

CITY OF LOGAN, UTAH  
ORDINANCE NO. 16-41

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

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

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

**SECTION 2:** That certain code entitled "Land Development Code, City of Logan, Utah" Chapter 17.50.040: "Design Review Permits" is hereby amended as attached hereto as Exhibit B.

**SECTION 3:** That certain code entitled "Land Development Code, City of Logan, Utah" Chapter 17.62: "Definitions" is hereby amended as attached hereto as Exhibit C.

**SECTION 4:** This ordinance shall become effective upon publication.

PASSED BY THE LOGAN MUNICIPAL COUNCIL, STATE OF UTAH, 3  
THIS DAY OF January, 2017.

AYES: Simmonds, Olson, Jensen, Hedham  
NAYS: None  
ABSENT: Barber

ATTEST:

Teresa Harris  
Teresa Harris, City Recorder



Tom Jensen  
Tom Jensen, Vice Chair

PRESENTATION TO MAYOR

The foregoing ordinance was presented by the Logan Municipal Council to the Mayor for approval or disapproval on the 3 day of January, 2017.

Tom Jensen  
Tom Jensen, Vice Chair

MAYOR'S APPROVAL OR DISAPPROVAL

The foregoing ordinance is hereby approved this 3 day of January, 2017.

H. Craig Petersen  
H. Craig Petersen, Mayor

1370

# EXHIBIT A

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

### §17.31.010 Purpose

The purpose of this Chapter is to provide for the safe, orderly and beneficial development of areas characterized by development hazards and valuable natural conditions while limiting the substantial alteration and degradation of such areas. Critical Lands will be identified on the Official Critical Lands Maps and shall include the following:

- A. Floodplains.
- B. Riparian Areas.
- C. Geologically Unstable Areas (Erosive Areas, Steep Slopes, Severely Constrained Areas).
- D. Wildfire Threats.
- E. Prime Agricultural lands.
- F. ~~Essential Views~~ Areas above 4,850'.
- G. Wetlands.
- H. Critical Wildlife Habitat.

### §17.31.020 Review Process: Approval and Permit Required

- A. For projects within an identified Critical Area, compliance with the development requirements of this Chapter shall be determined during the underlying regulatory and review process outlined in 17.46, i.e., Design Review, Conditional Use Permit, subdivision, etc.
- B. Approval Criteria. A permit shall be issued when the Applicant demonstrates the following:
  1. That the development will not cause damage or hazard to persons or property upon, or adjacent to, the area of development.
  2. That the development is in compliance with the requirements of this Chapter and all other applicable requirement of the Municipal Code.
- C. The Decision Making Body may require project modifications to include any of the following conditions if necessary to mitigate any potential negative impact caused by the development:
  1. Require the retention of trees, rocks, ponds, watercourses, highly productive agricultural lands, and other natural features.
  2. Require plan revision or modification to mitigate negative or irreversible effects upon the natural features that the proposed development may cause.
  3. Avoid creating or exacerbating hazardous conditions adverse to the public health, welfare and safety.
- D. The Decision Making Body may deny a permit if the proposed development will have a detrimental effect on the lands regulated by this Chapter and appropriate mitigation is unavailable.

### §17.31.030 Land Classifications

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

- A. Floodplains. Lands with a potential flood hazard as identified by the City Engineer.

