

Minutes of the meeting of the Logan Municipal Council convened in regular session on Tuesday, November 15, 2022, 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 Jeannie F. Simmonds, Vice Chair Ernesto López, Councilmember Amy Z. Anderson, Councilmember Mark Anderson, and Councilmember Tom Jensen. Administration present: Mayor Holly H. Daines, City Attorney Craig Carlston, Finance Director Richard Anderson, City Recorder Teresa Harris, and Deputy Recorder Esli Morales.

Chair Jeannie F. Simmonds welcomed those present. There were approximately 9 in attendance at the beginning of the meeting.

OPENING CEREMONY:

Councilmember Tom Jensen provided the opening ceremony and led the audience in the pledge of allegiance.

Councilmember Jensen mentioned the election of the past week, how some may or may not be pleased by the results, while others may not even know what occurred. The idea of citizenship is active participation as a citizen. Some by assignment or elected, and participants from the community in person or online. The three I's describe good citizenship, the first is being involved, the second is being informed, and the third for those elected is to be independent.

Being involved is crucial as there are no elections if the community does not vote. If the community does not give us input, we can't act according to the desires of the community. Back in Greece, there are amphitheaters where all the citizens would gather to debate and make a decision.

In the past/recent election, the County only had a 60% turnout of registered voters. Still, 40% are disenfranchised. These citizens may complain and feel unhappy with decisions made, but by not voting their voice is unable to be heard. In the last election for the City of Logan, only 32% voted in the last election. It is disheartening to see such a low voter turnout. It is difficult to change and more so how to go about doing so. Unless we are involved, we can't change things, we can't influence, and we can't learn.

The second letter (I) is being informed. Unfortunately, far too many of us do not follow the news or the current ongoing. Councilmember Jensen said he enjoys being informed; it is simply a part of my personality. *The Man on the Street* interviews are simple, basic interviews with random members of the public. If these interviews were not quite so tragic, they would be comedic. In one instance in California, the question was asked who is Bernie Maddock. No one knew who that was. The same applied to what was the IRA or what is the name of the street where the stock market is located. Who is the present Vice President of the United States or Vice President under Barrack Obama. Even that of what are the three legislative branches of government or of reparations. Simple questions

that were unable to be answered. These are the individuals tasked with selecting the leaders of our country.

The Third is the idea of being independent. “Your representative owes you, not his industry only, but his judgment; and he betrays you instead of serving you if he sacrifices it to your opinion.” –Edmund Burke, *Speech to the Electors of Bristol*, November 3, 1774. It means, we elect individuals for their wisdom, judgment, and effort, but we cannot control the individual elected to a post. We need to use our judgment to make a right decision. We need to listen to others from both sides and make a choice. The hope is our citizens will become more involved.

Meeting Minutes. Minutes of the Council meeting held on November 1, 2022, were approved with no corrections.

Meeting Agenda. Chair Simmonds announced there are three public hearings scheduled for tonight’s Council meeting.

ACTION. Motion by Councilmember A. Anderson seconded by Councilmember Jensen to approve the November 1, 2022, minutes and approve tonight’s agenda.

Motion carried unanimously.

A. Anderson: Aye

M. Anderson: Aye

Jensen: Aye

López: Aye

Simmonds: Aye

Meeting Schedule. Chair Simmonds 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, December 6, 2022. The Council meeting on December 20, 2022 has been cancelled.

QUESTIONS AND COMMENTS FOR MAYOR AND COUNCIL:

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

There were no comments or questions for the Mayor or Council.

MAYOR/STAFF REPORTS:

Open & Public Meetings Act Training – Craig Carlston, City Attorney

City Attorney Craig Carlston addressed the Council and gave an update on the Annual Open and Public Meetings Act training which is required by law to be completed annually. He stated the Open and Public Meetings Act was enacted upon the premise that the State, its agencies, and its political subdivisions exist to aid in the conduct of the people's business. As such, a public body should deliberate and act openly. The Open and Public Meetings Act requires that members of a public body be provided with annual training on the requirements of the Open and Public Meetings Act.

1. Intent of the Act:
 - a. Public bodies “exist to aid in the conduct of the people’s business.”
 - b. Public bodies should “take their actions openly; and conduct their deliberations openly.” (Utah Code Ann. §52-4-102)
2. Definition of a Meeting:
 - a. The convening of a public body, with a quorum present (whether in person or by electronic means), “for the purpose of discussing, receiving comments from the public about, or acting upon a matter over which the public body...has jurisdiction or advisory power.”
 - b. “Meeting” does not mean a chance or social gathering. Cannot use a chance meeting or social gathering to circumvent the purpose of the Open and Public Meetings Act. (Utah Code Ann. §§52-4-103(6), 52-4-208)
3. Definition of a Quorum: “Quorum” means a simple majority of the membership of a public body, unless otherwise defined by law. (Utah Code Ann. §52-4-103 (11))
4. Public Notice for a Meeting:
 - a. At least 24-hour notice of the meeting, including the agenda, date, time, and location of the meeting.
 - b. Notice must be posted at the principal office of the public body and on the Utah Public Notice website and newspaper or local media correspondent.
 - c. The schedule of regularly scheduled meetings must also be noticed once a year.
 - d. Emergency meetings once approved by a majority of the public body require the best notice practicable. (Utah Code Ann. §52-4-202)
5. Agenda for Meeting:
 - a. Agenda items should have reasonable specificity to notify the public.
 - b. Items raised by the public, but not on the agenda, may be discussed but no action may be taken. (Utah Code Ann. §52-4-202)
6. Written Minutes/ Meeting Recording:
 - a. Written minutes of an open meeting include the date, time, and place of the meeting; the names of the members present and absent; and the substance of the matters discussed; a record of each vote taken; a summary of public comments.
 - b. A recording of an open meeting shall be a complete and unedited record of the open meeting. (Utah Code Ann. §52-4-203)
7. Closed Meeting:
 - a. A closed meeting may be held if a quorum is present; the meeting starts out as an open meeting for which proper notice has been given; two-thirds of the members' present vote to approve closing the meeting; the reasons for closing the meeting are entered into the record of the public portion of the meeting; a recording of the closed meeting is kept (exception for discussion on individual or for security issues).

No further Mayor/Staff Reports were presented.

COUNCIL BUSINESS:

Planning Commission Update – Chair Simmonds

Chair Simmonds reported that the Planning Commission is meeting this Thursday. Planning Commission did not meet last Thursday as such there is no report.

FY2022 Financial Statement Presentation – Richard Anderson, Finance Director and Steven Rowley, Keddington & Christensen

Finance Director Richard Anderson addressed the Council regarding the Annual Comprehensive Financial Report (ACFR). The entire financial year is available to the public for a compact overview of the city it is recommended pages 13 through 21 in the ACFR are reviewed. The public is welcome to call him should they have any questions. The 2022 ACFR shows that the City has good reserves built in each one of our many funds. This has not always been the case for the Golf Course, but over the last few years, we have been able to build up good reserves. The financial report shows a significant investment in capital. Both in governmental funds, primarily infrastructure and buildings, and in the enterprise funds such as water, sewer, electric, etc. The financial statements show that we are in a good financial position, but the future is uncertain. The budget sets the plan, and the financial statements present the results. We should be proud of our financial statements and continue to be responsible by doing what we are doing and continuing to invest in our capital infrastructure because it will pay dividends in the future.

