CITY OF LOGAN,
ORDINANCE NO. 05-39

AN ORDINANCE AMENDING LOGAN MUNICIPAL CODE, 1989,
CHAPTER 17.37 "RIGHT OF WAY ACCESS AND DRIVEWAYS"

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

SECTION 1: Logan Municipal Code, 1989, Figure 17.37.020, "Typical City Right-of-Way," is hereby repealed.

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

ADOPTED BY THE LOGAN MUNICIPAL COUNCIL THIS 19th DAY OF April, 2005, by the following vote:
AYES: NAYES: ABSENT:

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 19th day of April, 2005.

MAYOR'S APPROVAL OR DISAPPROVAL

The foregoing ordinance is hereby approved this 19th day of April, 2005.
MEMORANDUM TO THE MUNICIPAL COUNCIL

DATE: March 31, 2005
FROM: Michelle N. Mecham, Senior Planner
SUBJECT: Land Development Code Figure 17.37.020

Summary of Planning Commission Proceedings

On March 24, 2005 the Planning Commission unanimously recommended that the Municipal Council approve a motion to remove Figure 17.37.020 from the Land Development Code. The figure provides a "typical" city street cross section, however, the figure is not referred to anywhere within the Land Development Code. In addition, the Public Works Standards and Specifications provide the required dimensions to develop a city street. Staff has attached the staff report to the Planning Commission and the minutes of the March 24, 2005 Planning Commission Meeting.

Attachments:
Planning Commission Minutes from March 24, 2005
Staff Report to the Planning Commission March 24, 2005
05-013 Modification to Section 17.37.020. City of Logan, applicant, requests an amendment to section 17.37.020 of the Land Development Code by removing figure 17.37.020.

STAFF: Staff reviewed the report as written.

Mr. Kartchner questioned whether this modification will have any impact on the development of interior blocks and accessing rear driveways.

Ms. Mechem stated that this modification will allow us to amend the Standards and Specifications rather than the Land Development Code when changes occur to the requirements for the construction of City streets.

Mr. Kerr clarified that this modification is simply removing a drawing, not any wording.

Ms. Mechem stated that yes, only the figure is being removed. There is currently no text that refers to the figure in the Land Development Code.

PUBLIC: There was no public comment.

COMMISSION: No further questions.

MOTION: Motion to recommend that the Municipal Council amend Land Development Code Chapter 17.37 by removing figure 17.37.020.

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.

[Moved: Mr. Kartchner Seconded: Mr. Robison Passed: 6 , 0 ]
Yea: G. Kartchner, G. Wickwar, P. Morgan, J. Kerr, B. Morgan, R. Robison Nay: Abstain:

05-014 Setback Requirements for Major Irrigation Canals. City of Logan, applicant, requests an amendment to the Land Development Code sections 17.15.010 Residential Site Development Standards, 17.18.010 Economic Development District Site Development Standards, and 17.21.010 Special Purpose Site Development Standards to require a minimum 15 foot setback along all major irrigation canals.

STAFF: Staff reviewed the report as written.

Mr. Robison asked whether staff has discussed this issue with the canal companies and if they agree with increasing the setback to 15 feet.

Ms. Mechem indicated that the Department of Public Works is the proponent on this project.
REPORT SUMMARY...

Project: Changes to the Land Development Code regarding typical road cross sections.

Proponent: Logan City, Engineering Division

Type of Action: Legislative

Staff Recommendation: Recommend approval of the proposed text change to the Land Development Code to the Municipal Council.

Code Amendment Summary

Chapter 17.37 of the Land Development Code regulates Right of Way access and Driveways. The "regulations in this chapter are intended to maintain and improve traffic levels of service by managing the number and location of access points to public rights-of-way" (LDC 17.37.010). Table 17.37.020 provides a typical cross section for a city street. However, the Public Works Department Standards and Specifications Manual provides the exact measurements required for the development of City streets in drawing V-17-I.

In an effort to reduce confusion between the two right-of-way diagrams, staff recommends that figure 17.37.020 be removed. The figure is not referenced anywhere in the chapter, nor does the chapter regulate design of City right-of-ways. In addition, project developers rely on the Standards and Specifications manual when designing City rights-of-way, not this chapter.

Below is figure 17.37.020, which staff proposes removing from Chapter 17.37
When our City Codes are updated to implement the ideas outlined in the Foundation Statement and Future Land Use Plan, road cross sections will be reviewed. The new code sections will likely include right-of-way standards for infill development, private roads, and re-implementation of the City Grid system.

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 Chapter 17.37 by removing figure 17.37.020.

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, AICP
Senior Planner
Staff report published: March 16, 2005
STATE OF UTAH
COUNTY OF CACHE, ss.

On this 5th day of April 2005, personally appeared before me Rachelle S. Thomas, 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 DEVELOPMENT CODE

a copy of which is hereeto attached, was published in said newspaper for One (1) issue

commencing April 5, 2005 and

ending April 5, 2005

Signed Rachelle S. Thomas

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

Signed Cynthia K. Fulton
Notary Public


Lois Price, Recorder
Publication date: April 5, 2005

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

The Logan Municipal Council will hold public hearings to consider the following changes to the Land Development Code, Logan Municipal Code, 1989, as follows:

1. Right-of-Way Access Permits: Modification to Section 17.30.020 by removing the figure: "Right-of-way cross section & components (typical)."

2. Water Rights Dedication. City of Logan, applicant, requests amendment to Land Development Code Sections 17.47.100 Subdivisions, 17.49.060 Conditional Use Permits, and 17.50.080 Design Review Permits by removing reference to water rights dedication in each section and placing the requirement in Chapter 17.36, Standards, Specifications, and Improvements.

Public hearings will be held before the Logan Municipal Council on Tuesday, April 19, 2005, not before 6:15 p.m. in the Council Chambers at 255 North Main Street, Logan, Utah.
On this 25th day of April 2005, personally appeared before me, Rachelle S. Thomas, 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 a copy of which is hereto attached, was published in said newspaper for One (1) issue commencing April 25, 2005, and ending April 25, 2005.

Signed Rachelle S. Thomas

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

Signed Cynthia K. Fulton

Notary Public.


SUMMARIES OF ORDINANCES amending Logan Municipal Code, 1989, passed by the Logan Municipal Council, are as follows:

ORD. 95-39. An ordinance was adopted and approved April 19, 2005 amending Chapter 17.47 "Water Rights of Water Rights" and placing the requirement in Chapter 17.50-120, Standards Specifications and Requirements—Dedication of Water Rights. The subsection requires that water rights equivalent to the amount of increased water demand created by the Subdivision, Conditional Use or Design Review Permits shall be dedicated to the City of Logan in accordance with the Utah Administrative Code. For development in which water rights are not reasonably available, Public Works may develop and accept an in-lieu fee, which fee shall be approved by resolution of the Municipal Council.

ORD. 05-39. An ordinance was adopted and approved April 19, 2005 amending Chapter 17.47 "Right-of-Way Access and Driveways" by repealing Figure (Drawing) 17.37.01, Typical Right-of-Way Cross Section and Components.

These ordinances are effective upon publication. Full texts may be reviewed at the Office of the Logan City Recorder, City Hall, 25 North Main, during regular business hours.

Lois Price, Recorder

Publication Date: April 25, 2005.