**§17.31.100 Essential Views Development Standards for Areas above 4,850'.**

- A. The purpose ~~of and intent of~~ this section is to protect the scenic quality of Logan City by ensuring that future development located above an elevation of 4,850' is compatible with existing, ~~developed areas as well as existing~~ land forms, including significant the ~~ridgelines, hillside areas and viewsheds and hillside areas~~ found on the eastern benches ~~of side of~~ Logan. The intent of this Chapter is to ~~accomplish the following~~:
1. Implement hillside development standards to minimize the impact of man-made structures and grading on views of existing landforms, unique geologic features, existing landscape features and open space as seen from designated public roads, parks, and adjoining residential development;
  2. Protect and preserve views of the eastern benches of Logan City; major and minor ridgelines from designated public roads;
  3. Minimize cut and fill, earthmoving, grading operations and other man-made effects on the natural terrain to ensure that finished slopes are compatible with the existing land character; and
  4. Promote site sensitive design and architecture compatible with hillside terrain and which minimizes any negative visual impacts from public roadways, parks, and adjoining residential areas.
- B. General Requirements for Essential Views Development Above 4,850'.
1. All final grades, ~~including all cut and fill slopes, visible from any designated public road~~ shall be:
    - a. Consistent with the existing landscape to the greatest extent possible by avoiding uninterrupted slope surfaces that stand out against existing topographic contours;
    - b. Contoured to resemble existing terrain by varying slope increments and by breaking the visual surface of banks and inclines both vertically and horizontally; and
    - c. Constructed to allow for the creation of berms or mounding at the top of slopes, and in other locations, for the screening of structures and to facilitate proper site drainage.
  2. Design, height and massing of hillside-new development above 4,850' shall:
    - a. Maintain a balance of scale and proportion using design components that are harmonious with natural landforms and landscaping;
    - b. Be ~~small scale and~~ low in height, conform with hillside topography by stepping or staggering the mass of the proposed building up or down slope, and avoid flat pad construction and vertical massing;
    - c. Utilize structural elements, building materials and color tones which blend artificial surfaces with surrounding native elements;
    - d. Utilize construction materials, glass, roofing, fencing and other surfaces that are of a non-reflective nature; and
    - e. Utilize a variety of building and structural elements such as articulated walls, cornice detailing, reveals, alcoves, building projections, trellises, landscaping or other features which are appropriate to the scale of the building, and which serve to break up continuous building walls; ~~and~~
    - f. ~~Ensure that the proposed structure does not break the skyline of a primary ridge when viewed from any designated public road.~~

3. Roadways, driveways and utility alignments shall be:
  - a. Located to minimize grading by following existing contours;
  - b. Constructed to blend with the existing landscape, through alignment with the natural curving contour of the land, rather than using straight lines and excessive cuts and fills; and
  - c. Concealed from view through preservation and maintenance of existing vegetation or through planned landscaping that is constant with the natural character of the area.
4. Landscape planting and vegetation preservation shall:
  - a. Incorporate trees planted in random groupings or clusters that mimic or maintain natural assemblages rather than in systematic rows;
  - b. Maintain vegetation lines which convey the existing slope of the hillside;
  - c. Preserve native vegetation, including grasses and open space, whenever possible;
  - d. Use native materials to the greatest extent possible and/or non-natives that are compatible with indigenous vegetation and confined to the adjacent vicinity of the proposed structure;
  - e. Include a sufficient irrigation, maintenance and monitoring program designed to provide species requirements as well as protect against sedimentation, soil loss and land sliding; and
  - f. Be landscaped in such a manner that reduces the potential fire hazard while creating a minimum defensible space.
5. Exterior and landscape lighting applications shall be:
  - a. Designed to minimize nighttime disruption and visual glare by shielding lamp sources downward and away from view of designated public roads;
  - b. Controlled by timers and/or motion sensors, to limit the duration of use and reduce prolonged glare; and
  - c. Sized with the minimum wattage necessary to meet desired application.

# **EXHIBIT B**

## 17.50: Design Review Permits

### §17.50.010 Purpose

The purpose of design review is to encourage high quality development design and enhance neighborhood character. The design review process is intended to ensure conformance to city standards and encourage superior design while providing for flexibility in project design. Two procedural “tracks” are provided whereby an applicant can choose to follow the prescriptive (Track 1) standards in Title 17, or propose an alternative design (Track 2) that is consistent with the purpose and intent of Title 17 and results in a superior design.

### §17.50.020 Design Review Authority

The Planning Commission shall review Track 2 design review applications, including proposed site layout and building design for conformity with Title 17 and shall follow the notice and meeting requirements of Section 17.55. The Director shall review Track 1 design review applications, including proposed site layout and building design, grading and drainage for conformity with Title 17 and shall follow the notice requirements of Section 17.54.

### §17.50.030 Standing To Apply

Any property owner, or proponent with the written permission of the property owner, may apply for consideration of a design review permit..