Councilmember Jensen asked if the collapse of crypto exchange FTX will have any ripple effect/impact on the city.

Mr. Anderson replied that it would be tangible at best as a consequence of the financial markets being shaken. As a city, we are limited in what we can invest in and what we cannot invest in. We cannot invest in equities. An equity would be most impacted by the collapse of FTX. We can only invest in debt securities and other highly related investments.

Councilmember A. Anderson inquired about the EMS fund in its first operational year.

Mr. Anderson responded that the funds are operating better than expected. There are risks associated with the process of building reserves. The hope is that fund continues to operate in such a manner.

Chair Simmonds requested Mr. Anderson highlight within the financial statements anything of pertinence for the council to know.

Mr. Anderson answered he had already mentioned the golf course reserve. The electric fund as well. At present, the electric fund is in a good position, but there are significant issues with obtaining source power. It is a concern, but we could not be in a better position to face those challenges. Having said that we will have significant investments in

the future, and we are going to need the reserves to meet some of those challenges. As we wait for renewal sources to provide baseload power.

The general fund has a fairly significant revenue increase in comparison to prior years, but that has to do with the federal grants received. This can be seen in the intergovernmental section of the financial report. Our main sources of tax are sales tax, property tax, and franchise tax are all performing well. Although in the distant horizon in the fiscal year 2023, there will be some slowdown in the local economy which may be some cause for concern. There have been various ripples such as the layoffs at Icon yesterday. We should not be panicking but paying attention and being careful.

Steven Rowley, an independent auditor from Keddington & Christensen performed the audit for the ACFR 2022. He said, there job as auditors is to give an opinion on whether the financial statements that have been prepared are materially correct. In doing that, they have to make sure they properly perform the audit according to best practice auditing standards as well as government standards which are generally above generally accepted auditing standards. They have to exercise all their professional responsibilities and duties. Their opinion can be found on page 11 of the ACFR. It is helpful and useful information, and he encourages the public or those interested to read this opinion. It states, "In our opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information of the City of Logan, Utah, as of June 30, 2022, and the respective changes in financial position, and, where applicable, cash flows thereof for the year then ended in accordance with accounting principles generally accepted in the United States of America."

The opinion states that it is an unmodified opinion of financials which is the highest opinion that can be received for a financial statement. The rest of the report goes into how they determine or come up with that opinion. They perform tests on a sample basis, subsequent testing, inquiries, and dig into the numbers/data to ensure can be relied upon. The report also discusses the role of management including their responsibilities and duties. Management must oversee data, day to day activities, and ensure the assets of the city (cash, infrastructure, etc.) are handled according to accounting principles. As well is properly safeguarded so assets cannot be taken, misused, or misappropriated.

Their responsibility is to perform an audit to ensure and be confident that the financial statements are correct. This does not mean they have looked at every single transaction which, is impossible. However, through sampling and test work, they are comfortable in their opinion that these financial statements can be relied upon as materially correct.

The report required supplementary information which includes management analysis, pension schedules, as well as budget schedules. Their opinion as it relates to this is that these items are not specifically audited. However, these sections are compared to the underlining accounting information and compare the consistency of which has been audited. As a whole, this is materially correct as well.

The sections that are titled supplementary information include the schedule of expenditures and federal awards. This is related to a single audit because the city received federal awards there are strings attached to those funds. He said, we as auditors must ensure the city is complying with all the federal requirements related to federal funds.

“In our opinion, the combining and individual nonmajor fund financial statements and the schedule of expenditures of federal awards are fairly stated, in all material respects, in relation to the basic financial statements as a whole.”

Additionally, there is a change in accounting principles this year. The government standards for state number 87 which is related to leases. There is a note stating that was a change in accounting principles and there is a footnote within the report noting that change.

The last portion of the report is a report required for government auditing standards, (commencing on page 111). The first report is reporting on general government auditing standards. All governmental entities in the State of Utah are required to be audited under government auditing standards. They have to consider the internal controls of the entity as we perform our audit. They look to see what controls are implemented or lack thereof.

They perform tests to ensure controls are operating, but we are not required to test them where we can give an opinion on the effectiveness of these controls. They are required under government auditing standards to disclose if there are any weaknesses or problems with the internal controls that the city has in place.

As they performed procedures over internal controls, they did not identify any deficiencies or weaknesses in the internal controls of the city. This does not mean there may not be a weakness or does not exist, but we do not or have not identified one. Over the years, he feels that the city has strong internal controls. There are layers of segregation of duties, there is no one individual who has control over everything. They City has eliminated opportunities to prevent or misappropriate assets. Though we do not give an opinion on internal controls, they do say there are no deficiencies or weaknesses identified.

Additional government standards require they consider the city's compliance with the rules, laws, and regulations. If there was noncompliance it could have a material effect on the financial statement. An example if there is an OSHA (Occupational Safety and Health Administration) violation that could have a monetary financial repercussion if the city is sued as a result. We looked over the various area of compliance that is applicable, we did not identify any instances of noncompliance that would have a material effect. Well, done on the city's part.

Uniform guidance is commonly known as the single audit, the responsibility of the auditor is to verify how the city used federal funds and if they complied with all of the requirements. This year, they tested the state and local recovery funds, ARPA (American Rescue Plan Act). They do give an opinion with respect to that, and it is that the city complied in all material respects with all compliance requirements.

Additionally, they do look at the detailed control's compliance. Also in this instance, they did not identify any deficiencies or weaknesses in the controls of the city related to compliance. This is always good to have to ensure federal funds are properly handled.

On page 117, the report describes the state compliance audit guide. The federal government has a compliance supplement as does the state. In a similar fashion the state has its own requirements that need to be tested to ensure the city complied with the state. This year, the state required: Budgetary Compliance, Fund Balance, Justice Court, Restricted Taxes and Related Restricted Revenue, Fraud Risk Assessment, Governmental Fees, Impact Fees, and Utah Retirement Systems.

The report tests specific instances of compliance as well as the controls related to compliance requirements. "In our opinion, the City of Logan complied, in all material respects, with the state compliance requirements referred to above for the year ended June 30, 2022." An unmodified opinion with no findings.

The final portion is related to internal controls. As mentioned before, they do not test these internal controls extensively, but do consider them in testing. "They did not identify any deficiencies in internal control over compliance that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified." An unmodified opinion with no findings.

Lastly, they have to report to the Council on how the audit itself went. The audit went very smoothly. The accounting and finance staff do an excellent job of keeping everything organized on a day-to-day basis. Staff provided all documents requested without hesitation. All inquiries made to staff were answered properly and without hesitation. A positive overall experience.

This cannot solely be attributed to the finance department as this is a team effort. All levels of the city must cooperate to ensure the city runs smoothly. There is only so much Council, management, and staff can do, there are a lot of hands in the pie in order to make it work. We always appreciate the opportunity.

