

Minutes of the meeting of the Logan Municipal Council convened in regular session on Tuesday, September 21, 2021, in the Logan Municipal Council Chambers located at 290 North 100 West, Logan, Utah 84321 at 5:30 pm. Logan Municipal Council Meetings are televised live as a public service on Channel 17 and the City of Logan YouTube channel at: https://www.youtube.com/channel/UCFLPAOK5eawKS_RDBU0stRQ

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

Chair Mark A. Anderson welcomed those present. There were approximately 46 in attendance at the beginning of the meeting.

OPENING CEREMONY:

Lou Ann Exum Sakaki gave the opening remarks regarding the revival of the Cache Valley Chapter of the League of Women Voters. She encouraged those interested to attend an event on Wednesday, September 29 at 6:00 p.m. at the Cache Valley Event Center, 490 South 500 West (Cache County Fairgrounds). She said this is the public's chance to meet with other civically active people to (re)form a local Cache Valley Chapter of the League of Women Voters. Annual dues are \$45 and is free to students.

Lou Ann Exum Sakai led the audience in the pledge of allegiance.

Meeting Minutes. Minutes of the Council meeting held on September 7, 2021, were reviewed, and approved with two corrections.

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

ACTION. Motion by Councilmember A. Anderson seconded by Councilmember Jensen to approve the September 7, 2021, minutes as amended and approve tonight's agenda. Motion carried unanimously.

Meeting Schedule. Chair M. Anderson announced that regular Council meetings are held on the first and third Tuesdays of the month at 5:30 pm. The next regular Council meeting is Tuesday, October 5, 2021.

QUESTIONS AND COMMENTS FOR MAYOR AND COUNCIL:

40
41 Chair M. Anderson explained that any person wishing to comment on any item not
42 otherwise on the agenda may address the City Council at this point by stepping to the
43 microphone and giving his or her name and address for the record. Comments should be
44 limited to not more than three (3) minutes unless additional time is authorized by the
45 Council Chair. Citizen groups will be asked to appoint a spokesperson. This is the time
46 and place for any person who wishes to comment on non-agenda items. Some items
47 brought forward to the attention of the City Council will be turned over to staff to
48 respond outside of the City Council meeting.

49
50 Logan resident Gail Yost addressed the Council and asked if residents will soon hear about
51 the voter districts, any recommendations from the Council and how things are moving
52 along with this issue.

53
54 Logan resident Bonnie Hoth addressed the Council. She lives at 735 North 400 East. She
55 referred to the area of 400 North and Main Street where Highways 89 and 91 diverge from
56 each other. With the new property owners in this area, her question is what is going to be
57 done about setting the price of a life. She said there are several accidents that occur
58 at this location and with the new businesses going in she anticipates there will be even
59 more.

60
61 Mayor Daines responded that UDOT controls this intersection, the ingress and egress. She
62 will respond to Ms. Hoth directly with additional information.

63
64 Dr. Anne Shifrer addressed the Council regarding a concern in her neighborhood about the
65 unannounced removal of trees at 680 East 200 North along the canal system. She said
66 this involved three different properties and none of the parties involved had any advance
67 notices of the trees being removed. There were four different parties involved, the City of
68 Logan, Crockett Canal Company, a private landholder, and a private tree removal
69 company. She said advanced notice is required as per the City Water Ordinance which, she
70 read to the City Council.

71
72 Dr. Shifrer provided photos of her backyard to the Council and also provided a copy of her
73 complete statement of what occurred to her trees. She said the trees were on private
74 property and likely on the easement. She requested that the Mayor and Council review
75 what she has provided and would like a response to her concerns.

76
77 Mayor Daines said she will respond to Dr. Shifrer after reviewing the information
78 provided.

79
80 There were no further comments or questions for the Mayor or Council.

81 **MAYOR/STAFF REPORTS:**

82
83 Mayor Daines reported on the Latino Festival sponsored by the Cache Valley Media
84 Group that was held this past Saturday on Center Street. She said it was well attended and
85 was enjoyed by the community.

86
87 Councilmember López commented there were groups that attended the Latino Festival
88 from Salk Lake City and he can see this becoming an even larger event in the future.

89
90 **Board Appointment (Airport Authority) – Mayor Daines**

91
92 Mayor Daines asked the Council for ratification to appoint Brett Hugie to serve on the
93 Airport Authority Board.

94
95 **ACTION. Motion by Councilmember Jensen seconded by Vice Chair Simmonds to**
96 **approve ratification of Brett Hugie as presented. Motion carried unanimously.**

97
98 **Presentation: Analysis of Fire Station Location – Chief Brad Hannig**

99
100 Chief Brad Hannig addressed the Council and stated that ten locations were considered as
101 options to rebuild Station 70. Eight of the ten options fit within a specific area that was
102 designated using the following principles.

- 103 • Generally, firehouses should be distributed throughout the City so each firehouse
104 has a primary service area extending within a radius of 1.5 miles. The spacing
105 should vary in relation to population densities, building intensities and types of
106 construction, the pattern of traffic ways, and with the relative degree of fire-
107 hazard.
- 108 • Firehouses should be located on streets close to and leading into major or
109 secondary thoroughfares.
- 110 • Firehouses should be located so no topographic barriers require time-consuming
111 detours within the primary service area of each firehouse.
- 112 • Firehouses should be located in or near areas of relatively high population
113 densities or adjacent to commercial areas where the normal activity on the streets
114 is greater than that occurring on a residential access street in a low-density area.

115
116 He added that the current station has been in its current location for nearly 50 years. It has
117 been within a half a block of that location for 140 years.

Criteria

To continue to meet the national response standards, uphold the current ISO rating, and maintain operations for providing essential emergency services, the selected location for the new Station 70 must meet the following criteria.

1. Response Time

- a. The current location has historically been positioned for great access to the majority of calls and is located to respond adequately to meet National Fire Protection Association 1710 response standards (4-minute response within a 1.5-mile radius) for both high call volume and high-risk areas. (*Map 2.1*)
- b. A move too far in any direction may decrease response times to one area yet increase response times to another. (*Maps 2.2*)
 - i. In the case of a fire, 60 additional seconds could be the difference between tenable conditions and full flashover conditions, as fire doubles every minute.
 - ii. In the case of a medical emergency, 60 additional seconds could be the difference between life and death.

2. Operations

- a. Each aspect of Department Operations is essential and should not be suspended or impeded during construction or upon completion of construction.
 - i. Total and ready access to all equipment/apparatus and clear passage to go enroute is crucial to abate, address, or end any emergency.
- b. A central station is the nexus for the business operations which are essential to provide emergency services.
 - i. Department training, planning, coordinating, and all administrative and fire prevention activities take place in a central location so crews from other stations don't have to go as far out of their response zone. (*Map 2.3*)

3. Size of Footprint

- a. To accommodate current needs and future growth, the parcel(s) should be large enough to include additional bedrooms, offices, indoor and outdoor training space, and parking.

4. Access

- a. Primary access to a main road from the front of the station is critical for emergency responses.
- b. Secondary access to a main road from the rear of the station is a primary response route for administrative staff and type-specific apparatus and makes a difference for emergency responses, especially when that access is unfettered.

5. Cost

- a. Capital and grant funds have already been acquired and designated for this property purchase, and trading or selling the current location will offset that cost.

The criteria previously mentioned were used to build a rubric to score each of the ten location options. (Table 1.1) Considering the first three criteria to be top priorities, they were weighed more heavily than the last two criteria, which are important considerations. In addition, the ancillary pros and cons of each location that didn't necessarily fit into any criterion were scored with little weight.

PRIORITIES				IMPORTANT CONSIDERATIONS			ANCILLARY FACTORS	
Score	Impact on Response Time	Impact on Operations	Size of Footprint	Score	Access	Cost (net = gross* - trade)	Score	Pros and Cons
3	Doesn't disrupt delivery service during or after construction	No impact during or after construction	> 1 acre					
2	≥ 15 seconds, but < 30 seconds	NA^	≥ .8 acres, but < 1 acre	2	2 options for access	No property acquisition required		
1	≥ 30 seconds, but < 45 seconds	NA^	≥ .7 acres, but < .8 acres	1	2 options for access, but with barriers/narrow street	Property acquisition required; net cost < \$1 million	1	Benefits
0				0			0	
-1	≥ 45 seconds, but < 60 seconds	Little impact during construction, no impact after construction	NA~	-1	1 option for access and potential for a second option with property acquisition/eminent domain	Property acquisition required; net cost ≥ \$1 million, but < \$2 million	-1	Drawbacks
-2	≥ 60 seconds, but < 90 seconds	Great impact during construction, but no impact after construction	NA~	-2	1 option for access and no potential for a second option	Property acquisition required; net cost ≥ \$2 million		
-3	≥ 90 seconds	Great impact during construction, and any impact after construction	< .7 acres					

^Any impact is unacceptable
~No measurement between acceptable and too small
*based on current market estimates

Based on the rubric scoring system, 95 East and 200 North scored the highest. Only one location option received the highest score in all three of the Priorities categories. None of the location options scored the highest in both of the Important Considerations categories. Each location option had at least one drawback, and a few of the options had a benefit that negated a drawback.

Three of the location options will not have any impact on response time. One location option will have a small impact on response time – less than 30 seconds. Six of the location options will have a noticeable impact on response time – more than 60 seconds.

60 seconds in a fire emergency could be the difference between tenable conditions and a full flashover. Fires double in size every minute, causing more damage to not only the

182 burning property but adjacent properties as well and creates a higher-risk situation for
183 response personnel. A delayed response to a medical emergency, even just 60 seconds,
184 could mean additional blood loss, death of brain cells, permanent physical impairment,
185 and irreversible heart damage. A fast response will get a critical patient to a doctor's care,
186 increasing patient survivability.

187
188 Except for two location options, there will not be any impact on operations during
189 construction or after the new station is completed.

190
191 Two of the location options do not have enough space to satisfy current needs and do not
192 have options for growth without taking away public parking. The remaining eight
193 locations have enough acreage to satisfy current needs, and some even have enough space
194 to accommodate future growth.

195
196 Three of the location options have two unfettered means of access. Three of the options
197 have two access points, but secondary access either requires navigating through a public
198 parking lot or navigating traffic to pull out onto a narrow road. Three of the locations do
199 not have secondary access without obtaining additional property, which may require
200 eminent domain. One location does not have secondary access nor an option to obtain it.

