

Minutes of the meeting of the Logan Municipal Council convened in regular session on Tuesday, March 7, 2023, 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: Chairman Ernesto López, Vice Chair Amy Z. Anderson, Councilmember Jeannie F. Simmonds, 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.

Chairman Ernesto López welcomed those present. There were approximately 8 in attendance at the beginning of the meeting.

OPENING CEREMONY:

USU Professor of Marketing Ed Stafford Ph.D. gave the opening remarks.

Professor Stratford thanked the Council for the opportunity and explained the purpose of the Air Quality Poster Contest. The contest teaches teens about local air pollution, its causes, how to preserve air quality, and marketing communication strategies. This is the 8th year of the contest with over 800 contestants from nine high schools (two from Southern Idaho). There are 60 finalists, and 35 judges, each selecting his/her top ten favorites. 18 state winners and two honorable mentions. The total prize amount is \$6000 in cash awards, gift cards, and merchandise.

The research findings are that there is an educational gap. Most students tell us that the contest is the only formal education they receive on Utah's air pollution. Some parents believe pollution may be difficult politically to talk about in school.

The challenge of the contest encourages teens to engage parents, families, and friends for help in developing their public service announcements. Interactions lead to conversations about air pollution. Thus, contest education extends beyond the classroom. Teen's influence their parents about not idling and other clean air actions. Parents report being generally accepting and welcoming.

The contest instills a commitment to clean air actions. The features of commitment-making are active, public, effortful, and voluntary/freely chosen. Thereby they initiate an education outreach in elementary schools. Engaging youth in active, public, and effortful anti-idling activities. Prepare take-home materials for parents. And instruct children to tell their parents because children will engage parents in clean air actions.

Vice Chair A. Anderson asked if the implementation applied to elementary-level students as well and if there would be opportunities for funding.

Professor Stratford responded the hope is for all age levels including elementary students. However, funding for another age group would have to be managed by another group. He would be pleased to share his expertise as he already manages the High School group.

Professor Stafford also led the audience in the pledge of allegiance.

Councilmember Simmonds expressed her appreciation for all of the those who participated in the Air Quality Poster Contest.

Meeting Minutes. Minutes of the Council meeting held on February 21, 2023, were approved with no corrections.

Meeting Agenda. Chairman Ernesto López announced there are three public hearings scheduled for tonight's Council meeting.

ACTION. Motion by Councilmember M. Anderson seconded by Councilmember Jensen to approve the February 21, 2023, minutes and approve tonight's agenda. Motion carried unanimously.

A. Anderson: Aye

M. Anderson: Aye

Jensen: Aye

López: Aye

Simmonds: Aye

Meeting Schedule. Chairman Ernesto López 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, March 21, 2023.

QUESTIONS AND COMMENTS FOR MAYOR AND COUNCIL:

Chairman Ernesto López 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.

Dr. Gail B. Yost, a resident of Logan invited the public to attend the Wilson Neighborhood meeting on March 24th at Wilson Elementary from 5:30 p.m. to 7 p.m.

Joshua Molitor, a resident of Logan read a quote by Nikolas Tesla, *"A new world must be born, a world that would justify the sacrifices offered by humanity. This new world must be a world in which there shall be no exploitation of the weak by the strong, of the good by the evil; where there will be no humiliation of the poor by the violence of the rich; where the products of intellect, science and art will serve society for the betterment and beautification of life, and not the individuals for achieving wealth. This new world shall not be a world of the downtrodden and humiliated, but of free men and free nations, equal in dignity and respect."* Mr. Molitor expressed his concern over the lack of single-family housing and the increase in rentals. He wonders what can be done as a community and what the council can do.

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

MAYOR/STAFF REPORTS:

Sexual Assault Awareness Month – Madison McCormick, Community Coordinator, CAPSA

Matty (Madison McCormick) from CAPSA addressed the Council.

April is Sexual Assault Awareness Month. This year we are focused on HOPE.

We know that HOPE begins when we start by believing. HOPE begins when survivors feel supported by their community. HOPE happens when we connect survivors to CAPSA and our supporting agencies.

CAPSA has several programs and services that work collaboratively to support survivors. This month we want to highlight our outreach casework program.

We have 6 outreach caseworkers and 4 outreach casework interns. Our caseworkers are often the first to have these hard and personal conversations with survivors of sexual assault and rape. During these conversations, our caseworkers go through a pamphlet with survivors to help them understand their feelings, their reactions, and their choices of resources and help normalize all of it. We want to ensure that we help give power back to survivors.

- 1. On average in 2022, there were 3.25 Code Rs per month, which are forensic medical exams for sexual assault and rape cases. But this range can fluctuate widely. Some months we may have 5 or 6 and some months we may have 0.*
- 2. In 2022, CAPSA responded to 39 Code R exams at the Cache Valley Hospital.*
- 3. In 2022, 52% of CAPSA clients disclosed sexual assault as a primary or secondary victimization.*
- 4. In 2022, CAPSA assisted a total of 631 sexual assault clients last year.*

In order to best support survivors, CAPSA has developed incredible relationships with law enforcement, investigators, and the hospital. CAPSA's caseworkers know these systems and processes and can prepare individuals and empower them to make decisions to help them.

