CITY OF LOGAN
ORDINANCE NO. 2001-93

AN ORDINANCE AMENDING LOGAN MUNICIPAL CODE, 1989, SECTIONS 17.10.100, "TELECOMMUNICATIONS FACILITIES" AND 17.14.020, "LAND USE TABLE—PRIMARY USES IN RESIDENTIAL ZONING DISTRICTS"

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

SECTION 1: Logan Municipal Code, 1989, Section 17.10.100 of the Land Code, "Telecommunications facilities" is hereby amended to read as follows:

§17.10.100. Telecommunications facilities.

A. Characteristics. Telecommunications facilities includes all devices, equipment, machinery, structures or supporting elements necessary to produce nonionizing electromagnetic radiation within the range of frequencies from 100 KHz to 300 GHz and operating as a discrete unit to produce a signal or message. Facilities may be self supporting, guyed, co-located with existing facilities, or mounted on rooftops, mounted poles, other structures, light posts, power poles, buildings or other structures. Facilities may also include interconnection translators, connections from over-the-air to cable, fiber-optic, or other landline transmission system.

B. Accessory Uses. Accessory uses may include transmitter facilities or non-public roadways used to access a telecommunications facility.

C. Examples. Examples include broadcast towers, communication towers, wireless telecommunications facilities, and point-to-point microwave towers.

D. Exceptions.
1. Receive-only antennas are not included in this category.
2. Radio and television studios are classed in the Office category.
3. Radio and television broadcast facilities that are public safety facilities are classified as Safety Services.
4. Ham radio towers are classed in the Land Use Table (17.40.020).

SECTION 2: Logan Municipal Code, 1989, Section 17.14.020 of the Land Use Table—"Primary Uses in Residential Zoning Districts—Institutional Districts,” is hereby amended to read as follows:


<table>
<thead>
<tr>
<th>Category</th>
<th>Definition</th>
<th>Districts</th>
</tr>
</thead>
<tbody>
<tr>
<td>Utilities, structures, physical facilities</td>
<td>Radio, television, or microwave towers (not including public safety facilities)</td>
<td>AG SFL SFT SFR MFM MFV MH</td>
</tr>
<tr>
<td>Telecommunication Facilities</td>
<td>Radio, television or microwave towers, devices, equipment,</td>
<td>AG CN CN CN CN CN CN CN</td>
</tr>
</tbody>
</table>
machinery, structures or supporting elements necessary to produce nonionizing electromagnetic radiation within the range frequencies from 100 KHz to 300 GHz and operating as a discrete unit to produce a signal or message.

SECTION 3: Effective Date. This ordinance shall become effective upon publication.

ADOPTED BY THE LOGAN MUNICIPAL COUNCIL THIS 19TH DAY OF ____________, 2001, by the following vote:

AYES: [Signatures]

NAYS: [Signatures]

ABSENT: [Signatures]

ALAN D. ALRED, CHAIRMAN

PRESENTATION TO MAYOR

The foregoing ordinance was presented by the Logan Municipal Council to the Mayor for approval or disapproval on the 27TH day of ____________, 2001.

ALAN D. ALRED

MAYOR’S APPROVAL OR DISAPPROVAL

The foregoing ordinance is hereby approved this 27TH day of ____________, 2001.

DOUGLAS E. THOMPSON, MAYOR
DATE: 27 November, 2001
FROM: Jay L. Nielson AICP, Director
SUBJECT: AMENDMENT TO THE TEXT OF THE LAND DEVELOPMENT CODE REGARDING THE SITING OF CERTAIN TELECOMMUNICATIONS FACILITIES

Summary of Planning Commission Proceedings
On October 25, 2001 the Planning Commission considered a request to amend the Land Use Table (Land Development Code §17.40.020) to disallow certain telecommunications facilities in the Single Family Traditional, Single Family Residential, Single Family Low, and Agriculture zones and to clarify the definition of telecommunications facilities in §17.10.100. The proposed modifications would not apply to ham radio towers; public safety facilities; or regional, intracity, intercity, or interstate distribution lines.

