

Minutes of the meeting of the Logan Municipal Council convened in regular session on Tuesday, November 17, 2020 at 5:30 pm via ZOOM Webinar at this link: <https://us02web.zoom.us/j/82133701105> or Webinar ID: 821 3370 1105. Instructions for downloading and using ZOOM can be found at <https://support.zoom.us/hc/en-us/articles/201362193-Joining-a-Meeting>. Logan Municipal Council Meetings are televised live as a public service on Channel 17, City of Logan Facebook page: <https://www.facebook.com/cityoflogan> or KSL live at <https://live.ksl.com/> To listen to the meeting by phone call: US: +1 669 900 9128.

In compliance with Utah Code Ann. §52-4-207, Chair, Amy Anderson read the following determination in order to hold an electronic meeting without an anchor location:

*Based on the rising cases of COVID-19 in the Bear River Health District and State Public Health Order 2020-18 ‘Adopting COVID-19 Transmission Area Restrictions’ categorizing our county designation as a High Transmission Area, it is determined that gathering in-person for the regular City Council meeting is a risk to the health and safety of those present. According to corona.Utah.gov, people at higher risk for severe illness include: Older adults, people of all ages with certain underlying medical conditions, and pregnant people might also be at increased risk of severe illness from COVID-19. Long-standing systemic health and social inequities have put many people from racial and ethnic minority groups at increased risk of getting sick and dying from COVID-19. Given that members of the Council and community who are required to be in attendance or may choose to attend have these risk factors, a virtual meeting (without an anchor location) will be held via Zoom. Logan Municipal Council Meetings are televised live as a public service on Channel 17, City of Logan Facebook page:
<https://www.facebook.com/cityoflogan> or KSL live at <https://live.ksl.com/> To listen to the meeting by phone call: US: +1 669 900 9128*

Council Members present at the beginning of the meeting via Zoom: Chair Amy Z. Anderson, Vice Chair Tom Jensen, Councilmember Mark A. Anderson, Councilmember Jeannie F. Simmonds, and Councilmember Ernesto López. Administration present: Mayor Holly Daines, City Attorney Kymber Housley, Finance Director Richard Anderson, City Recorder Teresa Harris and Deputy City Recorder Eslí Morales.

OPENING CEREMONY:

A video presentation from the American Festival Chorus & Orchestra: *This Land is Your Land* virtual concert was shown.

Meeting Minutes. Minutes of the Council meeting held on November 3, 2020 were reviewed and approved with no changes.

Meeting Agenda. Chair A. Anderson announced there are three public hearings scheduled for tonight’s Council meeting.

ACTION. Motion by Vice Chair Jensen seconded by Councilmember M. Anderson to approve the November 3, 2020 minutes as presented and approve tonight's agenda. Motion carried unanimously.

Meeting Schedule. Chair A. Anderson announced that regular Council meetings are held the first and third Tuesdays of the month at 5:30 pm. The next regular Council meeting is Tuesday, December 1, 2020 and will be held via Zoom. She announced that the Council meeting on December 15, 2020 has been cancelled.

QUESTIONS AND COMMENTS FOR MAYOR AND COUNCIL:

Chair A. Anderson explained that the Questions and Comments portion of the agenda is suspended until we can once again have in-person meetings. In the meantime, comments can be emailed to City Recorder Teresa Harris teresa.harris@loganutah.org, who will distribute them to the Mayor and Councilmembers.

MAYOR/STAFF REPORTS:

Proclamation: Small Business Saturday – Mayor Daines

Mayor Daines stated that she signed a proclamation declaring November 28, 2020 as Small Business Saturday to recognize the City's local and small businesses. We encourage our citizens to patronize our local small businesses with the miniature slogan, "Shop Local, Shop Small."

No further Mayor/Staff Reports were presented.

COUNCIL BUSINESS:

FY2020 CAFR Presentation – Steve Rowley and Richard Anderson

In summary, Richard Anderson said that the financial statement of the 2020 CAFR matched those of prior fiscal years which is great news. That means that despite Covid-19 beginning in March, it had a relatively minimal impact on the financial statement and remained in this manner consistent throughout the months. There is at present a good cash flow which means there are reserves in every fund if needed and they are being fiscally responsible. He is also happy to note that the golf course is doing very well and there are even reserves. It is at least one positive impact from COVID as it is a good, safe activity. After which he turned the time over to the Auditor Steve Rowley.

