

**CITY OF LOGAN, UTAH  
ORDINANCE NO. 13-86**

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

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

**SECTION 1:** That certain code entitled "Land Development Code, City of Logan, Utah" Chapter 17.31: "Critical Lands (CL) Overlay Zone," is hereby amended as attached hereto as Exhibit A, respectively:

**SECTION 2:** This ordinance shall become effective upon publication.

PASSED BY THE LOGAN MUNICIPAL COUNCIL, STATE OF UTAH, \_\_\_\_\_  
THIS DAY OF \_\_\_\_\_, 2013.

AYES:  
NAYS:  
ABSENT:

\_\_\_\_\_  
Holly Daines, Chair

ATTEST:

\_\_\_\_\_  
Teresa Harris, City Recorder

**PRESENTATION TO MAYOR**

The foregoing ordinance was presented by the Logan Municipal Council to the Mayor for approval or disapproval on the \_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
Holly Daines, Chairman

**MAYOR'S APPROVAL OR DISAPPROVAL**

The foregoing ordinance is hereby \_\_\_\_\_ this \_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
Randy Watts, Mayor

# EXHIBIT A

## Chapter 17.31: Critical Lands (CL) Overlay Zone

### §17.31.010 Purpose.

The purpose of this Chapter is to provide for the safe, orderly and beneficial development of areas characterized by development hazards and valuable natural conditions while limiting the substantial alteration and degradation of such areas. shown on the Official Critical Lands Maps; to limit alteration and to reduce encroachment upon such areas. Critical Lands conditions can be considered to will be identified on the Official Critical Lands Maps and shall include, but are not limited to the following:

- A. Floodplains, ~~Corridor Lands~~
- B. Riparian Areas. Preservation Lands
- C. Geologically Unstable Areas (Erosive Areas, Steep Slopes, Severely Constrained Areas). and Slope Failure Lands
- D. Wildfire Threats,
- ~~E. Severe Constrain Lands~~
- ~~F. E. Prime~~ Agricultural lands,
- ~~G. F. Essential Views,~~
- ~~H. G. Wetlands,~~
- ~~I. H. Critical~~ Wildlife Habitat,
- ~~J. Development proximate to canals~~
- ~~K. Irreducible character defining resources~~

### ~~§17.31.020 Regulations.~~

~~The type of regulation applicable to the land depends upon the classification in which the land is placed, as provided in 17.31.040. If those regulations conflict with other regulations of Title 17 of the Municipal Code Land Development Code, the more stringent of the regulations shall govern.~~

### §17.31.030-020 Review Process Approval and Permit Required.

- ~~A. A Critical Lands Permit is required for any development, proposed on a site within or including lands defined in 17.31.040 as Critical Lands, and identified as Floodplain Corridor Land, Riparian Preserve, Erosive and Slope Failure land, or Severe Constraint land. For projects within an identified Critical Area, compliance with the development requirements of this Chapter shall be determined during the underlying regulatory and review process outlined in 17.46, i.e., Design Review, Conditional Use Permit, subdivision, etc.~~
- ~~B. If the proposed development is required to obtain a Design Review Permit, Conditional Use Permit, subdivision, or other regulatory process, the review shall be conducted simultaneously with the regulatory process and no additional fee shall be charged.~~
- ~~C. If a development is exclusive of any other regulatory process, as noted in 17.31.030 B, then the Critical Lands Review shall be processed by the Community Development staff.~~
- ~~D. Information Required. The following information shall be required for any development requiring a Critical Lands Review:
 
  - ~~1. A site plan containing the following:
 
    - ~~a. Project name, and name of the developer~~
    - ~~b. Vicinity map.~~~~~~

## 17.31: Critical Lands (CL) Overlay Zone

- ~~e. Scale (the scale shall be at least one inch equals fifty feet or larger).~~
  - ~~d. North arrow.~~
  - ~~e. Date of submittal~~
  - ~~f. Street names and locations of all existing and proposed streets within or on the boundary of the proposed development.~~
  - ~~g. Lot layout with dimensions for all lot lines.~~
  - ~~h. Location and use of all proposed and existing buildings, fences and structures within the proposed development. Indicate which buildings are to remain and which are to be removed.~~
  - ~~i. Location and size of all public utilities within the proposed development.~~
  - ~~j. Location of drainage ways or public utility easements in and adjacent to the proposed development.~~
  - ~~k. A topographic map of the site at a contour interval of two feet or less.~~
  - ~~l. Location of all parking areas and spaces, ingress and egress on the site, and onsite circulation.~~
  - ~~m. Locations of all existing natural features including, but not limited to, all trees of a caliper greater than six inches; natural drainages or creeks on the site, and outcroppings of rocks, boulders, etc. In forested areas, it is necessary to identify only those trees which will be affected or removed by the proposed development. Indicate any contemplated modifications to a natural feature.~~
  - ~~n. The proposed method of erosion control, water runoff control, and tree protection for the development.~~
  - ~~o. Building envelopes for all existing and proposed new parcels that contain only buildable area, as defined by this Chapter.~~
  - ~~p. If the applicant desires to challenge the extent or classification of any critical lands within the applicant's property a technical report may be submitted with the application that is prepared by an engineer provide technical data to justified the require to modify critical lands.~~
  - ~~2. Additional plans and studies as required in Sections 17.31.060, 17.31.070, 17.31.080 and 17.31.0100 of this Chapter.~~
- E.B. Approval ~~Criteria for approval.~~ A Critical Lands Permit ~~permit~~ shall be issued when the Applicant demonstrates the following:
1. That the development will not cause damage or hazard to persons or property upon, or adjacent to, the area of development.
  2. That the development is in compliance with the requirements of this ~~chapter~~ Chapter and all other applicable requirement of the Municipal Code.
- F.C. The Decision Making Body ~~Community Development Director or Planning Commission has the power to~~ may require project modifications ~~amendment of the plans~~ to include any ~~or all~~ of the following conditions if ~~it is deemed~~ necessary to mitigate any potential negative impact caused by the development:
1. Require the retention of trees, rocks, ponds, watercourses, highly productive agricultural lands, and other natural features.
  2. Require plan revision or modification to mitigate ~~possible~~ negative or irreversible effects upon the ~~topography, or~~ natural features that the proposed development may cause.

3. Avoid ~~land possessing creating or exacerbating~~ hazardous conditions adverse to the public health, welfare and safety.