At the Planning Commission hearing, the Planning Commission asked about the reasons for the requested Code change. Staff explained that in the current Code, telecommunications facilities require a conditional use permit in residential and agricultural zones. After reviewing a recent proposal for a cellular phone tower in a residential area, staff was not able to make a finding that the tower would preserve and enhance the character of the neighborhood (a finding necessary to issue a conditional use permit). The Neighborhood Council also had expressed opposition to the proposal to locate additional cell towers in the neighborhood.

Public comment was received by one individual who expressed support for the request, and one individual who did not want to see the Land Development Code changed. One individual wanted to ensure that ham radio operators were not affected by the proposed Code change.

The Planning Commission deliberated and recommended the following to the Municipal Council:

1. Clarify the definition of Telecommunications Facilities in the Land Development Code (§17.10.100) as proposed.
2. Amend the Land Use Table (§17.14.020) to change telecommunications facilities to “not allowed” in all residential zones and the Agriculture zone, adding Multi-Family Medium, Multi-Family High, Multi-Family Very High, and Mobile Home as zones where such facilities would not be allowed.

Attachments:
Proposed Land Development Code text and Land Use Table changes
Application for Land Development Code Text Change
Public Notice Advertisement
Staff Report to the Planning Commission
Minutes of the Planning Commission from October 25, 2001
§17.10.100. Telecommunications facilities

A. Characteristics
Telecommunications facilities includes all devices, equipment, machinery, structures or supporting elements necessary to produce nonionizing electromagnetic radiation within the range of frequencies from 100 KHz to 300 GHz and operating as a discrete unit to produce a signal or message. Facilities may be self supporting, guyed, co-located with existing facilities, or mounted on rooftops, mounted poles, other structures, light posts, power poles, buildings, or other structures. Facilities may also include interconnection translators, connections from over-the-air to cable, fiber-optic, or other landline transmission system.

B. Accessory Uses
Accessory uses may include transmitter facilities or non-public roadways used to access a telecommunications facility.

C. Examples
Examples include broadcast towers, communication towers, wireless telecommunications facilities, and point-to-point microwave towers.

D. Exceptions
1. Receive-only antennas are not included in this category.
2. Radio and television studios are classified in the Office category.
3. Radio and television broadcast facilities that are public safety facilities are classified as Safety Services.
4. Ham radio towers are classified in the Land Use Table (§17.40.020)
Proposed changes to Land Development Code text. Added language is highlighted; deletions are struck-out.

<table>
<thead>
<tr>
<th>Category</th>
<th>Description (Excerpt)</th>
<th>Residential Zoning Districts</th>
</tr>
</thead>
<tbody>
<tr>
<td>Utilities, basic service delivery and...</td>
<td>Infrastructure services that need to be located in or near the area where the service is provided; physical facilities or structures that are more than thirty-six inches in height above ground surface or more than a four square feet footprint.</td>
<td>AG  SFL  SFT  SFR  MFM  MFH  MFV  MH</td>
</tr>
<tr>
<td>Utilities, distribution network</td>
<td>Neighborhood or area distribution network, above ground power lines of less than 120 kilovolts.</td>
<td>C  C  C  C  C  C  C  C</td>
</tr>
<tr>
<td>Utilities, structures, physical facilities</td>
<td>Regional, intracity, intercity, or interstate distribution lines; above ground power of 120 kilovolts or more; power distribution by nonfranchised power company; physical facilities or structures that are more than thirty-six inches in height above ground surface or more than a four square feet footprint.</td>
<td>C  C  C  C  C  C  C  C  C</td>
</tr>
<tr>
<td></td>
<td>Radio, television, or microwave towers (not including public safety facilities)</td>
<td>E  N  E  N  E  N  E  N  E  N  E  N</td>
</tr>
<tr>
<td></td>
<td>Ham radio towers of 30' or less in height above the average elevation of the subject property.</td>
<td>C  P  P  P  P  P  P  P  P</td>
</tr>
<tr>
<td></td>
<td>Municipal water well, reservoir, or storage tank</td>
<td>C  C  C  C  C  C  C  C</td>
</tr>
<tr>
<td>Telecommunication Facilities</td>
<td>Devices, equipment, machinery, structures or supporting elements necessary to produce nonionizing electromagnetic radiation within the range of frequencies from 100 KHz to 300 GHz and operating as a discrete unit to produce a signal or message.</td>
<td>E  N  E  N  E  N  E  N  E  N  E  N</td>
</tr>
</tbody>
</table>