I want to share a recent success story that highlights the value of these collaborations, and CAPSA's efforts to support survivors of Sexual Assault.

One of our caseworkers recently assisted a veteran who was making a report of sexual assault that occurred while she was in the military. The military flew in investigators to meet with the client. The client requested her caseworker join her for the interview. The investigators were able to use the police department as a space to conduct the interview. After the interview, the investigators asked the caseworker to stay back for a minute and

expressed their gratitude to the caseworker for being present. They told the caseworker that the work we do is life changing.

This collaboration, the collaboration we share with your community, is what it takes to give HOPE to survivors. Thank you!

Enforcement Statistics (2022 Year-End Report) – Aaron Smith, Neighborhood Improvement Manager

Neighborhood Improvement Manager Aaron Smith addressed the Council.

LOGAN CITY CODE ENFORCEMENT:

- Primarily responsible for enforcement of Logan City’s land use, zoning, nuisance, and property maintenance codes.
- Snow, weeds, front yard parking, over-occupancy, signs and banners, property maintenance, etc.
- Initiate civil enforcement cases when violations are found. Legal proceedings (small claims court, liens).
- Request notice, citation, Notice of Violation, and Fee collection.

Staff:

2 Code Compliance Inspectors, 1 Admin Secretary, 1 Neighborhood Improvement Manager.

2022 Summary:

Total cases created 756. Total courtesy notices issued 507.

2022 Case Initiation:

Proactive Enforcement 371 with a goal to increase proactive enforcement for nuisance issues such as snow, weeds, and property maintenance.

2022 Violations:

The most common violations are:

- Signs (146)
- Landlord licensing (105)
- Parking (101)
- Weeds (99)
- Parkstrip Maintenance (57)
- Business licensing (57)
- Sidewalk obstruction (46)
- Snow and ice clearance (42)

The most intensive are:

- Over Occupancy (24)
- Vacant or Unsafe
- Properties (6)
- Property Maintenance (15)
- Driveway Violations (10)

2022 Neighborhood Enforcement:

- Adams - Case: 245; Courtesy Notices 204
- Ellis - Cases: 160; Courtesy Notices 114
- Woodruff - Cases: 160; Courtesy Notices 114
- Bridger - Cases 105; Courtesy Notices 71
- Wilson - Cases: 88; Courtesy Notices 108
- Hillcrest - Cases: 44; Courtesy Notices 86

Vice Chair A. Anderson asked if the overoccupancy correlated with the start of the school year.

Mr. Smith confirmed that is the case, especially in certain neighborhoods such as Adams.

Councilmember Jensen inquired what is the time frame for snow removal.

Mr. Smith answered the code specifies the time frame for the removal of snow on commercial properties. The residential side does not specify a time frame. As a policy, the department does not go until 24 hours.

Councilmember Simmonds requested clarification if commercial properties applied to a rental home.

Mr. Smith responded a rental unit is a residential property based on its residential use.

Vice Chair A. Anderson asked if the residents are cooperative.

Mr. Smith replied most residents are cooperative, but there are days when it is difficult. Overall, most residents are responsive and courteous.

Vice Chair A. Anderson inquired if the notices are available in Spanish.

Mr. Smith said the notices are not in Spanish.

Vice Chair A. Anderson suggested that a line be printed in Spanish with a phone number for residents to reach out to have the notice explained.

Mr. Smith thanked the Council for their comments and suggestions.

City Trails Update – Russ Akina, Parks & Recreation Director

Parks & Recreation Director Russ Akina addressed the Council.

Kunzler Conservation Easement – Extension of the Logan River Trail, (Estimated start: 2024). The Logan River Trail extends across the Logan River at Trapper Park in two directions: 1) northwest downstream approx. 2,900 linear feet; 2) east and northeast approx. 7,600 linear feet to 1000 West and 1100 South.

Logan Middle Canal Trail at 1400 North, (Estimated Completion: June 30, 2023)

Logan River Blue Trail – (Completed: December 12, 2022). Park Avenue to 1000 West: Hazard Debris Removal 47 loads/147.5 tons of debris hauled to the Landfill.

1800 South Trail – to Logan River Trail, (Estimated Completion: June 30, 2023)

Watercraft Access Ramp Planning, (Estimated Completion: June 30, 2023)

Stewart Nature Park, River Heights Bike Trail Re-Route – (Completed Sept. 10, 2022)

Relocation of the amphitheater as a Learning Circle - Estimated Start: Fall 2023

South Main Tunnel at 600 South, (Estimated Completion: Fall 2024)

100 West Realignment, (Estimated Completion: Fall 2023). Logan River Trail Extension to South Main Tunnel, Added Trail Under 100 West to Main Street, Logan River Trail connects to Golf Course Road.