G.D. ~~The~~ Decision Making Body ~~Community Development Director or Planning Commission~~ may deny a the Critical Lands Permit permit if the proposed development will have a detrimental effect on the lands regulated by this Chapter and appropriate mitigation is unavailable. ~~in its opinion:~~

1. ~~The proposed development will have a detrimental effect on the lands regulated and protected by this Chapter.~~
2. ~~Where it appears that the proposal is part of a more extensive development that would require a master site plan, or other Community Development action. In this case, approval is to be postponed until a complete Community Development application has been processed.~~

### §17.31.040-030 Land Classifications.

The following factors shall be used to determine the classifications of various lands and their constraints to building and development ~~of certain lands:~~

- A. Floodplains. ~~Lands with a potential flood hazard as identified by the City Engineer. Corridor Lands—Lands with potential stream flow and flood hazards. The following lands are classified as Floodplain Corridor lands:~~
  1. ~~All land contained within the 100-year floodplain as defined by the Federal Emergency Management Agency.~~
  2. ~~All land within the area defined as Floodplain Corridor land in maps adopted by the City as provided for in 17.31.050.~~
  3. ~~All lands which have physical or historical evidence of flooding in the historical past.~~
  4. ~~All areas within thirty feet (horizontal distance) of any river, creek, or stream as required by the State of Utah, Division of Water Quality.~~
- B. Riparian ~~Preservation Areas.~~ ~~—Lands~~ ~~The lands shown on the official maps as Riparian Areas, These areas are identified as~~ within 75 feet of ~~from~~ the stream centerline for streams draining a basin ~~size of~~ greater than 1 square mile, and the land within 25 feet of the stream centerline for ~~from~~ streams that drain areas of one square mile or less. It also includes any ~~areas identified as~~ wetlands or riparian area identified during the ~~in a~~ Federal 404 Permit Process.
- C. Geologically Unstable Areas. ~~Erosive and Slope Failure Lands—~~ ~~Lands that are geologically unstable due to~~ ~~Lands with~~ potential erosion hazards. unstable slopes, steep slopes (slopes in excess of 30 percent), and areas susceptible to debris flows, erosive lands, slope failure potential, and debris flow hazards are lands that are subject to damage from erosion and slope failure, or defined as erosion and slope failure lands on the Critical Lands map and have a slope of fifteen percent or greater. ~~Areas above and below canals on slopes greater than 10% that contain a high slope failure potential are also considered~~ ~~to potential erosion hazard areas, have high erosive and slope failure potential.~~
- D. Wildfire Lands. ~~—Lands with potential of wildfire as determined by the Logan City Fire Chief.~~ ~~as defined on the Critical Lands map.~~

## 17.31: Critical Lands (CL) Overlay Zone

- E. ~~Wetlands. Severe Constraint Lands—Lands with severe development limitations which generally limit normal development. The following lands are classified as Severe Constraint Lands: Lands defined as wetlands by the U.S. Army Corp of Engineers.~~
- ~~1. All areas which are within the floodway channels;~~
  - ~~2. All lands with a slope greater than thirty percent.~~
  - ~~3. All lands within drainage ways with a watershed large enough to produce flooding conditions with potential to create property damage or threat to life.~~
- F. ~~Prime Agricultural Land. Lands as mapped by the State of Utah as Agricultural land of National or State Importance, and as mapped and shown on the Critical Lands maps.~~
- G. ~~Essential Views. Locally significant and important Vview corridors, view foregrounds, and view backdrops identified on the Essential Views Map that are a value to the citizens of Logan and as define on the Essential Views map.~~
- H. ~~Classifications Cumulative. The above classifications are cumulative in their effect and, if a parcel of land falls under two or more classifications, it shall be subject to the regulations of each classification. Those restrictions applied shall pertain only to those portions of the land being developed and not necessarily to the whole parcel. Critical Wildlife Habitat. Lands identified by the State of Utah as critical wildlife habitat.~~

## §17.31.050-040 Official Maps.

- A. ~~The City shall adopt official critical lands maps denoting the above identified areas using the most accurate and best data available. Site specific critical lands information, such a formal wetland delineation or floodplain map amendment prepared by individuals with expertise in the critical lands in question, may be considered by the City for inclusion in the official critical lands maps. —The source of data will be available and current GIS data from federal and state agencies. Any mapping not available from these sources will be produced by the City from the best technical data available. Property owners may submit additional engineered data to modify city mapping if approved by the City. Substantial amendments of these maps shall require amendment procedures as required herein.~~
- ~~B. Minor amendments of the maps to correct mapping errors when the amendments are intended to reflect more accurately the mapping criteria contained in this ordinance or in the findings of the Council in adopting an official map may be processed following the minor map amendment procedure contained in this ordinance.~~
- ~~C. Map as Reference to Text~~
- ~~1. The text provisions of this ordinance shall be used to determine whether applications to allow development in Critical Lands are subject to the requirements of this ordinance.~~
  - ~~2. Applicants are required to provide the Community Development Department with a delineation of the Critical Lands on the subject property as part of the application. An application shall not be considered complete until this delineation is submitted.~~
  - ~~3. An applicant may identify and delineate Critical Lands by gathering and reviewing information other than the Critical Lands Map, such as FEMA maps, aerial photographs, 17.31.030.04 permit delineation, field investigations, and other significant evidence.~~
  - ~~4.1. The specific delineation of the Critical Lands will be determined as part of the permit by the Community Development Director based on the best available data.~~

### §17.31.060-050 Development Standards for Floodplain ~~Corridor Lands.~~

All development shall comply with the applicable regulations and standards ~~identified in 44 CFR and Paragraph 60.3 (d)~~ of the National Flood Insurance Program (NFIP), and including the most current effective Flood Insurance Study (FIS) and the most current Flood Insurance Rate Maps (FIRM) as administered by the City Engineer. Development within a designated Floodway is prohibited. If discrepancies exist between this Ordinance and the regulations set forth in Paragraph 60.3 (d) of the NFIP, FIRM, and FIS the more restrictive ordinance shall prevail.

