

Minutes of the meeting of the Logan Municipal Council convened in regular session on Tuesday, May 2, 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 Tom Jensen and Councilmember Mark Anderson. 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 25 in attendance at the beginning of the meeting.

OPENING CEREMONY:

Mayor Daines gave the opening remarks and led the audience in the pledge of allegiance. Mayor Daines also read excerpts from the Proclamation for the National Day of Prayer. in and offered a prayer.

Meeting Minutes. Minutes of the Council meeting held on April 18, 2023, were approved with amended corrections to specifically state the reason for the continuance of Ordinance 23-10 and Ordinance 23-11 where the Council amended a motion requesting the City file for an immediate downzone for the project.

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

ACTION. Motion by Vice Chair A. Anderson seconded by Councilmember Simmonds to approve the April 18, 2023, minutes as amended and approve tonight's agenda. Motion carried by roll call vote.

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, May 16, 2023.

42 **QUESTIONS AND COMMENTS FOR MAYOR AND COUNCIL:**

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

52 Joshua Molitor, a resident of Logan quoted, "If only you made a difference, then you will
53 make a difference," by Lindsay Fox. He expressed concerns about the state of the economy
54 and what the Council can do to address it.

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

56 **MAYOR/STAFF REPORTS:**

57
58 **Proclamation: National Day of Prayer – Mayor Daines**

59
60 ***CITY OF LOGAN, UTAH***
61 ***A PROCLAMATION for a DAY OF PRAYER***

62
63 **WHEREAS:** *Throughout history Americans have lifted up fervent prayers to God on*
64 *behalf of our nation. From the first gatherings of our Founding Fathers,*
65 *elected officials have prayed and entreated those they serve and represent*
66 *to join them in prayer, including the authors of our Declaration of*
67 *Independence, who wrote that they, "the Representatives of the United*
68 *States of America, in General Congress, Assembled, appealing to the*
69 *Supreme Judge of the world..." and carried on to present day in*
70 *Presidential Proclamations such as last year's invitation to "join him in*
71 *asking for God's continued guidance, mercy, and protection.", and*
72

73 **WHEREAS:** *A National Day of Prayer has not only been a part of our heritage since it*
74 *was declared by the First Continental Congress in 1775, but it is a Public*
75 *Law established in the United States Congress in 1952 approved by a*
76 *Joint Resolution and amended by Congress and President Reagan with*
77 *Public Law 100-307 in 1988, affirming that it is essential for us as a*
78 *nation to pray and directs the President of the United States to set aside*
79 *and proclaim the first Thursday of May annually as a National Day of*
80 *Prayer; and*
81

82 **WHEREAS:** *In our state and across America the observance of the National Day of*

Prayer will be held on Thursday, May 4, 2023, with the theme, “Pray Fervently in Righteousness and Avail Much,” based on the verses in James 5:16b, “The effective, fervent prayer of a righteous man avails much.”, and

WHEREAS: *Every first Thursday of May on the National Day of Prayer we not only express our faith and exercise our freedom in prayer but unite our hearts and voices in personal prayer and public gatherings throughout our state and across our America with fervent praise, repentance, love, and humble intercession for our neighbor and nation, holding fast to the promises throughout the Holy Scriptures that the Lord hears and avails much as He answers the faith-filled prayers of His people.*

NOW, THEREFORE, *I Holly H. Daines, Mayor, of the City of Logan, do hereby proclaim, May 4th, 2023, as a DAY OF PRAYER throughout the City of Logan and I commend this observance to all citizens.*

IN WITNESS WHEREOF, *I have hereunto set my hand and to be affixed on this 2nd day of May 2023.*

Proclamation: Kids to Parks Day – Mayor Daines

Proclamation

Proclaiming May 20, 2023, as Kids to Parks Day in the City of Logan

WHEREAS, *May 20, 2023, is the thirteenth Kids to Parks Day organized and launched by the National Park Trust held annually on the third Saturday of May; and*

WHEREAS, *Kids to Parks Day empowers kids and encourages families to get outdoors and visit local parks, public lands, and waters; and*

WHEREAS, *we should encourage children to lead a more active lifestyle to combat issues of childhood obesity, diabetes, hypertension, and hypercholesterolemia; and*

WHEREAS, *Kids to Parks Day will broaden children's appreciation for nature and the outdoors; and*

WHEREAS, *Kids to Parks Day will recognize the importance of recreating responsibly while enjoying the benefits of the outdoors; and*

***NOW THEREFORE, I, Mayor, Holly H. Daines do hereby proclaim May 20, 2023,
as Kids to Parks Day.***

Budget Presentation FY 2023-2024 – Mayor Daines

***Mayor's Budget Message for FY24 Budget
Presented to City Council May 2, 2023***

Good evening. For the last several years, it seems there is always something on the economic horizon that provides some uncertainty in the budget process. This year it's the unprecedented inflation our country is experiencing, and whether efforts by the Federal Reserve to control inflation will bring a recession. I recently attended a talk at USU by Randal Quarles, Former Vice Chairman of the Federal Reserve System. Given the rise in interest rates, he was asked if we can expect a recession. His answer was YES... but his prediction was it will be "short and shallow." I wish we had a crystal ball; we shall see.

At Logan City, our guiding budget philosophy is to budget for revenues conservatively, and we will continue that practice.

Conservative revenue projections cause us to examine proposed expenditures carefully. Furthermore, when actual results exceed our conservative projections, those funds in turn are dedicated to the next most critical capital project, which further reduces pressure on future operating budgets. Conservative projections pay dividends in the future, while overly aggressive projections can actually borrow from an uncertain future. I am happy to report the proposed budget continues to project revenues conservatively and to scrutinize spending carefully.

We are doing things a little differently this year in terms of the budgeting process. In the general fund, which is shared by many departments including police, fire, public works, and parks and recreation, as well as all general government services we provide, we have incorporated a more collaborative approach to the Target Based Budgeting principles we have used for many years.

The goal is to give departments a little more flexibility to address what they see as their most critical budgetary needs. Departments have been asked to examine their budgets even more carefully looking for ways to streamline services and reallocate budgeted amounts, so we might better utilize our scarce resources. While we do not have enough funding for all our needs, let alone our wants, we can still use the resources we do have

161 *to achieve the best results for our citizens and taxpayers. We expect this budget approach*
162 *to continue in the general fund for the next several years and hope we can make progress*
163 *toward our end goal.*

164
165 *With the significant growth our city has experienced over the past few years, one of the*
166 *biggest needs is for new employees in several departments. This new budgeting process*
167 *has allowed departments to trim other spending in order to add a new employee or to*
168 *begin to set aside money to allow for a new employee in future years. Based on those*
169 *needs, additional positions in the general fund include the following:*

170
171 *Police Officer*
172 *Public Works Inspector Supervisor*
173 *Parks & Rec; Recreation Ground Maintenance Worker*

174
175 *As an FYI, we will also be creating a new category in Parks & Rec under the Recreation*
176 *Department to track activities in the new Center Block Plaza once it opens this summer.*

177
178 *Additional positions outside the general fund include:*
179 *911 Dispatcher*

180
181 *Our employees are a critical asset for the city and we want to reward and retain them.*
182 *Although amounts may vary based on market need and economic conditions, we have*
183 *generally budgeted 4 % for Pay for Performance, with additional funding for*
184 *administrative and market adjustments in certain departments and divisions.*

185
186 *One budgetary item with a huge impact on our general budget and on raises is the cost of*
187 *healthcare. The increase in our insurance costs for this coming fiscal year is 15 %,*
188 *compared to 7 %, and 5 % in the two previous years. Health care premiums for*
189 *employees are paid entirely by the city, so that is a significant benefit for employees*
190 *which saves them out-of-pocket premiums.*

191
192 *Other items of note in the budget include a significant impact on the Electric Fund*
193 *because of a dramatic increase in the cost of purchased power. The city has applied a*
194 *surcharge to all-electric bills since last July. We currently have a Rate Study underway*
195 *which will propose appropriate electric rate increases. Until then we are relying on the*
196 *surcharge for the difference between the budget price for purchased power and the prices*
197 *we are actually paying.*

198
199 *In addition, we anticipate the budget for the Environmental Health Fund will be adjusted*
200 *during the fiscal year 2024 as we discontinue some services outside the boundaries of the*
201 *City of Logan. As those services are taken over by the other cities or their contractor and*
202 *we downsize our operations, the Environmental Health expense budget will be adjusted*
203 *accordingly.*

204
205 *In summary, my number one goal as Mayor is wise fiscal management. We are*
206 *accomplishing a wide variety of capital projects and investments in infrastructure, but we*
207 *do so in a fiscally responsible way. We will continue to budget conservatively in case we*
208 *have unexpected impacts on our local economy.*

209
210 *As Mayor -- along with my outstanding team -- we pledge to do our very best to provide*
211 *excellent services and quality of life for our citizens as we use our resources wisely and*
212 *meet the challenges ahead.*

213
214 *Holly H. Daines*
215 *Mayor*

216
217 No further Mayor/Staff Reports were presented.