Chair Simmonds asked if a single audit is triggered when there is a certain amount of federal grants.

Mr. Rowley confirmed that is the case when over \$750,000 in federal funds have been expended.

Councilmember A. Anderson remarked she is always grateful to hear how well-managed the city's finances are. Both Councilmember A. Anderson and Chairman Simmonds serve on the audit committee.

Chairman Simmonds expressed similar sentiments as Councilmember A. Anderson.

Vice Chair López inquired how large of a team of auditors is needed for the audit.

Mr. Rowley replied that generally onsite there are two or three auditors. There are two staff members working in the office as well. Then there are two or three weeks of over-viewing everything. Generally, there are four or five auditors working together in some aspect for two or three weeks. In smaller cities and towns, it may take longer as they may not be as equipped or well-prepared. The City of Logan has a great experienced staff, who maintain proper documentation. It is a rather smooth process compared to other smaller entities.

Councilmember Jensen expressed his gratitude to the auditor team, staff, and the Mayor. The rest of the Council concurred.

No further Council Business items were presented.

ACTION ITEMS:

PUBLIC HEARING - Moderate Income Housing Plan Amendment – Consideration of a proposed resolution amending the Logan General Plan to comply with UCA 10-9A-401 & 10-9A-403 by adopting the Logan City 2022 Moderate Income Housing Plan – Resolution 22-46 – Mike DeSimone, Community Development Director

At the November 1, 2022, Council meeting, Community Development Director Mike DeSimone addressed the Council regarding the proposed amendment to the Moderate Income Housing Plan.

Mr. DeSimone stated that on October 27, 2022, the Planning Commission recommended the Municipal Council **approve** the Moderate-Income Housing Plan as an amendment to the Logan City General Plan.

This is a proposal to amend the Logan City General Plan by adopting the 2022 Moderate Income Housing Plan. The State Legislature mandates that every five years, all cities are required to adopt a Moderate Income Housing Plan that meets the needs of people of various income levels living, working, or desiring to live or work in the community; allows people with various incomes to benefit from and fully participate in all aspects of neighborhood and community life; and includes an analysis of how the municipality will provide a realistic opportunity for the development of moderate income housing with the next five years.

The State requirements were changed in 2022 requiring that municipalities select their specific Moderate Income Housing Strategies from a list contained in Utah State Statute 10-9a-403(2)(b)(iii) and include implementation plans detailing how the City will follow through on the provision of Moderate-Income Housing. The Commission's recommendation include eight (8) strategies along with a number of strategies recommended by staff. Planning Commissioners vote (6-0).

What is Moderate Income Housing? It is housing for households with a gross income equal to or less than 80% of the Area Median Income (AMI).

What is Moderate Income Housing Plan? A plan that provides a reasonable opportunity to meet the need for additional moderate income housing (10-9a-403(2)(a)(iii)).

Logan City adopted the 2019 Moderate Income Housing Plan, but the State passed HB (House Bill) 462 in 2022 changing MIH (Moderate Income Housing) requirements. An updated plan and annual reporting are due on October 1, 2022. (And at present, we are slightly late in submitting).

HB 462 Highlights:

- Clarifies MIH requirements and timing to amend the City's General Plan (MIH is an element of the Logan General Plan).
- Requires the inclusion of an implementation plan to bring the MIH element to life (2019 MIHP did not include this).
- Amends the list of strategies to use (2019 MIHP not consistent with the modified State strategies).
- Outlines the annual reporting requirements (Updated requirements).
- Adds priority incentives/restrictions for compliance with the MIH requirement (UDOT Transportation Funding potentially at risk).

What is the Priority Consideration in HB 462 and what is at stake if we do not comply?

Transportation Project Funding (TIF & TTIF) and propriety consideration from the Transportation Consideration. The recommendation is that the 2022 Logan City MIHP include at least 5 Moderate Income Housing strategies and associated implementation plan & timeline for each strategy.

Area Median Income (AMI) vs Logan Median Household Income:

- 2020 AMI Region: \$71,000 (HUD)
- 2020 Median Household Income: \$43,056
- 2020 Per Capita Income: \$19,353 (lowest in Cache County)

Approximately 27% of Logan Residents are below the poverty level. The 2020 Median HH Income in Logan is \$43,056 from 2016 at \$39,445.

Summary of Demographics:

- 1.2% Average Growth Rate (population)
- The population is Younger and Lower Income than other CV Cities
- Median Age – 23.8
- Household Size – 2.8
- 52% of the Population in the 18 – 34 & under 5 Age Groups
- 9% of the Population is considered Disabled
- 2020 Median Household Income \$43,056 vs Countywide \$60,530 & Statewide \$74,197

- Approximately 25% of residents live below the poverty line
- 11,294 Households, or approximately 65.4%, are below the <80% AMI threshold (\$59,300)

Summary of Housing Trends:

- 2020 Rate of Owner Occupancy Declining - 38.6% vs. 2000 at 44%.
- 2020 Rate of Renter Occupancy Increasing – 61.4%
- 18,592 Residential Units in 2020
- Added 2,996 Residential Units (2010 – 2020)
- 41% of the 18,592 Residential Units are detached SFR's (Single Family Residences)
- 1.8% Average Growth Rate of Residential Units vs 1.2% Average Population Growth
- Housing Demand and Prices UP vs Housing Supply DOWN
- Costs exceeding Income = Increase #'s of Cost Burdened Renters and Homeowners

Conclusions Regarding Impacts of Zoning on Moderate Income Housing:

- Logan currently has a wide range of Zoning.
- Current Zoning allows for a Wide Range of Potential Densities suitable for Moderate Income Housing.
- Current Zoning includes Multiple “Mixed-Use” Zones with Higher Density Potential (MU, COM, CC, TC, NC).
- Multiple Opportunities for Housing for most Income Ranges throughout the City.
- Current Zoning permits Accessory Dwelling Units (ADUs) but not citywide.
- The biggest issue (from a zoning perspective) is a lack of vacant property zoned for multi-family residential.

PC Recommended Strategies and Implementation Plans:

(A) demonstrate investment in the rehabilitation of existing uninhabitable housing stock into moderate income housing;

(B) create or allow for, and reduce regulations related to, internal or detached accessory dwelling units in residential zones;

(C) zone or rezone for higher density or moderate income residential development in commercial or mixed-use zones near major transit investment corridors, commercial centers, or employment centers;

(D) amend land use regulations to allow for single room occupancy developments.

(E) implement zoning incentives for moderate income units in new developments.

(F) preserve existing and new moderate income housing and subsidized units by utilizing a landlord incentive program, providing for deed-restricted units through a grant program, or, notwithstanding Section 10-9a-535, establishing a housing loss mitigation fund;

(G) eliminate impact fees for any accessory dwelling unit that is not an internal accessory dwelling unit as defined in Section 10-9a-530;

(H) develop a moderate income housing project for residents who are disabled or 55 years old or older;

Councilmember A. Anderson requested a clarification on the housing strategies recommended by the Planning Commission. “Develop a moderate income housing project for residents who are disabled or 55 years old or older;” which goal does that fall under.