#### A. ~~Purpose~~

- ~~1. The flood hazard areas of the City are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.~~
- ~~2. These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately flood proofed, elevated or otherwise protected from flood damage also contribute to the flood loss.~~

#### B. ~~Methods of Reducing Flood Losses~~

~~In order to accomplish its purposes, this chapter includes methods and provisions for:~~

- ~~1. Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in increased erosion or in flood heights or velocities;~~
- ~~2. Requiring the uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;~~
- ~~3. Controlling the alteration of natural flood plains, stream channels and natural protective barriers, which help accommodate or channel flood waters;~~
- ~~4. Controlling, filling, grading, dredging, and other development which may increase flood damage; and~~
- ~~5. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.~~

#### C. ~~Definitions~~

~~In conformance with the requirements of the Federal Emergency Management Agency (FEMA), definitions are set forth in §17.62., which expressly apply to the provisions of this chapter. Unless specifically defined in this section, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have as defined first, in this title, and second, as defined in common usage, and to give this chapter its most reasonable application.~~

#### D. ~~Lands to Which This Chapter Applies~~

~~This chapter shall apply to all areas of special flood hazards within the jurisdiction of the City.~~

#### E. ~~Basis for Establishing the Areas of Special Flood Hazard~~

~~The areas of special flood hazard identified by the Federal Emergency Management Agency in the scientific and engineering report entitled "The Flood Insurance Study for~~

~~the City of Logan,” dated march 30, 1983, with an accompanying Flood Insurance Rate Map is adopted by reference and declared to be a part of this chapter.~~

~~F. Compliance~~

~~No structure or land shall hereafter be constructed, located, extended, converted or altered without full compliance with terms of this chapter and other applicable regulations.~~

~~G. Abrogation and Greater Restrictions~~

~~This chapter is not intended to repeal, abrogate, or impair any existing easement, covenants, or deed restrictions. However, where this chapter and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.~~

~~H. Interpretation~~

~~In the interpretation and application of this chapter, all provisions shall be:~~

- ~~1. Considered as minimum requirements;~~
- ~~2. Liberally construed in favor of the governing body;~~
- ~~3. Deemed neither to limit nor repeal any other powers granted under state statutes;~~
- ~~4. Warning and disclaimer of liability;~~
- ~~5. The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may increase by manmade or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the City, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damages that result from reliance on this chapter or any administrative decision lawfully made there under.~~

~~I. Establishment of Development Permit~~

~~A development permit shall be obtained before construction or development begins within any area of special flood hazard established in §17.112.070(B). Application for a development permit shall be made on forms furnished by the City Engineer and may include, but not be limited to, plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required;~~

- ~~1. Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures;~~
- ~~2. Elevation in relation to mean sea level to which any structure has been flood proofed;~~
- ~~3. Certification by a registered professional engineer or architect that the flood proofing methods for any nonresidential structure meet the flood proofing criteria in §17.19.140(B); and~~
- ~~4. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.~~

~~J. City Engineer Appointment~~

- ~~1. The City Engineer is appointed to administer and implement this chapter by granting or denying development permits applications in accordance with its provisions.~~

### ~~K. City Engineer — Duties~~

~~Duties of the City Engineer shall include, but not limited to:~~

#### ~~Permit Review~~

- ~~1. The City Engineer shall review all development permits to determine that the permit requirements of this chapter have been satisfied;~~
- ~~2. Review all development permits to determine that all necessary permits have been obtained from agencies from which prior approval is required;~~
- ~~3. Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that encroachment provisions are met.~~

#### ~~Use of Other Base Flood Data~~

~~When base flood elevation data has not been provided, the City Engineer shall obtain, review and reasonably utilize any base flood elevation data available from a federal, state or other source.~~

#### ~~Information to be Obtained and Maintained~~

- ~~1. Obtain from builder's/owner's engineer and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new substantially improved structures;~~
- ~~2. For all new or substantially improved flood proofed structures:
  - ~~a. Verify and record the actual elevation as provided (in relation to mean sea level);~~
  - ~~b. Maintain the flood proofing certifications required;~~~~
- ~~3. Maintain for public inspection all records pertaining to the provisions of this chapter.~~

#### ~~Alteration of Watercourses~~

- ~~1. Notify adjacent communities, and the State Office of Emergency Management prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.~~
- ~~2. Require that maintenance is provided within the altered or relocated portion of the watercourse so that the flood carrying capacity is not diminished.~~

#### ~~Interpretation of FIRM Boundaries~~

~~Make interpretations, where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in §17.19.110.~~

### ~~L. Variances — Procedure in Relation to the FH Combining District~~

#### ~~Application for a Hearing~~

~~The Board of Adjustment shall hear and decide appeals and requests for variance from the requirements of this chapter. It shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the City Engineer or any administrative officer in the enforcement or administration of this chapter. Any aggrieved party who has participated in the administrative process required within this chapter may have standing to appeal. The procedures shall be as defined for the Board of Adjustment in Chapter 17.53.~~

#### ~~Findings~~

## 17.31: Critical Lands (CL) Overlay Zone

~~In addition to the requirements for variances established in Chapter 17.53, the board shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter, and shall substantiate the following findings:~~

- ~~1. The danger that materials may be swept onto other lands to the injury of others;~~
- ~~2. The danger to life and property due to flooding or erosion damage;~~
- ~~3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;~~
- ~~4. The importance of the services provided by the proposed facility to the community;~~
- ~~5. The necessity to the facility of a waterfront location, where applicable;~~
- ~~6. The availability of alternative locations, for the proposed use which are not subject to flooding or erosion damage;~~
- ~~7. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;~~
- ~~8. The safety of access to the property in times of flood for ordinary and emergency vehicles;~~
- ~~9. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and~~
- ~~10. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets, and bridges.~~

~~Conditions~~

~~Upon consideration of the above factors and the purpose of this chapter, the Board of Adjustment may attach conditions to the granting of variances as it deems necessary to further the purposes of the chapter.~~

~~General Standards and Considerations~~

- ~~1. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base level, providing the provisions of this chapter have been fully considered.~~
- ~~2. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this section.~~
- ~~3. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.~~
- ~~4. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.~~
- ~~5. Variances shall only be issued upon:
 
  - ~~a. A showing of good and sufficient cause;~~
  - ~~b. A determination that failure to grant the variance would result in exceptional hardship as defined in Chapter 17.53 to the applicant; and~~
  - ~~c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.~~~~