800 West Regional Trail, (Estimated start: 2024). Extend 800 West Regional Trail from 1800 South to 2200 South.

1800 South Trail – Proposed (Estimated Completion: June 2023).

Spring Creek Trail - Proposed (Estimated Completion: Fall 2023), 1800 South to 1600 West.

Councilmember Jensen inquired regarding the Logan River Blue Trail and what the debris removal included.

Mr. Akina answered that the debris removal included organic (logs, overgrown vegetation, etc.) and inorganic (such as car bodies, etc.)

Councilmember Jensen asked if invasive willow trees are being systematically removed.

Mr. Akina replied that invasive willow trees are removed under a permit, if they cause a danger to the stability of the bank/stream they are removed on a case-by-case basis to ensure the structure of the riverbank is not compromised.

Logan-Cache Airport – Jason Ririe, Airport Director

Airport Director, Jason Ririe addressed the Council and thanked the Council for the opportunity to present since March is Aviation Appreciation Month. This is shown over the past year, there has been a pay increase across the board from pilots to software engineers.

Mr. Ririe presented information from UDOT for Aviation Development strategy. The information can be found at <https://www.udot.utah.gov/connect/business/airport-system-planning/aviation-development-strategy/>.

A few facts are Utah is #3 in the entire nation for the growth of total pilots, private, pilots, and commercial pilots from 2014 – 2019. #5 for total aircraft operations from 2000 to 2019. #6 in the growth of drone pilots from 2016 to 2019. And #9 in the growth of based aircraft from 2000 to 2019.

The cost vs. benefits, on average annual funding for the study of airports (excluding SLC) for the next 10 years is \$42.6 million. Presently the average annual is \$33.6 million. In other words, only 79% of capital needs can be met.

Mr. Ririe referred to the UDOT individual report for Logan-Cache Airport (LGU), https://www.udot.utah.gov/connect/wp-content/uploads/sites/50/2022/07/UDOT-Individual-Report_LGU-2.pdf

Mr. Ririe remarked that a new antenna was placed for tracking purposes at the airport. What they learned is that Logan Airport is the number one busiest airport in the state besides Salt Lake International Airport. On average, there are 500 operations per day (be it landing or take-off). As a result, UDOT and FAA will put more regulations on Logan Airport. However, the hope is that it comes with more airport funding.

Vice Chair. A. Anderson requested confirmation if \$8.6 million will be needed for the development of the Logan Airport to cover costs over the next 10 years.

Mr. Ririe confirmed that this is correct. The annual investment would be on average \$860,070, but overall bring in \$17.7 million in annual economic benefit.

Councilmember Simmonds remarked that it is amazing to realize that the airport has been in existence since World War 2. Pilots were trained at the airport and there is still an existing observation tower. There is a request for a tourist or an observation tower to be permitted for the citizens to see the arrival and take off of planes. Furthermore, the airport is managed by the City and Cache County. The airport is an economic source of revenue that is often underappreciated.

Councilmember Jensen inquired if there is a possibility of commercial service in the future.

Mr. Ririe responded it is not out of the question, but there are many aspects that go into consideration as part of the decision-making process such as population growth, housing, etc.

Richard Anderson, Finance Director reminded the Council of the importance of having a stable revenue source. If there is ever a point where significant funds are being put into the airport without a return, it would be time to consider a more equitable distribution. Currently, the citizens of Logan pay 75% of the airport and there are plenty of low-income residents. Some of the county areas have much higher incomes on average. The question is it equitable that low-income per capita citizens of Logan pay 75% for a joint service; instead, it should be a plausible consideration to spread the cost more equitably among the county residents as well.

No further Mayor/Staff Reports were presented.

COUNCIL BUSINESS:

Planning Commission Update – Councilmember Simmonds

Councilmember Simmonds reported that the Planning Commission approved a daycare. The Old Ephraim apartments were continued again as there is a parking requirement that has yet to be satisfied. Two land development codes were approved and will come before the Council.

No further Council Business items were presented.

ACTION ITEMS:

***(Requesting Continuance to the March 21, 2023 Meeting)* – PUBLIC HEARING - CODE AMENDMENT – Consideration of a proposed amendment to Logan Municipal Code Section 15.27 “Flood Damage Prevention” – Ordinance 23-03 – Mike DeSimone**

Community Development Mike DeSimone requested a continuance to the March 21, 2023, Council meeting.

ACTION. Motion by Councilmember Simmonds seconded by Vice Chair A. Anderson to continue Ordinance 23-03 to the March 21, 2023, Council meeting as presented. Motion carried unanimously.

A. Anderson: Aye

M. Anderson: Aye

Jensen: Aye

López: Aye

Simmonds: Aye

PUBLIC HEARING - CODE AMENDMENT - Consideration of a proposed Code Amendment. Logan City is requesting a Code Amendment to the Land Development Code, Chapter 17.52-Legally Existing Nonconformities clarifying how the city regulates nonconforming uses and structures; amend Chapter 17.60-Administrative Enforcement to update procedural language and civil fees; and amend Chapter 17.62-Definitions to reflect recent and pending LDC changes – Ordinance 23-05 – Mike DeSimone

At the February 21, 2023 Council meeting, Community Development Mike DeSimone addressed the Council regarding the proposed code amendments.