6 Above and below ground facilities or lines to connect to and from the distribution system for individual development.

9 Ham radio towers of more than 50' (retracted height for retractable antenna) above average elevation of the subject property require a conditional use permit.
APPLICATION FOR PROJECT REVIEW

Planning Commission  □ Board of Adjustments  □ Board of Appeals

<table>
<thead>
<tr>
<th>Date Received</th>
<th>Received By</th>
<th>Receipt No</th>
<th>Zone</th>
<th>Application No</th>
</tr>
</thead>
<tbody>
<tr>
<td>10/10/01</td>
<td>MNM</td>
<td></td>
<td></td>
<td>01-083</td>
</tr>
</tbody>
</table>

Type of application (Check all that apply):
- PC: □ Subdivision  □ Conditional Use  □ Design Review  □ Zone/Text Change  □ Amendment
- Rezone to PD  □ Rezone to X  □ Boundary Line Adjustment

Project Name: Telecommunication Facilities

Property Address:

Land Development Code/Use Chart/All Zones:

County Plat ID Number:

Contact Person:

Department of Community Development

Mailing Address, City, State, Zip:

Daytime Phone

716-9021

Alternate Phone/Fax

Applicant: (Must be Listed)

Phone Number:

Mailing Address, City, State, Zip (if different):

Property Owner of Record (Must be listed):

Phone Number:

Mailing Address, City, State, Zip (if different):

Describe the proposed project as it should be presented:

See attachment A & B

Lot size in acres or sq. feet:

Number of dwelling units/lots:

I certify that the information contained in this application and supporting plans is correct and accurate.

Signature of Applicant

I certify that I am the record owner of the subject property and that I consent to the submittal of this project.

Signature of Owner (if different)

Use additional pages if necessary. You must provide the Commission or Board with enough information to make an informed decision.

The Commission has directed Staff to continue projects if the application is not complete.
The Logan City Planning Commission will hold a public hearing to take input on proposed changes to the Land Development Code. The proposed changes affect uses allowed in the PUB Zoning District, modifications made to previously approved Design Review Permits, and Telecommunication Towers in Residential Zoning Districts.

The following changes are proposed:

1. A proposed change to the Land Use Table 17.20.040 to add "power generation facilities" to the table in the "Utilities, structures, physical facilities" category as a PERMITTED USE in the PUB Zoning District and as a CONDITIONAL USE in the REC Zoning District.

2. A proposed change to the Land Use Table 17.14.020 concerning radio, television, or microwave towers, devices, equipment, machinery, structures or supporting elements necessary to produce nonionizing electromagnetic radiation within the range of frequencies from 100 KHz to 300 GHz and operating as a discrete unit to produce a signal or message. The proposed modification changes these uses from a CONDITIONAL USE PERMIT to NOT PERMITTED in the Single Family Residential (SFR), Single Family Traditional (SFT), Single Family Low (SFL) and Agriculture (AG) zones.

3. A proposed text change to 17.50.070 to allow the Director of Community Development ability to approve modified site plans and elevations previously approved by the Planning Commission.