~~Certificate of Approval~~

~~Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood~~

## 17.31: Critical Lands (CL) Overlay Zone

~~elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.~~

~~M. Provisions for Flood Hazard Reduction~~

~~In all flood hazard zoning districts the following standards are required:~~

- ~~A. Anchoring.~~
- ~~B. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.~~
- ~~C. All manufactured homes to be placed in zone "A" shall be anchored to resist flotation, collapse, or lateral movement by providing over the top and frame ties to ground anchors. Specific requirements shall be that:
 
  - ~~1. Over the top ties be provided at each of the four corners of the manufactured home with two additional ties per side at intermediate locations, with manufactured homes less than fifty feet long requiring one additional tie per side;~~
  - ~~2. Frame ties be provided at each corner of the home with five additional ties per side at intermediate points, with manufactured homes less than fifty feet long requiring four additional ties per side;~~
  - ~~3. All components of the anchoring system be capable of carrying a force of four thousand eight hundred feet;~~
  - ~~4. Any additions to the manufactured home be similarly anchored; and~~
  - ~~5. The manufactured home shall be elevated above the base flood level and anchored to the elevated foundation.~~~~

~~N. Construction Materials and Methods~~

- ~~1. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.~~
- ~~2. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.~~
- ~~3. For all new construction and substantial improvements, fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. Designs for meeting this requirement shall either be certified by registered professional engineer or architect or shall meet or exceed the following minimum criteria: a minimum of two openings having a total net area of not less than one square inch or every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of flood waters.~~
- ~~4. Electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.~~
- ~~5. Utilities:
 
  - ~~a. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;~~~~

- ~~b. — New and replacement sanitary sewage systems shall be designed to~~  
~~— minimize or eliminate infiltration of flood waters into the systems and~~  
~~— discharge from the systems into flood waters; and~~
- ~~e. — On-site waste disposal systems shall be located to avoid impairment to~~  
~~— them or contamination from them during flooding.~~

~~O. — Subdivision Proposals~~

- ~~1. — All subdivision proposals shall be consistent with the need to minimize flood damage.~~
- ~~2. — All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.~~
- ~~3. — All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.~~
- ~~4. — Base flood elevation data shall be provided by subdivider for subdivision proposals and other proposed development which contain at least fifty lots or five acres (whichever is less).~~

~~P. — Specific Standards~~

~~In all areas of special flood hazard where base flood elevation data has been provided, the following provisions are required:~~

~~Residential Construction~~

- ~~1. — New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above the base flood elevation.~~

~~Nonresidential Construction~~

- ~~2. — New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to the level of the base flood elevation; or, together with attendant utility and sanitary facilities, shall:
 
  - ~~1. — Be flood proofed so that below the base flood level the structure is watertight with wall substantially impermeable to the passage of water;~~
  - ~~2. — Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and~~
  - ~~3. — Be certified by a registered professional engineer or architect that the standards of this subsection are satisfied. Such certifications shall be provided to the official.~~~~

~~Manufactured Homes~~

~~Manufactured homes shall be anchored:~~

- ~~1. — For new manufactured home parks and manufactured home subdivisions; for expansions to existing manufactured home parks and manufactured home subdivisions where the repair, reconstruction or improvements of the streets, utilities and pads equals or exceeds fifty percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement has commenced; and for manufactured homes not placed in a manufactured home park or manufactured home subdivision require that:
 
  - ~~a. — Stands or lots are elevated on compacted fill or on pilings so that the lowest floor of the manufactured home will be at or above the base flood level;~~
  - ~~b. — Adequate surface drainage and access for hauler are provided; and~~
  - ~~e. — In the instance of elevation on pilings, that:
 
    - ~~1. — Lots are large enough to permit steps;~~~~~~

## 17.31: Critical Lands (CL) Overlay Zone

2. ~~Piling foundations are placed in stable soil not more than ten feet apart as designed by P.E., and~~
3. ~~Reinforcement is provided for pilings more than six feet above the ground level.~~
- d. ~~No manufactured home shall be placed in floodway, except in an existing manufactured home park or existing manufactured home subdivision.~~

~~Q. Floodways~~

~~Located within areas of special flood hazard established in §17.19.070(B) are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:~~

- A. ~~Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood level during the occurrence of the base flood discharge.~~
- B. ~~If subsection A of this section is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this chapter.~~

**§17.31.070-060 Development Standards for Riparian Preservation lands Areas.**

~~All development development within a Riparian Area shall comply with the following standards: in areas identified for Riparian Preservation, as defined in 17.31.040, shall comply with the following standards:~~

- A. ~~Development shall be subject to all Development Standards for Floodplain Corridor Lands (17.31.060)~~
- B. ~~Within these areas in addition to the standards for Undeveloped Floodplains, no land disturbing activity is allowed except as permitted in this section.~~
- C. Permitted Uses
  - A. All structures shall maintain a 25' setback from the top of stream bank within a riparian area with the exception of bridges, docks, viewing platforms, public recreational amenities, or other similar features.
  - B. No more than 50% of the land area with the riparian area may be disturbed, including grading, clearing, grubbing, tree removal, etc. All disturbed areas shall be revegetated within 60 days of initial disturbance. Erosion control measures shall be implemented during all construction.
  - C. Trees larger than 12" dbh shall not be removed from a riparian area unless they are considered a hazard tree, diseased or dead.
  - D. Existing utilities may be maintained and/or replaced within a riparian area provided any disturbed areas are restored.

~~Up to ten percent of the area may be disturbed for private yard structures including but not limited to: storage sheds, gardens, yards, trails, and clearings, except that no disturbance is permitted for 404 identified areas. Treatment of wetlands for land use and development proposals shall follow those mandated by Utah State Code. Logan City may act upon a land use and/or development proposal containing wetlands without prior mitigation of those wetlands, but in no case shall structures, infrastructure, improvements, utilities and the like be developed, constructed, built and/or occupied in~~

~~areas containing wetlands without prior approval, including mitigation measures, from the U.S. Army Corps of Engineers.~~

~~Repair, replacement or improvement of utility facilities where:~~

~~The disturbed portion of the Riparian Preservation lands is restored; and~~

~~Non-native vegetation is removed from the Riparian Preservation lands and replaced with vegetation from the City Native Plant List.~~

~~E. Additions, alterations, rehabilitation, or replacement of existing structures that do not increase the existing structural footprint in the Riparian Area Preserve lands are permitted provided where the disturbed portion of the areas are is restored using native vegetation. vegetative cover.~~

~~F. Stream, wetland, riparian and upland enhancement or restoration projects are authorized under this Chapter.;~~