### §17.50.040 Design Review Permits

A. Design Review Permits are required for the following types of development:

~~1. Single family dwellings located above the 4950' elevation;~~

~~21. Attached single family dwellings;~~

~~32. Townhomes and Townhouses;~~

~~43. Multi family residential buildings;~~

~~54. Subdivisions;~~

~~65. Commercial development;~~

~~76. Industrial development;~~

~~87. Recreation development;~~

~~98. Public development;~~

~~109. Freestanding signs;~~

~~110. Wall art over 10% of the first story façade area; and~~

~~121. Wireless Telecommunication Facilities.~~

B. Design Review Permit is required for certain modifications to uses.

1. All remodeling, renovation or additions, including parking and access, that result in an increase in size by more than 25% or 20,000 square feet, whichever is less; or

2. Exterior remodeling or renovation that is found by the Director to result in an increase in a nonconforming design condition.

### §17.50.050 Procedures

Design Review Permits shall be processed as either a Track 1 Permit or a Track 2 Permit, and the review process shall follow the procedural requirements in Section 17.55.

§17.50.060 **Design Review Track 1:** The Director shall be the review authority for Track 1 design review applications. The Director shall review Track 1 applications according to Section 17.54.

A. Track 1 Design Review Permits shall meet the following criteria:

# EXHIBIT C



### Chapter 17.62: Definitions

**“Essential Views”** means the critical visual land forms, including city ridgelines, views of Logan's many unique geologic and agricultural features, and the existing landscape fabric of the city's hillside areas.

**“Height, Building”** means the height of building as calculated utilizing the current version of the International Building Code (See Figure 17.62.A). The height of a building containing a flat roof shall include parapet walls.

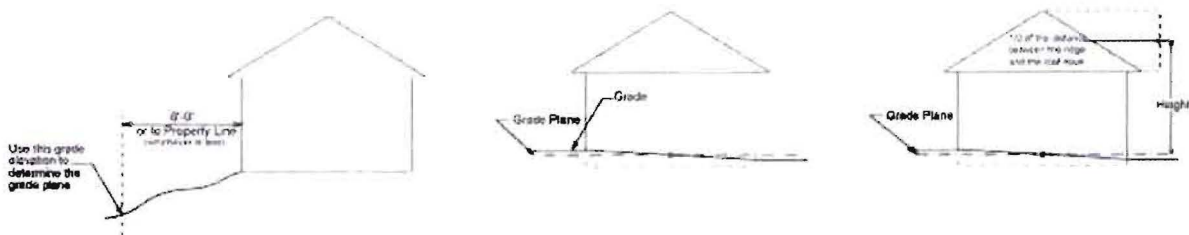
**“Height, Building”** means the maximum vertical height of a building or structure at all points measured from natural or finished grade, whichever is lower, to a point 1/2 of the distance between the roof ridge and the roof eave for a sloped roof, or the top of the parapet for a flat roof. Architectural elements that do not add floor area to a building, such as chimneys, vents, antennae, towers, or other similar elements, are not considered part of the height of a building.

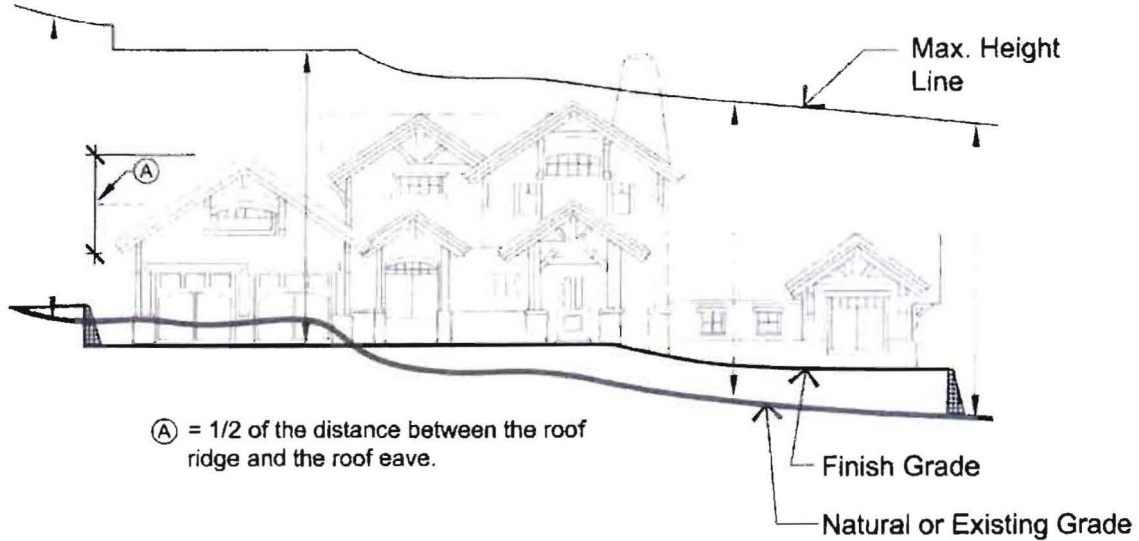
**Figure 17.62.A: Determining Building Height**