Mike DeSimone, Community Development Director replied the strategy falls under goal eight.

Chair Simmonds opened the meeting to a public hearing.

Dr. Gail Yost, a resident of Logan asked for the percentage of the housing deficit including income or age group.

Mr. DeSimone responded that the same amount of housing needs to continue to be built as in the last twenty years. Based on the HUD, Area Median Income (AMI) for this region is \$71,000, and the target income of 80% of AMI or higher is \$59,300. Approximately 65% of households are at or below the 80% AMI.

Dr. Gail Yost inquired if 11,294 of the estimated number of households are owned homes.

Mr. DeSimone replied we can estimate if the 11,294 households the assumption it is either owned homes or rented. The need is based on income level over the next 8 years for example for 80% AMI, we need 1,290 to 2,700 units whether homes or apartments.

Dr. Gail Yost asked if there is any information regarding assistance families may be receiving from any agency.

Mr. DeSimone answered that staff does not administer housing program funds; these are administered through BRAG (Bear River Association of Governments). We have data to approximate based on who receives tax credits, but we do know how many or the amount per individual. The information can be obtained from BRAG.

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

Councilmember A. Anderson highlighted the critical need for all housing but especially moderate-income housing.

Councilmember Jensen remarked how there is a need for apartments because they fill an urgent need, but there should also be other types of housing options.

Mr. DeSimone said no structure type is given or recommended merely on the number of units needed. This is the availability required for any type of housing including income housing.

Councilmember A. Anderson asked what the plan or review of achieving goals was. Will this be bi-annually, quarterly, or other time-length goals.

Mr. DeSimone replied that they will report to the state by October of every year. There are a lot of goals, the first year will be busy. They will commence by reporting on the easier short-term goals. They will also work on the long-term goals, but goals may not be as apparent at the start. In August or September, they will report to the Council prior to sending it to the state.

Councilmember M. Anderson inquired if any of the information will be added to the General Master plan.

Mr. DeSimone replied that the Moderate Income Housing Plan Amendment will be part of the General Master Plan as an amendment.

Councilmember M. Anderson commented upon the circumstances of Jackson, Wyoming, and their difficulties with low or moderate-income housing and what they are attempting to do to alleviate the issue.

Vice Chair López said he attended a summit in the past week, and it was mentioned that there is a type of zoning missing for our valley.

Mr. DeSimone replied the builder is in favor of smaller lots with detached homes. There are other housing types to explore not just detached single-family homes such as duplexes. The builders are driven by profit and want smaller and more.

Chair Simmonds added that the Council has tried to address this very issue with Mixed-Use housing to encourage other housing types. However, there are some communities in the valley that have not yet started on that path.

ACTION. Motion by Councilmember M. Anderson seconded by Vice Chair López to approve Resolution 22-46 as presented. Motion carried unanimously.

A. Anderson: Aye

M. Anderson: Aye

Jensen: Aye

López: Aye

Simmonds: Aye

PUBLIC HEARING - Budget Adjustments FY 2022-2023 appropriating: \$6,800 donated funds toward police taser replacement; \$154,105 a grant for 911 operational improvements; \$600,000 commercial connection fee revenue to increase the budget for the cost of the associated construction; \$435,000 funds for the completion of Substation 9 and Substation 10 projects; \$792 a grant the Library received from the State of Utah to pay for the renewal of Wi-Fi hotspots at the Library – Resolution 22-44 – Richard Anderson, Finance Director

At the November 1, 2022, Council meeting, Finance Director Richard Anderson addressed the Council regarding the proposed budget adjustments.

Chair Simmonds asked Mayor Daines where Substations 9 & 10 are located.

Mayor Daines answered Substation 9 is located at 1000 West US HWY 89/91 and Substation 10 is located by USU tucked under the hill. These are two brand-new substations to accommodate the growth and power load in the city.

Councilmember M. Anderson inquired what happens to the disposed or rather used police taser equipment.

Mr. Anderson replied all property is disposed of through the purchasing manager (with the intent to be destroyed).

Chair Simmonds opened the meeting to a public hearing.

Dr. Gail Yost, a resident of Logan asked if all items need to be purchased ahead or after. Does the money come to the City through the Finance Department or is it requested.

Mr. Anderson responded that often time with these grants we will receive authorization beforehand, but the funds cannot be spent until the Council appropriates the funds. In the case of the commercial connection fee of \$600,000, we are close to being in a deficit as we have spent most of our budget. The typical process is that the Council appropriates, and all departments are aware that they cannot spend the funds until the Council appropriates the funds. In the case of a grant, we can't spend it until the Council appropriates the funding.

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

ACTION. Motion by Councilmember A. Anderson seconded by Vice Chair López to approve Resolution 22-44 as presented. Motion carried unanimously.

A. Anderson: Aye

M. Anderson: Aye

Jensen: Aye

López: Aye

Simmonds: Aye

WORKSHOP ITEMS:

ZOLLINGER GLOBAL PROPERTY ANNEXATION – Consideration of an annexation petition filed by Lance Zollinger & Guy Marker, on behalf of Global Property 2000 LLC, for the purpose of annexing 18.93 acres, more or less into the City of Logan. This property is contiguous to Logan City and located on the East side of 1000 West at approximately 2000 North – Ordinance 22-20 – Mike DeSimone, Community Development Director

Community Development Director Mike DeSimone addressed the Council. He explained this is the first annexation reviewed under the revised annexation rules contained in Land Development Code 17.53.040 which now sends annexation requests to the Planning Commission for review and recommendation to the Council. The proposal was also sent to all City Departments and affected entities for review. Any comments Community Development has received are included with the Planning Commission staff report. The one condition on the annexation plat from the Planning Commission review is that the applicant will need to amend the western boundary of the annexation plat to include to the centerline of 1000 West rather than just to their western property line.

Staff recommended that the Planning Commission recommend approval to the Municipal Council of the proposed Global Property Annexation (Zollinger) with proposed Industrial zoning.

Mike DeSimone, answered a prior question of Chair Simmonds from the last council meeting about how the site interferes with the airport overlay zones. The site itself is not within the sphere but within their traveled zone.

Councilmember Jensen asked if the airport zone restricts building height and use.

Mr. DeSimone answered that is correct. In this case, the intent is a cold storage project that would be compatible with the airport overlay zone.

The proposed ordinance will be an action item and public hearing at the December 6, 2022, Council meeting.

CAPER REPORT - Consideration of a proposed resolution approving the Program year 2021 (PY2021) Consolidated Annual Performance and Evaluation Report (CAPER) in accordance with the entitlement community requirements of the U.S. Department of Housing and Urban Development (HUD) for the receipt of Community Development Block Grant (CDBG) funds – Resolution 22-47 – Amanda Hovey, CDBG Coordinator

CDBG Coordinator Amanda Hovey addressed the Council regarding the proposed resolution. She explained that the 2021 Consolidated Annual Performance and Evaluation Report (CAPER) provides an analysis of the third project year (July 1, 2021 – June 30, 2022) of the City's 5-year Consolidated Plan completed in 2019. The CAPER is prepared annually to report accomplishments of the funded activities and to measure the success in

achieving the vision, goals, and objectives identified in the Consolidated Plan and the Annual Action Plan.