~~G. Continuous and on-going Farming practices, and farm uses, and the pasturing of livestock are permitted within a riparian area. All new farming practices, farm uses, cultivation, livestock grazing and building construction shall be setback at least 25' from the top the stream bank. excluding buildings and structures, and the pasturing of livestock within 25 feet of the stream.~~

~~H. Routine repair and maintenance of existing structures, roadways, driveways, utility facilities, accessory uses and other development are authorized under this Chapter.;~~

~~I. Measures to remove or abate nuisances, or any other violation of State statute, administrative agency rule or City ordinance are authorized under this Chapter.~~

#### **§17.31.080-070 Development Standards for Geologically Unstable Erosive and Slope Failure Lands.**

~~A. Geologically Unstable areas are extremely sensitive to development, and because surface disturbance such as grading, filling, or vegetation removal has a high potential to threaten life or property, alternative development should be considered.~~

~~B. Project approval within a geologically unstable area shall only be allowed after an engineering geologic study, completed by a Professional Engineer and approved by the City Engineer and Director, establishes that the site is stable for the proposed use and development. At a minimum, the study shall include:~~

~~1. Index map.~~

~~2. Project description to include location, topography, drainage, vegetation, and discussion of previous work and discussion of field exploration methods.~~

~~3. Site geology, based on a surficial survey, to include site geologic maps, description of bedrock and surficial materials, including artificial fill, locations of any faults, folds, etc., and structural data including bedding, jointing and shear zones, soil depth and soil structure.~~

~~4. Discussion of any off-site geologic conditions that may pose a potential hazard to the site, or that may be affected by on-site development.~~

~~5. Suitability of site for proposed development from a geologic standpoint.~~

~~6. Specific recommendations for cut slope stability, seepage and drainage control or other design criteria to mitigate geologic hazards.~~

~~7. If deemed necessary by the engineer or geologist in order to establish whether an area to be affected by the proposed development is stable, additional studies and supportive data shall include cross-sections showing sub-surface structure, graphic logs with subsurface exploration, and results of laboratory test and references.~~

8. Signature and registration number of the engineer and/or geologist licensed as professional engineer in the State of Utah.

9. Additional information or analyses as necessary to evaluate the site.

C. Prohibited Actions. Notwithstanding any other provision of Logan City Ordinances, it shall be unlawful to clear, "grub," grade, fill, or excavate any land in any manner which presents an unreasonable risk of erosion, flooding, landslide, or any other unsafe condition, and it shall be unlawful to erect any structure which will not be reasonably safe for use as a human habitation due to the following:

1. Proximity to a high water table (water close to the ground surface);

2. Surface water;

3. Expansive soils;

4. Collapsible soils;

5. Proximity to a potential landslide area;

6. Proximity to a secondary fault;

7. Proximity to an alluvial fan;

8. Proximity to an active landslide;

9. Proximity to a primary Wasatch Fault zone; or

10. Any other unsafe condition, as determined by the City.

A.D. All permitted development that removes vegetation or disturbs topsoil and leaves the disturbed soil at a slope of thirty (30) percent or more shall comply with the following standards:

1. Any exposed soil shall be revegetated in a manner to reestablish a vegetative ~~cover~~community within a one year period from issuance of a Certificate of Occupancy. If irrigation is not provided, then the exposed soil must be planted with species that can survive without irrigation.
2. Vegetative cover, rock, dry or conventional masonry, or other permanent cover must be maintained on areas that have been disturbed.
3. These restrictions shall not apply to areas of exposed bedrock which exhibit no erosion potential.

B.E. Cuts and Fills.

1. ~~All In addition, any~~ cuts and/or fills ~~involving more greater~~ than two hundred fifty cubic yards ~~of material~~ must be designed by an engineer to comply with ~~applicable building codes~~ and requirements of this chapter. ~~Such cuts and/or fills shall be designed in such a manner that they will be stable for the use intended.~~
2. If the excavation is not a dedicated street or a public right-of-way, the engineer shall ~~certify/declare to the City, after the cut and/or fill is completed,~~ that ~~the permitted work~~ it was constructed to plans and meets all standards set forth in the ~~approved plans, approved.~~
3. Nothing in this section shall abridge the City's right to inspect work in progress or in its completed state, to make appropriate measurements and tests to determine if the cut and fill was made according to plan, and to require alterations prior to final approval ~~of the cut and/or fill.~~

C.F. Any development that is proposed in a Geologically Unstable area ~~Erosive and Slope Failure Lands shall be identified on a~~ must be shown on a master site plan or final plat map at the time the final plan or plat is filed. ~~All development must comply with the master site plan. Any improvements necessary for the implementation of the~~

## 17.31: Critical Lands (CL) Overlay Zone

~~master plan (e.g., storm drains, gutters, etc.), which involve two or more parcels of land must be constructed by the applicant prior to any development occurring on the parcels.~~

D.G. All structures in ~~a Geologically Unstable area Erosive and Slope Failure Lands~~ shall have foundations ~~that have been~~ designed by an engineer or architect.

E.H. All newly created lots, or lots modified by a boundary line adjustment, ~~shall must identify include a specific~~ building envelope on ~~each lot that contains sufficient buildable area outside any erosive or unstable areas able all lots that contains a buildable area of sufficient size~~ to accommodate the ~~anticipated~~ uses. ~~permitted in the underlying zone without including erosive and slope failure land, The creation of a lot for open space or conversation purposes is exempt from this requirement. unless the division or lot line adjustment is for open space or conservation purposes.~~

