CITY OF LOGAN
ORDINANCE NO. 2001-94 (Revised)

AN ORDINANCE AMENDING LOGAN MUNICIPAL CODE, 1989, SECTION 17.50.070 "DESIGN REVIEW PERMITS--CRITERIA, CONDITIONS AND MODIFICATIONS."

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

SECTION 1: Logan Municipal Code, 1989, Section 17.50.070 of the Land Use Code "Design Review Permits--Criteria, Conditions and Modifications," is hereby amended to read as follows:

§17.50.070. Criteria, conditions and modifications.

A. Use of draft design review guidelines. Prior to adoption of the Design Review Guidelines, and following presentation of the Design Review Guidelines to the Planning Commission, the draft Guidelines may be used as a part of the review process for applications. This subsection shall expire upon adoption of the Final Design Review Guidelines.

B. Conditions and modifications.

In reviewing an application for a design review permit, the committee may modify the project or impose conditions concerning site development, site design, and building design features to ensure conformance with the purpose of this section. The issues which may be reviewed include and are not limited to:

1. Size and location of site, including all property owned by the proponent;
2. Streets and roads in the area;
3. Ingress and egress to adjoining existing and proposed public streets;
4. Location and amount of off-street parking;
5. Internal traffic circulation system;
6. Fencing, screening and landscaped separations;
7. Building bulk and location;
8. Usable open space;
9. Signs and lighting;
10. Noise, vibration, air pollution, and other development factors;
11. Setbacks as approved or modified by the Planning Commission from the site plan in conformance with the provisions of this Title.
12. No approved development may be modified, structurally enlarged, or expanded in-ground area unless the site plan is amended by the Planning Commission. An approved site plan and/or elevations may be modified as long as they substantially conform to the Design Review Permit issued by the Planning Commission and have been approved by the Director of Community Development and the Planning Commission Chair or their designee. Following approval of modifications, the decision must be reviewed and ratified by the Planning Commission at their next scheduled meeting.

SECTION 2: Effective Date. This ordinance shall become effective upon publication.

ADOPTED BY THE LOGAN MUNICIPAL COUNCIL THIS 9th DAY OF
____________________, 2001, by the following vote:
AYES: Kerr, Allred, Race
NAYS: Thompson
ABSENT: Berg

ATTEST: 
Lois Price, City Recorder

PRESENTATION TO MAYOR

The foregoing ordinance was presented by the Logan Municipal Council to the Mayor for approval or disapproval on the 19 day of December, 2001.

Alan D. Allred, Chairman

MAYOR’S APPROVAL OR DISAPPROVAL

The foregoing ordinance is hereby approved this 27 day of December, 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 - DESIGN REVIEW

Summary of Planning Commission Proceedings
On November 8, 2001 the Planning Commission considered a request to amend the Land Development Code to allow the Director of Community Development or the Planning Commission Chair to approve modified site plans or elevations as long as they substantially conform to the Design Review Permit issued by the Planning Commission.

A staff report (attached) was presented to the Commission which recommended that the text of the Land Development Code be changed as mentioned above. The text change would also eliminate section 17.15.070(A), which is no longer pertinent because Design Review Guidelines have been adopted by the Municipal Council.

The Planning Commission debated whether approval of modified plans need both the Planning Commission Chair and the Director of Community Development or just one of them. It was decided that both the Planning Commission Chair and the Director of Community Development or their designee could approve modified site plans or elevations as long as they substantially conform to the Design Review Permit that was issued previously by the Planning Commission.

No public comment was received.

Staff recommends that the Municipal Council Amend the Land Development Code §17.50.070 as shown below. Added language is shown highlighted; deletions are struck out.

§17.50.070. Criteria, conditions and modifications.
A. Use of draft design review guidelines.
   Prior to adoption of the Design Review Guidelines, and following presentation of the Design Review Guidelines to the Planning Commission, the draft Guidelines may be used
as a part of the review process for applications. This subsection shall expire upon adoption of the Final Design Review Guidelines.

**BA. Conditions and modifications.**

In reviewing an application for a design review permit, the Committee may modify the project or impose conditions concerning site development, site design, and building design features to ensure conformance with the purpose of this section. The issues which may be reviewed include and are not limited to:

1. Size and location of site, including all property owned by the proponent;
2. Streets and roads in the area;
3. Ingress and egress to adjoining existing and proposed public streets;
4. Location and amount of off-street parking;
5. Internal traffic circulation system;
6. Fencing, screening and landscaped separations;
7. Building bulk and location;
8. Usable open space;
9. Signs and lighting;
10. Noise, vibration, air pollution, and other development factors;
11. Setbacks as approved or modified by the Planning Commission from the site plan in conformance with the provisions of this Title.
12. No approved development may be modified, structurally enlarged, or expanded in ground area unless the site plan is amended by the Planning Commission. An approved site plan and/or elevations may be modified as long as they substantially conform to the Design Review Permit issued by the Planning Commission and have been approved by the Director of Community Development and the Planning Commission Chair or their designee.