218
219 **COUNCIL BUSINESS:**

220
221 **Planning Commission Update – Councilmember Simmonds**

222
223 Councilmember Simmonds reported a new daycare located at 624 E 1140 N; the proposal
224 was discussed. CMPO (Cache Metropolitan Planning Organization) made a presentation
225 regarding future roads. This is coupled with the new Logan City Master Plan which will
226 come before the Council in the coming months.

227
228 **Council Budget Workshops - Chairman Ernesto López**

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230 Chairman López announced that Council Budget Workshops will be held on Tuesday,
231 May 9, and Tuesday, May 23 at 5:30 p.m. in the Logan City Council Chambers. The
232 public is invited to attend.

233
234 Vice Chair A. Anderson asked what the order of departments presenting their budget will
235 be.

236

Mayor Daines responded each department will present their budgets before the Council. The community is invited to attend the budget workshops.

Richard Anderson, Finance Director clarified an agenda of the budget workshops will be sent to the Council.

No further Council Business items were presented.

ACTION ITEMS:

Consideration of a proposed resolution approving the 2022 Municipal Wastewater Planning Programming (MWPP) Annual Report – Resolution 23-11 – Issa Hamud, Environmental Director

At the April 18, 2023, Council meeting, Environmental Director Issa Hamud addressed the Council regarding the proposed resolution. He stated that each year the City of Logan completes a Municipal Wastewater Planning Program (MWPP) Annual Report for the State of Utah Division of Environmental Quality. The Council then informs the Water Quality Board that the Council reviewed the Municipal Wastewater Planning Program Report for 2022 and that all appropriate actions necessary to maintain effluent requirement contained in the UPDES Permit have been completed.

Councilmember Jensen asked with flooding considerations, if there are any concerns in regard to excess discharge at the sewer treatment plant.

Environmental Director, Issa Hamud replied there are no concerns as of yet, but high flow is possibly anticipated. The ponds are in place to manage overflow along with the sewer plant itself. They are in a much better position than in 2017, where there was high water flow (up to 80 million gallons a day).

ACTION. Motion by Councilmember Simmonds seconded by Vice Chair A. Anderson to approve Resolution 23-11 as presented. Motion carried by roll call vote.

A. Anderson: Aye

M. Anderson: Aye

Jensen: Aye

López: Aye

Simmonds: Aye

PUBLIC HEARING - Consideration of a proposed resolution adopting Fire Prevention Inspection Fees – Resolution 23-14 – Fire Chief Brad Hannig

At the April 18, 2023, Council meeting, Fire Chief Brad Hannig addressed the Council regarding the proposed fees. Historically, inspection fees have not been charged. Unlike

the building department which usually does inspections, the department during the design review and all through construction continues to do inspections. As the City has grown, we have reviewed which inspections are impactful to the workload. At least, there are at least 1,500 business inspections (+400 new business, 400+ new construction, +food permits). There is a need to hire a full-time staff member to do inspections.

Fire Chief Hannig clarified the number of fees. There are only 10 different types of fees, but they have been broken down. The reason for the fees is to address the extra on-site visits which either should be compensated or will curb the number of inspections.

Councilmember Jensen spoke in favor of the proposal.

Councilmember Simmonds requested clarification on whether the program is in existence. The addition is to be appropriately compensated for the extra inspections.

Fire Chief Hannig confirmed that is the case. The program is already in existence, but the fee schedule is to specifically address extra inspections and to be appropriately compensated for those efforts and if possible, curb the behavior. The hope is through the fee structure it will generate sufficient revenue to create a position for an inspector who will manage only inspections.

Chairman López opened the meeting to a public hearing.

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

PROPOSED FIRE DEPARTMENT FEE SCHEDULE

Type of Fee/Service	Method of Collection	Fee
DayCare/Pre-school Inspections Required by the State Annually	Fixed fee added to annual Business License	\$75.00
Special Events requiring a site inspection	Added to special event license	\$75.00
New Business Licenses, First time site inspection	Added to first year business license, dropped after first year	\$75.00
New Construction/Tenant Improvements without fire sprinklers or fire alarm	1 general plan review 1 final inspection Add total to building permit	\$75.00 \$75.00 \$150.00
New Construction/Tenant Improvements with fire sprinklers and fire alarms	1 general plan review 1 fire alarm plan review 1 fire sprinkler plan review 1 fire alarm rough install inspection 1 fire sprinkler rough install inspection 1 final inspection (24 hr test 2 visits) Add to the building permit 1 kitchen hood plan review 1 kitchen hood final Add to the building permit	\$75.00 \$75.00 \$75.00 \$75.00 \$75.00 \$150.00 \$525.00 \$75.00 \$75.00 \$675.00
Food Truck Inspection	Require business license with fee added	\$75.00
Special suppression system/paint booth	1 plan review 1 final	\$75.00 \$75.00 \$150.00
Additional site inspections as needed		per visit \$75.00
Fire Works/Flame Effects	1 Plan review Site inspection	\$75.00 \$75.00 \$150.00

ACTION. Motion by Vice Chair A. Anderson seconded by Councilmember Jensen to approve Resolution 23-14 as presented. Motion carried by roll call vote.

A. Anderson: Aye

M. Anderson: Aye

Jensen: Aye

López: Aye

Simmonds: Aye

PUBLIC HEARING - REZONE – Consideration of a proposed rezone located on approximately 35.48 acres at approximately 1095 West 600 South (Sugar Creek) TIN #02-066-0030; -0031; -0019; -0021 from NR-4 to MR-9 – Ordinance 23-16 – Russ Holley

At the April 18, 2023, Council meeting, Planner Russ Holley addressed the Council regarding the proposed rezone.

RECOMMENDATION

Staff recommended that the Planning Commission **deny** a Rezone and Subdivision Permit for project PC 23-018 Sugar Creek, located on approximately 35.48 acres at approximately 1095 West 600 South; TIN #02-066-0030; -0031; -0019; -0021.

Land use adjoining the subject property

North: NR-4 Vacant East: NR-4 Single Family Homes

South: NR-4 Single Family Homes West: NR-6 Single Family Homes

Request

The proponent is requesting to rezone four properties, a total of approximately 35.48 acres, from Suburban Neighborhood Residential (NR-4) to Mixed Residential Transitional (MR-9). The proposal includes subdividing 82 single-family building lots, 126 townhome lots for a total of 208 new dwelling units over the course of three phases. The generally flat, vacant land shows some wetland areas along the west side of the project site. The proposed layout shows a series of smaller residential blocks accessed from 600 South and 1400 West. Historically, the property has been used for agricultural purposes. This area was annexed into Logan City in early 1980's.

General Plan

The Future Land Use Plan (FLUP) adopted in 2008 identifies this property as Detached Residential (DR) and explains that designation as being areas for detached single-family homes developed at a density range of 4-6 units per acre of land. The recently adopted Woodruff Neighborhood Plan also indicates this project area as DR (single-family residential). The surrounding developments are single-family homes built in the 1980's, 1990's and early 2000's to the south of 600 South.

Woodruff Neighborhood Specific Plan

The Woodruff Neighborhood Plan was adopted February 16th, 2021, after a multi-year public process. The Plan has recommendations and shows proposed changes to the FLUP based on the plan. The area where Sugar Creek is located, however, is proposed as unchanged and shows a DR designation.