Steve Rowley, Auditor for 2020 reported to the Council and explained the roles within an Audit. In preparation for an audit, Management is responsible for preparing the financial statements and recording the transactions on a daily ongoing basis including monitoring controls. The Council oversees the internal control processes and procedures of the City to help ensure that the cash receding process, payroll process, accounts payable, cash dispersant, and all of those processes are well designed and that there are controls

designed to help prevent the loss of assets, theft, fraud, and things of that nature. Lastly, the role of an Auditor is to plan and perform an audit in accordance to government auditing standards. He also reminded the Council that government auditing standards are a step above standard auditing standards as there is an element of testing of compliance, laws, and regulations including internal controls.

Mr. Rowley referred to page 11-12 in the Auditor's report, an unmodified opinion of the financial statements presented in the 2020 CAFR stating that the material presented is correct and in accordance with government compliance. He briefly discussed Supplementary Information which includes pension schedules, budgetary schedules to budget, etc. which reveal how the City is doing and provides an inquiry for management.

Mr. Rowley proceeded to explain the breakdown of the Auditor's report into two sections, the Internal Control over Financial Reporting, and Compliance and Other Matters. In further detail, he went into the Internal Control over Financing as money going in and out, and relation to those inner controls of what scope is required to be tested, but no deficiencies were found nor reported. He praised the City, City Staff, Management, and Council for ensuring that information is accurately reported, and hoped that the community would appreciate the importance of that as well.

The second part of the report is Compliance and Other Matters. Mr. Rowley said that portion is related to laws, regulations, and compliance requirements that directly affect the Financials. Upon testing over those compliance requirements, there were no instances of non-compliance or other matters that should be reported. He reiterated that is the cleanest opinion that can be given and once more praised the City, and those in relation to the Audit.

The following report given by Mr. Rowley is the Single Audit Report, and this report is required if the city receives over \$750,000 of Federal revenue and identifies if all the laws were followed in regard to the received Federal sum. Once more the City was tested much like in the prior report, but specifically concerning the Coronavirus Relief Fund. An opinion was given that the City of Logan complied in all aspects with the required compliance requirements, and no deficiencies were identified nor internal control that was considered to be a material weakness. With the Auditor again praising the City for its preparedness.

With the final report being that of the State Compliance Report. Mr. Rowley provided a list of the various areas that are tested, which can be viewed in full on the City website. Once again, the report was similar to the previous reports presented with one exception. It was regarding the Justice Court testing. The Court has already addressed the issue which was caused by clerical errors and a lack of training in regard to "court costs." Late fees are no longer assessed, and refunds were issued to the affected with proper training given to staff. He pointedly noted that a compliance issue with the courts will not affect the Audit as it was found to be related to the Justice Court Administration and will not impact the financial records of the City.

Mr. Rowley proceeded to say that the audit process went very smoothly despite the Coronavirus. He thanked Finance Director, Richard Anderson, the Council, and all other City staff for their aid. He once again reiterated the fact that there were no immaterial statements and was presented with full transparency to the public.

Each of the councilmembers thanked Mr. Rowley, Finance Director Richard Anderson, and all those that participated in the Audit.

Planning Commission Update – Councilmember Simmonds

Councilmember Simmonds reported that the Planning Commission reviewed and approved the plans for In-N-Out Burger. The project will be on the corner of 400 North Main Street on the northeast corner of the intersection. There will be no entrances or exits from Main Street or 400 North right at that corner intersection. The closest entrance is mid-street between there and 100 East, and from Main Street by entering just north of what is now Subway. The developers were very careful to ensure and not impact traffic negatively by the number of cars that may go through the drive thru.

Chair A. Anderson asked a clarifying question if the entrance would be north of the Subway and not south of Subway at the entrance of the Chinese food restaurant, Mandarin Garden driveway.

Councilmember Simmonds responded that the entrance would be north of Subway but is acutely aware that people will turn where they wish to, and they may very well elect that entrance.