If you would like a copy of the proposed changes or have questions, please stop in or call the Department of Community Development at 716-9021. You may also call for estimated time of the public hearing.
REPORT SUMMARY...

**Project:**
Proposed change to the Land Use Table (§17.14.020) and to §17.10.100 of the Land Development Code to disallow certain telecommunications facilities in the Single Family Residential (SFR), Single Family Traditional (SFT), Single Family Low (SFL), and Agricultural (AG) zones.

**Project Location:**
City-wide in the SFR, SFT, SFL, and AG zones

**Staff Recommendation:**
Recommend approval of an amendment to the Land Use Table and to §17.10.100 of the Land Development Code to the Municipal Council

PROJECT

The proposed modifications to the Land Development Code clarify the definition of telecommunications facilities in §17.10.100 and amend the Land Use Table (§17.40.020) to disallow telecommunications facilities and radio, television, or microwave towers in the Single Family Residential (SFR), Single Family Traditional (SFT), Single Family Low (SFL), and Agricultural (AG) zones. The proposed modifications do not apply to ham radio towers; public safety facilities; or regional, intracity, intercity, or interstate distribution lines.

STAFF COMMENTS

Federal law through the Federal Telecommunications Act (FTA) of 1996 gives local jurisdictions the authority to regulate the siting of certain telecommunications facilities. Local zoning or siting regulations are subject to certain requirements of federal law:

- Local regulation must not "prohibit or have effect of prohibiting the provision of personal wireless services." FTA §332(c)(7)(B)(i)(II).

- A local community is not permitted to regulate facilities "on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the [FCC's] regulations concerning such emissions." FTA §332(c)(7)(B)(iv).

Many court cases across the country have dealt with local government attempts to regulate or restrict the location of telecommunications facilities, particularly in recent years with the rapid growth in wireless services such as cellular phones. The general outcome of these court cases has been to affirm the authority of local jurisdictions to
regulate telecommunications facility siting, as long as siting ordinances have a basis in issues other than environmental or health effects of radio frequency emissions. Consequently, many local jurisdictions have adopted siting regulations that do not violate federal law and have a basis in issues such as neighborhood compatibility and character.

The City of Logan General Plan and Land Development Code (LDC) contain several references to the need for projects to maintain and improve neighborhood compatibility and character. General Plan Policy VS-4.1 states that “[n]eighborhood character shall be a significant consideration in land use decisions.” General Plan Policy VS-4.2 states that project analysis “of the impact of a project on the surrounding neighborhood land uses shall be a significant part of land use decisions.” Similarly, General Plan Goal LU-4 calls on the City to work to “[e]nhance and improve neighborhood character throughout the City to enhance property values and an area’s desirability.”

These General Plan goals and policies are implemented in part through the design review and conditional use permit processes. In order for a conditional use permit to be issued, the Planning Commission must make a finding that “[t]he proposed use is compatible with neighborhood uses and character and preserves and enhances the character of the neighborhood.” (LDC §17.49.050(E).) Similar findings are required for the Planning Commission to approve a design review permit (LDC §17.50.060).

The Planning Commission is responsible for reviewing development projects for conformance with Logan neighborhood character. The General Plan and Land Development Code describe the SFR, SFT, SFL, and AG zones and the allowable uses in these zones based on the unique character of these areas. A use that may be well-suited for a Commercial or Industrial zone may not be appropriate in a single family residential or agricultural zone.

It is staff’s opinion that telecommunications facilities is an example of a use that may be conditionally allowed in the Commercial or Industrial zones, as the Land Development Code currently allows, but does not fit the single family neighborhood character of residential areas of Logan. Additionally, as Logan expands, it is important to preserve the City’s agricultural lands as much as possible for agricultural uses, particularly since the future of these parts of the city is not known. It is also staff’s opinion that the Planning Commission could not make the findings necessary to approve a conditional use permit for a telecommunications facility in a SFR, SFT, SFL, or AG zone. Therefore, staff finds that the proposed changes to the Land Development Code and the Land Use Table further the goals and policies of the General Plan and the Land Development Code.