### §17.31.099080 Development Standards for Lands with Wildfire Threats.

#### A. Requirements for Subdivisions, ~~or Planned Developments,~~

1. A Fire Prevention and Control Plan shall be ~~submitted required with the submission of with~~ any application for ~~plan~~ approval of a development or preliminary plat ~~of a subdivision~~, which contain ~~Wildfire Threat~~ areas designated as ~~Wildfire treats areas in the Community Fire Plan developed~~ by the Logan City Fire Department.
2. The ~~Community Development~~ Director shall forward the Fire Prevention and Control Plan to the Fire Chief ~~for review and comment. The Fire Chief shall review the Fire Prevention and Control Plan, and submit a written report to the Community Development Director no less than seven days before the scheduled hearing. The Fire Chief's report shall be a part of the record of the Community Development permits.~~
3. The Fire Prevention and Control Plan shall include the following items:
  - a. An analysis of the wildfire hazards on the site, as influenced by existing vegetation and topography;
  - b. A map showing the areas that are to be cleared of dead, dying, or severely diseased vegetation;
  - c. A map of the areas that are to be thinned to reduce the interlocking canopy of trees;
  - d. A tree management plan showing the location of all trees that are to be preserved and removed on each lot. In the case of heavily forested parcels, only trees scheduled for removal shall be shown;
  - e. The areas of primary and secondary fuel breaks that are required to be installed around each structure, as required by this section; ~~and~~
  - f. ~~The location and slope of all R~~roads and driveways ~~servicing the project site~~ sufficient for emergency vehicle access and fire suppression activities, ~~including the slope of all roads and driveways within the Wildfire Lands area.~~
4. ~~Criterion for Approval Criteria. In consultation with the Logan City Fire Chief, The decision making body hearing authority~~ shall approve the Fire Prevention and Control Plan when, in addition to the findings required by this chapter, the additional finding is made that the wildfire hazards present on the property have been reduced to a reasonable degree, balanced with the need to preserve and/or

## 17.31: Critical Lands (CL) Overlay Zone

plant a sufficient number of trees and plants for erosion prevention, wildlife habitat, and aesthetics.

5. The ~~decision making body~~hearing authority may require, through the imposition of conditions attached to the approval, the following requirements as deemed appropriate for the development of the property:
    - a. Delineation of areas of heavy vegetation to be thinned and a formal plan for such thinning;
    - b. Clearing of sufficient vegetation to reduce fuel load;
    - c. Removal of all dead and dying trees; or;
    - d. Relocation of structures and roads to reduce the risks of wildfire and improve the chances of successful fire suppression.
  6. The Fire Prevention and Control Plan shall be implemented during the installation of the public improvements required of a subdivision ~~or Performance Standards Development~~, and shall be considered part of the subdivider's obligations for land development. If a subdivision is not involved, ~~the Plan shall be implemented prior to the issuance of any building permits. for structures to be located on lots created by partitions and for subdivisions or Performance Standards developments not requiring public improvements.~~ The Fire Chief, or designee, shall inspect and approve the implementation of the Fire Prevention and Control Plan, and the Plan shall not be considered fully implemented until the Fire Chief has given written notice to the Community Development Director that the Plan was completed as approved by the hearing authority.
  7. In all new residential developments, provisions for the perpetual maintenance of the Fire Prevention and Control Plan shall be included in the covenants, conditions and restrictions for the development, and the City shall be named as a beneficiary of such covenants, conditions and restrictions.
- B. Requirements for construction of all structures.
1. All new construction and any construction expanding the size of an existing structure shall have a "fuel break" as defined below.
    - a. A "fuel break" is defined as an area which is free of dead or dying vegetation, and has native, fast-burning species sufficiently thinned so that there is no interlocking canopy of this type of vegetation. Where necessary for erosion control or aesthetic purposes, the fuel break may be planted in slow burning species. Fuel breaks do not involve stripping the ground of all native vegetation.
    - b. Primary Fuel Break. —A primary fuel break will be installed, maintained and shall extend a minimum of 30 feet in all directions around structures, excluding fences, on the property. The goal within this area is to remove ground cover that will produce flame lengths in excess of one foot. Such a fuel break shall be increased by five feet for each ten percent increase in slope over ten percent.
    - c. Secondary Fuel Break. —A secondary fuel break will be installed, maintained and shall extend a minimum of 100 feet beyond the primary fuel break where surrounding landscape is owned and under the control of the property owner during construction. The goal of the secondary fuel break is to reduce fuels so that the overall intensity of any wildfire is reduced through fuels control.

## 17.31: Critical Lands (CL) Overlay Zone

2. All structures shall be constructed or re-roofed with Class B or better non-wood roofing materials, as determined by the ~~Building Ordinance~~ International Building Code. ~~All re-roofing of existing structures in the Wildfire Lands area shall be done under approval of a zoning permit.~~ No structure shall be constructed or re-roofed with wooden shingles, shakes, wood-product material or other combustible roofing material, as defined in the building ordinance.
- C. Fuel breaks in areas which are also highly erosive or steep slopes ~~Erosive or Slope Failure Lands~~ shall be included in the erosion control measures outlined in 17.31.080.

**~~§17.31.100—Development Standards for Severe Constraint Lands.~~**

- ~~A. Severe Constraint Lands are extremely sensitive to development, surface disturbance such as grading, filling, or vegetation removal has high potential to threaten life or property, whenever possible, alternative development should be considered.~~
- ~~B. New structures are not allowed on Severe Constraints Lands.~~
- ~~C. Other development of land or approval for a Community Development action shall be allowed only when the following study has been accomplished. An engineering geologic study approved by the Logan City Public Works Director and Community Development Director establishes that the site is stable for the proposed use and development. The study shall include the following:
 
  - ~~1. Index map.~~
  - ~~2. Project description to include location, topography, drainage, vegetation, and discussion of previous work and discussion of field exploration methods.~~
  - ~~3. Site geology, based on a surficial survey, to include site geologic maps, description of bedrock and surficial materials, including artificial fill, locations of any faults, folds, etc., and structural data including bedding, jointing and shear zones, soil depth and soil structure.~~
  - ~~4. Discussion of any off-site geologic conditions that may pose a potential hazard to the site, or that may be affected by on-site development.~~
  - ~~5. Suitability of site for proposed development from a geologic standpoint.~~
  - ~~6. Specific recommendations for cut slope stability, seepage and drainage control or other design criteria to mitigate geologic hazards.~~
  - ~~7. If deemed necessary by the engineer or geologist to establish whether an area to be affected by the proposed development is stable, additional studies and supportive data shall include cross-sections showing subsurface structure, graphic logs with subsurface exploration, results of laboratory test and references.~~
  - ~~8. Signature and registration number of the engineer and/or geologist licensed as professional engineer in the State of Utah~~
  - ~~9. Additional information or analyses as necessary to evaluate the site.~~~~
- ~~D. Prohibited Actions:~~  
~~Notwithstanding any other provision of these Ordinances it shall be unlawful to clear, "grub," grade, fill, or excavate any land in any manner which presents an unreasonable risk of erosion, flooding, landslide, or any other unsafe condition; and it shall be unlawful to erect any structure which will not be reasonably safe for use as a human habitation because of:~~
  - ~~1. Proximity to a high water table (water close to the ground surface);~~
  - ~~2. Surface water;~~