Councilmember Simmonds also reported that the Planning Commission considered a request from Palatial Living Mobile Home Park on the west side of Logan which has been sold, and the new owners would like to remove some of the area that is labeled Recreation (REC) and put in more mobile homes. This item was continued due to various issues that need to be addressed.

There was also a petition for an industrial site, but nothing to note beyond that. There was another large site, Stronghold properties on 200 South and 10th west, they will be building storage units and warehouses. There were some issues as there were going to be so many buildings that they must have a differentiation in the buildings before proceeding.

Councilmember Simmonds stated that all the mentioned properties were approved however, there was a question regarding the property next to Buffalo Wild Wings. There appears to be construction going on and she reminded everyone that there are track one and track two projects. A track one project has absolutely no issues in respect to codes having complied with all applicable codes. The project being build at this location will be another credit union.

Chair A. Anderson interjected and said she had heard the proposed credit union was relocating from a space they occupy in a grocery store.

Councilmember Simmonds answered that she was not certain, but she did know that this was the third credit union built this year.

Vice Chair Jensen asked Councilmember Simmonds if there was anything ongoing in regard to the Nyla's on the corner of 400 North Main Street that was recently demolished.

Councilmember Simmonds responded that she did not know at this time and bounced the question to Community Development Director, Mike DeSimone who replied that as of right now they do not have a formal application for that site and it is merely rumors at this time of what will be built.

Other Committee Updates – Council

Councilmember Simmonds added that the Airport Authority did not and will not be meeting in November but will meet again in December.

Councilmember M. Anderson stated that the Downtown Alliance met last week, and at present they are working on setting up Holiday Décor this week on Center Street. There is a notice out for anyone who wishes to aid in shaping the 20-foot Christmas trees from 9 AM to 2 PM. Chair A. Anderson interjected that the public volunteering at the event should wear safety goggles and gloves.

Councilmember M. Anderson continued that the Library board met on November 16, 2020 to discuss the ongoing plans for a new Library. Library Director Karen Clark was concerned about keeping the library open and then closed. He commended the library staff for keeping the library open despite the circumstances, and all the while maintaining Covid safety protocol.

Councilmember M. Anderson announced that the *Stay Safe to Stay Open* campaign is going quite nicely. There are fifteen videos scheduled to run on November 18, 2020 with groups participating from Café Ibis, the Family Place, Cache Valley Arts, etc. The entire list can be viewed on social media. The videos are no more than thirty seconds as businesses explain what they do to keep their employees and customers safe. An overarching message of ‘Thank you very much, this is what we are doing to keep everyone safe, but please help us to keep our employees safe as well too’ is going out.

Chair A. Anderson followed by asking Councilmember Simmonds if Cache Valley Transit can show the videos on their buses.

Councilmember Simmonds replied that Cache Valley Transit does not have televisions on their buses to show the videos.

Chair A. Anderson said that she knew that Councilmember López was planning to attend the Cache Arts Board meeting in December and asked about any other committee updates.

Councilmember López said that he was aware of food distribution that would be ongoing this Saturday, November 21, 2020, that is part of a collaborative effort between the local Food Pantry and USU Extensions and is mainly for the multicultural population in the valley. In addition, he has made himself available for some meetings with local community members and to visit with local Latino's in action groups.

Vice Chair Jensen reported that at the Cache Summit held on November 17, 2020, there were 112 participants that discussed smart principals, housing, and renewable energy.

Chair A. Anderson added the comment that our growth and the County's growth are interlinked.

Vice Chair Jensen remarked that he also participated in Utah Valley's Visioning report and based on the planning and report given, a large population is moving to Utah from California to move to a less densely populated location. He said this is something to keep in mind given the example of Syracuse, Utah.

Chair A. Anderson stated that RECAB met ten days ago and various topics were addressed but the most relevant is that of what the 50% Goal means. Certain definitions were added and are something that RECAB will be looking at, and redefining what renewable energy means, there will be an update after the first of the new year.

Councilmember M. Anderson inquired further about the Solid Waste Advisory Committee, and plastic bags.

Chair A. Anderson explained that plastic bags will be on the December 1, 2020 Council agenda for discussion.

No further Council Business items were presented.