201
202 The location at 100 E Federal has 100 East for primary access and is bordered by Federal
203 Avenue, which is too narrow to accommodate secondary access for an emergency
204 response. Potentially, the public parking lot at this location could be accessible via 200
205 North but winding through a parking lot to gain access to that street for an emergency
206 response is not a safe option.

207
208 The City owns three of the location options. According to current market estimates, one
209 option costs less than \$1 million, three options cost more than \$1 million, and three
210 options cost more than \$2 million.

211
212 Benefits and drawbacks of each location option were considered, including eminent
213 domain, effect on parking, type of neighborhood (residential v. commercial), navigating
214 traffic, and timing of property acquisition. These were ancillary items to consider that
215 didn't fit in any specific criterion.

216
217 In considering the data for each location option and measuring it against parameters that
218 were set based on National Standards, it is proposed that Station 70 be rebuilt at 95 East
219 200 North. This location not only out-scored nine other options, but it out-scored the
220 second-best option by five points.

221

Chief Hannig concluded that although this property must be acquired, and may even involve eminent domain, it is affordable and centrally located so as not to impede operations or hinder emergency response times, which are crucial for patient survivability and fire suppression. The Department will be able to continue business operations, supply restocking, and training at a central location, keeping station personnel closer to their response zones. The size of the footprint is sufficient to meet current needs and future growth and is in a place where additional property could be acquired if a building expansion becomes necessary. In addition, the corner of 95 E and 200 N is close to those routes that provide direct access to high-risk areas, which the stations that provide backup responses do not have. This location allows for primary access to 200 North, which is a crucial connection for many areas in the response zone. It also has direct secondary access to 100 East without driving through a parking lot or pulling into traffic on a narrow road. This unfettered secondary access may even improve response time for administrative staff and type-specific apparatus.

Station 70 has the highest call volume in the Department, has direct access to high-risk areas, and stores the most apparatus. The current station needs to be rebuilt and in a location that meets the established criteria without sacrificing crucial elements of emergency response. 95 E 200 N is the best option for rebuilding Logan City Fire Department's Station 70.

Councilmember Jensen expressed his appreciation to Chief Hannig for going back on two occasions and providing additional analysis for the Council.

Chief Hannig said when you consider the footprint, you are within a range of being able to build the station or you aren't. Less than a score of 7, which is what we are currently dealing with isn't a large enough footprint to fit an adequate size of station and provide the parking and training space that is needed.

Chief Hannig said that he consulted with two consulting firms and Gary Stewart who is a senior analyst with a public consulting group. The bulk of the information came from the consulting group who had the suggestion for utilizing our own GIS Department to create the maps and they sent examples of how the reports and maps could be made. One of the points that all of the consultants felt was relative was if we are moving the station a considerable distance a study was a good idea, if we were moving it across the street, a study "it's a no-brainer". He also talked with others who are building new fire stations within the State of Utah, and they all said if they could build across the street rather than in their current location, they would take that opportunity.

Vice Chair Simmonds thanked Chief Hannig for all the work he has done making this presentation.

No further Mayor/Staff Reports were presented.

COUNCIL BUSINESS:

Planning Commission Update – Vice-Chair Simmonds

Vice Chair Simmonds reported that the Planning Commission reviewed a new convenience store that will be built on Highway 89 and 10th West. They also reviewed a new apartment complex that will be built on 400 North between 600 and 700 East in the Campus Residential Zone, this project was approved by the Planning Commission. There is a rezone that was denied by the Planning Commission on 7.25 acres on 600 North 200 West. It was on tonight's Council agenda but was withdrawn by the proponent and will not be discussed at tonight's Council meeting. There was also an agriculture code amendment that will come before the Council as a workshop item on October 5.

ACTION ITEMS:

(Continued from September 7, 2021) - Land Development Code Amendment – Consideration of a proposed ordinance amending Chapter 17.37 “Additional Development Standards” to include a Section on Accessory Dwelling Unites – Ordinance 21-14 – Mike DeSimone, Community Development Director

At the September 7, 2021 Council meeting, Community Development Director Mike DeSimone addressed the Council regarding the proposed code amendment.

RECOMMENDATION

Staff recommended that the Planning Commission recommend **approval** to the Municipal Council of the proposed amendments to Chapter 17.37 of the Land Development Code.

BACKGROUND

This code amendment is in response to HB 82 (10-9a-530) requiring that local governments adopt standards permitting Accessory Dwelling Units in residential areas. The minimum standards established by HB 82 are as follows:

1. An accessory dwelling unit shall only be established in conjunction with a detached, owner-occupied single-family residential dwelling. The residence shall be the owner's primary place of residence (Primary Dwelling).

2. An accessory dwelling unit shall only be established within the footprint of the primary dwelling at the time the accessory dwelling unit is created (Internal ADU) and shall not be rented for less than 30 consecutive days.
3. An accessory dwelling unit shall comply with all applicable building, health, and fire codes.
4. An accessory dwelling unit is prohibited in any other housing type (townhome, duplex, apartment, etc.).
5. An accessory dwelling unit is prohibited in non-owner-occupied single-family dwellings.
6. A municipality may not restrict the construction or use of an ADU based on the size of the internal ADU in relation to the size of the primary dwelling, the lot size, or the street frontage.
7. A municipality may prohibit the installation of a separate utility meter.
8. A municipality may prohibit the change in the appearance of the primary dwelling.
9. A municipality may require one additional on-site parking space and may require the replacement of any parking spaces lost in a garage conversion to an ADU.
10. A municipality may prohibit the creation of an ADU in a mobile home.
11. A municipality may prohibit the creation of an ADU if served by a failing septic system.
12. A municipality may prohibit the creation of an ADU on a lot smaller than 6,000 square feet in size.
13. A municipality may prohibit the rental of an ADU for a period of time less than 30 consecutive days.
14. A municipality may prohibit the rental of an ADU if the ADU is not located in a dwelling that is not occupied as the owner's primary residence.
15. A municipality may require that the owner obtain a business license (Landlord License) authorizing the creation of an ADU.
16. In a municipality with the main campus of a state or private university with a student population of 10,000 or more, the municipality may prohibit ADU's on 67% of the total land area zoned residential and limit ADU's to no more than 33% of the total residentially zoned land.

Accessory dwelling units are being viewed as a quick and easy fix for providing additional affordable housing in a very tight housing market. There is no question that the

region needs an infusion of affordable housing into the housing market; however, the City's position has been that while ADU's may provide some additional affordable housing units short term, given the unique nature of Logan with Utah State University, any gain will be temporary, and the bulk of these units will eventually become student housing that could lead to further degradation of residential neighborhoods surrounding the USU campus.

Most are familiar with the slow and steady decline in homeownership in the Adams, Hillcrest, and Wilson neighborhoods as permanent residents near the university get tired of dealing with the problems that come with large numbers of students, namely over-occupancy and a lack of parking. The owner-occupancy of detached single-family residential dwellings in Adam's neighborhood is approximately 40% while in Hillcrest, the rate of owner-occupancy is much higher averaging around 90%. Although in the older Hillcrest area immediately adjacent to USU, the rate of non-owner occupancy has steadily increased to just over 30%. The following graphic from the Hillcrest Neighborhood Plan shows the 10-year change (2004 - 2014) in ownership patterns.

The slow decline in owner occupancy is proportional to increases in campus enrollment and the resulting demand for student housing. Investors are seeing a demand in student housing and, over the last couple of years, have been picking up residential properties around the campus.

As the ownership makeup changes from occupied owners to investor ownership, neighborhood priorities change. Maintained properties, mowed lawns, and pride of ownership are giving way to higher rates of occupancy, nuisance complaints, parking complaints, weed complaints, and less overall pride in property ownership. Both the Adams and the Hillcrest neighborhood plans specify the need to maintain owner integrity in the residential areas using a variety of techniques that have included zoning, grandfathering, enhanced enforcement, and providing grants for property rehabilitation and down payment assistance.

When this topic was initially being discussed at the State during the 2021 legislative session, Logan City worked very closely with the Utah League of Cities and Towns (ULCT) and other university cities to inform the process of the unique housing pressures that a university town faces and push for local control and a local say in local land-use policies. Logan was concerned about a single standard being developed for application in a variety of different urban areas could have significant negative impacts on our neighborhoods. The provisions requiring owner-occupancy, detached single-family residential dwellings, no short-term rentals, and limiting the scope of ADU's to just 33% of the residentially zoned acreage were directly related to efforts by Logan's residents and

384 elected officials, as well as other university cities, working with the State legislators to
385 find a more equitable compromise.

386
387 To mandate allowance of ADU's in all single-family neighborhoods would be detrimental
388 to those neighborhoods nearest to the University. Over-occupancy and illegal parking are
389 complaints we regularly receive, especially in Adams, Hillcrest, and Wilson, and are the
390 most difficult and time-consuming to enforce. These complaints are a direct result of the
391 incremental conversion of existing single-family residential dwellings into multiple-unit
392 dwellings, both legally and illegally. The USU request put out 50 years ago that
393 homeowners in the adjacent neighborhoods allow students to "live in their basement or
394 their attics" and expressed again during the Planning Commissions 7/22/21 workshop,
395 has led to many unintended consequences that many long-time homeowners are still
396 trying to "undo."

397
398 Logan has responded to the need for more affordable and varied housing as well as
399 concerns over neighborhood degradation through a number of measures and actions.
400 Logan has actively "up-zoned" other areas near downtown or employment centers to
401 encourage more dense development patterns and more affordable housing within a
402 reasonable distance of employment. The Campus Residential zone was created on the
403 west side of campus to encourage dense student housing adjacent to the university where
404 students can live and walk to campus while helping alleviate the pressure on existing
405 housing in single-family areas. Many of the single-family residential areas have been
406 "down-zoned" to preserve the remaining single-family properties and slow the
407 movement away from owner-occupancy towards multi-family properties and investor
408 ownership. Logan reclaimed the park strips that were turned into illegal parking
409 necessary to support legal and illegally converted single-family dwellings lacking
410 adequate space to support their occupant loads. This has forced owners of these
411 substandard units to find alternative parking locations or reduce the overall occupancy of
412 their units. We have provided grant programs to encourage homeownership in the core
413 neighborhoods while offering other grants to aid in the rehabilitation of existing
414 structures. While the provision for ADU's seems like a good idea, it is contrary to many
415 of the efforts undertaken over the last two decades to combat the same concept.
416 It is the City's belief that the unintended consequences associated with Accessory
417 Dwelling Units citywide will far outweigh the perceived benefits of providing affordable
418 housing. We believe it is more important to encourage the construction of affordable
419 housing units in new projects rather than through property conversions in existing
420 residential neighborhoods. For example, the new Homestead project located at 5th West
421 and 2nd North will have 110 affordable units for seniors and another 164 affordable units
422 available for families and individuals whose income does not exceed 60% of the valley's
423 Adjusted Median Income (AMI). Nine (9) of these will be considered ADA units. By
424 incorporating affordable units into a new project like the Homestead, the unintended

impacts of SFR conversions, e.g., parking, neighborhood degradation, loss of residential character, enforcement concerns, etc., can be eliminated and neighborhoods are strengthened.