Staff also has done research into the manner in which other communities have dealt with this topic and will continue to monitor the issue. Advances in camouflaging telecommunications facilities, and changes in the technology and practices of telecommunications business, may result in future opportunities for siting telecommunications facilities that do not exist today.
AGENCY AND DEPARTMENTAL COMMENTS
No departmental comments were received for this project.

PUBLIC COMMENTS
A newspaper advertisement was published as public notice for the proposed amendment to the Land Development Code. No comments were received by the Department of Community Development as of the date this staff report was published.

STAFF RECOMMENDATION
Staff recommends that the Planning Commission approve a motion to recommend that the Municipal Council amend Land Development Code §17.10.100 and Land Use Table §17.40.020 as shown below. Added language is highlighted; deletions are struck-out.

§17.10.100. Telecommunications facilities

A. Characteristics
Telecommunications facilities includes all devices, equipment, machinery, structures or supporting elements necessary to produce nonionizing electromagnetic radiation within the range of frequencies from 100 KHz to 300 GHz and operating as a discrete unit to produce a signal or message. Facilities may be self supporting, guyed, co-located with existing facilities, or mounted on rooftops, mounted on poles, other structures, light posts, power poles, buildings, or other structures. Facilities may also include interconnection translators, connections from over-the-air to cable, fiber-optic, or other landline transmission system.

B. Accessory Uses
Accessory uses may include transmitter facilities or non-public roadways used to access a telecommunications facility.

C. Examples
Examples include broadcast towers, communication towers, wireless telecommunications facilities, and point-to-point microwave towers.

D. Exceptions
1. Receive-only antennas are not included in this category.
2. Radio and television studios are classified in the Office category.
3. Radio and television broadcast facilities that are public safety facilities are classified as Basic Utilities.
RECOMMENDED FINDINGS
The Planning Commission bases its decision on the following findings supported in the administrative record for this project.

1. Utah state law authorizes local planning commissions to recommend ordinance changes to the legislative body (Municipal Council) that are consistent with the role of the planning commission.

2. The proposed changes to the Land Development Code and the Land Use Table are consistent with the General Plan and applicable sections of the Land Development Code.

3. The proposed changes to the Land Development Code and the Land Use Table will enable the Planning Commission to fulfill its obligations and make land use decisions that are consistent with the General Plan and the Land Development Code.

4. The proposed changes to the Land Development Code and the Land Use Table specify the intent of the Planning Commission to regulate the siting of telecommunications facilities without being contrary to the Federal Telecommunications Act of 1996.

5. The proposed changes to the Land Development Code and the Land Use Table are based upon concerns with negative impacts to the character of single family residential and agricultural neighborhoods from the siting of telecommunications facilities in these neighborhoods.

6. The proposed changes to the Land Development Code and the Land Use Table do not preclude the siting of telecommunications facilities throughout Logan, as these facilities remain conditionally allowed in the Commercial Central, Commercial General, Commercial Neighborhood, Commercial Entry, and Industrial zones.

7. The proposed changes to the Land Development Code and the Land Use Table do not affect the siting of telecommunications facilities that are public safety facilities.

Respectfully submitted,

John Weber
Planner II

Staff report published: October 18, 2001
3. The subject property is suitable for development within the new zoning district without increasing need for variances or special exceptions. No variance or special exception will be required for the site or building façade improvements or for the installation of gas turbines.

4. The subject property is suitable as a location for all of the permitted uses within the district. The permitted uses within the PUB District are parks, open space, safety service, schools, utilities, agriculture, passenger terminals, rail lines, and utility corridors. All of which are legitimate and common uses for publicly owned property.

5. The infrastructure providing access and utility services to the subject property have adequate capacities for a suitable level of service for the permitted uses within the zoning district.