ACTION ITEMS: Chair A. Anderson explained due to meeting restrictions because of COVID-19 precautions, there were two options for those wanting to make a public comment:

1. Email comments to teresa.harris@loganutah.org, who distributed them to the Mayor and Councilmembers. Although you may send email questions and comments during the public hearing portion of the meeting, to guarantee they will be distributed to the Council before the meeting, submit by Monday, November 16 at 5:00 p.m.
2. Join the meeting via ZOOM Webinar ID: 821 3370 1105. A host will monitor the online meeting. When we get to the agenda item where you wish to comment, use the "Raise your Hand" feature to indicate you want to speak, and the host/or Chair will recognize you in turn. As always, comments are limited to three minutes per person.

*****NOTE: Facebook Live comments are not part of the official meeting or public comment.**

PUBLIC HEARING - Budget Adjustment 2020-2021 appropriating: \$\$600,000 committed radio funds for the purchase of radios for the P25 system; \$125,000 a grant received by the Electric Fund for a mini battery project; \$3,000,000 contingency transfers for the transfer of funds to capital projects; \$9,870 a grant the police department received from the Department of Justice for the purchase of bullet proof vests; \$79,822 additional funding received from HUD for FY 2021 CDBG programs; \$526,523 funds for a one-time employee stipend in lieu of raises for FY 2021 – Resolution 20-47

At the November 3, 2020 Council meeting, Finance Director Richard Anderson addressed the Council regarding the proposed budget adjustments.

Chair A. Anderson opened the meeting to a public hearing.

There were no public comments and Chair A. Anderson closed the public hearing.

Mayor Daines stated this was to be raises for City employees but with Covid, they decided to be prudent and not do raised this year. This one-time stipend is in lieu of employee raises.

Councilmember M. Anderson added that he appreciated the City employees, and all their efforts for everything they have done in the year 2020. The rest of the councilmembers echoed those sentiments.

ACTION. Motion by Vice Chair Jensen seconded by Councilmember Simmonds to approve Resolution 20-47 as presented. Motion carried unanimously.

PUBLIC HEARING - RV Park Occupancy Code Amendment – Consideration of a proposed amendment to Chapters 17.14 of the Land Development Code titled Public Zones Uses; and 17.62 Definitions – Ordinance 20-30

At the November 3, 2020 Council meeting, Planner Russ Holley addressed the Council regarding the proposed code amendment.

RECOMMENDATION

Staff recommends that the Planning Commission recommend **denial** to the Municipal Council for the RV Park Occupancy Code Amendment.

REQUEST

The proponent is requesting to amend the Land Use Table for the Public (PUB) and Recreation (REC) zones in the Land Development Code (LDC) to conditionally allow long term Recreational Vehicle (RV) Parks in the REC zone. The applicant proposes to define long term RV Parks as those that allow an occupancy duration of more than 30 days. The

current Land Use Table only allows short term RV Parks in the REC zone and defines short term as less than 30 days in duration. This request is associated with the rezone application from COM to REC for approximately 7.87 acres (PC #20-040) located near 2000 South and 800 West.

17.14: Public Zone Uses

Land Use	Zones	
	PUB	REC
Outdoor Recreation and Entertainment	C	C
Golf course	C	C
RV Parks short term occupancy (less than 30 calendar days)	N	C
<u>RV Parks long term occupancy (more than 30 calendar days)</u>	<u>N</u>	<u>C</u>
Tent campground	N	C

Figure 1 shows the proposed code language addition in red ink

GENERAL PLAN

The adopted Logan City General Plan (2008) Chapter 3.13 outlines REC land use within the city. It mentions RV Parks and specifically states that they should prohibit long-term residential land uses.

Recreation (REC) lands are primarily recreation and park facilities. They are typically publicly-owned but may also include privately owned recreation facilities such as campgrounds, golf courses, and RV parks (long-term residential use is prohibited). This district includes both active and passive recreation (ball fields as well as areas for walking and sitting). The REC designation is a companion district to the Gateway District in that future public open space in gateways may be designated Recreation.

LAND DEVELOPMENT CODE

The LDC 17.13.030 describes the purpose of the REC zone and what these areas are intended for to effectively benefit the citizens of Logan City.