**Attachments:**

Application for Text Change
Public Notice Advertisement
Staff Report to the Planning Commission
Minutes of the Planning Commission 8 Nov 01
**APPLICATION FOR PROJECT REVIEW**

**Planning Commission**  □ Board of Adjustments  □ Board of Appeals

<table>
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<tr>
<th>Date Received</th>
<th>Received By</th>
<th>Receipt No</th>
<th>Zone</th>
<th>Application No</th>
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<td>MNR</td>
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<td>01-085</td>
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**Type of application (Check all that apply):**
- □ Subdivision
- □ Conditional Use
- □ Design Review
- □ Zone/Text Change
- □ Amendment
- □ Rezone to PD
- □ Rezone to X
- □ Boundary Line Adjustment

**Project Name:**

**Property Address:**

**County Plat ID Number:**

**Contact Person:**

**Department of Community Development**

**Daytime Phone:** 435-716-9021

**Mailing Address, City, State, Zip:**

255 N Main, Logan UT 84321

**Applicant: (Must be Listed)**

**Phone Number:**

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

**Property Owner of Record (Must be listed):**

**Phone Number:**

**Describe the proposed project as it should be presented:**

**Lot size in acres or sq. feet:**

**Number of dwelling units/lots:**

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

Signature of Applicant

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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)

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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.
AMENDMENTS TO THE LAND DEVELOPMENT CODE

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 Development Code §17.50.070 to allow the Director of Community Development to approve amended site plans and elevations previously issued a Design Review Permit.

Staff Recommendation: Recommend approval of an amendment to Land Development Code §17.50.070 to the Municipal Council.

PROJECT
The proposed modifications to the Land Development Code would allow the Director of Community Development to approve modified site plans and elevations for projects that were previously issued a Design Review Permit. The amended site plans and elevations would need to substantially conform to the Planning Commission approved site plans and elevations. By allowing the Director of Community Development to approve alterations consistent with previous approvals, projects could continue without substantial delay of returning to the Planning Commission as an after item for approval of substantial conformance with the original permit.

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 §17.50.070 as shown below. Added language is highlighted; deletions are struck-out.

§17.50.070. Criteria, conditions and modifications.
A. Use of draft design review guidelines.
Prior to adoption of the Design Review Guidelines, and following presentation of the Design Review Guidelines to the Planning Commission, the draft Guidelines may be used as a part of the review process for applications. This subsection shall expire upon adoption of the Final Design Review Guidelines.
B. Conditions and modifications.

In reviewing an application for a design review permit, the Committee may modify the project or impose conditions concerning site development, site design, and building design features to ensure conformance with the purpose of this section. The issues which may be reviewed include and are not limited to:

1. Size and location of site, including all property owned by the proponent;
2. Streets and roads in the area;
3. Ingress and egress to adjoining existing and proposed public streets;
4. Location and amount of off-street parking;
5. Internal traffic circulation system;
6. Fencing, screening and landscaped separations;
7. Building bulk and location;
8. Usable open space;
9. Signs and lighting;
10. Noise, vibration, air pollution, and other development factors;
11. Setbacks as approved or modified by the Planning Commission from the site plan in conformance with the provisions of this Title.
12. An approved development may be modified, structurally enlarged, or expanded in ground area unless the site plan is amended by the Planning Commission. An approved site plan and/or elevations may be modified as long as they substantially conform to the Design Review Permit issued by the Planning Commission and have been approved by the Director of Community Development or the Planning Commission Chair.

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 are consistent with the Land Development Code.
3. The proposed changes to the Land Development Code will enable the Planning Department 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 will prevent unnecessary delays encountered by the public during project permitting and construction.