Land Development Code (LDC) - Zoning

The current zoning district is Suburban Neighborhood Residential (NR-4), which is described as being lower-density detached single-family zoning with a maximum density of four (4) homes per acre. Minimum building lot sizes are 10,000 SF (approximately quarter-acre lots) with minimum 90-foot lot widths. This zone also allows for owner-occupied accessory dwelling units and short-term rentals with certain limitations in this area of the city.

Rezone

The applicant is requesting a rezone from NR-4 to MR-9. The MR-9 zone allows for densities up to nine (9) units per acre and a mix of housing structure types. Single-Family Homes Townhomes, Duplexes, Triplexes, and similar structure types are permitted in the MR-9 zone. For single-family homes, 4,000 SF minimum lot sizes and 40-foot lot widths are required. Setbacks are set at 15 feet in the front yard and 30% Open Space is required in the MR-9. The MR-9 zone is typically placed in transitional areas between lower and higher-density areas of town. The overall gross density of the project is proposed at just under six units per acre.

Subdivision

The LDC 17.40 requires Subdivision Permits to be issued in accordance to zoning district standards for orderly development patterns and proper street layout. Approvals are based on conformance to lot size, lot width, access and physically suitable for development. The proposed 208-lot subdivision shows a combination of single-family detached building lots and townhome lots. 82 single-family lots are proposed ranging in size from 4,800 SF to 12,131 SF. The larger single-family lots are located to the north and west of the project site. The townhome lots essentially comprise the footprint of the townhome building unit. Setbacks and open space will be accounted for from the overall common area property. Common area and wetland areas will create remainder lots and will need to be listed as “non-buildable” on the final plat to prevent future unpermitted development potential. As submitted, the subdivision complies with minimum lot sizes and widths of the proposed MR-9 zone.

Street Grid Connectivity & Site Layout

The LDC 17.30.190 requires projects serving fifty-one (51) or more dwelling units have at least three (3) street connections or stubs for future connections unless adjustments are warranted as per LDC 17.30.170.D. The LDC street connectivity requirements also require the continuation of residential block patterns to adequately connect to

surrounding areas based on context and existing conditions. These requirements ensure equitable traffic distribution, efficient utility/infrastructure networks, better walkability and the continuation of Logan City's historic grid/block patterns. This proposal includes seven (7) new street connections (including street stubs), and the creation of several internal blocks for inner project connectivity. The block patterns align with existing developments to the north, south and east. Adjustments to street alignments are made near the wetland areas on the west side of the project to avoid unnecessary disturbance to those sensitive lands. As proposed, the project meets street layout and connection requirements in the LDC.

Street Width

The Logan City Engineering Standards and Specifications contain the adopted street cross-section designs for all areas and all types of development within the city. For standard neighborhood residential developments, a "Local Residential Street" with a 60-foot cross section containing vehicle travel lanes, on-street parking, landscaping (park strip) and sidewalks are required. The proposed subdivision shows a 60-foot cross section throughout the interior areas of the project site with 66-foot cross sections for the gridded streets. The expansion of 600 South Street, as conditioned below by the City Engineer, will be a larger Collector category street and will have a wider "built" cross section at approximately 80 feet including buffering areas. As conditioned, the project meets the requirements in the LDC.

Setbacks

The Land Development Code (LDC) requirements for setbacks in the MR-9 zone are as follows (as measured from property lines):

Front:	15' (20' minimum for front loading garages and driveways)
Corner	15'
Side:	8'
Rear:	10'

Townhome setbacks are conditioned with setback compliance with the above standards. For the single-family homes, setback compliance will be reviewed and approved on the above standards as each lot is individually proposed for construction. As conditioned, the project meets MR-9 setback compliance in the LDC.

Lot Coverage

The LDC 17.07.060 limits lot coverage at a maximum of 70% (building(s) footprint) in the MR-9 zone. Townhome areas meet lot coverages when factoring total overall open space. Lot coverage will be reviewed and approved with compliance to LDC standards when building permit applications are submitted for new single-family homes.

Parking Stall Requirements

The LDC 17.31.040 requires two (2) parking stalls per every dwelling unit. The parking stalls must be located outside of building setbacks in either a garage, carport or paved parking lot. Driveway cuts are limited to 24-foot max width at the curb to preserve street character and limit ingress/egress onto public streets. Parking and driveways will be reviewed and approved with compliance to LDC standards when building permit applications are submitted for new single-family homes.

Rear Facing Homes/Fencing

The LDC 17.30.100 regulates fencing and walls in residential developments. When subdivisions are adjacent to perimeter streets, collector or arterial streets, developers will often choose to align lots with rear yards abutting the perimeter streets. For this submittal, 36 single family lots about 600 South with rear yards. In these configurations, a rear yard fence that is 4 feet tall or less may be placed on the property line, but a 6-foot-tall fence must be setback 10 feet from the rear property line. Corner lots are treated differently and allow 6-foot-tall fencing without setbacks in areas of the corner yard behind the home's front façade.

LDC 17.09.020 addresses these situations and requires additional landscaping buffers along the back sides of these homes. Depending on whether the street is a local, collector or arterial, the landscape buffer ranges from 10-50 feet wide. For consistency, these areas will have better long-term appearance and maintenance if they are designed as a whole, commonly owned, and maintained through an HOA. As conditioned with adherence to 17.09.020 for the rear facing lots, the project meets the requirements in the LDC.

Landscaping & Usable Outdoor Space

The LDC 17.32 requires minimum Landscaping and Usable Outdoor Space percentages per zoning district and development type. For the MR-9 zone, 30% of the project site (net land after public street dedication) is required for landscaping and useable outdoor space purposes. Landscaping is defined as trees, shrubs, native and ornamental plant materials, turf-grass, mulch and similar soft-scope ground covers suited for Logan's unique climate and soil types. Landscaping's purpose is to balance natural and built environments and enhance the city's overall aesthetics as well as buffer and screen loading docks, dumpsters, service areas and blank walls specified in the design review process. The LDC requires a minimum of 20 trees and a combination of 50 shrubs, flowers, and ornamental grasses per acre of land for multi-family residential projects. As conditioned with a detailed landscaping plan meeting minimum plant numbers and area percentages, the project complies with the LDC.

Staff Summary

The proposed rezone does not align with the Logan City Future Land Use Plan and the Woodruff Neighborhood Plan. Although the density is similar to NR-6, the proposal shows more multi-family units than single family units (126 & 82 respectively). The

proposed plan does a good job of placing single-family around the perimeter of the site to match adjacent existing neighborhoods and placing the multi-family on the interior of the project. The project also provides well thought out open space and trail network amenities through the center of the project. The applicant has stated that this project will provide more affordable home-ownership opportunities because of the size and type of dwelling unit. Staff must honor the efforts and desires of previous planning exercises associated with the FLUP and Woodruff Plan.

AGENCY AND CITY DEPARTMENT COMMENTS

Comments were solicited from the following departments or agencies:

- Environmental • Water
- Fire • Engineering

PUBLIC COMMENTS

Notices were mailed to property owners within 300 feet of the subject property. As of the time of this report, staff has received numerous written comments in opposition to the project. The comments are attached for review.

PUBLIC NOTIFICATION

Legal notices were published in the Herald Journal on 3/11/23, posted on the City's website and the Utah Public Meeting website on 3/13/23 and mailed out to adjacent property owners within 300' on 3/6/23.

RECOMMENDED FINDINGS FOR REZONE DENIAL

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 Detached Residential (DR).
2. The Woodruff Neighborhood Plan, a subset of the Logan General Plan and adopted in 2021, plans for this area as Detached Residential (DR) and recommends that zoning remain single family detached in this area.
3. The nearest Multi-Family Zone (MR) is approximately 2,500 linear feet away.
4. The surrounding developed neighborhoods to the east, north, and south contain existing single-family homes and are zoned NR-4 and NR-6.

RECOMMENDED CONDITIONS OF APPROVAL FOR SUBDIVISION AND DESIGN REVIEW PENDING REZONE APPROVALS

This project is subject to the proponent or property owner agreeing to comply with the following conditions as written, or as may be amended by the Planning Commission.

1. All standard conditions of approval will be recorded with the Design Review and are available in the Community Development Department.
2. This subdivision permits authorizes 208 total units, 82 single family lots and 126 townhome lots developed in three phases.