The purpose of the Recreation zone is to preserve and enhance public and private open, natural, and improved park and recreational areas, and to implement recreation and resource sustainability provisions of the General Plan. The Recreation zone is intended to be applied to publicly owned parks and recreation facilities as well as publicly owned open space. The classification may also be used conditionally for privately owned recreation facilities, such as a golf course, recreation vehicle park, or campground.

STAFF REVIEW AND SUMMARY

The Logan City General Plan clearly states that long term residential land use is inappropriate for RV Parks in the REC zone. This open-ended code amendment proposal

will create opportunities to accommodate long-term residential uses. The City of Logan has approved two long term RV Parks in the past, one in the late 1980's and the other in the mid 1990's. These two RV Parks are located at 447 West 1700 South and 2020 South HWY 89/91. The Logan City Neighborhood Improvement Division has received written complaints for weeds and refuse related issues for these RV Parks. While property management would ultimately be responsible, Staff would argue that appearance complaints, such as weeds and litter, are typically associated with long-term residential users rather than short term vacation users. For these reasons, along with better compliance to the General Plan, the LDC was amended three years ago to eliminate long-term occupancy within RV Parks.

Staff recognizes that some vacationers may stay longer than 30 days and is open to the suggestion of a slightly longer duration, but an open-ended long-term duration will attract long-term residential uses. Affordable housing is a real issue in the city, but RV Parks are not the best solution to that problem. Life-safety building concerns with flimsy structures, less than ideal living situations and surrounding neighborhood character (commercial/industrial) are reasons not to have long-term residents inside RV Parks. Long-term RV Parks will not contribute to the tourism industry and the local economy the way a short-term vacation-oriented RV Park will. As defined in the Logan City adopted plans, RV Parks are not intended to be long-term residential land uses.

PUBLIC, AGENCY, AND CITY DEPARTMENT COMMENTS

Notices were mailed to property owners within 300 feet of the subject property. As of the time of this report, no comment had been received. No comments have been received from City Departments.

PUBLIC NOTIFICATION

Legal notices were posted on 9-26-20 and on the City's website and the Utah Public Meeting website on 9-30-20 and noticed in a quarter page ad on 9-17-20.

RECOMMENDED FINDINGS FOR DENIAL OF THE CODE AMENDMENT

The Planning Commission bases its decision on the following findings supported in the administrative record for this project:

1. The code amendment conflicts with the Logan General Plan that states that the REC land use is not intended for long term residential uses.
2. The code amendment would result in incompatible land uses and may likely result in additional complaints related to appearance associated with RV Parks.
3. Long-term residential uses in RV Parks will not contribute to the tourism and economic development in the City like short-term RV Parks do.

Planner Russ Holley gave a brief overview of the Code Amendment. In addition, he noted that two comments were received from the public. The first was from Marie Rugg, an email stating her opposition to a long-term RV Park. And the second from Rick Whiting, who is associated with the applicant, McKay Winkle.

Chair A. Anderson opened the meeting to a public hearing.

Rick Whiting addressed the Council and said that earlier today he submitted a letter on behalf of the clients, who he represents, McKay Winkle and Stan Checketts. In the letter they clarified the notion, “The regulating language should be changed to provide a ‘90-day limit of continuous occupancy with conditions’ instead of the implied ‘unlimited length of occupancy.’ Their request is that a ‘stay allowance’ be longer than 30 days to supplement low-season occupancy with work-force stays. They consider this provision crucial to sustain their business during off-season winter months.

Logan resident Keegan Garrity addressed the Council and said that he would like noted on record in regard to the proposed Code Amendment that the Planning Commission, voted 6-0 in opposition to the amendment quoting, ‘that staff recognizes that some vacationers may stay longer than 30 days and is open to the suggestion of a slightly longer duration, but an open ended long term duration will attract long-term residential uses, affordable housing is a real issue in the City, but RV parks are not the best solution to that problem.’ He reiterated that he agreed with that statement and did not know if the 90 days is the correct duration, probably not, but leaves that to the Council to deliberate.

There were no further public comments and Chair A. Anderson closed the public hearing.