Respectfully submitted,

Michelle N. Mechem
Planner I
Staff report published: October 31, 2001
a. **Fire Department**—contact Liz Hunsaker 716-9515
   1. Fire hydrants and fire department access (including verifying the turning radius on all corners) shall be addressed.

b. **Public Works Department**—contact Mike Mecham 716-9160
   1. The street right-of-way shall be 60 feet and the cross section shall conform to Public Works standards.
   2. The “mouse ear” sections on the corners of the street shall be deleted.
   3. Curb, gutter, and sidewalk with paving to accommodate the designated right-of-way shall be constructed along the unnamed street providing access to the proposed lots.
   4. Storm drain detention and a storm drainage plan shall be submitted with the final construction drawings.
   5. The portions of the existing city-owned cul-de-sac that will be included in Lot #2 and Lot #24 shall be vacated by action of the City Council.

c. **Light and Power Department**—contact Garth Turley
   7. Prior to a Building Permit a digital copy of the site plan and electrical plan, in AutoCad or DXF format, must be submitted to LCL&P. Refer to the attached sheet for site plan and electrical plan requirements.
   8. Utility easements shall be shown on site plan and provided on all property lines.
   9. The developer shall be responsible for both primary and secondary conduit installation which must be installed and inspected according to the LCL&P specifications.
   10. Developer shall be responsible for all secondary connections (including lugs) in transformer.

[Moved: Mr._Ward   Seconded: Mr._Box.   Passed: _6_,_0_]  
Yea: Larsen, Kerr, Hooper, Karchner, Ward, Box

01-085 Continued from the October 25th meeting ....PUBLIC HEARING. Public Hearing on 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.

STAFF: Staff reviewed the report as written.

Ms. Wickwar asked to have it explained some more.

Mr. Nielson stated an example was Beaver Mountain. We had to hold them up for 3 weeks to bring it back to the Planning Commission. No changes from submission. Sam’s club another example. We would not suggest bringing it back for Planning Commission review since it’s a good change.

Ms. Wickwar stated if there is a question on what is substantial, then it would be brought back to the Planning Commission.

PUBLIC: There was no public comment.
COMMISSION: Mr. Kartchner stated previously that we almost always had a conference with the Planning Commission chair so it would not be solely the Director's decision. It would be a joint decision. Using the word "or" is not good. If one or the other disagree, then there is a problem.

Mr. Nielson stated if it was borderline, they would jointly look at it. Something clear would be allowed to go through.

Mr. Kerr suggested change or to and co-chair would be designee if the chair was out of town.

Mr. Housley stated it can be done with a phone call.

Ms. Wickwar stated that would work and it has before.

Mr. Nielson stated we should think about if he is not there, then one of the planners could contact the chair - director's staff designee.

Mr. Kerr, stated "director, chair or their designee."

Tape 1A
MOTION: Moved to recommend the project to the city council for approval.

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 are consistent with the Land Development Code.

3. The proposed changes to the Land Development Code will enable the Planning Department 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 will prevent unnecessary delays encountered by the public during project permitting and construction.

[Moved: Mr. Kerr. Seconded: Mr. Hooper. Passed: _6_, _0_] 
Yea: Larsen, Kerr, Hooper, Kartchner, Ward, Box

Further discussion took place on the procedures for consent items.

Ms. Box stated Neil Limburg said he was uncomfortable because people who would want to speak might not be comfortable if the Agenda had consent items.

Mr. Nielson stated the consent items should be dealt with separately.

Mr. Housley stated our purpose is full disclosure on these projects. It could be intimidating. You need to find balance. Who is the consent with? The public should not be discouraged, we have bent over backwards to get people to speak. We should not refer to consent, we should always say public hearing, or full presentation. You could go to public comment right then. Ask the public what they would like to do.
STATE OF UTAH
COUNTY OF CACHE....

On this ... 5th day of December 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 L. Lecky
Notary Public

My Commission expires September 7, 2003

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, 1985, as follows:

1. 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 to a 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.

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 to a 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.

Lori P. Price, Recorder
Publication Date: December 5, 2001
STATE OF UTAH
COUNTY OF CACHE, ss.

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

a. In the category Utilities, Structures, Physical Facilities, Radio, television, or microwave towers (not including cellular (cell) phone 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, monofrequency (FM) to 100 KHz, or operating as a discrete station to produce a signal or message, is changed from a Conditional Use to Not Permitted in all residential zones.

1. ORD. 91-93, An ordinance amending Section 17.10.100, "Telecommunication Facilities" and 17.14.001, "Land Use Tables," Primary Use in Residential Zoning Districts, was passed December 19, 2001 and approved December 27, 2001 as follows:

2. ORD. 91-94, An ordinance amending Logan Municipal Code, 1989, Section 17.60.070, "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 to approve the following modifications, which were reviewed and ratified by the Planning Commission at their next scheduled meeting:


Signed
Cynthia K. Fulton
Notary Public.