3. ~~Expansive soils;~~
4. ~~Collapsible soils;~~
5. ~~Proximity to a potential landslide area;~~
6. ~~Proximity to a secondary fault;~~
7. ~~Proximity to an alluvial fan;~~
8. ~~Proximity to an active landslide;~~
9. ~~Proximity to a primary Wasatch Fault zone;~~
10. ~~Any other unsafe condition, as determined by the City.~~

**§17.31.1190 ~~1190~~ Highly Productive Prime Agricultural Lands.**

- A. ~~Agricultural lands support a locally important and nationally unique agricultural industry that includes; dairy, livestock, food from grains, vegetables, fruit, forestry, and greenhouse crops.~~ Logan's climate, topography and accessibility make it uniquely suited to the production, processing and distribution of agricultural products on a regional and national scale. The economic base of the City is supported by a variety of agriculturally related businesses including farm equipment and supply, dairy processing, grain dealers, packaging plants and other professional services. ~~The natural resources, productive farmland and rural character, has made Logan and Cache Valley a desirable place to live and work.~~ Prime Agricultural Lands are Farm land is an irreplaceable natural resource with soil and topographic characteristics that have been enhanced by generations of agricultural use. Loss of this resource to development is a permanent reduction of a critical resource. ~~The economic base of the City is also supported by a variety of agriculturally related businesses including: farm equipment and supply, dairy products processing, grain dealers, packaging plants and other professional services.~~ Critical Prime agricultural lands shall be governed by the following:
1. All lands identified as prime critical agricultural lands by the Utah Department of Agriculture shall be ~~designated and~~ mapped by the City. ~~The City may utilize existing mapped agricultural lands from other sources to satisfy this requirement.~~
  2. Any proposed development within identified prime critical agricultural lands shall be governed by the uses allowed in the Rural Conservation (RC) ~~and Rural Reserve (RR)~~ zones.
  3. Prime Critical agricultural lands should be preserved through a variety of tools, means of one or more tools including, but not limited to:
    - a. ~~Limiting ations placed on~~ development on highly productive agricultural lands;
    - b. Utilize land set asides ~~Land set aside requirements as in 17.35 in conjunction with other developments;~~
    - c. Permanent Substitutions for Open Space; ~~17.35.50~~
    - d. Use of conservation easements;
    - e. Purchase and transfer of Development Rights (PDRs);
    - e.f. Utilizing development incentives and creative site design to maximize development potential in suitable areas while preserving prime agricultural lands; and
    - f.g. Private land trusts.

**§17.31.120100 ~~120100~~ Essential Views**

- A. ~~Essential Views are a critical visual and quality of life resource and are protected as provided herein.~~ The purpose and intent of this section is to protect the public health, safety, and welfare and to protect the scenic quality of Logan City both for visitors to the city as well as for its residents by ensuring that future development improvements isare compatible with existing land forms, including the ridgelines and hillside areas found on the east side of Logan. ~~, including city ridgelines and views of Logan's many unique geologic and agricultural features and the existing landscape fabric of the city's hillside areas. The regulations contained in this chapter are consistent with the goals and policies of the Logan City General Plan, particularly as specified in the Future Land Use, Resource Sustainability, and Community Design elements. It is intended that this chapter~~ The intent of this -Chapter is to accomplish the following:
1. ~~Implement Provide~~ hillside development standards to minimize the impact of man-made structures and grading on views of existing landforms, unique geologic features, existing landscape features and open space as seen from designated public roads ~~within the city;~~
  2. Protect and preserve views of major and minor ridgelines from designated public roads;
  3. ~~Create a development review process that maximizes administrative, staff level approval of projects which meet administrative standards, while also providing a vehicle for review by the zoning administrator or planning commission of those projects that do not meet the administrative standards;~~
  - 4.3. Minimize cut and fill, earthmoving, grading operations and other ~~such~~ man-made effects on the natural terrain to ensure that finished slopes are compatible with existing land character; and
  - 5.4. Promote site sensitive design and architecture ~~and designs that are~~ compatible with hillside terrain and which minimizes any ~~and minimize negative~~ visual impacts from public roadways.
- B. General Requirements for Essential Views.:
1. All final grades, including all cut and fill slopes, visible from any designated public road shall be:
    - a. Consistent with the existing landscape to the greatest extent possible by, avoiding uninterrupted slope surfaces that stand out against existing topographic contours;
    - b. Contoured to resemble existing terrain by varying slope increments and by breaking the visual surface of banks and inclines both vertically and horizontally ~~as naturally as possible; and~~
    - c. Constructed to allow for the creation of berms or mounding at the top of slopes, and in other locations, for the screening of structures and to facilitate ~~assurance~~ proper site drainage.
  2. Design, height and massing of hillside development shall:
    - a. Maintain a balance of scale and proportion using design components that are harmonious with natural landforms and landscaping;
    - b. Be small scale and low in height, conforming with hillside topography by stepping or staggering the mass of the proposed building up or down slope, and ~~avoid~~ avoiding flat pad construction and vertical massing;

## 17.31: Critical Lands (CL) Overlay Zone

- c. Utilize structural elements, building materials and color tones which blend artificial surfaces with surrounding native elements;
  - d. Utilize construction materials, glass, roofing and other surfaces that are of a non-reflective nature;
  - e. Utilize a variety of building and structural elements such articulated walls, ~~that use reveals,~~ cornice detailing, reveals, alcoves, building projections, trellises, landscaping or other features which are appropriate to the scale of the building, ~~and building projections, trellises, landscaping or other devices,~~ and which serve to break up continuous building walls; ~~which are visible from designated public roads;~~ and
  - f. Ensure that the proposed structure does not break the skyline of a primary ridge when viewed from any designated public road.
3. Roadways, driveways and utility alignments shall be:
- a. Located to minimize grading; by following existing contours ~~and positioned upon gradual slopes;~~
  - b. Constructed to blend with the existing landscape, through alignment with the natural curving contour of the land rather than instead of using straight lines ~~under geometric patterns which create~~ excessive cuts and fills; and
  - c. Concealed from view through preservation and maintenance of existing vegetation or through planned landscaping that is constant with the natural character of the area.
4. Landscape planting and vegetation preservation shall:
- a. Incorporate trees ~~where appropriate,~~ planted in random groupings or clusters that mimic or maintain natural assemblages rather than in systematic rows;
  - b. Maintain vegetation lines which convey the existing slope of the hillside;
  - c. Preserve native vegetation, including grasses and open space, whenever possible;
  - d. Use native materials to the greatest extent possible and/or non-natives that are compatible with indigenous vegetation and confined to the adjacent vicinity of the proposed structure;
  - e. Include a sufficient irrigation, maintenance and monitoring program designed to provide species requirements as well as protect against sedimentation, soil loss and land sliding; and
  - f. Be landscaped in such a manner that reduces the so-as-to-reduce-potential fire hazard while creating and create a minimum defensible space ~~for fire suppression.~~
5. Exterior and landscape lighting applications shall be:
- a. Designed to minimize nighttime disruption and visual glare by shielding lamp sources downward and away from view of designated public roads;
  - b. Controlled by timers and/or motion sensors, to limit the duration of use and reduce prolonged glare; and
  - c. Sized with the minimum wattage ~~possible-necessary~~ to meet desired application.