Councilmember Simmonds said that the applicant did voice an alternative as was previously mentioned, but that is not what was noticed to the Planning Commission and they voted to deny they voted unanimously to deny the code amendment. The code amendment is now before the Council, and the Council must vote on that which was noticed to the public. She said the ordinance cannot simply be changed without proper noticing. As indicated in the letter provided by the applicants, ‘there are conditions that would accompany the 90-day proposal.’ There are no specific mentions of what those conditions would entail, and she reminded the Council that they must vote according to that which has been presented and an alternate proposal must commence anew through the regular process.

Chair A. Anderson agreed with the spoken sentiments of Councilmember Simmonds. She concurred that the only appropriate action to take is to vote on that which was presented to the Council.

Councilmember Simmonds moved to deny extending the current Ordinance 20-30 beyond 30 days. Vice Chair Jensen seconded the motion with the remark that with a material change to the proposal neither the public, the Council nor the Planning Commission has had time to review, and it is only prudent to proceed in such a manner.

Councilmember M. Anderson agreed with the statements of the other councilmembers and said the vote must be conducted based on that which was noticed and presented to them.

Councilmember Simmonds also reminded the Council of the fact that if they were to adopt this ordinance it would not only affect this proposed area but would be a citywide change and would impact beyond just one regional location.

Councilmember López stated that being the newest addition to the Council, he would prefer to hear input from the Planning Commission on the alternative proposal and agreed that the Council should vote on what is being presented to them at this time.

Despite the public hearing being closed, Chair A. Anderson permitted Rick Whiting to speak again.

Mr. Whiting asked if the ordinance could be remanded back to the Planning Commission or if the applicant must commence the entire process anew.

Chair A. Anderson stated that her understanding is that the Council votes an ordinance up or down. However, to clarify the question, she called upon City Attorney Kymber Housley to respond.

Planner Russ Holley answered first by stating that the key is the noticing requirements. If it is noticed properly, the proposal could go back to the Planning Commission.

Mr. Housley replied that it is a distinction without a difference. He proceeded to explain that whatever the decision the proposal must go back and be noticed again. The difference is that if the proposal is remanded it is considered a pending proposal, vs. if a decision is made the door is closed on this proposal. Either way, any alternate proposal must go through the entire process once more.

ACTION. Motion by Councilmember Simmonds seconded by Vice Chair Jensen to deny Ordinance 20-30 as presented. Motion carried unanimously.

PUBLIC HEARING - A-OK RV Park Rezone – Consideration of a proposed rezone. Danny MacFarlane/Stan Checketts Properties LLC, authorized agent/owner, requests an RV park with 86 sites, 10 cabins and a 35,000 SF office/administrative building, and to rezone the 7.87-acre property located at 800 West 2000 South from Commercial (COM) to Recreation (REC) (Woodruff Neighborhood) – Ordinance 20-25

At the November 3, 2020 Council meeting, Planner Russ Holley addressed the Council regarding the proposed rezone, and it was continued to tonight's Council meeting. He reviewed the proposed rezone.

RECOMMENDATION

He said the recommendation is for a rezone of 7.87 acres of property located at approximately 2000 South 800 West (TIN# 003-006-0006). Contingent on the outcome of the rezone, Staff recommends that the Planning Commission conditionally approve a Conditional Use and Design Review Permit.

Land use adjoining the subject property

North:	COM: Commercial Uses	East:	Millville City-Industrial/Commercial Use
South:	MR-20: Vacant	West:	COM: Vacant

PROJECT INTRODUCTION

The proponent is requesting to rezone 7.87 acres at approximately 2000 South 800 West. The flat property is vacant but contains a miniature golf course and dirt bike track associated with the former amusement park located directly north of the project site. Most recently, the property to the north is being used for ATV sales and service. The surrounding area is at the urban/rural interface with newer developments replacing agricultural fields and farmlands. To the northwest, Highway 89/91 handles high volumes of traffic at high speeds of velocity. The new traffic signal at the intersection of HWY 89/91 and 1000 West is located approximately 1100 feet away from the proposed RV Park.

