CITY OF LOGAN, UTAH
ORDINANCE NO. 16-14

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 17.25: “Drinking Water Source Protection (SP) Overlay Zone” is hereby amended as attached hereto as Exhibit A.

SECTION 2: This ordinance shall become effective upon publication.

PASSED BY THE LOGAN MUNICIPAL COUNCIL, STATE OF UTAH, THIS DAY OF May, 2016.

AYES:
NAYS:
ABSENT:

Hern Olsen, Chair

ATTEST:

Teresa Harris, City Recorder

PRESENTATION TO MAYOR

The foregoing ordinance was presented by the Logan Municipal Council to the Mayor for approval or disapproval on the 17 day of May, 2016.

Hern Olsen, Chair

MAYOR’S APPROVAL OR DISAPPROVAL

The foregoing ordinance is hereby approved this 17 day of May, 2016.

H. Craig Petersen, Mayor
EXHIBIT A

Chapter 17.25: Drinking Water Source Protection (SP) Overlay Zone

§17.25.010. Purpose
The purpose of the Drinking Water Source Protection Overlay Zone is to ensure the provision of a safe and sanitary drinking water supply for Logan City by establishing drinking water source protection zones surrounding the wellheads and springs for all wells and springs which are the supply sources for the Logan City water system or neighboring city water systems, and by the designation and regulation of property uses and conditions which may be maintained within such zones.

§17.25.020. Establishment of Drinking Water Source Protection Zones
In accordance with Utah State Regulations R309-600, the following source protection zones are hereby established:
A. Zone 1. The area within 100' of radius from the wellhead or spring.
B. Zone 2. The area within a 250 day groundwater time of travel to the wellhead or spring, the boundary of the aquifer(s) which supplies water to the groundwater source, or the groundwater divide, whichever is closer.
C. Zone 3. The area within a 3 year groundwater time of travel to the wellhead or spring, the boundary of the aquifer(s) which supplies water to the groundwater source, or the groundwater divide, whichever is closer.
D. Zone 4. The area within a 15 year groundwater time of travel to the wellhead or spring, the boundary of the aquifer(s) which supplies water to the groundwater source, or the groundwater divide, whichever is closer.

§17.25.030. Prohibited Uses
Excepting uses legally established before the effective date of this Chapter and used continuously and in the same manner thereafter, the following uses are prohibited:
A. Zones 1 and 2.
1. Sanitary sewer lines within 150 feet of a wellhead or spring collection area;
2. Underground storage tanks;
3. Stormwater infiltration structures, including Class V injection wells;
4. Geothermal wells;
5. Application of Fertilizers, herbicides or pesticides;
6. Sanitary landfills; and
7. Any pollution source as defined herein or in R309-600 of the Utah Administrative Code.
B. Zones 1, 2, and 3.
Agriculture industries including, but not limited to, intensive feeding operations such as feed lots, dairies, for breeding operations, poultry farms, etc.
C. All Zones.
1. Surface use, storage, or dumping of hazardous waste or material, expressly including industrial or commercial uses of agricultural pesticides (except when such pesticides are used in farming applications within strict compliance of the manufacturer’s recommendations of use);
2. Hazardous waste or material disposal sites;
3. Septic tanks/drainfield systems;
4. Geothermal wells deeper than 30';
5. Manure piles; and
6. Uncontrolled salt piles; and
7. Class V underground injection wells.
MEMORANDUM TO MUNICIPAL COUNCIL

DATE:        April 28, 2016
FROM:        Mike DeSimone, Director
SUBJECT:     Ordinance 16-014 (Code Amendment: Drinking Water Source Protection Overlay)

Summary of Planning Commission Proceedings

Project Name:                  Drinking Water Source Protection Overlay (SP)
Request:                       Zone Amendments
Project Address:               City-wide
Recommendation of the Planning Commission: Approval

On April 14, 2016, the Planning Commission recommended that the Municipal Council approve the following amendments to the Land Development Code (LDC): Sections 17.25 (Drinking Water Source Protection (SP) Overlay Zone) to permit the use of Class V injection wells in Drinking Water Source Protection Zones 3 & 4 only.

Planning Commissioners vote (7 - 0):
Motion for Recommendation: D. Newman
Second: S. Sinclair
Nay:

Attachments:
Staff Report (PC)
Ordinance 16-014
PC Meeting Minutes
Project #16-015
Drinking Water Source Protection (SP)
Overlay Zone Amendment
Code Amendment

REPORT SUMMARY...
Project Name: Drinking Water Source Protection Overlay (SP) Zone Amendments
Proponent/Owner: Community Development Department
Project Address: Citywide
Request: Code Amendment
Type of Action: Legislative
Date of Hearing: April 14, 2016
Submitted By: Mike DeSimone, Director

RECOMMENDATION
Staff recommends that the Planning Commission recommend approval to the Municipal Council for the following amendments to the Land Development Code (LDC): Sections 17.25 (Drinking Water Source Protection (SP) Overlay Zone).

