CITY OF LOGAN, UTAH
ORDINANCE NO. 16-39

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 17.36.200: "Standards, Specifications, and Improvements" 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, 3

AYES: 

NAYS: 

ABSENT: 

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 3 day of January, 2017.

MAYOR'S APPROVAL OR DISAPPROVAL

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

H. Craig Petersen, Mayor
§17.36.200. Electric Power and Street Lights

A. The project proponent shall be required to provide for power and telecommunication distribution and service lines. Additionally, the proponent shall be responsible for the installation of street and yard lighting under specifications as required by the Department of Public Works and the Light and Power Department.

B. The replacement, maintenance, and repair of the City’s power and telecommunication distribution network, excepting the installation of new substations, shall not be subject to the design review process.

C. All new power and telecommunication distribution and service lines shall be located underground. Where underground placement is infeasible due to terrain, soil conditions, water table, etc., new power and telecommunication lines shall utilize existing distribution systems if available. If new power and telecommunication lines are being extended into an area currently devoid of any existing infrastructure or services, above ground installation may be permitted.

D. Wireless Telecommunication Facilities are regulated under Chapter 17.45 and are not governed by the provisions of 17.36.200.

E. High voltage transmission lines serving regional needs are exempt from these requirements.
MEMORANDUM TO MUNICIPAL COUNCIL

DATE: December 6, 2016
FROM: Mike DeSimone, Director
SUBJECT: Ordinance 16-039 (LDC Amendment – Power & Utility Poles)

Summary of Planning Commission Proceedings

Project Name: Power & Utility Poles
Request: Code Amendment
Project Address: City-wide
Recommendation of the Planning Commission: Approval

On May 12, the Planning Commission recommended that the Municipal Council approve the amendment to the Land Development Code (LDC) Section 17.36 clarifying that placing new utilities underground versus above ground is the preferred method for providing utilities.

Planning Commissioners vote (6 - 0):
Motion for Recommendation: S. Sinclair
Second: T. Nielson
Nay:

Attachments:
Staff Report (PC)
Ordinance 16-039
PC Meeting Minutes
REPORT SUMMARY...
Project Name: Power & Utility Poles
Proponent/Owner: Community Development Department
Project Address: Citywide
Request: Code Amendment
Type of Action: Legislative
Date of Hearing: November 10, 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): Section 17.36 (Standards, Specifications and Improvements).

REQUEST
This proposed modification to Section 17.36.200 (Electrical Power and Street Lights) of the Land Development Code clarifies that placing new utilities underground versus above ground is the preferred method for providing utility service. The proposed language does not include Wireless Telecommunication Facilities nor high voltage transmission lines. The purpose of this amendment is to ensure that all utility providers are following Logan City Light & Power policies of placing all new utilities underground, with some minor exceptions as listed in the proposed language.

The proposed language is as follows:

C. All new power and telecommunication distribution and service lines shall be located underground. Where underground placement is infeasible due to terrain, soil conditions, water table, etc., new power and telecommunication lines shall utilize existing distribution systems if available. If new power and telecommunication lines are being extended into an area currently devoid of any existing infrastructure or services, above ground installation may be permitted.
D. Wireless Telecommunication Facilities are regulated under Chapter 17.45 and are not governed by the provisions of 17.36.200.
E. High voltage transmission lines serving regional needs are exempt from these requirements.

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 are minor in nature and clarify the requirement to place new utilities underground versus above ground.
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.
STATE OF UTAH
COUNTY OF CACHE, ss

Civil
PROOF OF PUBLICATION

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

Teresa Harris, City Recorder
Publication Date: January 8, 2017