3. The final wetland delineation document must be completed and approved by the Army Corp of Engineers prior to any phase with wetlands.
4. The stormwater common areas and wetland areas shall be listed as non-buildable on the final plat.
5. Street design shall conform to Logan City adopted standards and specifications. All streets adjacent to or within the development shall be improved to current city standards and specifications.
6. Building setbacks, lot coverages, parking and driveway specifications shall be reviewed and approved on an individual basis and comply with the MR-9 requirements.
7. Open Space and Outdoor Space shall total 30% of the overall project area (all MR-9 zoned areas) and developed in manner that is proportionate with phase boundaries.
8. A performance landscaping plan, prepared in accordance with §17.32 of the LDC, shall be submitted for approval to the Community Development Department prior to the issuance of the building permit. The plan shall include the following:
- a) Street trees along all streets provided every thirty (30) feet on center unless otherwise noted by the City Forrester.
 - b) Storm water retention areas that are adjacent to public streets shall be landscaped and designed so the trees and shrubbery screen pond areas from view at the street.
 - c) Landscaping and Usable Outdoor Space shall total a minimum of 30%.
 - d) Common Landscaping areas shall have 20 trees and 50 shrubs/perennials/ornamental grasses per acre of land.
 - e) The landscape buffer areas adjacent to 600 South shall comply with tree and shrub specifications in 17.09.020.
9. Exterior lighting, including gas canopy lighting, shall be concealed source, down-cast and shall not illuminate or cast light onto adjacent properties.
10. No signs are approved with this Design Review Permit. All signage shall be approved and permitted by staff in accordance with the Land Development Code.
11. No fences are approved with this Design Review Permit. All fences shall be approved and permitted by staff in accordance with the Land Development Code.
12. All critical lands, as defined in the Logan Land Development Code, shall be identified, and listed on the final plat.
13. HOA and CC&R's shall be submitted to the City for review and compliance with applicable maintenance and landscaping requirements.
14. Prior to issuance of a Building Permit, the Director of Community Development shall receive a written memorandum from each of the following departments or agencies indicating that their requirements have been satisfied:
- a. Environmental—contact 716-9760
 - 1. Residential cart/cans will be provided. Place all carts at or above the minimum separation distance and clear of all overhead obstacles.
 - b. Water—contact 716-9622
 - All of the sewer from the development needs to flow south to the existing lines in 600 S. Flowing north into 1200 W goes to a small lift station that shouldn't receive more flow.

- Install continuous 8" waterline in 1200 W from 600 S to existing waterline in 1200 W near 461 S.
 - Coordinate with Public Works (Engineering and Water) to ensure that adequate looping is provided in development to meet required fire flows and maintain water quality.
 - The proposed zone change will result in additional loading to the sewer collection system. This additional load will cause the existing sewer on Sundown Way to be over capacity and will have to be upsized from 8-inch to 10-inch. Logan City would prefer to construct a new 12-inch sewer main from Legend Dr. to 1580 W along 600 S. The Sugar Creek development would be expected to provide their proportional share of the cost to make these improvements. Coordinate with Public Works to determine the extent and cost sharing for upsized capacity.
 - Commonly or privately owned landscape irrigation system's fed from Logan City water must have a high hazard rated backflow assembly installed and tested. Name who will be responsible for the maintenance and annually testing of any commonly owned backflow assemblies. All backflow assemblies must be tested within 10 days of turning in water to them and annually thereafter.
 - Project shall comply with all current Utah State plumbing codes, amendments and Utah Admin. code R 309-105-12-(1) rules and regulations including, but not limited to, those pertaining to backflow prevention and cross connection protection, during and after construction, for the safety of the water and its consumption.
 - If residential buildings are three levels above finish grade or higher (water meter elevation), their water main/s must have a minimum DC (ASSE1015) backflow assembly on the water main/s before any branch offs, or possible connections.
- c. Engineering – contact 716-9160
- GENERAL
- Additional water shares or in-lieu fee for indoor and outdoor increased water demands shall be provided to the City in accordance with City Code 17.29.210 and Utah Administrative Rule R309-510-7.
 - All existing easement / right of way lines shall be shown on the plat and the type of easement / right of way and recording information shall be labeled on the plat. Improvements shall not infringe upon the rights of an existing easement / right of way / property owned by others. Where non-existent or insufficient, provide a 10' Public Utility Easement along all street frontages, and provide a 5' Public Utility Easement along each side of all interior property lines and perimeter property lines.
 - All necessary cross access easements/agreements for private road and private utilities across all properties shall be provided to the City prior to recording for review and approval.
 - This development has been identified as a multi lot subdivision and as such shall provide a subdivision plat that meets City standards to be recorded along with the improvement plans.
 - CC&R's shall include language that addresses the requirement of the HOA / homeowners to maintain any private water lines, private sewer lines, common areas,

606 parking areas, and the Storm Water management system, basins, swales, and related
607 infrastructure along with the adjacent right-of-way park strips.

- 608 • Provide a Development Agreement and Financial Surety of at least 110% of the cost to
609 construct all infrastructure & storm water improvements. Financial assurances shall not
610 expire for a minimum of 2 years from date of City acceptance.
- 611 • Provide a Geotechnical Report that includes but is not limited to: 1) California Bearing
612 Ratio (CBR) of the subgrade under the City's pavement section, 2) Historical high
613 ground water elevation, and 3) Percolation rate of soils at bottom of all storm water
614 retention ponds. The report shall include a City roadway cross section design based on
615 the CBR and the 30-year projected ESALs identified in the Logan City Transportation
616 Master Plan and the following truck percentages: 2% for residential and grided streets,
617 4% for collector streets, 8% for arterial streets.
- 618 • A "Pre construction meeting" shall be held with the City's Engineering Division prior
619 to starting construction activities and a "Work in the Right of Way" permit shall be
620 obtained for all work in the City's right-of-way and PUE prior to scheduling the Pre
621 Construction meeting.
- 622 • Wetlands have been identified as existing or previously existing on the property.
623 Provide a wetlands delineation study approved by the Army Corps of Engineers to
624 confirm the location of any jurisdictional wetlands. If jurisdictional wetlands are found,
625 provide a wetlands mitigation plan approved by the Army Corps of Engineers.
- 626 • This development is located in an area of high-water table (0 to 24 inches) and
627 classified as having moderate liquefaction potential; as such structures and stormwater
628 management facilities shall be designed accordingly.
- 629 • Agreements between property owners and easements where necessary shall be
630 provided to the City prior to approval of a construction plan set that shows construction
631 improvements outside of the property boundary lines.
- 632 • The City may elect to have a 3rd party review technical studies such as a traffic study,
633 floodplain study, noise study, vibration study, etc. provided in support of the
634 development. Reasonable costs associated with the third-party review shall be borne by
635 the applicant.

636 UTILITIES

- 638 • All utilities outside of the public right-of-way way shall be private lines and shall be
639 owned, maintained, repaired/replaced by Homeowners Association. All infrastructure
640 shall be installed, maintained, and repaired/replaced in accordance with Logan City
641 Standards.
- 642 • Provide City with private Water Utility agreement for all private water and sewer lines
643 (including fire lines) not located withing a Public Right of Way. The agreement shall be
644 recorded with the County Recorder.
- 645 • All lots shall have separate water service and sewer service connections to water
646 distribution and sewer collection systems.
- 647 • Fire hydrant locations shall meet the Fire Code requirements as determined by the
648 City's Fire Marshall.

- Construct a sewer line connection between 1200 W and 1360 W on 600 S. The City will contribute to oversizing to meet the City's master plan needs.
- Construct a sewer line along the frontage of 1400 W. The City will contribute to oversizing to meet the City's master plan needs.
- Construct water improvements to connect water north to the existing water connection in 1200 W.
- Construct a water line in 500 S (470 S on the plans) along the street frontage to 1400 W and tie in the water connection at the west townhome street.
- All existing water and sewer service lines extending to the site that are not proposed to be used with the new development shall be capped at the City main line.
- Proposed water and sewer lines in the rights of way shall typically be a minimum of 8 inches in diameter. The City may require larger diameter utility lines (proposed or existing) if required according to modeling results or if identified by the City's master plans. If required per a master plan document, the City will pay for any increase in size.