RECOMMENDATION

Staff recommended that the Planning Commission recommend **approval** to the Municipal Council of the proposed amendments to Chapters 17.43, 17.52, 17.60 and 17.62 of the Land Development Code.

REQUEST

This is a proposal to remove Murals/Wall Art from Design Review permitting requirements, update the non-conforming standards, update the Administrative Enforcement Chapter, and update the Definitions Chapter.

SUMMARY OF CHANGES

17.43 Design Review Permits - remove Murals/Wall Art from the list of activities required to obtain a Design Review Permit.

17.52 Legally Existing Nonconformities - updated the Chapter to clarify the intent and purpose of how the City regulates nonconformities; clarified that an expansion of a nonconforming structure or use needs to be reviewed and approved by the Planning Commission; updated this Chapter to standardize our approach & processes for all of the different types of nonconformities; and made grammatical edits.

17.60 Administrative Enforcement - updated language to reflect that we collect a filing fee and what it is used for; increased the general civil fee from \$50 to \$100 and the civil fee for an occupancy violation from \$250 to \$500 to help cover our costs associated with these types of infractions; and other minor grammatical edits.

17.62 Definitions- added/changed definitions for Brew Restaurant, Critical Lands, Driveway Approach, Geologically Unstable Area, Lands above 4,850', Mural, Riparian, Useable Outdoor Space, Wetlands, and Wildland Urban Interface.

STAFF RECOMMENDATION AND SUMMARY

The proposed changes to the LDC Chapters identified above are relatively minor amendments and help to clarify the City's regulations.

GENERAL PLAN

The proposed amendments continue to implement the vision of the General and are consistent with the General Plan.

PUBLIC COMMENTS

As of the writing of this report, there has not been any public comment.

PUBLIC NOTIFICATION

Legal notices were published in the Herald Journal on 12/31/22, posted on the City's website and the Utah Public Meeting website on 1/02/23, and noticed in a quarter page ad on 12/29/23.

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 Amendments are done in conformance with the requirements of Title 17.51 of the Logan Municipal Code.
3. The proposed Code Amendments are consistent with the Logan City General Plan.
4. The proposed Code Amendments to the Design Review Permits, Nonconformities, Administrative Enforcement, and Definitions are relatively minor in nature.
5. No public comment has been received regarding the proposed amendments.

On February 7, 2023, the Planning Commission recommended to the Municipal Council **approval** of the following Land Development Code Amendments:

Land Development Code (LDC) Chapter 17.43 "Design Review Permits," Chapter 17.52 "Legally Existing Nonconformities," Chapter 17.60 "Administrative Enforcement," and Chapter 17.62 "Definitions." **Planning Commissioners vote (7-0).**

Chairman López opened the meeting to a public hearing.

Dr. Gail B. Yost, a resident of Logan requested a brief summary for the benefit of the public.

Mr. DeSimone gave a brief summary of the amendments, they primarily include wall art, modified language regarding nonconforming structures, and changes to civil fees.

There were no further comments and Chairman López closed the public hearing.

ACTION. Motion by Councilmember Simmonds seconded by Vice Chair A. Anderson to adopt Ordinance 23-05 as presented. Motion carried unanimously.

A. Anderson: Aye

M. Anderson: Aye

Jensen: Aye

López: Aye

Simmonds: Aye

PUBLIC HEARING - CODE AMENDMENT – Consideration of a proposed Code Amendment. Land Development Code Amendment 17.09, 17.29, 17.30, 17.31 (Residential Driveway & Parking Standards) Logan City is requesting a Code Amendment to the Land Development Code, Chapter 17.07-General Development Standards; Residential Zones to remove residential driveway requirements; amend Chapter 17.29-Standards, Specifications, and Improvements to include residential driveway requirements; amend Chapter 17.30-Supplemental Development Standards to modify street connection requirements; and amend Chapter 17.31-Parking to update RV & Utility Trailer Parking in Residential Neighborhoods – Ordinance 23-06 – Mike DeSimone

At the February 21, 2023 Council meeting, Community Development Mike DeSimone addressed the Council regarding the proposed code amendments.

RECOMMENDATION

Staff recommended that the Planning Commission recommend approval to the Municipal Council of the proposed amendments to Chapters 17.09, 17.29, 17.30 and 17.31 of the Land Development Code.

REQUEST

This is a proposal to update driveway, parking, accessory structures and storage requirements on residential lots.

SUMMARY OF CHANGES

17.09.020 & 030 – added a street classification to each alternative in the graphic contained in 17.09.020; removed parking standards in 17.09.030 as these are located in Chapter 17.29; and updated the residential accessory language in 17.09.030.

17.29.060 Driveway Specifications – updated the residential driveway standards for single driveways, second driveways, and circular driveways.

17.30.170 – 190 Connectivity Standards – modified the minimum number of street connections by number of lots in 17.30.170; modified the infill/flag lot applicability thresholds for infill subdivision types in 17.30.180; and updated the code language in 17.30.190.