Planning Commission Workshop - July 22, 2021

At the PC workshop, the Commission reviewed the State requirements and the local options for regulating ADU's available to each municipality. We discussed six (6) different approaches to locating ADU's in Logan based on a variety of criteria, e.g., citywide, proximity to employment, proximity to Main Street & USU, etc. We presented staff's concerns regarding the potential for further neighborhood degradation and the unintended expansion of student housing, especially in those residential areas immediately adjacent to the USU campus. Staff expressed concerns about impacts caused by insufficient parking, over-occupancy, and a loss of residential character. The PC also discussed the potential benefits associated with ADU's including adding affordable housing options to a tight housing market, providing a choice of housing for a wide range of families, utilizing existing infrastructure to support additional housing, and placing affordable housing near employment, transit, or educational opportunities.

The State rules included a provision that a municipality with the main campus of a state or private university with a student population of 10,000 or more may prohibit ADU's on 67% of the total land area zoned residential and limit ADU's to only 33% of the total residentially zoned land.

Logan contains approximately 4,417 acres of residentially zoned acreage. At a minimum, the City has to permit ADU's on at least 1,357 acres of residentially zoned acres (33% of a total land area zoned residential).

Staff presented six (6) different options for where ADU's should be permitted using the 1,357 acres as our baseline and combined that with the minimum requirements of ADU's including residentially zoning, owner-occupied, detached single-family residential, and a minimum lot size of 6,000 square feet.

The six (6) options for locating ADU's that were discussed include:

1. Option 1 - ADU's permitted Citywide on all residentially zoned properties (NR2 - CR) that are owner-occupied, detached, single-family residential dwellings on lot larger than 6,000 square feet. This option included approximately 5,216 individual properties over 4,417 acres (Map A); or
2. Option 2 - ADU's permitted Citywide on all residentially zoned properties except NR-6 that are owner-occupied, detached, single-family residential dwellings on lots larger than 6,000 square feet.

This option included approximately 1,486 individual properties over 2,011 acres (Map 8); or

3. Option 3 - This option drew an exclusionary circle around the Utah State University campus as far as possible until we met the minimum 1,500 acres of residentially zoned parcels. This option permits ADU's on all residentially zoned properties that are owner-occupied, detached, single-family residential dwellings on lots larger than 6,000 square feet. This option included approximately 1,156 individual properties on 1,512 acres as shown on Map C; or
4. Option 4 - This option permits ADU's based on proximity to primary employment centers or transit hubs such as Main Street and USU. This option permits ADU's within 1/2 mile (approximate) of Main Street and USU that are zoned residential and contain owner-occupied, detached, single-family residential dwellings on lots larger than 6,000 square feet. This option included approximately 2,206 properties on 1,509 acres (Map D); or
5. Option 5 - This option permits ADU's based on proximity to primary employment centers or transit hubs such as Main Street and excludes USU. This option permits ADU's within 2 blocks of Main Street that are zoned residential and contain owner-occupied, detached, single-family residential dwellings on lots larger than 6,000 square feet. This option included approximately 951 properties on 1,588 acres (Map E); or
6. Option 6 - This option permits ADU's based on proximity to the USU campus. This option permits ADU's within 1/2 mile of USU that are zoned residential and contain owner-occupied, detached, single-family residential dwellings on lots larger than 6,000 square feet. This option included approximately 2,509 properties on 1,496 acres (Map F).

The consensus of the Planning Commission members present at the workshop was to narrow down the various options of ADU applicability to permitting ADU's citywide in all residential zones along with the following operational standards:

1. An accessory dwelling unit shall only be established within the footprint of a detached, owner-occupied single-family residential dwelling. The residence shall be the owner's primary place of residence.
2. Detached ADU's are not permitted.
3. An ADU shall not be rented for less than 30 consecutive days.

4. An ADU shall comply with all applicable building, health, and fire codes.
5. An ADU is prohibited in any other housing type (townhome, duplex, apartment, etc.).
6. An ADU is prohibited in non-owner-occupied single-family dwellings.
7. Prohibit the installation of a separate utility meter.
8. Prohibit the change in the appearance of the primary dwelling.
9. Require one additional on-site parking space and plus require the replacement of any parking spaces lost in a garage conversion to an ADU.
10. Prohibit the creation of an ADU in a mobile home.
11. Prohibit the creation of an ADU if served by a failing septic system.
12. Require a minimum lot size of 6,000 square feet.
13. Require the owner to obtain a business license (Landlord License) authorizing the creation of an ADU.

STAFF RECOMMENDATION AND SUMMARY

Staff recommended that the Planning Commission continue evaluating the direction of permitting ADU's citywide and consider recommending the initial use of ADU's be applied in a more limited geographic area, such as near downtown where employment and transit are readily available. It may be beneficial to permit ADU's initially in a more limited area, and then determine the actual demand for ADU's based on the levels of licensing and/or enforcement as well as quantify both the positive and the negative impacts. Based on this limited approach, the City could then reevaluate ADU's in 24 months to determine whether an expansion into broader areas of the City is warranted based on demand and impacts.

Regardless of which applicability option the PC recommends to the Municipal Council, staff recommends that the operational standards discussed above carry forward. The requirement that an ADU can only be internal to an existing, owner-occupied, detached, single-family residential dwelling along with licensing and permitting requirements will help to limit the actual numbers of ADU's and contain the overall negative impacts.

GENERAL PLAN

The Land Development Code was prepared and adopted to implement the vision expressed in the General Plan. Many of the underlying goals or premises behind permitting ADU's are competing values when viewed through the lens of the General Plan. Preserving and protecting residential neighborhoods, specifically single-family residential neighborhoods, is a primary goal of the General Plan as many of the core

neighborhoods have experienced decades of neglect. Zoning strategies that have been implemented since the Plan was adopted has reinforced this goal. Adding ADU's, which can become de-facto "duplexes," into residential neighborhoods is contrary to maintaining the character and nature of single-family neighborhoods. Whereas providing additional affordable housing for a wide range of residents and incomes, which some ADU's will do, is also a goal of the General Plan. And permitting ADU's in traditional single- family areas may open up homeownership to a wider range of families as rental income can be used to support mortgage payments. As the Planning Commission works through this issue, they need to be aware of the competing values and goals.

PUBLIC COMMENTS

Public comments received prior to the preparation of this report will be included as an attachment. Any other comments will be forwarded to the Planning Commission.

PUBLIC NOTIFICATION

Legal notices were published in the Herald Journal on 7/31/21, posted on the City's website and the Utah Public Meeting website on 8/2/21, and noticed in a quarter-page ad on 7/24/21.

AGENCY AND CITY DEPARTMENT COMMENTS

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

RECOMMENDED FINDINGS FOR APPROVAL

The Planning Commission based its decisions on the following findings:

1. Utah State Law authorizes the local Planning Commission to recommend ordinance changes to the legislative body (Municipal Council).
2. The Code Amendments are done in conformance with the requirements of Title 17.51 of the Logan Municipal Code.
3. Certain elements of the proposed Code Amendments are consistent with the Logan City General Plan.
4. The proposed Code Amendments to include Accessory Dwelling Units in residential areas is being mandated by the adoption of HB82 by the Utah State Legislature during the 2020 session.
5. The Planning Commission held a public workshop on July 22, 2021 to review Accessory Dwelling Units.
6. Public comment was offered during the 7/22/21 public workshop and again during the 8/12/21 public hearing.

On August 12, 2021, the Planning Commission recommended to the Municipal Council **approval** of the following Land Development Code Amendments:

Land Development Code (LDC) Chapters 17.37.070 Accessory Dwelling Units (Internal).

Planning Commissioners vote (7-0):

Motion: S. Goodlander Second:

Yea: J. Guth, S. Goodlander, R. Croshaw, R. Dickinson, J. Lucero, D. Lewis, K. Heare

Abstain: none **Nay:** none

Community Development Director Mike DeSimone addressed the Council and said a decision on the ADU ordinance needs to be made prior to the end of this month otherwise we will default to State law which will put ADU's all over the map, all over the City.

Mr. DeSimone stated at the September 21 Council meeting he reviewed six maps and since then an additional map has been added. The new map with the guidance from Council is to exclude the CORE Neighborhoods which refers to the older historic neighborhoods (Adams, Wilson, Ellis, a portion of Bridger and a portion of Woodruff). This resulted in 2,476 acres or 3,086 eligible homes. He said Adam's is the densest neighborhood in the City and Woodruff is the least dense because it's much more spread out.

Chair M. Anderson said his thought was to look at areas that are less than 30% of rental properties. His first thought was to make it more equitable across the City but maybe it's not the best way. He's also heard from several that live in the Adam's Neighborhood that they don't want ADU's because their housing area is already so dense.

Chair M. Anderson thanked everyone for their comments from those who support ADU's and those who don't support ADU's. There are strong opinions that go both ways in every neighborhood and it's a hard decision for the Council to make.

Councilmember A. Anderson commented that ADU's have a place in our community but it's not a panacea for housing affordability and housing accessibility issues that we have. This has to just be one problem of an approach and then trying to find that balance between more affordable housing and people's concerns about preserving their neighborhoods.

Chair M. Anderson feels the only way we encourage more affordable housing is if we have more housing. There is a demand so if we can increase our inventory that will help a lot.

Councilmember A. Anderson said the type of home will also be important and the type of ADU's that we are discussing which, are internal. It cannot be an ADU if you have a home without a basement with one entrance and no garage and so constructing an ADU is not going to be simple. No matter where the ADU's are placed, it won't open up every single home to be eligible when you look at parking restrictions and taking everything into consideration.