STORMWATER / IRRIGATION

- Provide storm water detention/retention per Logan City Design standards. This includes the retention of stormwater from an adjacent existing street that discharges to the property. Retention of the 90% storm event is required and shall be provided through the use of Low Impact design methods.
- Except for stormwater from City rights-of-way which shall be managed on the property, the development shall either incorporate into its stormwater design or pass through in a historical manner any stormwater that flows onto the property from adjacent properties.
- Provide a stormwater maintenance agreement for City Review, approval and recordation at County Recorder's Office.
- Area is greater than 1 acre so compliance with the State Storm Water Permit is required. Development shall also provide a sediment and erosion control plan for all construction activities.
- Maintain the capacity, size, and location of all existing irrigation system infrastructure along and within the project; or where irrigation infrastructure is required to be relocated or changed, improve the infrastructure to the irrigation company's standards. The City will require all affected Irrigation companies to provide a signature approval on all final construction plans and final plats.
- The plans submitted show storm water management improvements on the property, including the provision for storm water detention/retention basins. As a detailed report or study has not been reviewed, it is noted that additional pond area may be required to comply with the City's storm water management standards which may impact the plat.
- Stormwater basins shall not be located on residential lots. A dedicated parcel for stormwater management shall be provided and language added to the CC&Rs indicating that the storm water systems and ponds shall be maintained by the HOA.
- The minimum diameter of storm drains piping in a City right of way shall be 15 inches unless a larger size is required by the design.

692
693 **STREETS**

- 694 • 600 South is identified as a minor arterial on the City's transportation master plan and
695 as such requires a 102-foot right of way. Dedicate sufficient property to achieve a total
696 (existing plus new) 84 feet of right of way as measured from the existing south right of
697 way line along the entire length of the project. Prepare construction plans to build
698 improvements associated with a modified collector street cross section. The north back
699 of curb shall be located 24 feet south of the new north right of way line and the
700 improvements shall include asphalt that ties into existing asphalt, curb & gutter,
701 sidewalk, and park strip.
- 702 • 1400 W is designated as an arterial street on the City's Transportation Master Plan and
703 as such will require 102 feet of total right of way that is in alignment with the existing
704 preserved right of way to the south. As such, the eastern alignments of the rights of way
705 shall match. Where the City will be constructing or participating in the construction of
706 1400 W to SR-30, the development will be required to construct the west half street
707 improvements equal to the City's 80-foot collector road standard.
- 708 • Rename 470 S to 500 S and 500 S to 520 South.
- 709 • 1200 W and 500 S are gridded streets and as such shall have a total 66-foot dedicated
710 width and shall be constructed to a gridded street cross section. A minimum of 20 feet of
711 asphalt shall be constructed on any half street improvement.
- 712 • 470 S shall be extended west to connect to 1400 W.
- 713 • All other streets including 500 S west of 1200 W shall be 60-foot-wide rights of way
714 and constructed to the City's residential street cross section.
- 715 • Where the existing half street or portion thereof is in poor condition in regard to
716 cracking or is damaged during construction; owner shall reconstruct the pavement cross
717 section out to an area of good condition asphalt. At a minimum 3' of existing asphalt
718 shall be removed and replaced.
- 719 • Provide a traffic impact study for review and approval by the City and follow all
720 recommendations identified unless it conflicts with City standards.
- 721 d. Fire – contact 716-9515
- 722 • Fire hydrants shall be installed within 600 ft of all buildable areas, including to the
723 back of lots, and measured along drivable routes. Include plan indicating distance to fire
724 hydrants in construction plans.
- 725 e. Forestry – contact 716-9749
- 726 • Park strip trees shall be provided by developer for gold card sign off. *
- 727 • Species selection must be approved by City Forester prior to planting*
- 728 • Trees shall be planted at correct depth by International Society of Arboriculture
729 standards. Meaning root flare shall be at final grade level.
- 730 • Tree stakes shall be loose and only provided when necessary.
- 731 • Only low growing variety of trees will be permitted under power lines.
- 732 • 30' tree setback is required on park strip trees located near corner intersections for sight
733 distance. Rex.davis@loganutah.org
- 734 f. Environmental – contact 716-9761

• Residential cans will be provided. Cans need to be placed on public street for collection.

On March 23, 2023, the Planning Commission recommended the Municipal Council deny the Sugary Creek Rezone (5-1).

Planner Russ Holley clarified the legal department did receive a deed warranty from the proponent. The city attorneys at the time had a concern and spoke to the proponent. The deed restriction needed to be more specific and appropriately address the number of attached units that will be part of the development.

Chairman López requested a clarification on whether the deed warranty binds the number of units to the totality of the parcels or is it applied to each individual parcel.

City Attorney Craig Carlston answered the deed restriction covers the entire area. A deed restriction is recorded, so even if ownership of the property changes, the deed restriction will still apply to the property.

Councilmember Simmonds inquired if there was more than one property that is part of the project and if there is a restriction to each parcel. And if the deed restriction is specific enough to the type of unit that will go on each parcel.

Mr. Holley responded there are four parcels in total, and there is a restriction on each parcel.

Mr. Carlston clarified the deed restriction states there can be no more than an average of 6 units per acre for the entire property which includes all four parcels. The deed restriction addressed the maximum number of single-family attached dwellings (townhomes) that can be built on the property is 126.

Chairman López asked theoretically can more townhomes be built than seen on the provided project (on another parcel), but still be legal as long as they are within the parameters of the deed restriction. This is directly in reference to the design.

Mr. Carlston answered that is correct in regard to the design, but any changes in the design cannot exceed what is recorded in the deed restriction of 126 units (specifically townhomes). The design of the project is not being approved rather the parameters of the total density of the project.

Councilmember Jensen inquired what the time frame of road improvements is according to the phase of building, (a total of three).

777 Mr. Holley referred to the phase blueprints presented and explained that regardless of
778 phase, emergency vehicles must be able to enter and exit the premise.
779
780 Councilmember Jensen asked if the intent of the road is to be widened from 62 feet to
781 102 feet.
782
783 Mr. Holley clarified that presently the intent will be to widen the road to 80 feet (a
784 collector road) with the possibility of expansion someday in the future to 102 feet.
785
786 Councilmember Jensen inquired what is the condition of the wetlands, is it intermittent or
787 similar to what is being shown on the plan.
788
789 Mr. Holley replied the wetlands at present are conceptual (as part of the design) and show
790 trails and boardwalks. The wetland will not be used in an active sense but rather in a
791 passive open space.
792
793 Vice Chair A. Anderson asked what the total open space will be and Councilmember M.
794 Anderson, asked what is the square footage in the proposed plan.
795
796 Mr. Holley responded the proposal is still going through the design review process, but
797 there is a requirement of a minimum of 30% open space (as part of the total project).
798 There is not an exact number of sq. ft. at this time.
799
800 Chairman López inquired if the Planning Commission had discussed a deed restriction or
801 if it had at all been mentioned by the developer.
802
803 Mr. Holley answered the topic had been brought up, but it had not been discussed at
804 length, since the deed restriction had not yet been drafted.
805
806 Ben Steele, the proponent of the project for clarification purposes stated there are 5
807 parcels in total.
808
809 Vice Chair A. Anderson requested clarification if there has been any guest parking
810 designated as part of the design.
811
812 Mr. Holley clarified that presently as part of the design, there has been no such
813 designation made for guest parking. They are required to have 2 parking stalls per unit.
814 There is no visitor parking required in this zone but is required in higher-density zones.
815
816 Councilmember Simmonds asked what benefits are granted to the project because the
817 zone is NR-9 even if the density is NR-5.
818

Mr. Holley replied clustering provides open space benefits and natural resource preservation of the wetland. The open space permits community amenities such as trails. Open space can include wetlands (or trails or walkways), but open space cannot be developed into a tennis court, basketball court, driveway, parking lot, etc. On the other side, the yards and homes will not be large as if they were part of NR-4.

Chairman López requested confirmation if the area had once been zoned NR-6. He also requested to know what the decision-making process had been if there had been input from the neighborhood.

Mr. Holley confirmed that had been the case, the area had once been zoned NR-6 (but had been downzoned 6 years ago). The City Council at the time had requested staff due to inventory on lot size and determined the area would be suitable in order to have a variety of lot opportunities.

Chairman López opened the meeting to a public hearing.