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## MEMORANDUM TO MUNICIPAL COUNCIL

DATE: November 19, 2013  
FROM: Mike DeSimone  
SUBJECT: Land Development Code Amendment – Critical Lands (17.31)

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### Summary of Planning Commission Proceedings

<i>Project Name:</i>	<b>Critical Lands Overlay Zone Code Amendment</b>
<i>Project Address:</i>	<b>City wide</b>
<i>Request:</i>	<b>Amendment to LDC 17.31</b>
<i>Recommendation of Planning Commission:</i>	<b>Approval</b>

On October 10, 2013, the Planning Commission, by unanimous vote, recommended that the Municipal Council approve a request to amend the Land Development Code, Section 17.31, Critical Lands Overlay Zone.

### **Planning Commissioners, vote (5,0):**

Recommend approval: Dave Adams, Amanda Davis, Angela Fannesbeck, Russ Price, and Steve Stokes.

Recommend denial: None.

### **Attachments:**

*Staff Report*

*Ordinance 13-086*

*PC Meeting Minutes*



**Project #13-059  
Critical Lands Overlay District  
Code Amendment**

**REPORT SUMMARY...**

*Project Name:* Critical Lands Overlay District Amendment  
*Proponent/Owner:* Community Development Department  
*Project Address:* Citywide  
*Request:* Code Amendment  
*Type of Action:* Legislative  
*Date of Hearing:* October 5, 2013  
*Submitted By:* Mike DeSimone, Director

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**RECOMMENDATION**

Staff recommends that the Planning Commission recommend **approval** to the Municipal Council for the following amendment to the Land Development Code (LDC): Section 17.31.

**REQUEST**

This proposed text amendment to the Land Development Code amends the Critical Lands Overlay Zone. This amendment is generally clean-up work. The changes are as follows:

**§17.31.010 Purpose**

Consolidated and clarified categories of critical lands.

**§17.31.020 Regulations**

Eliminated this section and **renumbered** the sections that that follow.

**§17.31.020 Review Process**

Clarified the review process for critical lands review.

**§17.31.030 Land Classification**

Clarified how the City classifies critical lands. Floodplain regulations are administered by the City Engineer under a different Ordinance so removed the bulk of the reference to floodplains here and elsewhere. Consolidated erosive and slope failure lands into Geologically Unstable Areas.

**§17.31.040 Official Maps**

Clarified reference to mapping critical lands.

**§17.31.050 Development Standards for Floodplains**

Referenced City Engineer and eliminated floodplain standards.

**§17.31.060 Development Standards for Riparian Areas**

Included additional development standards for riparian areas such as setbacks, limitations on clearing and retention of large trees.

**§17.31.070 Development Standards for Geologically Unstable Lands**

Consolidated development standards for this category as discussed above.

**§17.31.080 Development Standards for Lands with Wildfire Threats**

Cleaned up existing language.

**§17.31.100 Development Standards for Constraint Lands**

This section is eliminated and consolidated into 070.

**§17.31.090 Prime Agricultural Lands**

Cleaned up existing language.

**§17.31.100 Essential Views**

Cleaned up existing language.

**GENERAL PLAN**

The Land Development Code was prepared and adopted to implement the vision expressed in the General Plan. This proposed amendment clarifies specific language and application within the Critical Lands Overlay section. The proposed amendment is consistent with the General Plan.

**STAFF RECOMMENDATION AND SUMMARY**

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

**PUBLIC COMMENTS**

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

**PUBLIC NOTIFICATION**

Public notices were published in the Herald Journal on September 26, 2013, posted on the City's website and the Utah Public Meeting website on September 26, 2013, and noticed in a quarter page ad on September 22, 2013.

**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 bases its decisions on the following findings:

1. Utah State Law authorizes local Planning Commission to recommend ordinance changes to the legislative body (Municipal Council).
2. The Code Amendment is done in conformance with the requirements of Title 17.51 of the Logan Municipal Code.
3. The proposed Code Amendments are generally administrative in nature as they remove redundant language, clarify intent and application, and streamline the overall section.
4. The provision of the Critical Lands Overlay Zone is consistent with the overall goals and objectives of the Logan General Plan.
5. No public comment has been received regarding the proposed amendment.

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



# TEXT AMENDMENT & ZONE CHANGE

**PUBLIC  
HEARING  
PLANNING COMMISSION  
THURSDAY  
October 10, 2013  
5:30 PM  
MUNICIPAL COUNCIL CHAMBERS  
LOGAN CITY OFFICES  
290 North 100 West**

The Logan City Planning Commission will hold a public hearing to receive input on the following:

**PC 13-059 LDC Amendment – 17.31 Critical Lands Overlay.** Code Amendment. Logan City requests an amendment to the Land Development Code clarifying the critical lands overlay zone. **13-76**

**PC 13-060 LDC Amendment – 17.43 & 17.44.** Code Amendment. Logan City requests an amendment to the Land Development Code to clarify home occupation standards and additional development standards.

The Municipal Council is tentatively scheduled to hold a **workshop on Tuesday, November 5, 2013**, and a **public hearing on Tuesday, November 19, 2013**. Both meetings will be held in the Logan City Municipal Council Chambers at 290 North 100 West at 5:30 pm. Contact the Department of Community Development at 716-9022 for more information or [www.loganutah.org](http://www.loganutah.org) **13-87**