Councilmember Jensen said we can always add neighborhoods to the ADU's, and we don't have to do it all at once. He recommended that the City start on a smaller scale implementing ADU's rather than citywide. He feels that ADU's can be an enhancement to a neighborhood. He talked with a few mayors in adjoining cities in Cache County, and they really don't have the same situations as we do here in Logan. He is also concerned about a turnover and if someone has a legitimate ADU and the owner passes away or moves then the property flips and that becomes an enforcement problem. He also feels there could be parking problems. He suggested after reviewing all of the ADU maps to select Map #1 which is 200 East to 1600 East and roughly 300 South and to the Logan River up to 1400 which is excluded. The advantages he sees with this option is that it includes some of Hillcrest, some of the Island area and some of Cliffside and the West side as well. The Council has heard from the Adam's Neighborhood that they don't want ADU's in their area.

ACTION. Motion by Councilmember Jensen seconded by Councilmember A. Anderson to adopt Ordinance 21-14 with the Small USU Buffer MC1 map.

Councilmember Lopez stated that taking into consideration all the emails from the Hillcrest area he too is in favor of the MC1 map.

Mr. DeSimone said the way ADU's would be tracked would be with an annual license renewal.

Councilmember A. Anderson said the Council will also want feedback from those residents living in the area or from the neighborhood councils of those living in the areas where there are ADU's to know how they are being affected and if there are problems that need to be addressed. She also asked Mr. DeSimone if it's possible to have a deed restriction when people come in for ADU's that upon sale or transfer of the property, a title search of that documentation knowing the regulation is honored that it has to be involved as an ADU. Not everyone looks at those documents but, from a city standpoint when it comes to enforcement and if there were a title search that had a deed restriction it would make it very clear when it came time for any enforcement.

Assistant City Attorney Carlston said that State code gives the City a limited number of regulations that we can have and those are specified in State Code, and it could be deemed the regulation may not be permitted but is something that we would need to look at closer.

Councilmember Jensen said he would welcome ADU's in his neighborhood and there are those in his area that are elderly and would like to have companionship and possibly a little extra income having an ADU in their home.

Vice Chair Simmonds said she has served on the City Council for eight years and the Planning Commission six years prior to the Council. She has seen a lot of "bad actors" in this town. She feels there are a lot of not very good landlords and a lot of places that she would shudder to have one of her children live in. She wants to increase density and wants to increase opportunities, but she also seen the bad actors. She has also seen the difficulty that the City has in regulating that because the State Legislature regularly takes away our ability to inspect. If there was a life safety issue you have to first make a complaint, then we send out an enforcement officer and then we have to hope somebody is home. We have to try and determine whether or not we can look inside the dwelling because the person has to allow the City to look and if it's something terrible, we might have to get the Health Department involved and it can take a year or longer to resolve. She is in favor of the small buffer as well but, she needs everyone to understand that we have to be able in 12 or 18 months to check whether people are actually getting a license, getting their unit inspected, being "good actors" in our community because we are not going to immediately get rid of the bad ones. If we can make ADU's in our community attractive and desirable maybe that will change the attitude of the bad actors and they will have to face the consequences.

Vice Chair Simmonds continued and said that she lives in the area of 100 North 100 East and lives on the fringe of the Adams Neighborhood. She has been part of this neighborhood since 1995 and she has seen what can happen when over and over again homes are sold. She feels we need to embrace the opportunity, recognize the challenges, and try and mitigate the bad outcomes. The way we can do that is to create a buffer and the Adams Neighborhood has been overrun with rentals and bad actors probably more than any place else in this community because of its proximity to Utah State University.

Councilmember A. Anderson said it's interesting that every single university town asks for a buffer and other communities without it didn't and in talking to other cities, and other States that have university towns, this is a concern. ADU's are a concern for university towns so it's not just neighborhood fears, there has to be reasons that communities like Logan are concerned about doing community-wide ADU's.

Chair M. Anderson asked does this protect the Adam's Neighborhood enough.

Councilmember A. Anderson responded when you look at some of the reasons for doing the identification for housing its near the transit centers and when you take out the Adam's Neighborhood, that area is near our transit center, and it would be excluded.

Chair M. Anderson also asked does it exclude too much of the Hillcrest Neighborhood.

Councilmember A. Anderson responded that the Council can review this again and add more neighborhoods in the future.

Mr. DeSimone said 12-18 months is a good time for the Council to review ADU's again and make changes if needed.

Mr. DeSimone said according to State law it states the license would go with the owner with that property so once you transfer the property then the new owner needs to come in and get a new license. In regard to the deed restriction, he said it would be more like a standard notification and he does not feel this would violate State law. You would be putting people on notice that this property has an ADU permit to go with it.

Mr. DeSimone said you can't be any more restrictive than what is being proposed in the ordinance before the Council because it follows the State law. Once the Council agrees on the applicability then it's tied to a detached, owner occupied single-family residential dwelling, so they have to certify when they apply for the permit. This is their primary place of residence and there are IRS criteria that we can add as well. We can have them sign under a notice of perjury.

Mr. DeSimone said in some cases a building permit will be needed in the case where a house has a basement with a separate entrance it may not require anything additional. Most will require a building permit, but not all.

Mr. DeSimone clarified that the Council wants to consider a detached owner occupied, single family dwelling. It has to be within the footprint of the primary dwelling, no detached garages. An ADU needs to comply with all building, health, and fire codes. A building permit generally will be required. They also want to require that it does not change the appearance of a single family dwelling so you cannot make it into a duplex and cannot have a distinct building where its two separate units. There has to be one additional parking stall for the ADU outside of the setbacks and it cannot be within the front setback. It can't be in the front yard and has to be a legitimate legal parking stall. No ADU's in a manufactured or mobile home. Cannot use an ADU as a short term rental,

has to be three days or longer. Has to get a landlord license or business license from the City for an ADU and are prohibited from installing a separate utility meter.

ACTION. Motion by Councilmember Jensen seconded by Councilmember A. Anderson to adopt Ordinance 21-14 with the Small USU Buffer MC1 map to review in 18 months. Motion carried unanimously.

(Continued from August 17, 2021) – Consideration of a proposed resolution approving a Telecommunications Franchise Agreement between the City of Logan and Comcast – Resolution 21-43 – Craig Carlston, Assistant City Attorney

Assistant City Attorney Craig Carlston addressed the Council and stated that additional changes are needed in the Comcast Franchise Agreement which will require more time needed for review of the document before it is ready for Council approval. He suggested that the Council not continue to a date specific at this time as it could take several months.

ACTION. Motion by Councilmember Jensen seconded by Vice Chair Simmonds to continue Resolution 21-43 as presented. Motion carried unanimously.

PUBLIC HEARING - Budget Adjustment FY 2021-2022 appropriating: \$9,000 a grant the Parks and Recreation Afterschool Program was awarded this fiscal year to be used to support After School Programs in the Hillcrest and Wilson Schools; \$65,000 a grant the Fire Department received from the State of Utah to be used to help pay for part time firefighter wages; \$2,780 funding the Communication Center received from the State of Utah for the EMS FY2022 grant to be used for medical related training for personnel; \$7,500 a donation received by the Police Department to be used for first aid kits; \$9,618 a grant the Fire Department received from the State of Utah to be used to purchase EMS equipment and for training of fire personnel; \$50,000 a grant the Parks and Recreation Afterschool Program was awarded this fiscal year to be used to support After School Programs in the Adams, Bridger, Ellis and Woodruff Schools; \$40,000 funds the City will receive from Cigna to be used to promote wellness among the City employees with activities, newsletters, and other wellness programs; \$14,929,958 funds for the completion of the Library project – Resolution 21-47 – Richard Anderson, Finance Director

At the September 7, 2021 Council meeting, Finance Director Richard Anderson addressed the Council regarding the proposed carry forwards.

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

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

ACTION. Motion by Councilmember A. Anderson seconded by Councilmember López to approve Resolution 21-47 as presented. Motion carried unanimously.

PUBLIC HEARING - Consideration of a proposed American Rescue Plan Act Resolution to expend funds in support of the following significant Capital Projects: 1) \$9,000 for Administrative Support through the League of Cities and Towns; 2). \$7,000,000 for Fire Station 70; 3) \$6,806,781 for the Bluff Water Storage Tank Project. If any project or portion thereof were subsequently deemed ineligible, all remaining funds would be shifted to the Bluff Water Storage Tank Project – Resolution 21-46 – Richard Anderson, Finance Director

At the September 7, 2021, Finance Director Richard Anderson addressed the Council regarding the proposed resolution and explained the following which was also provided to each of the Council in a memo.

American Rescue Plan Act of 2021 Fire Station 70 Justification

On March 11, 2021, The American Rescue Plan Act of 2021 (ARP) was signed into law by President Biden to provide \$350 billion in emergency funding for eligible State, local, territorial, and Tribal Governments. The Department of the Treasury subsequently released detailed guidance in an interim rule published in the Federal Register dated May 17, 2021.

Existing Station 70

The Logan City Fire Department is the primary and sole EMS pre-hospital provider for the City of Logan, and under contract for the same emergency medical services to several neighboring communities (North Logan, Providence, and River Heights). The Fire Department's ability to respond is critical for the health and wellbeing of the citizens of these communities. The station design and function should reflect the ability to be a hub for emergency response and recovery. During the COVID-19 pandemic, Station 70 has also been used as a primary source of vaccine distribution.

COVID-19 has been an awakening toward the current station concerns regarding employee safety, operational efficiencies, and adequate space and configuration for healthy first responders. COVID-19 presents significant challenges to maintaining emergency medical operational viability in the face of the COVID-19 pandemic.

Government Technology recently published an article written by Jim McKay entitled "COVID-19 Sparks Innovative Designs for 'Ideal' Fire Station". He suggests the ideal fire station would be able to mitigate the onset of pathogens, like COVID-19, with advanced HVAC systems,

decontamination, and isolation rooms, as well as address social distancing and serve the community by providing surge capacity for mass vaccinations that could be used during other disasters, including natural hazards and civil unrest. Station design should incorporate FEMA criteria for critical infrastructure and spaces to resist a threat. They also should include elements that protect the mental health of firefighters. The additional stress associated with COVID-19 for Fire/EMS personnel was extreme. Multiple times every day during the pandemic crews have been exposed to contaminants, infected patients, and the stress of properly disinfecting equipment to avoid exposure. Those risks of exposure and re-exposure were compounded when they returned to Station 70 without proper decontamination rooms, ventilation systems, and effective separation between operations and living quarters. The inability to isolate due to limited space or the isolation due to limits to air quality, both increase anxiety.