REZONE AND LAND USE

The property and surrounding areas to the north are zoned Commercial (COM). The surrounding areas to the south of the project site are zone Mixed Residential Medium (MR-20). The applicant is requesting a rezone to Recreation (REC). The REC zone conditionally permits RV Parks short term occupancy (less than 30 days). The Land Development Code (LDC) defines RV Parks as a property established for the occupancy of recreational vehicles for temporary living quarters for recreation or vacation purposes. The REC zoning district is described in the LDC as intended for publicly and privately-owned parks and recreation facilities such as golf courses and RV parks.

The Future Land Use Plan (FLUP) designates the area as COM. The General Plan describes the FLUP designation of COM as intended for retail, service and hospitality businesses that serve city-wide and regional populations.

DESIGN REVIEW PERMIT

The REC zoning district regulates site layout and design to ensure aesthetics meet high standards and creates a character associated with recreational open spaces and facilities. The zone requires larger setbacks around the perimeter to ensure a lower density/intensity recreation look and feel. Maximum building heights are capped at 35 feet to allow for better views of surrounding areas. Building design standards follow commercial design standards. The proposal includes a 3,500 SF office and 12 cabin sites. The remaining areas are intended for mobile RV vehicles coming and going. The office location is proposed back from the road behind a 9-stall parking lot and dumpster pad. A pavilion is proposed adjacent to the parking lot near the park entrance. Parking lots in the REC zone are required to be placed to the side and rear of the primary structure. Buildings in the REC zone, as per commercial standards, are required 30% transparency on the front elevation and minimum wall-breaks/architectural features every forty feet. As conditioned with the parking lot location moved to the side or rear of the building and the

addition of 30% transparency on the front façade, the project meets the requirements of the LDC.

SETBACKS

The LDC requirements for building setbacks in the REC zone are as follows (as measured from property lines):

Front:	20'
Side:	20'
Rear:	10'
Parking (front):	20'

PARKING

The LDC 17.31 requires one parking stall for every one RV pad site, tent site, and cabin site. Check-in and employee parking are not detailed in the LDC. Office space is required to provide one (1) parking stall per every 300 SF of office space. The proposal includes approximately 1000 SF of office space and would require 4 parking stalls. The proposal provides a parking stall for every RV/Tent/Cabin site and 9 additional stalls for check-in and employee parking. As conditioned with RV and office parking stalls, the project meets the parking requirements in the LDC.

OPEN SPACE AND LANDSCAPING

LDC 17.15.050 does not specify a minimum open space standard for the REC zoning district. The lot coverage maximum of 50% acts as the default open space requirement in the REC zone. The proposal shows approximately 3.4 acres of RV/Cabin/Tent/Office space with the remaining 4.4 (57%) acres as open space/green space. The code requires 20 trees and 50 shrubs/plants per every acre of project site. With 7.8 total acres, the code would require 156 trees and 390 shrubs/plants. As conditioned with tree and shrub requirements, the project meets the LDC standard.

CONDITIONAL USE PERMIT

The LDC 17.42 describes the purpose of conditional use permits as providing for discretionary consideration of applications in order to preserve neighborhood character and protect public health, safety, and welfare. Impacts associated with this use are typically parking, traffic, and noise. RV parks are required to obtain a Conditional Use Permit within the REC zone to mitigate any unique impacts associated with the proposal. With surrounding areas to the north being more industrial/commercial in nature, this application could rather focus on mitigating the surrounding impacts onto the subject property. RV Park impacts revolve around traffic as patrons come and go with larger vehicles. Generally, noise levels are low during nighttime hours. Land to the south is zoned MR and will have similar impacts to that of an RV Park with traffic and daytime noises being the most prevalent impact.

SUMMARY

The rezone request is the core of the issue. An RV Park (short term) has similarities to commercial hospitalities uses (motel, hotel, bed, and breakfast) and is beneficial to the local economy and tourism. With popular State and National Parks located in the region,

Logan often becomes a stopping point for travelers. The appropriate location for an RV Park in Logan City is also a topic of debate. The LDC allows RV Parks in the REC, IP and CS zoning districts, suggesting to staff that these uses should be placed in areas that are not considered prime commercial locations. The difficulty with these locations and the proposed uses are compatibility based. Unlike industrial areas, RV Parks are most appealing in natural settings with attractive green spaces for travelers and vacationers. A question a decision maker should always ask when considering a rezone is, does this request preclude better and more appropriate zone/uses for this area?