6. The subject property when used for the permitted uses in the district will not be incompatible with adjoining land uses or the purpose of the adjoining districts. The proposed uses will meet all federal, state, and city requirements. A design review permit has been issued which requires full compliance with conditions of the permit including air quality, noise, and visual conditions. The Utah Division of Air Quality has held a public hearing and the permit has been issued for the operation of new gas turbines. The intended use of the property will be compatible with the adjoining districts because of conditions imposed on the development.

7. The power plant has provided power generation at this site for the past 74 years.

[Moved: Mr. Ward Seconded: Mr. Kerr Passed: 5 Yea: Larsen, Kerr, Hooper, Kartchner, Ward. Nay: Box]

**MOTION:** Moved to recommend approval of PC01-084 to change use from permitted to a conditional use in the Public (PUB) zone with the findings as listed below.

**RECOMMENDED FINDINGS FOR THE AMENDMENT TO TABLE 17.20.040 OF THE LAND DEVELOPMENT CODE:**

1. Proposed amendment is consistent with the General Plan. The General Plan states in 3.1.05, Public Service areas that, “The Public (P) zone is appropriate for publicly owned lands, lands owned by public utilities,...” The Public zoning designation has been revised in the Land Development Code as Public (PUB).

2. The proposed text change will allow the city to provide essential utility services as a permitted use in Public zones. Providing essential utility services is necessary in providing for the public safety, health, morals and welfare of the citizens of Logan.

3. Publicly owned utility facilities can be made compatible with surrounding uses through the Design Review permitting process.

[Moved: Mr. Ward Seconded: Ms. Box Passed: 5 Yea: Larsen, Kerr, Hooper, Ward, Box. Abstain: Kartchner]

Discussion occurred between the Planning Commission and staff on the use chart on determining if the rest of the use chart needs to be adjusted.

**01-083 PUBLIC HEARING:** A proposed change to the Land Use Table 17.14.020 concerning radio, television, or microwave towers, devices, equipment, machinery, structures or supporting elements necessary to produce nonionizing electromagnetic radiation within the range
of frequencies from 100 KHz to 300 GHz and operating as a discrete unit to produce a signal or message. The proposed modification changes these uses from a CONDITIONAL USE PERMIT to NOT PERMITTED in the Single Family Residential (SFR), Single Family Traditional (SFT), Single Family Low (SFL) and Agriculture (AG) zones.

STAFF: Staff reviewed the report as written.

Mr. Kerr asked why this project was before them.

Mr. Weber explained the City received an application to expand an existing facility in a residential neighborhood. The neighborhood looked at it and didn't like it. The proposal has been withdrawn, it obstructs the view and increases traffic. Staff could not make the finding necessary to approve a tower as a conditional use that they improve the neighborhood character. Examples were given on other projects.

Ms. Wickwar asked about the type of ownership associated with the project.

Mr. Nielson stated it was a cable company

Mr. Kerr asked why not the AG zone.

Mr. Nielson stated we didn't know what it could become in the future.

Mr. Larsen asked if Community Development had a lot of requests for this.

Mr. Weber stated he has received a lot of phone calls requesting information.

Mr. Ward asked why wouldn't we include all family zones, like multi family.

Mr. Weber stated in multi family there are apartments that might not seem intrusive.

Mr. Kerr stated it could be camouflaged.

Mr. Kartchner stated the chances of getting a conditional use would work in Multi Family.

Mr. Nielson stated telecommunication towers, to obtain a conditional use permit must meet certain conditions. There aren't many ways to make them compatible with neighborhoods.

PUBLIC: Brett Butler stated he is interested in ham radios. He requested to see the chart where ham radios are permitted.

Mr. Weber showed him the chart and assured him ham radios were permitted.

Mr. Butler wanted to make sure the words were in there to make it permissible for ham radio usage. The operators are required to do impact studies on their radio stations. In the event of Y2K, ham radios would have been the choice. Ground zero in New York is communicating by using ham radios.