17.30.200 – updated the prohibited storage and accessory structures in the commercial and industrial zones.

17.31.080 – updated the parking standards for recreational and utility vehicles in residential areas.

STAFF RECOMMENDATION AND SUMMARY

Many of these proposed LDC updates are the result of code enforcement issues and a lack of clarity in the LDC. Others are the result of problems we have seen through the subdivision process, especially when a second or third street connection is required for a relatively small subdivision. The driveway standards in 17.29.060 are especially important as we have seen increase in the illegal or unpermitted installation of a second driveway and, while there is a demand for people to have a second driveway to store a boat or RV behind their house, we currently lack clear standards for multiple driveways on residential lots.

GENERAL PLAN

The Land Development Code was prepared and adopted to implement the vision expressed in the General Plan. The proposed amendments continue to implement the vision of, and are consistent with, the General Plan.

PUBLIC COMMENTS

As of the writing of this report, there has not been any public comment.

PUBLIC NOTIFICATION

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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 Amendments are done in conformance with the requirements of Title 17.51 of the Logan Municipal Code.

3. The proposed Code Amendments are consistent with the Logan City General Plan.
4. The proposed Code Amendments to Chapters 17.09, 17.29, 17.30 and 17.31 clarify driveway, parking, connectivity, accessory use, and storage standards on residential properties.
5. No public comments have been received regarding the proposed amendments.

On February 7, 2023, the Planning Commission recommended to the Municipal Council **approval** of the following Land Development Code Amendments:

Land Development Code (LDC) Chapter 17.09 "General Development Standards: Neighborhood Residential Zones," Chapter 17.29 "Standards, Specifications, and Improvements," Chapter 17.30 "Supplemental Development Standards," and Chapter 17.31 "Parking." **Planning Commissioners vote (7-0).**

Chairman López asked what the distance between the sidewalk is and the 40-degree angle (in regard to secondary residential driveway standards).

Mr. DeSimone replied the angle begins from where the sidewalk is.

Councilmember Simmonds inquired if there is no setback and rather paving will continue forward (in regard to secondary residential driveway standards).

Mr. DeSimone answered a numerical number was not put in place rather an angle for an area was to maintain a green area in the park strip.

Councilmember Jensen requested clarification on 17.31.080 regarding the residential parking of an RV.

Mr. DeSimone clarified an RV can legally be parked in the garage, the area behind the house, or on the side of the back of the house. The driveway does not count as legal parking.

Councilmember Jensen added if residents can claim an existing use or grandfathering of being able to park their RV in front of their home.

Mr. DeSimone explained parking a vehicle or an RV in front of a home is a type of use, but it is not a use to be recognized.

Chairman López opened the meeting to a public hearing.

There were no comments and Chairman López closed the public hearing.

ACTION. Motion by Councilmember Simmonds seconded by Councilmember Jensen to adopt Ordinance 23-06 as presented. Motion carried unanimously.

A. Anderson: Aye

M. Anderson: Aye

Jensen: Aye

López: Aye

Simmonds: Aye

PUBLIC HEARING - CODE AMENDMENT – Consideration of a proposed Code Amendment. Land Development Code Amendment 17.28, 17.32 (Open Space, Landscaping, Useable Outdoor Space). Logan City is requesting a Code Amendment to Land Development Code, Chapter 17.28-Open Space to eliminate open space code language and consolidate useable outdoor space requirements into landscaping requirements for new development; amend Chapter 17.32-Landscaping to incorporate useable outdoor space into landscaping requirements – Ordinance 23-07 – Mike DeSimone

At the February 21, 2023 Council meeting, Community Development Mike DeSimone addressed the Council regarding the proposed code amendments.

RECOMMENDATION

Staff recommended that the Planning Commission recommend approval to the Municipal Council of the proposed amendments to Chapters 17.28 and 17.32 of the Land Development Code.

REQUEST

This is a proposal to eliminate the open space language in Chapter 17.28 and consolidate minimum useable outdoor space requirements with the landscaping requirements for new development in Chapter 17.32. The Commission is also considering another pending amendment (Ord 23-06) which updates the residential and commercial spec sheets to reflect this change (Landscape & Useable Space Requirements versus Open Space & Useable Outdoor Space Requirements).

SUMMARY OF CHANGES

17.28 Open Space – eliminate Chapter 17.28, consolidate “open space” into “useable outdoor space” and move minimum land set aside requirements (useable outdoor space) into Chapter 17.32 Landscaping.

The City requires minimum land set asides with most project types, the purpose of which is to protect important resource areas, provide landscaping around parking areas and buildings, break up the monotony of development, provide screening and buffering between uses, add green areas, walking paths, trails, etc., while contributing to an overall betterment of the community. The City has used minimum “Open Space” interchangeably with minimum landscaping and which, over time, has led to some confusion when designing, reviewing, and permitting projects. The current Open Space

Chapter (17.28) is written as if the norm of development experience involves large, greenfield areas with vast amounts of open, natural areas that are going to be set aside and preserved along with the construction of a new project. This is clearly not the norm as most projects are designed lot line to lot line with buildings, parking areas, driveway accesses, and are generally located within a developed area, or a partially developed area, with minimal natural features worthy of preservation.