The 2021 AAP is the third Annual Action Plan for the Five-Year Consolidated Plan (2019-2023). The main objectives of the consolidated plan and the 2021 AAP are:

- Invest in infrastructure projects in neighborhoods with eligible low/moderate income (LMI) areas (40%).
- Invest in remediation of access and mobility barriers in all neighborhoods (10%).
- Sustain community needs that support LMI residents of Logan (30%). (20% - public facility, 10% - public services).

Infrastructure Projects Completed in 2021:

2021 Funded Projects:

- Riverside Drive Sidewalk
- 500 W 400 S Sidewalk

Previous Years Funded Projects:

- 600 N 200 W Sidewalk (PY20)
- 500 N 500 E ADA Ramps (PY20)
- 750 N 600 E Sidewalk (PY20)
- 600 E Pedestrian Improvements (PY18)
- Bridger Park Pathways (PY18)
- Canyon Road Trail (PY17)

Beneficiaries totaling approximately 28,510 residents of which 18,065 (63%) are LMI.

Community Needs Projects Completed in 2021:

Public Facility Projects:

- Art in the Mural Program
- **Whittier Central Playground Floor is ongoing and will be reported on next year's CAPER**

Public Service Projects:

- English Language Center Technology
- CAPSA Technology
- Little Lambs Forklift
- Sunshine Terrace Van

Beneficiaries totaling approximately 15,539 residents of which 10,127 (65%) are LMI.

Chair Simmonds inquired why on the project for 600 N 200 W sidewalk, a park strip was not done.

Mayor Daines and Councilmember M. Anderson replied there was not enough setback or right-of-way given the width of the road.

Paul Lindhardt, Public Works Director confirmed that is correct.

Council expressed their gratitude and pleasure at seeing more pedestrian walkable sidewalk connections.

The proposed resolution will be an action item and public hearing at the December 6, 2022, Council meeting.

RIGHT OF WAY VACATION – Consideration of a proposed ordinance vacating Public Right of Way along the East Right of Way Line of Hwy 89/91 (at 2000 West Hwy 89-91) for the purpose of constructing the 3200 South intersection – Ordinance 22-23 – Paul Lindhardt, Public Works Director

RIGHT OF WAY VACATION – Consideration of a proposed ordinance vacating Public Right of Way along the West Right of Way Line of Hwy 89-91 (at 3000 South Hwy 89-91) for the purpose of constructing the 3200 South intersection – Ordinance 22-24 – Paul Lindhardt, Public Works Director

Public Works Director Paul Lindhardt addressed the Council regarding the proposed two right of way vacations. He explained that the items will be withdrawn from the agenda as a vacation and is not necessary for this right-of-way. The small parcels owned will be part of the UDOT project on 3200 South Intersection. If we vacate the right-of-way, it is no longer public land and is dedicated to the adjacent property. Since the property is moving from right-of-way to right-of-way, there is no need to vacate.

Mayor Daines presumed this would be presented again to Council in a workshop.

Craig Carlston, City Attorney clarified that there is no need to present back to Council as it is not a significant amount of property.

Mr. Lindhardt continued the two parcels are less than half of an acre. The matter can be taken care of internally.

WATERMARK REZONE – Consideration of a proposed rezone of approximately 11.13 acres of property located at 1262 West 2200 South from Commercial (COM) to Mixed Residential High (MR-30) – Ordinance 22-21 – Russ Holley, Planner

Planner Russ Holley addressed the Council regarding the proposed rezone. The proponent is requesting to rezone approximately 11.13-acres (three parcels) from COM to MR-30 along the south side of 2200 South near the intersection of Highway 89/91. The proponent is also requesting a Design Review Permit for 232 multi-family dwelling units, surface parking lots, landscaping and associated site improvements. This area, along with approximately 300 acres, was annexed into Logan City in October 2007 as part of the South Highway Annexation. The land is currently being used for agricultural and a

single-family use with the existing home being built in 1955. Two small ponds are located on the property.

GENERAL PLAN

The Future Land Use Plan (FLUP), adopted in 2008, identifies this property as Commercial (COM). The General Plan, a nonregulatory visioning plan, describes COM areas as being intended for retail, service and hospitality businesses that provide employment centers and serve city-wide and regional populations. New projects should have buildings that meet high architectural standards and constructed with quality materials. Most COM designations inside Logan City are located near the Main Street/Highway corridor north and south of downtown.

LAND DEVELOPMENT CODE

The Land Development Code (LDC) regulates land uses and entitles properties with specific development allowances. The COM zone allows a wide range of commercial and light industrial uses. The COM zone is typically located along major collector and arterial streets with large capacity utilities. Standard building heights are limited to 40' and 60% lot coverage maximums. Residential uses are allowed at 30 units per acre if positioned in upper floors of a vertical mixed-use building with commercial uses located on the ground floor. Parking requirements are based on each project component and 20% of project sites are required to be improved with open space and landscaping.

The MR-30 zone (proposed zoning designation) allows for high density residential uses at 30 dwelling units per acre. Development patterns are urban or suburban by character with maximum heights allowed to be 55' feet tall and front setbacks listed at 10 feet. MR-30 projects are typically stacked multi-level apartment buildings with parking lots, site amenities and landscaping.

The South Gateway Corridor Overlay Zone impacts a portion of this property. A 300' foot buffer from the centerline of the Highway along both sides from 3200 South to the Railroad Crossing (~1700 South) makes up the South Gateway Overlay boundary. Lands within the overlay boundary have additional setbacks, use restrictions, and design layouts with the goal of creating a more aesthetically pleasing entryway into Logan City from Sardine Canyon and points south of Cache Valley.

Design Review Permit

Design Review Permits are required for new multi-family developments in the city. The proposal includes 28 townhomes and 204 multi-family condominium units for total of 232 dwelling units. The site contains a larger wetland area, that has been delineated, near the northwest corner, with the proposed development leaving it undisturbed and working around the wetland area. The three and four-story buildings are clad with brick, stucco and composite lap-siding with a unique roofline design that unifies the overall project theme.

Setbacks

The Land Development Code (LDC) requirements for setbacks in the MR-30 zone are as follows (as measured from property lines):

Front:	10'
Corner:	10'
Side:	8'
Rear:	10'
Parking (front):	10'
Parking (side/rear):	5'

The following setbacks are proposed for the building(s) (as measured from the exterior property lines of the project site, at closest points):

Exterior buildings and parking areas measured to perimeter property lines

Front:	10+'
Corner:	10+'
Side:	8+'
Rear:	10+'
Parking (front):	70'+
Parking (side):	10'+

As proposed, the project meets the setbacks in the MR-30 zoning district.

Lot Coverage & Building Frontage

The LDC 17.7.100 establishes a maximum lot-coverage of 60% (building(s) footprint in relation to overall lot size) and a minimum building frontage of 60% (percentage of building width to overall lot width at front setback) in the MR-30 zone. The proposed ~95,000 SF building(s) on the 11.13-acre (484,822 SF) equals a lot coverage of approximately 20%. If the “non-buildable” wetland area is not factored, the building frontage along 2200 South and 1200 West is shown above the minimum 60%. As submitted, and considering the wetland area, the proposed lot coverage complies with the maximum allowance in the LDC.