Lorraine Swenson, neighborhood chair stated the towers are extremely unsightly. Originally there was just one piece of equipment but now it is a skeletal forest. They are intrusive to the neighbors
who live there. 20 trucks are seen driving by in a day for maintenance. All kinds of activity need to take place. It is inconsistent with the neighborhood.

Ms. Wickwar asked if she was aware that what was already there would remain there.

Ms. Swenson stated yes.

Mr. Kartchner asked if she had a take on the multi family.

Ms. Swenson stated she would have to hear both sides before making a decision. It does not belong in a residential neighborhood.

Mr. Larsen asked about the expansion – would it be subject to conditional use? How did the towers get there in the first place?

Mr. Weber stated generally once you get one, you can put up another one.

Mr. Nielson stated Kevin Croshaw has history on it and they were allowed permits in the past.

Mr. Appel stated the same arguments could be made on this project that were made on the last project. He is a ham radio operator as well. If the West side neighborhood can have a power plant, then the East side can have radio towers. He wants to keep the code as it is. Equally placed anywhere in the City for telecommunication purposes.

Mr. Kartchner asked if he would want one in his back yard.

Mr. Appel stated the Planning Commission should not distinguish between residential neighborhoods. It still should come before the Planning Commission and win on its own merits.

Kathy Hurst stated it should be included in all residential neighborhoods. This will impact them all.

COMMISSION: Mr. Kartchner stated he agrees with Kathy that it should be all residential zones. All conditional use or all not permitted.

Mr. Housley stated we will be challenged. If there are conditional uses, then you need to decide on the conditions.

Ms. Wickwar stated possible innovations could happen that would offer some alternatives in the future.

Mr. Kartchner stated the Planning Commission can change the ordinance when those innovations occur.

Mr. Nielson stated there are chameleon antennas that are being designed. The technology is not yet there to hide these towers.

MOTION: Moved to recommend approval with the findings as listed below and add the following zones as not permitted: Multi Family Medium (MFM), Multi Family High (MFH), Multi Family Very High (MFV), and Mobile Home (MH) zones.
RECOMMENDED FINDINGS

1. Utah state law authorizes local planning commissions to recommend ordinance changes to the legislative body (Municipal Council) that are consistent with the role of the planning commission.

2. The proposed changes to the Land Development Code and the Land Use Table are consistent with the General Plan and applicable sections of the Land Development Code.

3. The proposed changes to the Land Development Code and the Land Use Table will enable the Planning Commission to fulfill its obligations and make land use decisions that are consistent with the General Plan and the Land Development Code.

4. The proposed changes to the Land Development Code and the Land Use Table specify the intent of the Planning Commission to regulate the siting of telecommunications facilities without being contrary to the Federal Telecommunications Act of 1996.

5. The proposed changes to the Land Development Code and the Land Use Table are based upon concerns with negative impacts to the character of single family residential and agricultural neighborhoods from the siting of telecommunications facilities in these neighborhoods.

6. The proposed changes to the Land Development Code and the Land Use Table do not preclude the siting of telecommunications facilities throughout Logan, as these facilities remain conditionally allowed in the Commercial Central, Commercial General, Commercial Neighborhood, Commercial Entry, and Industrial zones.

7. The proposed changes to the Land Development Code and the Land Use Table do not affect the siting of telecommunications facilities that are public safety facilities.

[Moved: Mr. Kartchner. Seconded: Mr. Larsen Passed: 5, 0]
Yea: Larsen, Kerr, Kartchner, Ward, Box. Abstain: Hooper

There was some discussion of transmitting and receiving towers.

The meeting adjourned at 9:15 p.m.

Minutes approved as written and recorded on 3 tapes at PC meeting of October 25, 2001.

Jay Nielson
Director of Community Development

Virginia Wickwar
Chairman

Teri Routledge
Recording Secretary
PROOF OF PUBLICATION

STATE OF UTAH
COUNTY OF CACHE...