Currently, projects are required to meet minimum set asides for useable outdoor space and open space, as well as provide minimum amounts of landscaped areas. Both open space and useable outdoor space include landscaped areas within their definitions, so by default, when staff and the Commission are reviewing a project for land set asides, the proposed landscaped areas are included in the calculation of set aside percentages.

The purpose of the proposed language changes is to clarify what the City is requiring for land set asides and call it what it is – useable outdoor space and landscaped areas. The removal of this Chapter won't change how we address open space areas as part of a development; rather, the broader definition of open space, e.g., rivers, creeks, trails, and natural areas, is still in the useable outdoor space category which is a required minimum set aside for new development, and also regulated under the Critical Lands regulations (Chapter 17.24) for avoidance and setbacks. The recategorization of open space, useable outdoor space, or landscaping does not alter the amount of land set asides required for each type of development.

17.32 Landscaping – incorporate useable outdoor space requirements into this Chapter and made some text changes/updates throughout the document.

17.32.010 & 020 – update Purpose, Intent and Applicability language.

17.32.030 – update Exemption language to clarify that single family residential uses and some types of public/private utility developments are exempt.

17.32.040 – update the general Landscaping Requirements.

17.32.050 – added a new section on Useable Outdoor Space Standards by pulling in the requirements from 17.28; added useable outdoor space requirements in Mixed Use projects; folded into this category natural open space areas that are unbuildable and regulated under Chapter 17.24 (Critical Lands); and included an updated Table that shows the minimum set aside requirements based on useable outdoor space or landscaping.

Table 17.32.050: Required Useable Outdoor Space and Landscaping according to Development Type

Development Type	Minimum Area Required for Useable Outdoor Space (gross land area)	Minimum Area Required for Landscaping (gross land area)
Multi-Family Residential	10%	20%
Commercial	10%	10%
Industrial	10%	10%

17.32.060 & 17.32.070 – updated the Minimum Landscaping Requirements and Parking Lot Landscaping language.

17.32.080 – updated the Maintenance of Landscaping and Park Strips section to include tying landscape maintenance to an entity’s business license.

STAFF RECOMMENDATION AND SUMMARY

The proposed changes to 17.28 and 17.32 clarify the set aside requirements to reflect the reality of development projects we typically see in Logan. The requirement that projects set aside Open Space has been confusing especially when 95% of the time it really means landscaping is the set aside.

GENERAL PLAN

The Land Development Code was prepared and adopted to implement the vision expressed in the General Plan. The proposed amendments continue to implement the vision of, and are consistent with, the General Plan.

PUBLIC COMMENTS

As of the writing of this report, there has not been any public comment.

PUBLIC NOTIFICATION

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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 Amendments are done in conformance with the requirements of Title 17.51 of the Logan Municipal Code.
3. The proposed Code Amendments are consistent with the Logan City General Plan.

4. The proposed Code Amendments to Chapters 17.28 and 17.32 clarify set aside requirements, strengthens the landscaping requirements, clarifies useable outdoor space, and eliminates the confusion on when open space is being regulated versus when the City is just requiring landscaped areas.
5. No public comment has been received regarding the proposed amendments.

On February 7, 2023, the Planning Commission recommended to the Municipal Council **approval** of the following Land Development Code Amendments:

Land Development Code (LDC) Chapter 17.28 "Open Space" and Chapter 17.32 "Landscaping." **Planning Commissioners vote (7-0).**

Councilmember Simmonds inquired if useable outdoor space (the patios, decks, etc.) is accessible to everyone or only accessible to a particular unit.

Mr. DeSimone answered the outdoor space should be accessible to everyone. A balcony would not count as it is not accessible to everyone.
Chairman López opened the meeting to a public hearing.

There were no comments and Chairman López closed the public hearing.

ACTION. Motion by Vice Chair A. Anderson seconded by Councilmember M. Anderson to adopt Ordinance 23-07 as presented. Motion carried unanimously.

A. Anderson: Aye

M. Anderson: Aye

Jensen: Aye

López: Aye

Simmonds: Aye

WORKSHOP ITEMS:

Budget Adjustment FY 2022-2023 appropriating: \$65,466 funds engineering received from the State of Utah to be used for improvements to stabilize the bank along the Logan River – Resolution 23-05 – Richard Anderson, Finance Director

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

The Council inquired about the river area needing stabilization.

Mr. Anderson replied the area needing stabilization is where the river turns a sharp corner to the west.

Mayor Daines added that the funds are for the design and later they will return to request funding for the actual project.

The proposed resolution will be an action item and public hearing at the March 21, 2023, Council meeting.