Building Orientation & Design

The LDC 17.09.040 states that buildings should be oriented towards the adjacent street or common courtyard with front facades and front doors for visual and walkability reasons. In certain cases, for practicality reasons or unique site constraints, buildings can orient away from the street, but façade considerations (four-sided architecture) and walkability should create inviting architecture and maintain direct walkability. The proposed townhomes all orient to the adjacent streets. The multi-family condominium buildings orient to either the southern perimeter (no streets present) or internally to the common areas and site amenities. Building “B” is the only multi-family building adjacent to a street (1200 West).

The LDC 17.09.040 requires multi-family buildings to have minimum variations, interesting façade design, a mix of materials and articulation for aesthetically pleasing projects. The MR-30 zones are required to have minimum street-facing façade design variations from adjacent buildings to enhance neighborhood character and create visual interest (limit “cookie-cutter” homes). The LDC identifies eight (8) different categories and requires that at least four (4) out of the eight (8) be noticeably different. The eight (8)

categories listed are building color, materials, roofline, height (number of floors), fenestration, architectural style, articulation, and porch design. The townhome buildings show four variations from half of the adjacent buildings/units, but some adjacent townhomes are designed identically. As conditioned with forward orienting architectural features on the west façade of building “B”, and façade variation compliance for the townhome buildings, the project meets the code requirements in the LDC.

Building Heights

The LDC allows building heights in the MR-30 zone at 55 feet. The proposed three and four-story buildings are shown at or below the 55-foot maximum height. Some of the four-story buildings have a roof peak at 57 feet, but building height is measured to the mid-point of the gable on a pitched roofline and thus complies. As proposed, building height complies with the LDC standards.

Parking Requirements

The LDC 17.31.040 requires two (2) parking stalls per every dwelling unit for multi-family structures in the MR-30 zone. The LDC also requires bike racks for residential uses. The proposed plan shows a double-car garage within each townhome and surface parking for the multi-family buildings. The 28 townhomes buildings each contain two parking stalls in the attached garage. The surface parking lots contain 374 parking stalls. The 204 multi-family units require 408 parking stalls as per the LDC. The proposed project is 34 parking stalls short of the LDC requirements (~8%). The applicant has submitted an alternative parking plan for review and approval as per LDC Alternative Parking Plan. The submitted alternative plan does not include all the documents and studies required in 17.31. As conditioned with parking compliance, the project complies with the Logan City parking code requirements.

Pedestrian Circulation

LDC 17.30.160 requires that developments provide safe, reasonably direct, and convenient pedestrian access between each building and sidewalks along adjacent streets. The proposed project provides reasonable direct and extensive pedestrian circulation for the townhomes and multi-family buildings to and from adjacent streets. As submitted, the project meets the requirements of the LDC.

Open Space

The LDC 17.07.110 requires 20% open space and an additional 10% useable outdoor space in the MR-30 zone. The LDC 17.35 generally describes open space as vegetation or landscaped areas, while useable outdoor space is typically decks, patios and other similar outdoor amenities. The open space percentage is based on the net acreage after street dedication because all open space must be privately owned and maintained. The project shows conceptual open space and amenities. All usable amenities and open space will be counted towards the requirement. Storm water retention ponds that are entirely composed of cobble/gravel rocks are not considered useable open space as it would be unreasonable to see a child playing on cobble surface such as that. As conditioned with final landscaping plans and minimum open space, the project meets the requirements of the LDC.

Landscaping

The LDC 17.32 requires minimum landscaping for overall visual aesthetics, ecological reasons, visual screening, shading purposes and enhancement of the outdoor experience. The LDC requires a minimum of 20 trees and a combination of 50 shrubs, flowers and ornamental grasses per net acre of land for multi-family residential projects. The LDC also requires minimum perimeter and interior parking lot landscaping to reduce the visual and environmental impacts of asphalt parking lots. As conditioned with minimum landscaping requirements, the project complies with the LDC.

Lighting

The LDC 17.37.090 requires adequate lighting that adds aesthetic quality and improves safety while mitigating unnecessary glare, sky glow and light trespass. The LDC limits freestanding pole height to 32 feet and luminaire fixtures on buildings and canopies to be concealed source, down-cast and shielded from neighboring properties. Light measurements are required to range between 0.5 – 4.0-foot candles, so areas are sufficiently safe, but not excessively bright. As submitted, no exterior lighting has been shown. As conditioned, the project meets the requirements of the LDC.

STAFF SUMMARY

The property is identified on the FLUP as COM and considering its proximity to the highway, commercial land use could be considered a viable long-term solution. The South Highway Overlay anticipated this area to be developed in a commercial manner with larger setbacks and in a nodal manner associated with the new 1000 West traffic light. The FLUP has already identified numerous acres in this area as MR and is in the process of being developed into multi-family and townhome developments. This area was not planned for MR in the FLUP. Being along the highway and positioned on the south side of the city, a regional commercial use would be ideal for this site, whereas living near a high-speed highway is not ideal (noise, pollution, and safety). The rezone request is not consistent with the FLUP and has not been anticipated by both the surrounding Logan and Nibley neighborhoods. The idea of smaller, more affordable dwelling units is a noble idea; however, this is the wrong location. Higher density and affordable units should be placed Downtown and in other high-density areas identified on the FLUP where infrastructure and services are in close proximity and considered more walkable and less car dependent. Staff recommends denial on the rezone.

RECOMMENDED FINDINGS FOR DENIAL (REZONE)

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

1. The Logan City FLUP identifies the area as COM.
2. This area is positioned along Highway 89/91 with commercial uses to the north and the neighboring properties are not anticipating MR-30 land uses.
3. Design incompatibles may be an issue with surrounding properties because they are not anticipating MR-30 land uses.

MR-30 and other higher density developments should be planned and located near services and transit for better walkability and less car dependence.

RECOMMENDATION

Staff recommended that the Planning Commission recommend **deny** to the Municipal Council for a rezone of approximately 11.13 acres of property located at approximately 1262 West 2200 South (TIN# 03-007-0010; -0011; -0023) from Commercial (COM) to Mixed Residential High (MR-30) The Design Review Permit is contingent on the outcome of the rezone.

Councilmember A. Anderson inquired if the statement that the proponent's intention to develop condominiums to be sold would not be binding.

Russ Holley, City Planner said that would be correct. A verbal statement would not be binding. It is difficult to mandate.

The proposed ordinance will be an action item and public hearing at the December 6, 2022, Council meeting.

FAIRWAY LOFTS REZONE – Consideration of a proposed rezone from Mixed Residential Low (MR-12) to Neighborhood Center (NC) located at 391 South 400 West – Ordinance 22-22 – Russ Holley

Planner Russ Holley addressed the Council regarding the proposed rezone.