Debbie Davis, a resident of Logan lives near the proposed development. She has a child with autism and is concerned that further development (such as cellphone towers) will negatively affect him. She proposed that the area become a quiet zone that will not have further development. (Ben Steele, the developer further ahead addressed the concern by stating they do not seek to build cellphone towers, nor do they do so as developers.)

Joshua Molitor, a resident of Logan expressed concerns about denser home occupancy and creating less home ownership. He is also concerned about the protection of wetlands and whether the development will sufficiently address wetland mitigation.

Kathleen Olsen, a resident of Logan does not necessarily mind the development but expressed concerns regarding the road and the increase in traffic. She also indicated there are further wetland areas not shown on the design on the other end of the property as well. (Mr. Steele further ahead thanked Ms. Olsen for her input regarding further wetlands which they had not been aware of before and as a result are looking into.)

Roger Gessel, a resident of Logan, lives directly south of the project. He expressed concerns about the density and size of the development and its direct impact on the wetlands.

Erin Doolin, a resident of Logan said his concern is housing affordability in an HOA. He isn't certain if the project is affordable, and the intersection is a safety concern with the increased traffic that most likely will occur.

Caleb Anderson, a resident of Logan also resides directly south of the proposed development. He expressed concern about the impact on the community such as stability

and the effect on the schools. An NR-4 zone is more appropriate for the area and requested the Council take all of this into account.

Ross Draper, a resident of Logan resides just east of the proposed development. He expressed concern regarding the design, especially in the transient alley and parking in those alleyways which will not permit parking. The proposal may be a deterrent to the school systems and whether the schools can accommodate the density growth.

Stacey Bingham, a resident of Logan added that this is a great community that serves others. She is concerned about how this development may negatively impact the community.

Jason Schofield, a resident of Logan lives north of the proposed development. He said if townhomes start at \$375,000 while single-family homes start at \$425,000. If someone can afford a townhome, someone can afford a smaller home. The project would be better if there were more single-family homes and fewer townhomes. The community shouldn't change because of this development, the community was here first.

Shawn Milne, a resident of Logan spoke in favor of the project. The project will bring affordable homes to the community, especially to those that need them. He said we need to remember that our neighbors act how they are treated. Even in higher density, a community can be good neighbors.

Ben Steele, the proponent and developer from Visionary Homes clarified the deed restriction which states that it will follow the design layout. Regarding concerns about the road from a developer's point of view, the infrastructure can address the existing density and proposed density. As to the question regarding safety, the frontage for the road from phases 1 & 2 is to be completed during phase one to address safety concerns. He appreciates the community speaking up and expressing their concerns. He requested the Council also consider all the information presented as well.

Melissa Dahle, a resident of Logan requests the Council listen and reiterated the fact that the proposed area for development is zoned NR-4.

Sharlene Moe, a resident of Logan resides just north of the proposed development. She expressed concern about the targeted audience of the townhomes and whether that is a realistic expectation. Furthermore, there are concerns about parking and open space for children to play in.

Aaron Zilles, a resident of Logan resides just north of the proposed development. Affordable income housing is important, but there is a concern regarding the location of proposed affordable housing. There is no nearby bus transportation in proximity to the proposed development, parks or other services located anywhere near this proposed area.

Joann Bennett, a resident of Logan said the project is not conducive to being a family community. She feels that we should upgrade Logan and not downgrade Logan.

Ken Heare, a resident of Logan and Chair of the Logan Planning Commission said the reason for the vote is although the development is good, there were concerns about the density. They also had to take into consideration the Woodruff Neighborhood Plan. The Planning Commission wanted to approve something, but the Planning Commission did not have the latitude and an NR-9 is not appropriate for this area.

The Planning Commission recommended the Municipal Council deny the Sugar Creek Rezone (5-1). Jess Lucero was against the denial (and voted in favor) as there is a need to address housing affordability and a need for housing. Mr. Heare stated that 86% of the growth in Cache County comes from natural growth (reproduction), not relocation. As of last week, there were only 308 homes for sale, there simply is not sufficient housing stock. The lack of housing stock needs to be addressed, we want to respect the community, but we must also address the urgent need.

Councilmember Simmonds asked if there were any mention of a deed restriction to the Planning Commission.

Mr. Heare responded that the Planning Commission cannot request a deed restriction. If there was a compromise that would have been reasonable and beneficial to discuss.

Councilmember M. Anderson asked if any feedback was received from the school district.

Mr. Heare responded no comments were received from the school district.

Chairman López requested clarification if the reason for denial was the rezone or the development of townhomes.

Mr. Heare stated that based on the application the only aspect considered by the Planning Commission for denial was the rezone request of NR-9. The Planning Commission did not believe the rezone designation was appropriate.

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

Councilmember Jensen said the Council listens to all the feedback received from both the public and proponents, although the Council listens it does not mean that they will always agree. He reiterated this is a unique project, this is a large project of 32 acres that allows flexibility to do something unique. The concerns are stability, traffic, and safety, and the zoning should remain according to the planned zoning. The plan does request lower density and the development would meet that request. The most successful

neighborhoods have a mix of housing, and he is in favor of the development for that reason. He made a motion to adopt the ordinance as proposed.

Vice Chair A. Anderson asked for NR-6, which is the maximum and minimum size of a dwelling (dependent on the lot).

Mr. Holley responded the minimum lot size for NR-6 is 6000 sq ft. NR-6 would not permit the 4000 sq ft. townhome dwellings nor requirements for open space.

Vice Chair A. Anderson remarked whether the traffic concerns can be addressed or not. It is a strong point of consideration (which will be addressed at the design review (design approval) if the proposal is passed by the Planning Commission).

The Council requested Ben Steele, the proponent of the proposed development come to the podium to answer questions of the Council.

Councilmember M. Anderson inquired if there is a cellphone tower planned for this area.

Mr. Steele replied he is not planning on putting a cellphone tower as part of the development. As developers, they are not in the business of doing so.

Councilmember M. Anderson asked if these are for rent or for sale properties. And if so, does the size of the property equate to stability.

Mr. Steele answered these properties are for sale not for rent. Stability doesn't depend on the type of dwelling; stability does not differentiate between a townhome or a single-family home. They are both transient and is not fair to stigmatize townhomes in that particular manner.

Chairman López requested clarification regarding the improvements to the road (600 South), and if the road improvements will go from 62 feet to 80 feet wide, but 102 feet had been previously mentioned by the proponent at the neighborhood meeting.

Mr. Steele clarified the road dedication is 102 feet according to the City's Master Plan. It does not make sense to build that road section to 102 feet today, hence the road expansion only to 80 feet wide. With further room for expansion to meet the 102 feet, when the City determines it is prudent to widen the road to that length.

Councilmember Simmonds inquired how much of the project will have green space.

Mr. Steele answered the project will have greater than 30% of open space but he does not have a number.

Councilmember Simmonds asked regarding the wetlands and water table because of springs in a corner of the property and whether that will affect the conceptualization of the design. For example, if the 4 lots are not buildable will those 6,000 sq ft. lots be replaced in the project for example by building more smaller lots and removing say a larger town home to make room. And secondly, if so, does the current proposed deed restriction prevent that or not.

Mr. Steele answered if we determine there are additional wetlands (such as the mentioned springs) the lots in that location will not be developed. Mr. Steele also thanked Kathleen Olsen for bringing that concern to his attention. They intend to comply with the Army Corps designation and have no intention of building on wetlands. In reference to the deed restriction, the deed restriction offered to the Council caps the number of townhomes that can be built on the property. The total number of townhomes as previously mentioned cannot exceed 126 units.

Councilmember Simmonds requested Mr. Holley confirm if the recently passed ordinance required for wetland mitigation to be completed prior to the construction of a project being commenced.

Mr. Holley clarified the project was pending at the time, and that only a phase would be approved based on the map. The city maps do not indicate the east area as wetlands, but the west area will need to be mitigated. Going forward, before the project can be brought to the Planning Commission, the project will have to have been successfully delineated.

Vice Chair A. Anderson echoed Councilmember Simmonds concerns and requested confirmation on whether if any lots are not able to be developed if the lots would then be shuffled into smaller lots to make up for the loss incurred. And if the proponent would be comfortable making a commitment (via a deed restriction) to ensure lots are not made into smaller lots but rather maintain proposed lots regardless of whether lots are able to be constructed or not.