On this 5th day of December, A.D. 2001 personally appeared before me, Jean Willmore, who being first duly sworn, deposes and says that she is the chief 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 advertisement......

......NOTICE OF PUBLIC HEARING FOR PURPOSES OF AMENDING THE LAND USE CODE......

......

......

......

a copy of which is hereto attached, was published in said newspaper for one (1) issue commencing December 5, 2001 and ending December 5, 2001.

Signed Jean Willmore

Subscribed and sworn to before me, the day and year above written.

Signed Cynthia A. Seitz
Notary Public.


NOTICE OF PUBLIC HEARING
FOR PURPOSES OF AMENDING THE LAND USE CODE

The Logan Municipal Council will hold a public hearing to consider the following changes to the Land Use Code, Logan Municipal Code, 1989, as follows:

1. Proposed text change to Section 17.50.070 to allow the Director of Community Development and Planning Commission Chair the ability to approve modified site plans and elevations previously approved by the Planning Commission.

2. Proposed change to Land Use Table 17.14.020 concerning radio, television or microwave towers, devices, equipment, machinery, structures or supporting elements. The proposed modification would change the use from a Conditional Use to Not Permitted in all residential zones.

A public hearing will be held before the Logan Municipal Council on Wednesday, December 19, 2001, not before 6:15 p.m. in the Council Chambers at 255 North Main Street, Logan, Utah.

Lois Price, Recorder
Publication Date: December 5, 2001
ON THIS 09TH. DAY OF January, A.D. 2002.

PERSONALLY APPEARED BEFORE ME

Mandie Simpson

who being first duly sworn, deposes and says that she is the chief 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 advertisement

LEGAL NOTICE

SUMMARIES OF ORDINANCES

was published in said newspaper for ONE (1) issue commencing January 9, 2002 and ending January 9, 2002.

Signed

Mandie Simpson

Subscribed and sworn to before me, the day and year above written.

Signed

Cynthia K. Fulton

Notary Public.


LEGEND NOTICE

SUMMARIES OF ORDINANCES

was passed December 19, 2001 and approved December 27, 2001 as follows:

1. ORD. 01-93. An ordinance amending the Logan Municipal Code, 1989, Section 17.10.100, "Telecommunications Facilities" and 17.14.020, "Land Use Table--Primary Uses in Residential Zoning Districts" was passed December 19, 2001 and approved December 27, 2001 as follows:

a. In the category Utilities, Structures, Physical Facilities, "Radio, television, or microwave towers (not including public safety facilities)," is changed from a Conditional Use to Not Permitted in all residential zones;

b. In the category Telecommunication Facilities, "Radio, television or microwave towers, devices, equipment, machinery, structures or supporting elements necessary to produce nonionizing electromagnetic radiation within the range frequencies from 100 KHz to 300 KHz and operating as a discrete unit to produce a signal or message," is changed from a Conditional Use to Not Permitted in all residential zones.

2. ORD. 01-94. An ordinance amending Logan Municipal Code, 1989, Section 17.50.070, "Design Review Permits--Criteria, Conditions and Modifications" was passed December 19, 2001 and approved December 27, 2001 to allow the Director of Community Development and Planning Commission Chair the ability to approve modified site plans and elevations previously approved by the Planning Commission. Following approval of modifications, the decision must be reviewed and ratified by the Planning Commission at their next scheduled meeting.

3. ORD. 01-84. An ordinance amending the Zoning Map of Logan City, Utah, was passed and approved November 7, 2001 rezoning 19.84 acres at approx. LeGrande Street/1700 South 300 West owned by the City of Logan from Single Family Residential (SFR) and Agriculture (AG) to Recreational (REC) for Tax ID Nos. 02-189-0007, 0008, 0018. Also identified as "Baer Regional Soccer Park" Rezone.

Full texts of the above ordinances may be re-