Project Proposal

This proposal is for a rezone from MR-12 to NC, a Design Review and Conditional Use Permit for a new 1,000 SF corner market, two residential dwelling units, detached garage, drive-thru lane, patio, parking and landscaping areas on a 0.26 acre corner lot at the intersection of 400 South and 400 West. One of the dwelling units (Old Victorian Home) is being proposed as a short-term rental. The property currently has a home, built in 1911, and the old, abandoned Fairway Market corner building (built circa 1940's). The existing home is being proposed to be remodeled and new modern-designed tiny-home placed directly adjacent for a total of two (2) residential dwelling units. The site is located directly north of the Cache County Fairgrounds, a block from the Logan Aquatic Center and approximately two blocks from Logan High School.

Short Term Rentals

The purpose of LDC 17.37.130 is to regulate short term rentals (STR) to ensure compatibility within residential neighborhoods and that they won't unreasonably reduce long-term housing opportunities. The general requirements are:

- Occupied less than 30 continuous days.
- Business license required.
- Conditional Use Permit (CUP) required.
- Meet minimum neighborhood density by being located at least 500' from another STR.
- The number of STR's citywide is limited to 3 STR's per every 1,000 of total population.

The specific operational standards for STR's are as follows:

- Maximum occupancy is two (occupants) per bedroom plus two additional occupants.
- Parking shall be located on-site at one space per bedroom with a minimum of two parking spaces per STR required.
- Current residential appearance or character cannot change because of the STR.
- No more than one STR per residential structure (multi-family structures).
- STR's are subject to City's nuisance ordinances. Repeated failure to comply will result in loss of CUP and Business License.
- STR's shall comply with all current applicable building, fire, health, safety, maintenance codes.
- Signage is limited to two square feet and only located on the building wall.

Conditional Use Permit

The CUP process provides a system for discretionary consideration for applications that are not typically associated with zoning district uses. CUP approvals should preserve and enhance neighborhood character and provide conditions to mitigate any potential impacts. Land Development Code (LDC) §17.37.130 requires a CUP for STR's in all residential zones. Section 17.42.050 in the LDC governs the approval criteria for Conditional Uses.

§17.42.050 Planning Commission Action

The Commission may approve or conditionally approve a conditional use permit only upon substantiating the following findings:

- A. The maximum established density has not been exceeded unless a density bonus has been approved in conformance with General Plan policy and City ordinance.*
- B. The proposed use conforms to the requirements of Title 17 of the Logan Municipal Code and is listed as a conditional use in the Use Table.*
- C. The use is compatible with surrounding land uses and will not interfere with the use and enjoyment of adjoining or area properties.*
- D. The streets providing access and other infrastructure to the subject property have adequate capacities or a suitable level of service for the conditional use.*
- E. The proposed use is compatible with neighborhood uses and character while preserving and enhancing the character of the neighborhood.*
- F. Access to adjoining streets is designed to be constructed in conformance with City standards and specifications. Where adjoining streets are regulated by the Utah Department of Transportation, access to street(s) shall conform to the requirements of the Cache Access Management Plan.*
- G. The proposed use provides adequate off-street parking in conformance with this Title.*
- H. The project provides open space and landscaping in conformance with this Title.*

When approving a CUP, the Planning Commission must substantiate the above lists of criteria for the specific application. CUP approvals include substantiating the “preservation and enhancement of neighborhood character” and “compatibility and interference with use and enjoyment of neighboring properties”. These discretionary issues need to be reviewed to ensure a proposed STR is compatible within the project site and within the surrounding neighborhood.

Rezone

The MR-12 zone (existing zoning designation) allows for lower density multi-family residential developments at 12 units per acre. Building heights are set at 35 feet tall and front setbacks are 10 feet. The NC zone (proposed zone) is both a commercial and residential zone intended to serve neighborhood populations. Commercial square footages are limited to 5,000 SF and land uses are limited to minimize commercial impacts to surrounding residents. Residential units are limited to 9 units per acre and building height is set at 35 feet tall.

The Future Land Use Plan (FLUP) shows this property as Mixed Residential (MR) and does not distinguish between MR 9-30 for MR zoning districts. The FLUP shows only four areas as Neighborhood Commercial (NC), all of which are on the east side of the city. The NC zone is intended, as per Logan City General Plan, to be implemented in areas for a modest level of convenience-oriented commercial services. The NC zone could be considered a small-scale floating zone (spot zone), as it is atypical to see larger areas grouped and zoned NC, which is the way other zoning districts are typically applied. The NC zone should be pedestrian oriented and should not compromise neighborhood character.

Land Use

The Land Development Code (LDC) Table 17.08.040 permits and conditionally permits residential uses, food service, retail sales and office land use in the NC zone. With a conditional use permit in residential zones, a short-term rental can be legally established. The applicant is requesting approvals for a corner-market (food service), standard residential use and one short-term rental, all of which comply with code allowances.

Design Review Permit

Design Review Permits are required for new commercial and multi-family developments in the city. The site is partially developed but has abandoned all previously legally established entitlements. The corner market and two-unit residential structure and accompanying site improvements are all subject to design review and code requirements.

Setbacks

The Land Development Code (LDC) requirements for setbacks in the NC zone are as follows (as measured from property lines):

Front:	10-25'
Corner:	10-25'
Side:	8'
Rear:	10'

The following setbacks are proposed for the building(s) (as measured from the exterior property lines of the project site, at closest points):

Proposed New Residential Unit

Front (south):	80+'
Corner (east):	55'

Side (west): 14'
Rear (north): 12'

Existing Residential Home (grandfathered structure)

Front (south): 49'
Corner (east): 50'
Side (west): 14'
Rear (north): 24'

Existing Corner Market Building (grandfathered structure)

Front (south): 0'
Corner (east): 0'
Side (west): 60'
Rear (north): 80'

Proposed New Detached Garage

Front (east): 0'
Side (north): 14'
Side (south): 60'
Rear (north): 80'

As proposed, the project does not meet the 10-foot setback for the proposed detached garage along 400 West. The corner market and existing home are grandfathered structures and are not subject to new setback regulations (unless willingly demolished). The new “tiny home” placement will be regulated by the building code for minimum separation from the existing home as no new property lines are proposed through the center of the site. As conditioned with setback compliance, the project meets the requirements for the zone.

only two driveways will be permitted in this situation. As conditioned with full parking and driveway compliance, the project meets the parking requirements in the LDC.

Open Space and Landscaping

The LDC 17.07.120 requires open space and landscaping to buffer neighborhood center buildings and uses from adjacent properties. The LDC 17.32 requires minimum landscaping for overall visual aesthetics, ecological reasons, visual screening, shading purposes, and enhancement of the outdoor experience. The LDC requires a minimum of 20 trees and a combination of 50 shrubs, flowers, and ornamental grasses per acre of land for commercial/multi-family projects. At 0.26-acres, 5 trees and 13 shrubs, perennials and ornamental grasses are required as per the LDC. As conditioned with minimum landscaping numbers placed in areas that ensure buffering of neighboring properties, the project complies with the LDC.