Furthermore, the U.S. Fire Administration is conducting a 5-year study on the impacts of COVID-19 on first responders. Research from the University of Maryland and Second Sight Training Systems analyzed over 500 publications related to the impacts the pandemic had on first responders. In their findings, factors shown to influence exposure rates included, “adjustments to physical space, ...and improving ventilation”, both of which require a larger station with an improved ventilation system. Neither of these enhancements can be adequately addressed in the current footprint.

Why can't the station be upgraded to meet these standards?

Station 70 has been used during the COVID-19 pandemic for vaccine administration utilizing the station bays. While this location, replete with the same challenges found in any garage including but not limited to dirt, grease, and diesel exhaust contaminants, certainly wasn't optimal, there wasn't adequate space anywhere else to accommodate such an undertaking.

One of the major concerns and flaws of the current design, besides adequate ventilation, and filtration, is the cross contamination of emergency response crews and administrative/prevention staff. The current design doesn't allow for separation between staff. Neither proper social distancing nor isolation are possible in the current station, leaving us vulnerable to rapid spread and cross contamination. A new station could provide detailed zoning spaces for isolation to limit hazardous elements and contaminants in the living spaces. These zones are considered best practices that the existing station cannot accommodate. Furthermore, current high touch surfaces are inadequate to limit or contain the spread of COVID-19.

Furthermore, Station 70 was constructed in the early 1970's prior to reinforced steel being required and used in masonry construction. Even with the seismic upgrades in the early 2000's the building is still subject to major damage in an earthquake or natural disaster (a 5.7 magnitude earthquake struck Salt Lake City on March 18, 2020, at the beginning of the COVID-19 pandemic damaging many buildings and structures).

864 According to Cartwright Engineers regarding existing station 70, "The building does not currently
865 meet the requirements to qualify for the Immediate Occupancy seismic performance level, which
866 would allow it to be occupied and utilized directly following a design earthquake event." This is a
867 major concern and further precludes the option of upgrading the current building.

868 Due to the masonry block design and structure, it also doesn't allow for increasing space, nor is it
869 reasonably possible to effectively redesign the structure to prevent cross contamination of crews
870 and staff during daily operations.

871 Outdated ventilation configurations, poor energy efficiency, seismic concerns, and a fixed
872 footprint are all barriers to remodeling the current building.

873 Again, the COVID-19 pandemic has exposed more building design flaws that have equally
874 devastating consequences to our staff and emergency response crews.

875 Another complication and possibly the greatest challenge to a remodel is trying to maintain
876 adequate and appropriate emergency response capabilities while renovating a building.

877 Based on the above factors, we have determined that it would not be operationally feasible nor
878 economically viable to renovate station 70.

879 **A New Station 70**

880 A new building will provide larger workspaces for social distancing, decontamination and
881 isolation areas, technologically improved ventilation systems, proper construction material
882 surfaces, areas for vaccination clinics, and improved access and egress for employee health and
883 safety, all of which are not possible under the current configuration. Furthermore, all of these
884 improvements are necessary to adequately address operational functionality during the COVID-
885 19 pandemic. Finally, building a new fire station in a new location will address these concerns
886 without disrupting critical emergency response services.

887 **Conclusion**

888 Per the interim rule, Logan City has identified the **need of a new main fire station 70** to maintain
889 **pandemic operational viability**. Without the new station, we are not certain that we can
890 maintain operational viability should the COVID-19 pandemic surge. The new station will address
891 all current COVID-19 concerns. We believe that this investment in infrastructure will address a
892 specific pandemic public health need (e.g., **operational viability of emergency medical services**
893 **in Logan City and the surrounding areas, as well as adequate space to perform vaccinations**).

894 Based on this analysis and interim rule guidance (and relying on the **broad latitude** granted in
895 the interim rule) and also considering the State of Utah guidance regarding ARP projects, we

believe that the replacement of Fire Station 70 does qualify as an ARP eligible project and should be proposed by the Mayor and subsequently approved by the Logan City Municipal Council.

Specific Proposal to Council

1. *Build a new station 70 in close proximity to existing station 70.*
2. *Use Logan City capital funds to acquire the land, selling existing station 70 land and building to assist with the land acquisition.*
3. *Use ARP funds to construct the new Station 70 to meet pandemic operational needs, estimated to be \$5.5 to \$7.5 M.*

American Rescue Plan Act of 2021 Water Storage Tank Justification

Based on this guidance (both Treasury and State of Utah), Logan City has analyzed whether the necessary design and construction of the Bluff Water Storage Tank and associated water piping would be a qualifying project under ARP.

Analysis of Project

The City of Logan completed an update to its Water Master Plan in 2016. Within that plan is an analysis of the City's culinary water storage needs and situation. Using guidelines from the Utah Division of Drinking Water and Utah Administrative Code R309, a deficiency in water storage has been documented. The top priority storage project within the Master Plan is the Bluff Water Storage Tank and the associated transmission piping. This project is a major part of reducing the current water storage deficiency and increasing the reliability and availability of the City of Logan's culinary water system.

Conclusion

*Per the interim rule, Logan City has identified the **need of constructing the Bluff Water Storage tank and associated supply piping** to maintain a supply of clean drinking water. This project will provide storage for a pressure zone that currently has no directly connected storage, provide redundancy to another pressure zone, significantly improve conveyance restrictions, and stabilize pressures within an area that experiences low water pressures during peak demands. We believe that this investment in infrastructure will address a specific pandemic public health need (e.g., **improving the availability of clean drinking water**).*

*Based on this analysis and interim rule guidance (and relying on the **broad latitude** granted in the interim rule) and also considering the State of Utah guidance regarding ARP projects, we believe that the design and construction of the Bluff Water Storage Tank does qualify as an ARP eligible project and should be proposed by the Mayor and subsequently approved by the Logan City Municipal Council.*

930 ***Specific Proposal to Council***

- 931 4. *Design and construct the Bluff Water Storage Tank estimated to cost more than*
932 *\$20,000,000*
933 5. *Use ARP funds to partially offset construction costs estimated to be \$6.5 M or all*
934 *available funds after the construction of a new Fire Station 70.*

935
936 **Contingent Project Eligibility**

937 *While we strongly believe based on treasury guidance and our analysis that the Fire Station 70*
938 *project does meet ARP eligibility, the Finance Department intends to also accumulate qualifying*
939 *expenses from water, sewer, and stormwater projects during the qualifying time period as well.*
940 *Thus, in the unlikely event that subsequent audits reach a different conclusion regarding Fire*
941 *Station 70, the City could submit the accumulated water, sewer, and stormwater project invoices*
942 *as secondarily eligible qualifying expenses in place of the Fire Station project expenses.*

943 Mr. Anderson summarized the appropriation of the funds from the American Rescue Plan
944 Act for two specific projects, the new Fire Station 70, and the Bluff Water Storage Tank.
945 All remaining funds left over from the completion of Fire Station 70 will be used to
946 complete the Bluff Water Storage Tank. The Council has received studies from the
947 Finance Department Staff, the Fire Department, and the Water Department staff to show
948 that the two projects comply with the requirements of the grant. It is being requested that
949 Council publicly agree that these funds can and should be used for these two projects.
950 The projects are in a specific order as this is merely an estimate of what the Fire Station
951 may cost. It is anticipated in the future to adjust the amounts between the two projects,
952 but the intent is once the construction of the Fire Station is completed. The purchase of
953 land will come from other funds including the potential sale of the existing Fire Station.
954 After a study, staff has determined that these two projects are necessary and important
955 not only to fight Covid-19 and future effects, but also to place the City in a position to be
956 capable of further responding.

957
958 Vice Chair Simmonds said she received an email from a resident who stated that this
959 money should be used to create low income housing.

960
961 Finance Director Rich Anderson responded that he would have to find out in what way it
962 would qualify but the problem is that it would only support a specific segment of the
963 population and there are specific guidelines for the use of those funds.

964
965 Mayor Daines said the other issue to be concerned about is the timing because these
966 funds need to be appropriated and used within a certain period of time. Given all the
967 capital money that's coming from the American Rescue Plan and the Infrastructure Bill,

968 it will create a real demand on construction as well and it will be interesting to see if there
969 are enough contractors to go around. We would like to get our projects moving as soon as
970 possible so we can utilize those funds. She said that everybody drinks water, and
971 everybody needs public safety whether they utilize it or not.

972
973 Vice Chair Simmonds said the water tank is mandated by the State, so we have to build
974 it. The American Rescue Plan funds are an opportunity for the City so we don't have to
975 increase water rates and it will help pay for the tank.

976
977 Mr. Anderson said we have several capital projects that are stacking up in the near future
978 and we anticipate that we'll have to bond for the next capital project after the storage tank
979 is built. There is a possibility because of this infusion that we may be able to bond for
980 less or we may be able to avoid bonding and we don't save the capital cost, but we save
981 the financing cost which is not insignificant. The first priority is to the fire station and the
982 second is to build the water tank. Right now, we are spending money on the water tank
983 and that is why he requesting to get this funding in place and get things going now.

984
985 Councilmember Jensen said he would hope that the City would not build low income
986 housing and feels it should be privately built.

987
988 Chair M. Anderson opened the meeting to a public hearing.

989
990 Logan resident Bryson Wilkes addressed the Council. He lives on 100 East and he
991 addressed the fire station that is being built and the \$7 million dollars that is being
992 appropriated for the new station. He referred to an email that was sent to the Council and
993 asked that they take that email into consideration and said yes, there was consulting done
994 but it was based off of a predetermined solution not a true evaluation of what that truly is,
995 and he would like the Council to take that into consideration at this time.

996
997 Logan resident Rebecca Sharp addressed the Council, she lives on 229 North 100 East and
998 she is one of the properties being proposed for demolition if a new fire station is built in
999 this location. She said according to the information that Chief Hannig provided, her
1000 property which is four parcels of land, three homes and a fifth partial parcel, it is listed as
1001 under \$1 million dollars. According to the information Chief Hannig provided, a one for
1002 cost is less than \$1 million dollars to acquire and she asked the Council to explain
1003 because she knows it's much greater than that to acquire.

1004
1005 Mayor Daines responded that she was considering that we would sell or trade the existing
1006 fire station so that will offset the cost of whatever we do.

1007

Ms. Sharp stated that if a trade is being proposed that's not at no cost and it should also be factored in. It should also be public knowledge if a trade is being proposed to one of the properties that is greater than market value than what is being traded that should also be factored into the cost.