To measure the maximum allowed height of the structure, project that distance from natural or finished grade, whichever is lower, as shown. The following diagram shows how the maximum building height limitation applies in the single family residential zones. The same concept applies to all zones, but with different height limits.

**Figure 17.62.A: Determining Building Height**

To measure height, a “grade plane” must be established. A grade plane is established by determining the average grade between the highest and lowest natural grades, at a distance six (6) feet from the structure (or to the property line, whichever is less). Height is measured from the grade plane to a point 1/2 of the distance between the roof ridge and the roof eave (for sloped roofs).







**Project #16-049  
Hillside Development Standards  
Code Amendment**

**REPORT SUMMARY...**

<i>Project Name:</i>	Hillside Development Standards
<i>Proponent/Owner:</i>	Community Development Department
<i>Project Address:</i>	Citywide
<i>Request:</i>	Code Amendment
<i>Type of Action:</i>	Legislative
<i>Date of Hearing:</i>	November 10, 2016
<i>Submitted By:</i>	Mike DeSimone, Director

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**RECOMMENDATION**

Staff recommends that the Planning Commission recommend **approval** to the Municipal Council for the following amendments to the Land Development Code (LDC): Sections 17.31 (Critical Lands (CL) Overlay Zone, 17.50 (Design Review Permits), and 17.62 (Definitions).

**BACKGROUND**

On July 14, 2016 the Planning Commission approved the 22 lot Deer Pen Subdivision. The City Council approved a rezone of the property on September 20, 2016 from Public to Neighborhood Residential (NR-4). During this process, the neighboring property owners expressed concern over the visual impact new development within the Deer Pen development would have on neighboring properties, including the park. The City Council directed staff to either develop specific CC&R's for the property, or develop a regulatory framework to accomplish the same thing, i.e., minimize the visual impact of the new development on neighboring properties.

We also used this as an opportunity to clarify how the City conducts design review on properties on the bench areas above a specific elevation. Currently, we require projects above 4,950' to be reviewed through design review to ensure any specific issues are mitigated; however, we do not have any specific development standards defined for this type of development which can lead to arbitrary decisions. The proposal redefines the elevation of concern from 4,950' to 4,850' and includes specific development standards City staff will apply during the development review process.

**REQUEST**

The proposed code amendments include the following three elements:

Amend LDC 17.31.100 – replace “Essential Views” with “Development Standards above 4,850” in order to get at regulating how new development on the entire bench area affects the broader City. The general development standards get at building mass, materials, colors, landscaping, lighting, and overall site design in order to minimize the visual impact from public roads, parks, and adjoining residential areas. The approach was to draw a line low enough (4,950' – 4,850') in order to regulate the impact of new development in both the Deer Pen subdivision as well as the broader bench areas. These standards will be applied during the building permit review phase as part of the planner’s normal project review.

Amend LDC 17.50.040 – removed SFR development above 4,950' from having to obtain a design review permit. Changed the line from 4,950' to 4,850', and made SFR development review above 4,850' an administrative function (See attached maps).

Amend LDC 17.62 – changed the methodology for how we determine maximum building height from using an “average grade plane” to a more defined point of measurement as measured from either existing or finished grade.

#### **GENERAL PLAN**

The Land Development Code was prepared and adopted to implement the vision expressed in the General Plan. These proposed amendments help clarify the overall code and simplify its administration and implementation. The proposed amendments are consistent with the General Plan.