Lighting

The LDC 17.37.090 requires adequate lighting that adds aesthetic quality and improves safety while mitigating unnecessary glare, sky glow and light trespass. The LDC limits freestanding pole height to 32 feet and luminaire fixtures on buildings and canopies to be concealed source, down-cast and shielded from neighboring properties. Light

measurements are required to range between 0.5 – 4.0-foot candles, so areas are sufficiently safe, but not excessively bright. As submitted, no exterior lighting has been shown. As conditioned, the project meets the requirements of the LDC.

Summary

The rezone is the most pivotal decision with this project request as all else depends on that result. Being an old, abandoned corner store, near the fairgrounds, aquatic center and High School, one could argue that this is a good location for NC zoning. The west side of the city is under-served from a corner store or small-scale neighborhood center commercial services standpoint (east side has the Island Market, Fredrico's Area, 1000 North and 700 East, etc...). Staff is concerned about the drive-thru and character of the neighborhood. Drive thru lanes are not appropriate in NC developments. All the other NC zoned areas in the city do not have a drive-thru lane. Drive-thru lanes do not, according to staff, meet the intent of the NC zone description. The LDC and General Plan both describe NC areas as being pedestrian oriented and preserving neighborhood character. The proposed design with 6 driveways, a drive-thru lane and up to 15 cars placed in highly visible areas on about a quarter of an acre is not consistent with surrounding residential character and not permitted by the Engineering Department. Unlike the drive-thru lane, the building setbacks, parking locations and landscaping issues can be re-designed in a manner that does not negatively impact the neighborhood character.

RECOMMENDATION

Staff recommended that the Planning Commission **recommend approval** for a Rezone from Mixed Residential Low (MR-12) to Neighborhood Center (NC) and **conditionally approve** a Design Review and Conditional Use Permit for project #22-061, Fairway Lofts, in the Mixed Residential Low (MR-12) zone located at approximately 391 South 400 West, TIN #002-038-0001.

Chair Simmonds requested Russ Holley would indicate on the table where it says a home can be built.

Mr. Holley responded there is a conflict as on the NC (Neighborhood Center) specification sheet "it says residential densities are allowed in nine units per acre." He will have to check the structure types. The applicant would be entitled to residential usage based on Land Development Code, 17.07.120.

Chair Simmonds said the NC zoning limits the amount of commercial on the site. If the house will be counted as part of that.

Mr. Holley answered the Airbnb can count as residential, but there is an application for only one unit. The other existing residential unit is a long-term residential unit.

Councilmember Jensen remarked the Island Market has a four-way stop sign. He wondered if that would occur at this location as well.

Mr. Holley is not aware there are any indications to change the traffic patterns in the location, (it is a T-shaped crosswalk).

Vice Chair López inquired if the 3000 square feet is the limit or the minimum. And if the property of 2.26 acres will allow roughly 1,000 square feet of commercial.

Mr. Holley replied 3,000 square feet is the limit for commercial. It is not based on the acreage per say rather as a conditional use.

The proposed ordinance will be an action item and public hearing at the December 6, 2022, Council meeting.

BUDGET ADJUSTMENTS FY 2022-2023 appropriating: \$400,000 additional funding received from the Cache Metropolitan Planning Organization toward the 100 West Southern Roadway Extension; \$7,549 funds received from the State of Utah to be used for the Interlibrary Loan Program; \$7,848 funds received from the US Treasury Department to be used to purchase specialized equipment for the collection and documentation of evidence in criminal investigations – Resolution 22-48 – Richard Anderson, Finance Director

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

The proposed resolution will be an action item and public hearing at the December 6, 2022, Council meeting.

CODE AMENDMENT – Consideration of a proposed amendment to Chapter 2.36 of the Logan Municipal Code “Neighborhood Councils” – Ordinance 22-25 – Craig Carston, City Attorney

City Attorney Craig Carlston addressed the Council regarding the proposed code amendment. The new ordinance establishes seven neighborhood councils. Six of these will be based on the school boundaries and the seventh will be for Utah State University. The current ordinance is only one neighborhood council per ordination and neighborhood councils are encouraged to adopt their own bylaws. There is a steering committee with a chair, who is to be ratified by the Council. A member of the city council will be assigned to a neighborhood as a council liaison.

Chair Simmonds requested confirmation that what is already being done needs merely to be codified.

Mr. Carlston confirmed that is correct.

Mayor Daines explained upon a closer view of the code, it was out of date in regard to the neighborhood council and needed to be updated to match the current practices.

Councilmember A. Anderson remarked there may be an issue as Hillcrest will no longer be a primary elementary as such there will only be 6 neighborhood councils in the draft.

Chair Simmonds indicated that councils would be based on historic boundaries.

Councilmember A. Anderson agreed but the language needs to be specific or clarify to ensure there are no misunderstandings.

The proposed ordinance will be an action item and public hearing at the December 6, 2022, Council meeting.

OTHER CONSIDERATIONS:

Councilmember Jensen reminded the Council of the selection of a new Chair for next year, 2023.

Chair Simmonds stated a new Chair selection will be added to the December 6, 2022 Council agenda.

There were no further considerations addressed by the Council.

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, November 15, 2022, at 7:08 pm, in the Logan Municipal Council Chambers located at 290 North 100 West, Logan, Utah 84321. 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 Jeannie F. Simmonds, Vice Chair Ernesto López, Councilmember Amy Z. Anderson, Councilmember Amy Z. Anderson, Councilmember Tom Jensen, and Councilmember Mark A. Anderson. Administration present: Mayor Holly H. Daines, City Attorney Craig Carlston, Finance Director Richard Anderson, Economic Development Director Kirk Jensen, City Recorder Teresa Harris, and Deputy City Recorder Esli Morales.

Chair Jeannie F. Simmonds welcomed those present. There were approximately 9 in attendance at the beginning of the meeting.

ACTION ITEM:

PUBLIC HEARING - Budget Adjustment FY 2021-2022 appropriating: \$500,000 additional funds for the completion of the Center Block Project – Resolution 22-45 RDA – Kirk Jensen, Economic Development Director

At the November 1, 2022, Council meeting, Economic Development Director Kirk Jensen addressed the Council regarding the proposed budget adjustment for the Center Block project. Since March 2021 when we appeared before the council and entered into a construction contract in June of 2022, we tried to be conservative in our budget. However, with inflation, costs have increased by roughly 33%. Tearing into old

buildings, we have encountered unexpected issues including requiring weatherproofing, structural support, totaling \$500,000 dollars.

Mayor Daines interjected that there will be an additional pledge/donation of \$159,000 to offset some of the costs. The nature of construction projects is taking longer and costing more.

Councilmember Jensen confirmed that is the case with the price of steel, etc.

Chair Simmonds clarified that the money is being allocated to the project. If the funds are not needed the funds will not be spent.

Chair Simmonds opened the meeting to a public hearing.

There were no comments and Chair Simmonds closed the public hearing.

ACTION. Motion by Councilmember Jensen seconded by Vice Chair López to approve Resolution 22-45 RDA as presented. Motion carried unanimously.

A. Anderson: Aye

M. Anderson: Aye

Jensen: Aye

López: Aye

Simmonds: Aye

ADJOURNED. There being no further business, the Logan Municipal Council adjourned at 7:11 pm.

Esli Morales, Deputy City Recorder