Mayor Daines commented that anytime the City does trade sales we get appraisals and it's done publicly.

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

Councilmember A. Anderson asked is \$7 million dollars enough for the project and does that include the land acquisition estimate or is that just the construction cost

Mr. Anderson responded the \$7 million dollars is just for construction. The only thing being paid for with the American Rescue Plan funds is the construction of the fire station. Whether we sell a station or acquire property those are all going to be separate issues. He has tried to unencumber the federal funds from anything that might happen with those issues. The anticipation is we will have to appropriate funds from capital reserves to department shares. The anticipation is that we will sell the current fire station once the new station is complete and we do have estimates for what we would bring in from the sale of the station and that would be used or deducted from the amount that we would expend from capital funds. Any remaining funds will go to the water funds and any adjustments will come before the Council.

ACTION. Motion by Councilmember Jensen seconded by Vice Chair Simmonds to approve Resolution 21-46 as presented. Motion carried unanimously.

PUBLIC HEARING - Thornley Dental Rezone – Consideration of a proposed ordinance rezoning 1.2 acres of property located at 195 South 100 East from Traditional Neighborhood Residential 6 (NR-6) to Town Center-2 (TC-2) (Wilson Neighborhood) - Ordinance 21-15 – Russ Holley, Planner

At the September 7 2021, Council meeting Planner Russ Holley addressed the Council regarding the proposed rezone.

RECOMMENDATION

Staff recommended that the Planning Commission recommend **approval** to the Municipal Council for a Rezone of approximately 1.2 acres of property located at 195 South 100 East (TIN# 02-047-0022) from Traditional Neighborhood Residential 6 (NR-6) to Town Center 2 (TC-2)

1048 *Land use adjoining the subject property*

<i>North:</i>	MR-20/TC-1: Vacant	<i>East:</i>	NR-6: Residential Uses
<i>South:</i>	NR-6: Residential Uses	<i>West:</i>	TC-2: Commercial Uses

1049
1050 **PROJECT**

1051 The proponent is requesting to rezone one (1) parcel that is approximately 1.2 acres located at the
1052 northwest corner of the intersection of 100 East 200 South. The rectangular-shaped lot currently
1053 contains a red-brick church that was built in 1945. An asphalt parking lot is located west of the
1054 church building and landscaping currently exists east and south of the building. In this part of the
1055 Wilson Neighborhood, 100 East generally acts as the border between older residential homes to the
1056 east and downtown commercial to the west. This block currently contains several commercial
1057 buildings fronting on Main Street and Garff Wayside Gardens on the northern portion of the block.
1058 The L59 multi-family housing project was recently approved on the vacant area directly north of
1059 this site.

1060
1061 **GENERAL PLAN**

1062 The Future Land Use Plan (FLUP), adopted in 2008, identifies this property as Town Center (TC).
1063 The General Plan, a nonregulatory visioning plan, describes TC as the designation for Logan's
1064 downtown. As the central hub for both Logan and the entire valley, downtown will have a mix of
1065 retail, residential, civic, cultural and entertainment uses. TC areas will contain quality civic spaces
1066 and gathering areas.

1067
1068 **RECOMMENDED FINDINGS FOR APPROVAL**

1069 The Planning Commission bases its decision on the following findings supported in the
1070 administrative record for this project:

- 1071 1. The Logan City FLUP identifies the area as TC to accommodate future downtown
1072 growth.
- 1073 2. The Downtown Specific Plan does not contradict this proposal.
- 1074 3. The property will be demolished based on the owner's conditions and thus should be
1075 considered a vacant parcel when considering future land use.
- 1076 4. This land and location are well suited for downtown commercial uses rather than single-
1077 family uses.

1078
1079 On August 12, 2021, The Planning Commission recommended that the Municipal
1080 Council **approve** the Thornley Dental Rezone.

1081
1082 Mr. Holley summarized the rezone request along with location and potential rezone
1083 impact. He stated that the original application was for a rezone to TC-1. The Planning
1084 Commission through their process amended that application and recommended TC-2.
1085 The applicant agreed to the amendment and was presented to the Council for their
1086 consideration.

Mr. Holley stated the main concerns from the public were from the residential areas to the East and how do you step down that intensity of TC-1 and that is why TC-2 was suggested. It is much lower in height and in density and the applicant has always indicated both in writing and at the meeting that his intention is to build a dental office likely a single story, maybe a two-story and possibly medical suites to go along with this but he has never stated that his intention is a large high rise apartment complex. The applicant did indicate that he might have one caretaker type of unit but not a multi-family complex. The L59 project expiration date is February 2022 when that project entitled will expire if we don't have building permits prior to that date. Because the proposed area is adjacent to NR-6 the setbacks are going to be 25 feet because it will match NR-6 across the street. With the Commercial Zone it opens up a wider range of uses that might not be as compatible with homes across the street where the TC-2 is more limited in those Commercial uses.

Mr. Holley clarified that TC-1 is 70 units per acre and buildings can go up to 80 feet tall. TC-2 is 30 units per acre and buildings can go up to 45 feet tall. But, because this is across the street from NR-6, there is a height transition so you can only start at 35 feet and then terrace up as you go further away from the single family zone. In the case of the dental office, there is single family to the South and to the East. Mixed-Use has a bonus option and is 55 feet tall. The current zone is NR-6.

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

Logan resident Gail Yost addressed the Council and she lives half a block from the proposed dental office. She objects to having any Town Center in her residential area because the Future Land Use Plan (FLUP) has already decided that everything on her block is supposed to be Commercial. She said the neighborhood fought so hard to get the L-59 project back from 100 East and to get the townhomes instead of apartments. She is not disputing the need to have the church taken down because it had too much damage from last year's earthquake and the building is unsafe. She does not object to a dental or medical offices but, she personally objects that if we have a Town Center or a Town Center 2 and with all the parking that will be required for dental and medical offices and all the setbacks that are going to be required that there is not going to be enough room for them to have a lot of height anyway.

Proponent Dr. Mark Thornley addressed the Council and said he is favor of the rezone. Initially he requested TC-1 only because it was on the Future Land Use Plan and said it does not matter to him as long as he can build a dental office, possibly medical offices, and apartment for a caregiver. His current dental office is on 100 East 200 North and is TC-2. It is a small office and parking is a big issue. The plan for his new office is to have plenty of parking for his clients.

1129
1130 There were no further comments and Chair M. Anderson closed the public hearing.

1131
1132 Councilmember Jensen said he is sympathetic to what Dr. Yost has said and asked why
1133 we can't give the zoning adequate to what Dr. Thornley needs but not something that
1134 might cause additional stress to the neighborhood.

1135
1136 Councilmember A. Anderson said her understanding is Commercial in TC-2 is not that
1137 different in terms of the height and maintenance. She feels that whatever it is zoned and
1138 whoever has the property can do that. It's not that she doesn't trust Dr. Thornley but,
1139 historically there have been projects that have been brought forward and then that project
1140 has been exchanged and something else has been put in its place. She will always be
1141 cautious about a zone for a specific project as opposed to zoning to what makes sense for
1142 the future of the City and the future of the neighborhood.

1143
1144 Vice Chair Simmonds explained that Mixed-Use is actually denser and can have more in
1145 it than TC-2. What she doesn't want to happen is if we rezone TC-2 that we don't have
1146 creep going in any direction based on that TC-2. That could happen with Mixed-Use as
1147 well.

1148
1149 Mr. Holley stated that TC-2 wasn't in existence until a few years ago and the decision
1150 was to break up the Town Center into a bigger and more intense core and a smaller and
1151 less intense fringe. It all goes back to the General Plan in trying to keep the City/City and
1152 the Country/Country and how do we accommodate our growth. We are a fast growing
1153 State and the FLUP and the General Plan anticipates growth, and it anticipates growth in
1154 the Town Center area.

1155
1156 Mr. Holley said there is a Neighborhood Center Zone which is geared very small for
1157 example the Island Market. There is also the Community Commercial Zone where Dwell
1158 Realty is located on 200 West 1200 North and allows for medical with a conditional use
1159 permit, but the Council also needs to consider the long term use.

1160
1161 Planning Commissioner Sandi Goodlander addressed the Council and said when this
1162 project came to the Planning Commission her concern was the original request was for
1163 TC-1 and she knew what was planned for the location but once it was zoned it was out of
1164 their hands and they could not restrict the zoning. The Planning Commission was first
1165 looking for something that would first meet the needs of the property owner but also
1166 make sense for the City. The Planning Commission discussed Mixed-Use and
1167 Community Commercial, and both would still allow Dr. Thornley to do what he wants to
1168 do but, the Mixed-Use would allow for a higher density if he sold the project to
1169 somebody else, they could put in more housing which would require more parking. The

Planning Commission felt after looking at all the parameters to keep it cohesive with the plan of the City to protect the neighborhood with 25 foot setbacks, low density and still allow the dental office to be built. She doesn't feel if it were Community Commercial that it would make a significant difference to encroachment or to somebody using that as a precedent.

ACTION. Motion by Councilmember A. Anderson seconded by Councilmember López to adopt Ordinance 21-15 as presented. Motion carried 4-1 (Simmonds voted nay).

(Request to continue to the October 5, 2021 Council meeting) - Hoggan Rezone – Consideration of a proposed ordinance rezoning 6.62 acres located at 1800 South 1600 West from Traditional Neighborhood Residential (NR-6) to Mixed Residential Low (MR-12). Bradley Hoggan/Bradley R. & Cathy P. Hoggan, authorized agent/owners, are requesting the rezone in order to develop a 71-unit townhome community on the site (Woodruff Neighborhood) – Ordinance 21-16 – Russ Holley

Planner Russ Holley addressed the Council regarding the proposed rezone and explained the proponent requested to continue the rezone to October 5, 2021.

ACTION. Motion by Vice Chair Simmonds seconded by Councilmember Jensen to continue Ordinance 21-16 to the October 5, 2021 Council meeting as presented. Motion carried unanimously.

PUBLIC HEARING - Code Amendment – Consideration of a proposed ordinance amending Chapter 17.42 “Conditional Use Permits” to reflect changes in Utah State Code regarding the approval of Conditional Use Permits – Ordinance 21-17 – Mike DeSimone, Community Development Director

At the September 7, 2021 Council meeting, Community Development Director Mike DeSimone addressed the Council regarding the proposed rezone.

RECOMMENDATION

Staff recommended that the Planning Commission recommend approval to the Municipal Council of the proposed amendments to Chapter 17.42 of the Land Development Code.