Mr. Steele confirmed he would be comfortable accepting such a request and is permitted to do so by Visionary Homes.

Chairman López requested clarification if all units are for sale and the possibility that any investor can buy a unit, if so, possibly rent that unit. Is there any intention of the HOA to restrict and ensure a certain percentage of units are owner occupied.

Mr. Steele responded he is not certain at this time, but there is a possibility the HOA can require that and deferred the question to City Attorney Carlston.

Mr. Carlston said he is leery of taking such a course of action, but the topic would need to be further researched before an appropriate response can be brought before the Council.

1034 Vice Chair A. Anderson explained by requiring a certain number of units to be owner
1035 occupied the impact would be directed at any potential buyer as it would be more
1036 difficult to get a mortgage to finance the unit.
1037
1038 Councilmember M. Anderson asked if the school district had made any comments.
1039
1040 Mr. Steel replied he had not spoken to the school district, but a school board
1041 representative had been present at the Planning Commission and at the meeting with the
1042 neighborhood.
1043
1044 The Council discussed the need for mixed housing and the benefits of mixed housing.
1045 And the reason for the request for the NR-9 in order to build different types of housing in
1046 that area (though housing will be closer to a NR-6 zone). The Council members echoed
1047 the benefits and the changes that come with each passing generation and the need for
1048 different types of housing. They thanked the public for their comments and understood
1049 their concerns for stability and preserving their community.
1050
1051 Mr. Carlston stated if the Council passed the ordinance today, the requested changes on
1052 the deed restriction will not apply. The deed restriction that will go into effect is the deed
1053 restriction that exists today. He requested the Council wait for the new deed restriction
1054 which needs to be signed by both parties prior to being accepted.
1055
1056 After further discussion, the Council determined to continue the Ordinance. The Council
1057 requested a more specified deed restriction to limit the number of 6,000 sq ft. and number
1058 of 4,800 sq ft. units on the property if the case lots cannot be developed according to the
1059 design. The Council also requested further comments be obtained from the school
1060 district.
1061
1062 Councilmember Jensen withdrew his motion and motioned to continue the ordinance
1063 without a public hearing. The deed restriction will be finalized with the requested detailed
1064 restriction on the number of units of 6,000 sq ft. and 4,800 sq ft. units. He stated the
1065 public is welcome to email, text, or call the Council with any further comments they
1066 might have.
1067
1068 **ACTION. Councilmember Jensen seconded by Councilmember Simmonds to**
1069 **continue Ordinance 23-16 to May 16, 2023, as presented. Motion carried by roll call**
1070 **vote.**
1071 **A. Anderson: Aye**
1072 **M. Anderson: Aye**
1073 **Jensen: Aye**
1074 **López: Aye**
1075 **Simmonds: Aye**
1076

**PUBLIC HEARING - VACATION OF PUBLIC UTILITY EASEMENTS -
Consideration of a proposed ordinance vacating certain public utility easements
located between the West property line and five feet (5') West of the West property
line of Lot 2 except the North ten feet (10') and South ten Feet (10'). Located on Lot
2 of the Tempki Subdivision at 1793 Mount Logan Drive, Logan, Utah (Parcels 06-
107-0023 and 06-107-0009) – Ordinance 23-15 – Paul Lindhardt, Public Works
Director**

At the April 18, 2023, Council meeting, Public Works Director Paul Lindhardt addressed the Council regarding the proposed vacation. The owner of the adjacent lot would like to attempt to add two subdivisions as such the Public Utility Easement needs to be vacated by ordinance. There are no existing utilities in that easement. Various calls were received, but they were all inquiries, no one opposed the public easement being vacated.

City Engineer Darren Farar summarized what had been presented at the last council meeting by Paul Lindhardt, Public Works Director.

Councilmember Simmonds asked if there will be sufficient frontage for the parcels.

Mr. Farar answered the frontage is adequate and meets the city's standards.

Mr. Holley confirmed for the benefit of the Council, the frontage is sufficient and there are lenient allowances made for a parcel of this shape.

Chairman López opened the meeting to a public hearing.

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

**ACTION. Councilmember Simmonds seconded by Councilmember M. Anderson to
adopt Ordinance 23-15 as presented. Motion carried by roll call vote.**

A. Anderson: Aye

M. Anderson: Aye

Jensen: Aye

López: Aye

Simmonds: Aye

**PUBLIC HEARING - Budget Adjustments FY 2022-2023 appropriating: \$2,808 a
reimbursement from the US Department of Justice for federal cases worked by
police officers; \$411 additional funding the Communication Center received from
the State of Utah for the EMS FY23 grant for medical related training of personnel;
\$8,021,000 anticipated surcharge revenue and increased purchase power expenses in
the Electric Fund through June 30, 2023 – Resolution 23-13 – Richard Anderson,
Finance Director**

1120
1121 At the April 18, 2023, Council meeting, Finance Director Richard Anderson addressed
1122 the Council regarding the proposed budget adjustments.
1123
1124 Councilmember Jensen asked if there is any remaining surplus revenue will the funds
1125 return to the budget.
1126
1127 Mr. Anderson replied if there are any remaining funds they will return to the budget.
1128
1129 Mayor Daines added a rate study will be conducted in order to determine if there is a
1130 need to increase future electric rates.
1131
1132 Chairman Ernesto López opened the meeting to a public hearing.
1133
1134 There were no comments and Chairman Ernesto López closed the public hearing.
1135
1136 **ACTION. Vice Chair A. Anderson seconded by Councilmember Simmonds to**
1137 **approve Resolution 23-13 as presented. Motion carried by roll call vote.**
1138 **A. Anderson: Aye**
1139 **M. Anderson: Aye**
1140 **Jensen: Aye**
1141 **López: Aye**
1142 **Simmonds: Aye**
1143
1144 **WORKSHOP ITEMS:**
1145
1146 **Consideration of a proposed resolution approving the Community Development**
1147 **Block Grant (CDBG) Annual Action Plan Program Year 2023 for the City of Logan**
1148 **– Resolution 23-12 – Amanda Pearce, CDBG Coordinator**
1149
1150 CDBG Coordinator Amanda Pearce addressed the Council regarding the proposed
1151 resolution. She explained the following:
1152
1153 **Application Period**
1154 The Logan City CDBG Program held an application period from January 18, 2023, to
1155 February 16, 2023. City Departments and nonprofits serving low/moderate income
1156 residents were invited to make applications.
1157
1158 **CDBG Program Year 2023 Funding Recommendation**
1159 Logan City's CDBG program is estimated to receive \$567,134 in CDBG funding for
1160 PY2023. The CDBG Steering Committee met on March 7, 2023, and made the following
1161 funding recommendation:
1162 \$98,433 100 W 200 S Pedestrian Crossing

1163 \$134,145.72 600 S Main Sidewalk
1164 \$37,836.84 500 W Street Improvements
1165 \$128,292.44 100 N 500 E Sidewalk*
1166 \$0 Lundstrom Park Sidewalk*
1167 %55,000 BRAG Emergency Home Repair
1168 \$85,070 CDBG Administration
1169 \$28,356 Planning

1170

1171 *It is recommended that any PY2023 funds awarded by HUD in excess of the estimate,
1172 or any funds recaptured from any other CDBG activity from any program year, will be
1173 reallocated to the 100 N 500 E sidewalk project up to \$200,000 and to the Lundstrom
1174 Park Sidewalk project up to \$111,230.

1175

1176 **Public Review and Comment Period**

1177 A public review and comment period regarding the proposed PY2023 Annual Action
1178 Plan runs from April 15, 2023, to May 16, 2023.

1179

1180 **Public Hearing**

1181 A public hearing is scheduled for May 16, 2023, for receiving public input regarding the
1182 proposed plan. The hearing takes place as part of the regularly scheduled City Council
1183 meeting which begins at 5:30 pm in the Logan City Council Chambers.