CODE AMENDMENT – Consideration of a proposed Code Amendment. Land Development Code Amendment 17.20 & 17.33 (Signs & Murals). Logan City is requesting a Code Amendment to Land Development Code Chapter 17.20 “Historic District Overlay Zone” and Chapter 17.33 “Signs” to update regulatory standards for murals and wall art in the Historic District and other minor regulatory amendments to the sign code – Ordinance 23-08 – Mike DeSimone

Community Development Director Mike DeSimone addressed the Council regarding the proposed code amendment.

RECOMMENDATION

Staff recommended that the Planning Commission recommend **approval** to the Municipal Council of the proposed amendments to Chapters 17.20 and 17.33 of the Land Development Code.

REQUEST

This is a proposal to update the Certificate of Appropriateness Standards in 17.20.050 to match the Center Street Historic District Design Guidelines, add Murals to the list of Track 1 reviews in the Historic District, include standards for Murals in the Historic District, and update the Sign Ordinance.

SUMMARY OF CHANGES

17.20.050 Certificate of Appropriateness - updated the language to match the Center Street Historic District Design Guidelines and added Murals to the Track 1 approval process.

17.20.070.D Murals within the Historic District Overlay Zone - added language permitting murals in the commercial areas of the Historic District and standards for their placement. The proposed language:

D. Murals within the Historic District Overlay Zone.

Murals are permitted in the commercial areas of the Logan Center Street Historic District subject to the following:

1. Murals are prohibited on the primary street facing facade of a building;
2. Murals shall be permitted on side, rear or alley walls of a commercial building that lack historic details (cornices, windows, entrances, etc.);
3. No mural shall exceed 75 % of the wall area on which it is placed;
4. Murals are prohibited on an unpainted wall surface. Murals should instead be painted on removable materials such as metal, plywood, or other suitable outdoor material and anchored to the building;
5. Murals are prohibited on a fence;

6. Murals shall not be painted on nor shall they obscure any architectural detailing or features of the building; and
7. Lighting of a mural is prohibited.

17.33 Signs - There are a variety of minor changes in Chapter 17.33 that include the following: clarifying that Murals/Wall Art are not regulated as a sign; setting a minimum setback for signs from 0 to 18"; clarifying the sight distance triangle for sign placement; construction signs; and allowing for the use of temporary signs in lieu of temporary banners.

2/23/23 Update:

There was discussion at the 2/9/23 Commission hearing regarding the proposal to limit temporary signs with a non-commercial nature to 60 days per year with a direction to come back with specific language for political/campaign signs. Temporary signs include campaign or political signs. After discussing this further with Legal, we are eliminating the proposed change to LDC 17.33.110.C that limited temporary signs to 60 days due to a 2015 U.S. Supreme Court Decision in *Reed v Gilbert* that stated municipalities cannot treat certain signs differently based on their purpose and message. The regulation of the duration of political or campaign signs falls under a violation of the First Amendment. We actually changed the LDC in 2015/2016 in response to this court case to remove political signs as a separate sign category. Attached is the updated LDC language.

STAFF RECOMMENDATION AND SUMMARY

The proposed changes to 17.20 and 17.33 are relatively minor amendments, and the goal of the proposed changes are to provide clearer regulatory direction for Murals and other types of signage.

GENERAL PLAN

The Land Development Code was prepared and adopted to implement the vision expressed in the General Plan. The proposed amendments continue to implement the vision of, and are consistent with, the General Plan.

PUBLIC COMMENTS

As of the writing of this report, there has not been any public comment. Public comments received prior to the preparation of this report will be included as an attachment. Any other comments will be forwarded to the Planning Commission.

PUBLIC NOTIFICATION

Legal notices were published in the Herald Journal on 12/31/22, posted on the City's website and the Utah Public Meeting website on 1/02/23, and noticed in a quarter page ad on 12/29/23.

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 Amendments are done in conformance with the requirements of Title 17.51 of the Logan Municipal Code.
3. The proposed Code Amendments are consistent with the Logan City General Plan.
4. The proposed Code Amendments to the Historic District Overlay Zone and the Sign Code are relatively minor in nature.
5. No public comment has been received regarding the proposed amendments.

On February 21, 2023, the Planning Commission recommended to the Municipal Council approval of the Land Development Code Amendments with a vote of 7-0.

Councilmember Simmonds asked if murals painted on unpainted wall surfaces refer to bricks specifically (as it may damage the bricks) and does that apply to cinder block as well.

Mr. DeSimone replied, there is no desire to see bricks painted, but the cinder block is fine. A permit would not be required for mural art.

The proposed ordinance will be an action item and public hearing at the March 21, 2023, Council meeting.

Accessory Dwelling Units – Mike DeSimone

Community Development Director Mike DeSimone addressed the Council. He explained the purpose of this workshop is to discuss the “state” of Accessory Dwelling Units in Logan and determine whether there is a demonstrated need or desire to expand the current ADU program or retain the current ADU approach as is. When Ordinance 21-14 was adopted approximately 18 months ago, the Council directed staff to bring back ADU’s for an update to the Council. This workshop also satisfies the City’s commitments under out 2022 Moderate Income Housing Plan to consider the expansion of ADU’s to allow for detached ADU’s as well as expand the program citywide.