REQUEST
This proposed modifications to Section 17.25 ((Drinking Water Source Protection (SP) Overlay Zone) of the Land Development Code are required in order to comply with State & Federal requirements to manage storm water on-site. Underground injection systems, called Class V injection wells, are currently prohibited in all Drinking Water Source Protection Zones. These changes would permit the use of Class V injection wells in Drinking Water Source Protection Zones 3 & 4 only.

A Class V injection well is a type of drainage facility that generally depends on gravity to drain fluids below the land surface and generally involves little or no pretreatment. A typical Class V system is a dry well or a septic system.

The proposed language changes are attached.

GENERAL PLAN
The Land Development Code was prepared and adopted to implement the vision expressed in the General Plan. These proposed amendments to the Definitions 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 March 31, 2016, posted on the City's website and the Utah Public Meeting website on April 1, 2016, and noticed in a quarter page ad on March 27, 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 are minor in nature and bring our Drinking Water Source Protection Standards into compliance with State/Federal requirements.
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.
On this 23rd day of May, A.D. 2016 personally appeared before me JAIME MAW 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 days(s) as publication in said newspaper.

Commencing on the following days:

05/22/2016

Principal Legal Clerk

Subscribed and sworn to before me on this 23rd day of May, A.D. 2016.

Notary Public

Commissioned in the State of Utah

My Commission expires 10/18/2019

Teresa Harris, City Recorder

Publication Date: May 22, 2016

LOGAN MUNICIPAL COUNCIL

SUMMARY OF AN ORDINANCE - The following ordinances were adopted and approved by the Logan Municipal Council, Logan, Utah on May 17, 2016.

ORD. 16-13 An ordinance adopting a rezone from MR-12 to MR-20 on .24 acres located at 1350 North 200 West; TIN 05-041-0056.

ORD. 16-14 An ordinance adopting a code amendment to the Land Development Code Section 17.25 (Drinking Water Source Protection Overlay Zone) to permit the use of Class V Injection wells in Drinking Water Source Protection Zones 3 & 4 only.

ORD. 16-15 An ordinance adopting a rezone the Main Street frontage of the City block located between 200 North-300 North from Public to Town Center. This action includes approximately 4 acres on the following properties or portions thereof: TIN: 06-016-0001, -0002, -0004, -0019, -0020, 0021, -0022, -0023, -0024, -0025, -0027.

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, 290 North 100 West, Logan, Utah during regular business hours.

Teresa Harris, City Recorder

Publication Date: May 22, 2016
The following public hearings will be held in the Logan City Municipal Council Chambers at 290 North 100 West at 5:30 p.m. Contact 716-9022 or www.loganutah.org for further info.

Workshop items for May 3 and Public Hearing items for May 17, 2016:

PC 16-015 LDC Amendment 17.25 Drinking Water Source Protection (SP) Overlay Zone
[Code Amendment] Logan City requests an amendment to the Land Development Code Section 17.25 in order to comply with new requirements to infiltrate or evaporate the first 6" of rainfall on the site of each project. It has become necessary to modify underground injection systems, Class V injection wells in the Source Protection zone.

PC 16-017 Willets Rezone [Zone Change] Jed Willets, authorized agent/owner, request a zone change from MR-12 to MR-20 on .24 acres located at 1350 North 200 West, TIN 05-041-0056.

PC 16-018 Logan City Block Rezone [Zone Change] Logan City requests to rezone the Main Street frontage of the City block located between 200 North – 300 North from Public (PUB) to Town Center (TC). This action includes approximately 4 acres on the following properties or portions thereof; TIN 06-016-0001,-0002,-0004,-0019,-0020,-0021,-0022,-0023,-0024,-0025,-0027.

Publication date: Sun. April 17, 2016
The Logan City Planning Commission will hold a public hearing to receive input on the following:

**PC 16-015 LDC Amendment 17.25 Drinking Water Source Protection (SP) Overlay Zone** [Code Amendment]
Logan City requests an amendment to the Land Development Code Section 17.25 in order to comply with new requirements to infiltrate or evaporate the first 6" of rainfall on the site of each project. It has become necessary to modify underground injection systems, Class V injection wells in the Source Protection zone.

**PC 16-017 Willets Rezone** [Zone Change] Jed Willets, authorized agent/owner, request a zone change from MR-12 to MR-20 on .24 acres located at 1350 North 200 West; TIN 05-041-0056.

**PC 16-018 Logan City Block Rezone** [Zone Change] Logan City requests to rezone the Main Street frontage of the City block located between 200 North – 300 North from Public (PUB) to Town Center (TC). This action includes approximately 4 acres on the following properties or portions thereof; TIN 06-016-0001,-0002,-0004,-0019,-0020,-0021,-0022,-0023,-0024,-0025,-0027.

The Municipal Council is tentatively scheduled to hold a workshop on **Tuesday, May 3, 2016** and a public hearing on **Tuesday, May 17, 2016**. Both meetings will be held in the Logan City Municipal Council Chambers at 290 North 100 West at 5:30 pm.

Contact the Department of Community Development at 716-9021 or [www.loganutah.org](http://www.loganutah.org) for more information.