REQUEST

This is a proposal for a minor amendment to the Land Development Code (LDC) updating the Conditional Use Permitting criteria. This code amendment is in response to HB 409 (10-9a-507) passed during the 2021 Utah State Legislative session clarifying that

1212 local governments shall be using "objective" standards in deciding CUP's. The proposed
1213 changes to Chapter 17.42 are attached.

1214
1215 **STAFF RECOMMENDATION AND SUMMARY**

1216 The proposed changes to the Land Development Code are minor in nature and help to
1217 clarify certain substantive and procedural issues associated with Conditional Use Permits.
1218 Staff would recommend that the Planning Commission forward a recommendation of
1219 approval to the Council for their consideration.
1220

1221 **RECOMMENDED FINDINGS FOR APPROVAL**

1222 The Planning Commission based its decisions on the following findings:

- 1223 1. Utah State Law authorizes local Planning Commission to recommend ordinance
1224 changes to the legislative body (Municipal Council).
1225
1226 2. The Code Amendments are done in conformance with the requirements of Title 17.51
1227 of the Logan Municipal Code.
1228
1229 3. The proposed Code Amendments are consistent with the Logan City General Plan.
1230
1231 4. The proposed Code Amendments are in response to changes made to Utah Code 10-
1232 9a-507 adopted in HB407 by the Utah State Legislature during the 2021 session.
1233

1234 On August 26, 2021, the Planning Commission recommended that the Municipal Council
1235 **approve** the Land Development Code Amendments.
1236

1237 Community Development Director Mike DeSimone summarized the changes required to
1238 reflect the update State changes in the City's code.
1239

1240 Chair M. Anderson opened the meeting to a public hearing.
1241

1242 There were no comments and Chair M. Anderson closed the public hearing.
1243

1244 **ACTION. Motion by Vice Chair Simmonds seconded by Councilmember Jensen to**
1245 **approve Ordinance 21-17 as presented. Motion carried unanimously.**
1246

1247 **PUBLIC HEARING - Code Amendment – Consideration of a proposed ordinance**
1248 **amending Chapter 17.10 “Specific Development Standards: District and Corridor**
1249 **Zones” to establish the ratio of commercial and residential uses in a Mixed-Use**
1250 **project in the Commercial Zoning District – Ordinance 21-18 – Mike DeSimone**
1251

At the September 7, 2021 Council meeting, Community Development Director Mike DeSimone addressed the Council regarding the proposed language change in the rezone code.

RECOMMENDATION

Staff recommended that the Planning Commission recommend approval to the Municipal Council of the proposed amendments to Chapter 17.10 of the Land Development Code.

REQUEST

This is a proposal for an amendment to the Land Development Code (LDC) modifying the Development Standards in the Commercial Zone clarifying standards for residential development and the ground floor commercial requirements in a mixed-use project. The proposed changes to Chapter 17.10.080 are as follows:

Residential Development & Residential Uses:

Existing: No ground floor or free-standing Residential uses are allowed. Residential uses are only permitted in vertical mixed-use types of projects.

Proposed: Residential units in the Commercial Zone are only permitted in vertical mixed-use projects and are prohibited on the ground floor. Accessory residential uses including, but not limited to, lobby, mail room, mechanical, storage, bike areas, lounge, fitness area, pool, sauna, etc., shall not comprise more than 20% of the building footprint on the ground floor.

Commercial Uses Ground Floor Area - Mixed Use Project

Proposed: In a mixed-use project that includes residential uses, no less than 80% of the building footprint on the ground floor shall be devoted to commercial uses within a finished commercial space. Enclosed parking on the ground floor of the structure is not permitted to be included in the 80% commercial threshold.

The purpose of this amendment is to clarify what types of residential uses are appropriate on the ground floor in support of the residential uses above while preserving the integrity of the vertical mixed-use concept. Every mixed-use/residential project requires some ground floor presence, which at a minimum would be lobby area, hallways, stairs, elevators, mechanical, mail room, garbage/recycling, etc. The larger question is whether accessory amenities such as fitness space, recreational areas, lounges, pools, or other similar types of amenities should be required to be located above the ground floor. These types of amenities are important to the livability of a residential complex; however, in the commercial zone, the primary focus is on the commercial development and the

residential units should be considered ancillary or secondary. Therefore, the amenities should not be displacing the commercial floor area.

The approach being proposed is to recognize that a mixed-use project is going to have certain residential accessory use demands, and rather than define which use is more or less appropriate, mandate that at least 80% of the ground floor is devoted to commercial space while 20% is limited to residential accessories or amenities.

STAFF RECOMMENDATION AND SUMMARY

The proposed changes to the Land Development Code help to clarify the distinction between residential and commercial uses in mixed-use projects located in the Commercial Zone. Staff would recommend that the Planning Commission forward a recommendation of approval to the Council for their consideration.

RECOMMENDED FINDINGS FOR APPROVAL

The Planning Commission based its decisions on the following findings:

1. Utah State Law authorizes local Planning Commission to recommend ordinance changes to the legislative body (Municipal Council).
2. The Code Amendments are done in conformance with the requirements of Title 17.51 of the Logan Municipal Code.
3. The proposed Code Amendments are consistent with the Logan City General Plan.

On August 26, 2021, the Planning Commission recommended that the Municipal Council **approve** the Land Development Code Amendments.

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

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

ACTION. Motion by Councilmember Jensen seconded by Councilmember A. Anderson to approve Ordinance 21-18 as presented. Motion carried unanimously.

PUBLIC HEARING - Code Amendment – Consideration of a proposed ordinance amending Chapter 17.07 “Specific Development Standards: Residential Zones”; Chapter 17.08 “Neighborhood Residential Uses”; Chapter 17.09 “General Development Standards; Residential Zones” and Chapter 17.63 “Definitions” to reflect changes in Utah State Code regarding the elimination of Single Family Residential Design Standards – Ordinance 21-19 – Mike DeSimone

At the September 7, 2021 Council meeting, Community Development Director Mike DeSimone addressed the Council regarding the proposed language code change to reflect

the State code change. He clarified that it is only applicable to single-family housing and duplexes.

RECOMMENDATION

Staff recommended that the Planning Commission recommend approval to the Municipal Council of the proposed amendments to Chapters 17.07, 17.08, 17.09 and 17.62 of the Land Development Code.

REQUEST

This is a proposal for an amendment to the Land Development Code (LDC) eliminating many of the residential design standards contained in 17.07 & 17.09 as applied in the Neighborhood Residential zones. This code amendment is in response to HB 98 (10-9a-530) passed during the 2021 Utah State Legislative session removing a local governments ability to regulate design on single family residential dwellings, duplexes, and townhomes. The proposed changes to 17.08 and 17.62 are clean up or minor amendments to add Community Services to the Residential Use Chart and eliminate unnecessary definitions.

New Utah State Code:

10-9a-530 Regulation of building design elements prohibited - Exceptions

1. As used in this section, "building design element" means:
 - a. exterior color;
 - b. type or style of exterior cladding material.
 - c. style, dimensions, or materials of a roof structure, roof pitch, or porch;
 - d. exterior nonstructural architectural ornamentation;
 - e. location, design, placement, or architectural styling of a window or door;
 - f. location, design, placement, or architectural styling of a garage door, not including a rear-loading garage door;
 - g. number or type of rooms;
 - h. interior layout of a room;
 - i. minimum square footage over 1,000 square feet, not including a garage;
 - j. rear yard landscaping requirements;
 - k. minimum building dimensions; or
 - l. a requirement to install front yard fencing.

2. Except as provided in Subsection (3), a municipality may not impose a requirement for a building design element on a one to two family dwelling or townhome.

3. Subsection (2) does not apply to:
 - a. a dwelling located within an area designated as a historic district in:

1. the National Register of Historic Plans;
2. the state register as defined in Section 9-8-402; or
3. local historic district or area, or a site designated as a local landmark, created by ordinance before January 1, 2021;
- b. an ordinance enacted as a condition for participation in the National Flood Insurance Program administered by the Federal Emergency Management Agency;
- c. an ordinance enacted to implement the requirements of the Utah Wild/and Urban Interface Code adopted under Section 15A-2-103;
- d. building design elements agreed to under a development agreement;
- e. a dwelling located within an area that;
 1. is zoned primarily for residential use; and
 2. was substantially developed before calendar year 1950;
- f. an ordinance enacted to implement water efficient landscaping in a rear yard;
- g. an ordinance enacted to regulate type of cladding, in response to findings or evidence from the construction industry or, -
 1. defects in the material of existing cladding; or
 2. consistent defects in the installation of existing cladding; or
- h. a land use regulation, including a planned unit development or overlay, that a property owner requests;
 1. the municipality to apply to the owner's property; and
 2. in exchange for an increase in density or other benefits not otherwise available as a permitted use in the zoning area or district.

Proposed changes to Land Development Code

17.07: Specific Development Standards Residential Zones - Removed the referenced to a minimum covered front porch in the spec sheets (17.07.40 - 17.07.080, 17.07.130).

17.08: Neighborhood Residential Uses - Added Community Services to the Use Table in 17.08.040 and removed "unrelated" in the Use Table as it relates to occupancy due to changes made under HB82. The term "unrelated" was removed from the definition of single-family limit. This will help eliminate confusion when we are considering the occupancy of a dwelling unit. Occupancy is allowed for either a family or three (3) individuals.

New Utah State Code:

10-9a-505.5. Limit on single family designation.

(1) As used in this section, "single-family limit" means the number of [unrelated] individuals allowed to occupy each residential unit that is recognized by a land use authority in a zone permitting occupancy by a single family.

(2) A municipality may not adopt a single-family limit that is less than:

(a) three, if the municipality has within its boundary:

(i) a state university; or

(ii) a private university with a student population of at least 20, 000; or

(b) four, for each other municipality.

17.09: General Development Standards: Residential Zones - Eliminated all of the single-family residential design requirements in Sections 17.09.02 & 17.09.03 applicable to single family dwellings and townhome projects. Also added language in 17.090.020.C.6 to clarify the road type applicable to each setback & landscaping alternative. Alternative A is applicable to local streets, alternative B is applicable to collector streets and alternative C is application to arterial streets. The formatting will be corrected once the final edits are made.

17.62: Definitions - Added a definition of "Occupancy" to clarify occupancy especially as it relates to long term guests (more than 30 days), included a definition of Accessory Dwelling Units (Internal) to follow up on the ADU LDC amendment, and removed certain definitions of specific types of sales or services businesses like barber, camera shop, etc. that are covered under the general sales and service category.