1184

1185 Councilmember Simmonds inquired if the funds are just for the residents of Logan.

1186

1187 Ms. Pearce confirmed that is the case.

1188

1189 Councilmember Simmonds asked if BRAG could charge an administrative fee.

1190

1191 Ms. Pearce answered the fee will be to manage a specific program.

1192

1193 Councilmember Jensen inquired if the planning fee was the final number.

1194

1195 Ms. Pearce replied those are not the final numbers, since there is not yet a final agreement
1196 in place.

1197

1198 The proposed resolution will be an action item and public hearing at the May 16, 2023,
1199 Council meeting.

1200

1201 **Consideration of a proposed resolution adopting an amendment to the Community**
1202 **Development Block Grant (CDBG) Program Year 2019 (PY2019) Annual Action**
1203 **Plan (AAP) – Resolution 23-15 – Mike DeSimone, Community Development**
1204 **Director**

1205

Community Development Director Mike DeSimone addressed the Council regarding the proposed resolution.

Amendment Summary

Mr. DeSimone stated that in response to the Coronavirus Pandemic (COVID-19) the U.S. Department of Housing and Urban Development (HUD) awarded Logan City an initial Community Development Block Grant Coronavirus (CDBG-CV) allocation of \$299,912 in early 2020, and a second CDBG-CV allocation of \$207,849 in 2021, all of which was authorized by the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), Public Law 116-136, which was signed by President Trump on March 27, 2020, to respond to the growing effects of this historic public health crisis. The total CDBG-CV allocation for Logan City was \$507,761. We have spent approximately \$297,597 with \$210,163 remaining.

The purpose of the CDBG-CV funding was to support the “prevention, preparation, and response” to the coronavirus pandemic (COVID-19). The \$297,597 were used to fund emergency food and shelter, rental assistance, PPE’s, telehealth systems, non-profit operational support, and vaccine clinics.

In transitioning from immediate needs relative to the pandemic, the remaining covid-19 funds can be reprogrammed to meet broader CDBG goals of serving low/moderate income residents while still adhering to the original intent language to “prevent, prepare, and respond” to the coronavirus pandemic. We are proposing to amend the 2019 Annual Action Plan and allocate the remaining funds (\$210,163) for trail improvement projects serving low to moderate income Logan residents. More specifically, we are proposing to use up to \$160,000 on the 1800 South (Spring Creek) Trail.

Proposed Annual Action Plan (PY2019) AMENDMENT 3

- Allocate \$210,163 of remaining CDBG CV Funding towards Trail Improvements serving low/moderate income Logan residents designed to prevent, prepare for or respond to future coronavirus pandemic impacts by providing suitable outdoor recreational space meeting social distancing & spacing requirements. Approximately \$160,000 will be used for the 1800 South (Spring Creek) Trail. According to HUD guidance, the use of remaining CDBG-CV funding for public facilities are allowable provided the following three criteria are met:
 1. **Eligible Cost.** Construction costs associated with a public facility such as a trail or sidewalk serving low/moderate income residents are all eligible costs under CDBG.

- 1249 2. **Tieback to Coronavirus.** The proposed project (Spring Creek Trail) will
1250 increase the width of the existing 1,300' trail from a 6' wide sidewalk to a 10'
1251 wide trail able to safely support more people with greater levels of social
1252 distancing. The trail runs north from 1800 South and ties into the existing trail
1253 system running parallel to the Logan River. The tieback to coronavirus is that by
1254 adding additional trail width, we are better able to provide safe outdoor
1255 recreational amenities that meet minimum social distancing parameters and
1256 therefore "prevent, prepare for, or respond to" the coronavirus pandemic.
1257
- 1258 3. **CDBG National Objective.** The location of this specific trail improvement
1259 project is within an area containing a significant percentage of low to moderate
1260 income residents; therefore, this project meets a CDBG national objective.
1261

1262 Public Comment

1263
1264 Opportunities for public comment were published as following:
1265

- 1266 ☐ Publication on the City's website at www.loganutah.org
- 1267 ☐ Notice of publication on the City's social media platforms, including Facebook
1268 and Twitter.
- 1269 ☐ A comment period running from April 15, 2023 through May 16, 2023.
- 1270 ☐ A City Council virtual hearing on the proposed 2019 AAP Amendment shall
1271 commence no earlier than 5:30pm on Tuesday, May 16, 2023, in the Municipal
1272 Council Chambers located at 290 N 100 W, Logan, Utah.
- 1273 ☐ Logan Municipal Council Meetings are live-streamed on the City of Logan
1274 Facebook page at <https://www.facebook.com/cityoflogan> and the City of Logan
1275 YouTube channel at <https://www.youtube.com/channel/UCFLPAOK5eawKS>
1276 RDBU0stRQ. Relay 711 and Spanish Relay (1-888-346-3162) may also be used
1277 to access all phone numbers listed above.
- 1278 ☐ Submit comments to either Mike DeSimone, Director, at
1279 mike.desimone@loganutah.org, 435.716.9022 or Amanda Pearce, CDBG
1280 Coordinator, at amanda.pearce@loganutah.org, 435.716.9021 by Tuesday, May
1281 16, 2023.
1282

1283 A final note of importance for the Council. The actual amount of funds remaining and
1284 available may be less than the amounts listed above. HUD has indicated that 80% of the
1285 total amount of covid funding received has to be spent by May 28, 2023 which is
1286 \$406,208 (\$507,761 x 80%) leaving approximately \$101,552 that could be applied
1287 towards the 1800 South trail improvement project. We are still waiting on clarification
1288 from HUD on whether this 2019 AAP amendment is sufficient in demonstrating our
1289 intent to spend the remaining funds on eligible activities.
1290

Vice Chair A. Anderson said because the trail is outdoor-related and people are not clustered together (to prevent any potential contagious spread), the funds can be used for this trail.

Mr. DeSimone confirmed that is correct. The funds have to go to a low-income neighborhood and meet the needs of the rest of the community as well. It is cost-eligible, tieback to Coronavirus, and meets the national objective.

The proposed resolution will be an action item and public hearing at the May 16, 2023, Council meeting.

Budget Adjustment FY 2022-2023 appropriating: \$11,451 funds received from the sale of a fire vehicle toward replacement of rolling stock – Resolution 23-18 – Richard Anderson, Finance Director

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

The proposed resolution will be an action item and public hearing at the May 16, 2023, Council meeting.

OTHER CONSIDERATIONS:

No further items were discussed.

ADJOURNED. There being no further business, the Logan Municipal Council adjourned to a meeting of the Logan Redevelopment Agency at 8:31 p.m.

Minutes of the meeting of the Logan Redevelopment Agency convened on Tuesday, May 2, 2023, in the Logan Municipal Council Chambers located at 290 North 100 West, Logan, Utah 84321 at 8:31 pm.

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

Chairman Ernesto López welcomed those present. There were approximately 6 in attendance at the beginning of the meeting.

WORKSHOP ITEM:

Consideration of a proposed resolution approving Agency assistance to Mill Creek of Logan, LLC for its redevelopment project in the Downtown Redevelopment Project Area – Resolution 23-17 RDA – Kirk Jensen, Economic Development Director

Economic Development Director Kirk Jensen addressed the Council regarding the proposed resolution. He explained that the second phase of Mill Creek of Logan, LLC's redevelopment project ("Project"), located at approximately 74 West 100 South in the Downtown Redevelopment Project Area consisting of a five-story, 72-unit, multi-family, residential project contributes significantly to the achievement of the City's economic and community development goals, including: the fiscal growth of the City through property taxes; the provision of downtown housing as encouraged by the Downtown Logan Specific Plan, serving as a catalyst to encourage additional redevelopment in downtown; the elimination of blight.

The Economic Development Committee has reviewed the proposed investment and recommends its approval. The recommended the following incentive package:

Mill Creek of Logan, LLC will receive \$100,000 from the RDA's Affordable Housing Fund ("Fund") upon completion of its project as conditionally approved by the City of Logan Planning Commission in Design Review Permit PC#21-020. Monies from the Fund can be used for market-rate housing projects located in redevelopment project areas where a blight finding exists. All construction plans are to be approved by the City of Logan Planning Commission. Additionally, the Redevelopment Agency encourages Mill Creek of Logan, LLC to utilize local contractors and vendors whenever possible.

Councilmember M. Anderson asked if there have been any issues with traffic and students crossing on 100 West.

Mr. Jensen answered there have not been any issue so far.

The proposed resolution will be an action item and public hearing at the May 16, 2023, Council meeting.

ADJOURNED. There being no further business, the Logan Redevelopment Agency adjourned at 8:40 p.m.

Esli Morales, Deputy City Recorder