Ordinance 21-14 was adopted on September 21, 2021, amending the Land Development Code to permit internal ADU’s in certain residential areas of the City. The impetus behind the regulations was House Bill 82 mandating “internal” ADU’s effective October 1, 2021. The Bill included a provision for cities with a university to be able to limit internal ADU’s to an area equal to 33% of the total land area zoned residential or approximately 1,436 acres rather than permit them citywide. The result was to define an area around the university where ADU’s are not permitted.

Since the adoption of Ordinance 21-14, five ADU’s have been permitted while another one is in the review process.

The 2022 Moderate Income Housing Plan identifies as one of its goals and supporting objectives evaluating expanding ADU's to permit detached ADU's while also allowing ADU's citywide. This is a specific State strategy for the provision of Moderate-Income Housing, and one that many jurisdictions have adopted. Because the State views ADU's as a way to get less expensive housing quickly into the market, there has been a significant push to expand the types and locations of where ADU's could be permitted. Regardless of the State's viewpoint on ADU's, the expansion of ADU's either geographically or through applicability (internal vs detached), is a local decision that needs local scrutiny especially given the wide range of issues that come with a large, student age population and the demand for rental housing.

The specific 2022 Moderate Income Housing Plan Goal for Accessory Dwelling Units:

Objective 1: Evaluate expanding the Accessory Dwelling Unit (ADU) program citywide

Objective 2: Evaluate expanding the Accessory Dwelling Unit (ADU) program to also permit detached ADU's

State Strategy being addressed: Create or allow for, and reduce regulations related to, internal or detached accessory dwelling units in residential zones.

Positive and Negative of ADU's

Some of the Potential Benefits of ADU's are:

- New Housing in a tight housing market
- Affordability
- Capitalize on Existing Infrastructure
- Allows Aging in Place for Seniors
- Rental Housing for Students near the University
- Supplemental Income for Homeowners

Some of the Potential Downfalls of ADU's are:

- Undermines Residential Character
- Parking & Congestion Problems
- Occupancy & Over Occupancy
- Questionable whether this creates Affordable housing or just a windfall for some
- Rental Housing for Students in SFR Areas

Moving Forward

We have permitted five internal ADU's with a sixth ADU in the review process. No complaints on these five.

We get frequent inquiries about ADU's in the "off limits" zone around USU.

Are we ok with the current state of "internal" ADU's?

Is there a pressing demand to expand the ADU program? Or will expansion, whether it is geographically or allowing detached ADU's, create additional problems for existing neighborhoods.

A variety of mitigating factors that could be applied if the decision is to allow for expansion.

Limit ADU's by Zone, require minimum lot sizes, limit their geographical location as well as their location on a property, mandate min/max ADU sizes (proportionate to primary dwelling), place occupancy limits on them, require minimum design standards, require additional parking, require owner occupancy of primary dwelling, prohibit use as a short-term rental, and require permitting and licensing.

Councilmember Jensen inquired if there have been any complaints made against the 5 registered ADU's.

Mr. DeSimone answered there have been no complaints made.

Vice Chair A. Anderson asked how many short-term rentals have been received.

Mr. DeSimone replied there are a dozen permitted short-term rentals. There may be more in existence, but they cannot by law check Airbnb or any short-term rental sites.

Vice Chair A. Anderson inquired how many potential internal ADUs can be in the student corridor in the Adams residential zone.

Mr. DeSimone responded that currently none and also an important factor to consider is that there are very few owner-occupied homes in the Adams area.

Councilmember Simmonds spoke in favor of maintaining the current boundary for ADUs. That area already has plenty of rentals and she is worried about causing more overoccupancy in that area.

Chairman López requested information be collected showing the areas of overoccupancy.

Mr. DeSimone answered the information can be gathered. He indicated that the area has a tendency for overoccupancy and is primarily complaint driven.

Chairman López inquired if similar-sized cities like Provo are permitting detached ADUs.

Mr. DeSimone responded it is all across the board. Universities across the country are dealing with low housing. There are similar concerns of over-occupancy, quality, etc. The impact of the acres, occupancy loads, parking, etc.

The Council discussed the law of starter homes and how the burden for student housing should not be on the City but rather on the University. They expressed their concerns on

how to regulate detached ADUs. If they could be how they envisioned a detached ADU, they would not possess it. However, the question is regulation.

Councilmember Simmonds requested to leave the code as is but follow up once again in another year. She requested that requests for ADUs in an area be tracked to see where the ADU requests are internal or external.

Vice Chair A. Anderson agreed with the proposal. She requested further information on guidelines for detached ADUs. And any other considerations that would go into the proposal.

After further discussion, the Council agreed to review the topic again in March of 2024 with the requested information to be provided.

OTHER CONSIDERATIONS:

Chairman López reminded the public of the invitation to attend the Wilson Neighborhood meeting on March 24th at Wilson Elementary from 5:30 p.m. to 7 p.m.

No further items were discussed.

ADJOURNED. There being no further business, the Logan Municipal Council adjourned at 7:58 p.m.

Esli Morales, Deputy City Recorder