#### **STAFF RECOMMENDATION AND SUMMARY**

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

#### **PUBLIC COMMENTS**

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

#### **PUBLIC NOTIFICATION**

Legal notices were published in the Herald Journal on October 27, 2016, posted on the City’s website and the Utah Public Meeting website on November 3, 2016, and noticed in a quarter page ad on October 23, 2016.

#### **AGENCY AND CITY DEPARTMENT COMMENTS**

No comments have been received.

#### **RECOMMENDED FINDINGS FOR APPROVAL**

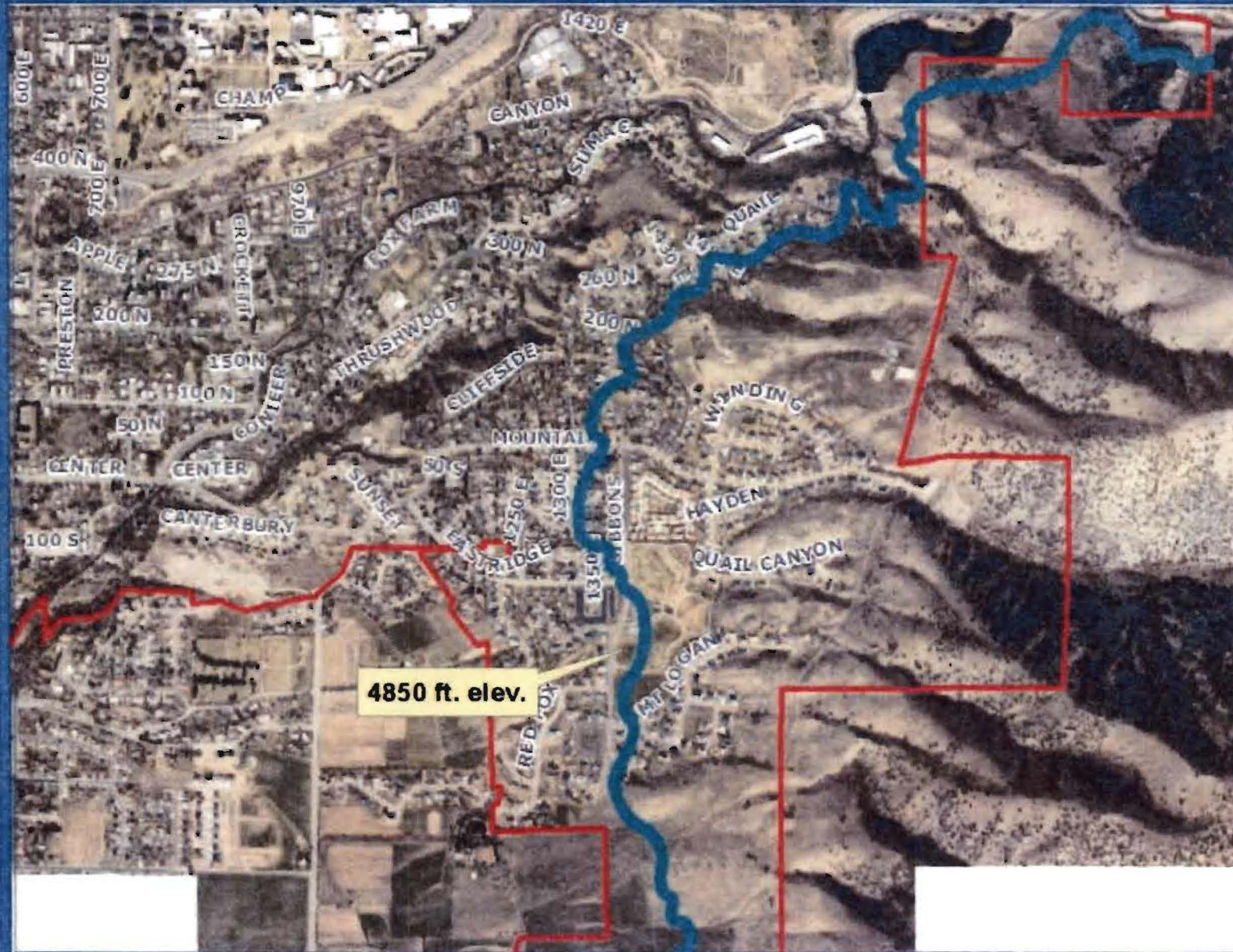
The Planning Commission bases its decisions on the following findings:

1. Utah State Law authorizes local Planning Commission to recommend ordinance changes to the legislative body (Municipal Council).
2. The Code Amendment is done in conformance with the requirements of Title 17.51 of the Logan Municipal Code.
3. The proposed Code Amendments provide standards for new development above 4,850’ in order to help mitigate for impacts on views from public roads, parks, and neighboring residential areas. These amendments change the defining line of elevation from 4,950’ to 4,850’ and cover all of the bench areas in Logan.
4. The provisions of these amendments are consistent with the overall goals and objectives of the Logan General Plan.
5. No public comment has been received regarding the proposed amendment.

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



# Logan City Hillside Areas





## MEMORANDUM TO MUNICIPAL COUNCIL

DATE: December 6, 2016  
FROM: Mike DeSimone, Director  
SUBJECT: Ordinance 16-041 (LDC Amendment – Hillside Development Standards)

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### **Summary of Planning Commission Proceedings**

*Project Name:* Hillside Development Standards  
*Request:* Code Amendment  
*Project Address:* City-wide  
*Recommendation of the Planning Commission:* Approval

On November 10, 2016, the Planning Commission recommended that the Municipal Council **approve** the amendments to the Land Development Code (LDC) Section 17.31 (Critical Lands Overlay Zone), Section 17.50 (Design Review), and Section 17.62 (Definitions) establishing a design review process and development standards for new residential construction above 4,850'.

### **Planning Commissioners vote (5 - 1):**

Motion for Recommendation: E. Ortiz

Second: S. Sinclair

Yea: T. Nielson, D. Butterfield, S. Sinclair, E. Ortiz, D. Newman, R. Price    Nay:

### **Attachments:**

*Staff Report (PC)*

*Ordinance 16-041*

*PC Meeting Minutes*

Civil  
PROOF OF PUBLICATION

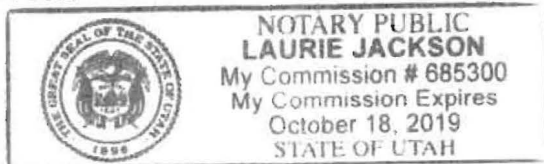
STATE OF UTAH  
COUNTY OF CACHE, ss

On this 16th day of January , A.D. 2017 personally appeared before me DESTINEE MUNSON who being first being duly sworn, deposes and says that (s)he is the Principal Legal Clerk of the Cache Valley Publishing Co., publishers of The Herald Journal a daily newspaper published in Logan City, Cache County Utah, and that the Legal Notice, a copy of which is hereto attached was published in said newspaper for 1 issue(s) and that said notice also published on utahlegals.com on the same day(s) as publication in said newspaper

Commencing on the following days:  
01/08/2017

Destinee Munson, Principal Legal Clerk

Subscribed and sworn to before me on this 16th day of January , A.D. 2017



Laurie Jackson, Notary Public  
Commissioned in the State of Utah  
My Commission expires 10/18/2019

**LEGAL NOTICE  
LOGAN MUNICIPAL COUNCIL**

**SUMMARY OF AN ORDINANCE** - The following ordinances were adopted and approved by the Logan Municipal Council, Logan, Utah on January 7, 2017.

**ORD. 16-39** An ordinance amending the Land Development Code Section 17.36 to clarify above ground versus below ground utilities.

**ORD. 16-40** An ordinance amending the Land Development Code Section 17.14 to clarify building orientation standards and requirements.

**ORD. 16-41** An ordinance amending the Land Development Code Sections 17.31, 17.50 & 17.62 to create development standards for new development above 4,850'.

**ORD. 16-42** An ordinance approving a rezone of residential properties from NR-6 to NR-4 in a number of developed and undeveloped areas that are more conducive to the NR-4 zoning designation. This rezone includes approximately 80 acres in the Hillcrest Neighborhood, 480 acres in the Wilson Neighborhood and approximately 190 acres in the Woodruff Neighborhood.

These ordinances are effective immediately upon publication. Full texts of the ordinances can be reviewed at the office of the Logan City Recorder, City Hall, 200 North 100 West, Logan, Utah during regular business hours.

Teresa Harris, City Recorder