STAFF RECOMMENDATION AND SUMMARY

The proposed changes to the Land Development Code are generally minor in nature or cleanup amendments in response to changes made in State Law. The changes eliminating residential design standards are unfortunate as this will result in a reduced neighborhood aesthetic and only encourage a "cookie cutter" design approach. Staff would recommend that the Planning Commission forward a recommendation of approval to the Council for their consideration.

RECOMMENDED FINDINGS FOR APPROVAL

The Planning Commission based its decisions on the following findings:

1. Utah State Law authorizes local Planning Commission to recommend ordinance changes to the legislative body (Municipal Council).
2. The Code Amendments are done in conformance with the requirements of Title 17.51 of the Logan Municipal Code.
3. The proposed Code Amendments are consistent with the Logan City General Plan.
4. The proposed Code Amendments are minor in nature.

On August 26, 2021, the Planning Commission recommended that the Municipal Council **approve** the Land Development Code Amendments.

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

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

ACTION. Motion by Vice Chair Simmonds seconded by Councilmember López to approve Ordinance 21-19 as presented. Motion carried unanimously.

PUBLIC HEARING - Code Amendment – Consideration of a proposed ordinance amending Chapter 17.31 “Parking” and Chapter 17.32 “Landscaping” to update parking requirements for use types, correct discrepancies between the two Chapters, and clarify applicability of landscape buffers for parking lots – Ordinance 21-20 – Mike DeSimone

At the September 7, 2021 Council meeting, Community Development Director Mike DeSimone addressed the Council regarding the proposed rezone.

RECOMMENDATION

Staff recommended that the Planning Commission recommend approval to the Municipal Council of the proposed amendments to Chapters 17.31 and 17.32 of the Land Development Code.

REQUEST

This is a proposal for a number of minor amendments to the Parking and Landscaping Chapters in the Land Development Code (LDC).

The proposed "general" amendments or changes to individual LDC Chapters are summarized below:

Parking -17.31: Updated parking requirements by use in Table 17.31.040 by modifying some of the minimum parking standards by use and added a reference to Mixed Use Projects and Community Services; clarified Recreational Vehicle parking in Section 17.31.080.D to restrict RV parking in the front yards of residential neighborhoods and limit it to the side or rear of a home; and removed redundant language in Sections 17.31.140 & 17.31.150.

Landscaping - 17.32: Clarified the applicability of landscape type in Section 17.32.070 based on the minimum parking lot setback in the front yard.

1495 **STAFF RECOMMENDATION AND SUMMARY**

1496 The proposed changes to the Land Development Code are minor in nature, help to clarify
1497 certain substantive and procedural issues. Staff would recommend that the Planning
1498 Commission forward a recommendation of approval to the Council for their
1499 consideration.

1500
1501 **RECOMMENDED FINDINGS FOR APPROVAL**

1502 The Planning Commission based its decisions on the following findings:

- 1503 1. Utah State Law authorizes local Planning Commission to recommend ordinance
1504 changes to the legislative body (Municipal Council).
1505 2. The Code Amendments are done in conformance with the requirements of Title 17.51
1506 of the Logan Municipal Code.
1507 3. The proposed Code Amendments are consistent with the Logan City General Plan.
1508 4. The proposed Code Amendments are minor in nature and help to clarify minimum
1509 parking and landscaping requirements.
1510 5. No public comment has been received regarding the proposed amendments.

1511
1512 Chair M. Anderson opened the meeting to a public hearing.

1513
1514 There were no comments and Chair M. Anderson closed the public hearing.

1515
1516 **ACTION. Motion by Councilmember López seconded by Vice Chair Simmonds to**
1517 **approve Ordinance 21-20 as presented. Motion carried unanimously.**

1518
1519 **WORKSHOP ITEMS:**

1520
1521 **Budget Adjustment FY 2021-2022 appropriating: \$102,690 a grant received for 911**
1522 **operational improvements – Resolution 21-50 – Richard Anderson, Finance**
1523 **Director**

1524
1525 Finance Director Richard Anderson addressed the Council regarding the proposed budget
1526 adjustment.

1527
1528 The proposed resolution will be an action item and public hearing at the October 5, 2021,
1529 Council meeting.

1530
1531 **WITHDRAWN – Serenbe Rezone – Consideration of a proposed ordinance**
1532 **rezoning 7.25 acres at the northwest corner of 600 North 200 West from Traditional**
1533 **Neighborhood Residential (NR-6) to Mixed Residential Transitional (MR-9)**
1534 **(Bridger Neighborhood) – Ordinance 21-21 – Russ Holley, Planner**

Chair M. Anderson announced that the proponent withdrew the Serenbe Rezone for consideration.

OTHER CONSIDERATIONS:

Councilmember A. Anderson announced that a Point in Time Count will be completed This Saturday, September 25 from 10:00 a.m. to 1:00 p.m. They will focus on the campgrounds while people are still here and are still living outdoors without shelter. Training will be held immediately before the 10:00 a.m. counting begins.

Councilmember López expressed his thanks for all the support in making the two Latino festivals held recently in Logan a success.

There were no further considerations addressed by the Council.

ADJOURNED. There being no further business, the Logan Municipal Council adjourned to a meeting of the Logan Redevelopment Agency.

The Logan Redevelopment Agency convened on Tuesday, September 21, 2021, at 8:30 pm, in the Logan Municipal Council Chambers located at 290 North 100 West, Logan, Utah 8432. Logan Municipal Council Meetings are televised live as a public service on Channel 17 and the City of Logan YouTube channel at:
https://www.youtube.com/channel/UCFLPAOK5eawKS_RDBU0stRQ

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

Chair Mark A. Anderson welcomed those present. There was approximately 6 in attendance at the beginning of the meeting.

ACTION ITEM:

PUBLIC HEARING – Budget Adjustment FY 2021-2022 appropriating: \$3,000,000 funds for Library project completion – Resolution 21-48 RDA – Richard Anderson, Finance Director

Finance Director Richard Anderson addressed the Council regarding the proposed budget adjustment. He explained this completes the accumulation of funds for the construction of the new Library. There is \$3 million dollars coming from the RDA and was approved earlier by the Council and the request is now to appropriate those funds. He will move those funds to the capital projects fund where they will be maintained for construction and the design of the Library. The total for the construction of the new Library is \$14.1 million dollars plus design. Total with everything including design is \$16 million dollars.

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

Logan resident Gail Yost addressed the Council and said the community needs a new Library and asked the Council to approve the appropriation of these funds.

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

ACTION. Motion by Vice Chair Simmonds seconded by Councilmember Jensen to approve Resolution 21-48 RDA as presented. Motion carried unanimously.

WORKSHOP ITEM:

Consideration of a proposed resolution approving Agency Assistance to Triiiio Group, LLC for its redevelopment project in the Downtown Redevelopment Project Area (RPA) – Resolution 21-49 RDA – Kirk Jensen, Economic Development Director

Economic Development Director Kirk Jensen addressed the Redevelopment Agency regarding the proposed resolution. He explained that the Triiiio Group, LLC, referred to as Renewal - Mixed Use Project (“Project”), located at the northeast corner of 300 South and 100 West in the Downtown Redevelopment Project Area (“RPA”) is proposed to consist of 69 residential units and will be approximately 13,400 square feet of commercial space and will have various other amenities. It will also have a 1,200 sq. ft. corner bistro, commercial office space and retail space. This project will contribute significantly to the achievement of the City’s economic goals, including: the fiscal growth of the City through property and sales taxes; and additional economic return for the City in terms of the Project serving as a catalyst, encouraging additional development in the downtown area; the creation of new jobs; the improvement of the appearance of a key City commercial area. The Economic Development Committee has reviewed the proposed investment and recommends its approval. They also approved the following incentive package:

Triiio Group, LLC will receive \$250,000 from the Agency's Affordable Housing Fund ("Fund") upon completion of its project as conditionally approved by the City of Logan Planning Commission in Design Review Permit PC#21-039. Monies from the Fund can be used for market-rate housing projects located in redevelopment project areas where a blight finding exists. All construction plans are to be approved by the City of Logan Planning Commission. Additionally, the Redevelopment Agency encourages Triiio Group, LLC to utilize local contractors and vendors whenever possible.

Councilmember A. Anderson said the Council received a letter asking a question about the funds being used for moderate income housing and the fact that this housing is all market rate housing.

Mr. Jensen responded and said the RDA State Code states that when they created the redevelopment project areas, it does allow for affordable housing funds which are earmarked by the RDA for those funds to be used for market rate housing in situations where you have a project area where blight exists. When the Downtown RDA was created, there was a blight study and a determination of blight so with that criteria it does allow for affordable housing funds to be used for market rate housing. This project will bring some housing inventory that is more affordable to our area.

Proponent Michael Jewell addressed the Council and said they looked into affordable housing and its low income housing tax, called Litech and its surprisingly competitive to qualify for Litech in Utah. Its especially difficult to break into because of the way the State of Utah works is essentially, the more often you've done a Litech project, the more likely you are to award another Litech project. His company is very interested in pursuing a Litech project in the future. He said the pricing is just a function of scarcity and the more projects there are especially in the downtown and in areas where we are looking for density the more affordable a market rate will become.

Kirk Jensen said regarding the use of RDA funds in the context of affordable housing or market rate housing. There is an assertion that the RDA is not using some of these already reserved affordable housing funds for those projects which are in there up to 80% AMI category, but the City has spent somewhere between three quarters of a million dollars and maybe even close to one million dollars on various projects over the past 15 years including the Welcome Home, Own in Logan Program and the City's own Housing Rehavitaiton Program and Neighborhood Nonprofits. There is also the program that Maor Daines implemented, and the Council approved which was the Neighborhood Improvement Program where funds were offered to homes in various neighborhoods to make improvements.

1655 Vice Chair Simmonds asked if there were a housing project and they wanted to use
1656 affordable housing money do they have to be within the confines of an exiting RDA.
1657
1658 Mr. Jensen responded no; they can be anywhere in Logan City and use low income
1659 housing money up to 80% of the average median income.
1660
1661 The proposed resolution will be an action item and public hearing at the October 5, 2021,
1662 Council meeting.
1663
1664 **ADJOURNED.** There being no further business, the Logan Redevelopment Agency
1665 adjourned at 8:50 pm.
1666
1667
1668
1669
1670 Teresa Harris, City Recorder