses but is also more effectively enforceable. EEC also reviewed the City's local limits, and the surcharge limit and found them to be effective in protecting the Lagoons effluent and recommended no changes. The attached document has been approved by the Environmental Department and will also be submitted to Utah DWQ for their approval and comment.

The proposed changes will not require modification of the pretreatment ordinance (City Code), and/or approval from the state of Utah Division of Water Quality. However, he would like to obtain the Council's consent to implement the proposed change for administrative and budgetary purposes.

The City of Logan Industrial Pretreatment Program started with one inspector with a few industries and the implementation of an oil and grease program. The City currently employs three full-time inspectors and the wastewater treatment manager who serves as the pretreatment coordinator. The pretreatment program service area covers not just Logan City but the cities of Smithfield, Hyde Park, North Logan, Providence, River Heights and Nibley. The program regulates over 500 businesses, with 36 of them meeting Significant Industrial User (SIU) status under EPA designation.

Mr. Hamud proposed the following:

Wastewater Pretreatment Discharge Permit Classifications & Fees		
Permit Class	Base Permit Fee Per Month	Variable Inspection Fees Per Inspection
Class I	\$19.17 Unchanged	\$25.00 Unchanged
Class II	\$19.17 Unchanged	\$60.00 Unchanged
Class III	\$40.00 Unchanged	\$75.00 Unchanged
Class IV	\$51.67 Unchanged	\$75.00 Unchanged
Class V	\$51.67 Unchanged	\$100.00 Unchanged
Class VI	\$45.00 Unchanged	*Septic Waste \$8.00 per Ton *\$100.00 per Dewatering Load *\$ 25.00 After Hours Charge

Device Rate

Additional Cost per Extra Treatment Device \$5.00 Unchanged

Sampling Rate

Cost per Sample \$50.00 Unchanged

Surcharge Formulation

The recommended formulas for the calculation of the surcharges for BOD and TSS are presented below:

If (BOD in mg/L) > 650; BOD Surcharge = Monthly Flow in MGD x [(BOD in mg/L) – (200)] x 8.34 x \$0.35

If (TSS in mg/L) > 650; TSS Surcharge = Monthly Flow in MGD x [(TSS in mg/L) – (200)] x 8.34 x \$0.35

where: Monthly flow = Average daily flow x number of operating days in the month

200 = Average Residential Equivalence Factor

8.34 = conversion factor

\$0.35 = Surcharge rate per pound for BOD and TSS

Mr. Hamud proposed that the rates take effect June 1, 2020.

The proposed resolution will be an action item and public hearing at the April 21, 2020 Council meeting.

OTHER CONSIDERATIONS:

There were no further items considered by the Council.

ADJOURN TO MEETING OF THE LOGAN REDEVELOPMENT AGENCY

Councilmember's present at the beginning of the meeting via Zoom: Chair Amy Z. Anderson, Vice Chair Tom Jensen, Councilmember Mark A. Anderson and Councilmember Jeannie F. Simmonds. Administration present by Zoom: Mayor Holly H. Daines, Finance Director Richard Anderson, City Attorney Kymber Housley and City Recorder Teresa Harris.

ACTION ITEM:

(Continued from the March 3, 2020 Council meeting) - Revitalizing Downtown/Emporium Block – Proposed Center Block Alternatives

Chair A. Anderson announced that no decision will be made at tonight's meeting regarding the Downtown/Emporium Block and the discussion tonight is a continuation from the discussion held on March 3, 2020.

City Attorney Kymber Housley addressed the Council and stated that the City has received a recommendation from the law firm of Snow, Christensen & Martineau Law Firm on how to resolve the property issues. He is working with them now to prepare something more formal that will first be presented to the Council, then to the block owners and then to the public in the next two to three weeks.

Mayor Daines commented that we have identified some potential funding for the parking terrace if, Council chooses to approve in the future. At this time, we will work to resolve the legal questions and the intent is to come back to Council when we can once again have a public discussion.

Vice Chair Jensen asked will the information from the law firm give us grounds as to whether or not to proceed or not.

Mr. Housley responded the City has always had grounds to move forward or we would never have taken it this far. The information from the law firm will give specifics on how to move forward but, he wants something more formal to present to the Council.

1243 Mayor Daines said it will take several months to resolve the property issue so now is a
1244 good time to do it and once we can have in-person meetings again it will come back to
1245 the Council for a discussion.
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1247 Mr. Housley commented that litigation is a likely scenario and in the next few weeks the
1248 Council will have more clarity on how we are going to proceed.
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1250 **ADJOURNED.** There being no further business to come before the Council, the Logan
1251 Redevelopment Agency meeting adjourned at 8:26 pm.
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1256 Teresa Harris, City Recorder