One issue staff has seen with RV Parks within the city is their tendency to house long term residents. This type of use aligns with MR zoning more than COM zoning and does not benefit the economy or tourism industries. Long term is not permitted in the REC zone, but the duration of time associated with these land uses are very difficult to enforce. Staff would also not consider this an ideal location for an RV Park because of the surrounding buildings and lack of natural setting. RV Parks tend to be located in attractive naturalist areas such as near rivers, canyons, and lakes. This site is big enough to create a natural buffer around the perimeter so that users inside the park feel like they are isolated from the surrounding areas. This will require considerable space and plant material. Staff recommends approval of the rezone on the condition that it remains short term and thus benefiting tourism and the local economy.

AGENCY AND CITY DEPARTMENT COMMENTS

Comments were solicited from the following departments or agencies:

● Fire	● Water/Cross Connection
● Engineering	● Environmental

PUBLIC COMMENTS

At the time of the report no comments have been made.

PUBLIC NOTIFICATION

Legal notices were posted on the City's website and the Utah Public Meeting website on 8/19/20, and noticed in a quarter page ad on 7/28/20, and a Public Notice mailed to property owners within 300' were sent on 7/27/20.

RECOMMENDED FINDINGS FOR THE REZONE

The Planning Commission bases its decision on the following findings supported in the administrative record for this project:

1. The rezone request from COM to REC is appropriate in this location as the REC Uses, including a short-term RV Park, is commercial in nature benefiting the local economy and tourism industry.
2. The proposed RV Park will better buffer the MR zoning to the south.
3. The property is over 1100 feet from HWY 89/91 and is outside of the South Corridor overlay zone. Because of the location, the property is not considered prime commercial land.

RECOMMENDED CONDITIONS OF APPROVAL PENDING THE OUTCOME OF THE REZONE

This project is subject to the proponent or property owner agreeing to comply with the following conditions as written, or as may be amended by the Planning Commission.

1. All standard conditions of approval will be recorded with the Conditional Use and Design Review Permit and are available in the Community Development Department.
2. 98 total RV/Tent/Cabin sites are approved with this permit.
3. All RV/Tent/Cabin sites are permitted for short term use only. No guests may stay for a period longer than 30 Days.
4. The office building shall have a minimum 30% transparency on the front façade (east), and the associated parking lot shall be located to the side or rear of the building in relation to 800 West.
5. A parking stall shall be provided for every RV/Tent/Cabin site and a minimum of four (4) parking stalls shall be provided for the office building.
6. All trash/dumpster locations shall be placed in the side or rear yard areas away from 800 West.
7. The project shall not have more than a 50% lot coverage and less than 50% open space.
8. A landscaping plan shall be submitted and approved prior to any building permits being issued. The landscaping plan shall contain a minimum of 156 trees and 390 shrubs/perennials/ornamental grasses. Plant materials shall be densely placed around the perimeter of the site to buffer surrounding areas and create a setting similar to naturalistic areas in the region. Extensive evergreen trees should be used for year-round solid screening. Street trees shall be planted within the park strip along 800 West at 30-foot intervals.
9. Prior to issuance of a Building Permit, the Director of Community Development shall receive a written memorandum from the following departments indicating that their requirement has been satisfied:

a. Fire —contact 716-9515

- Fire hydrants shall be installed. Looped water mains are preferred. Dead end roads longer than 150 ft shall have an approved turnaround. A plan that includes the fire apparatus radius on all fire access roads is required.

b. Engineering —contact 716-9153

- Submit proposed Property Line Adjustment to City for approval.
- Need to correct County Parcel lines to match City along north property line
- Provide stormwater detention/retention per Logan design standards. This includes the onsite retention of the 90% design storm utilizing Low Impact Design Methods
- Provide City with a written agreement for this development to connect and use the existing private sewer and water lines currently installed for the development to the north of the proposed development
- Provide private utility agreement and storm water agreement

- Provide the City with water shares or in-lieu fee for increased demand for indoor and outdoor water uses for City system.
- Coordinate with the City to run a model to ensure that fire flows can be maintained in all locations required by Fire Marshall.
- Provide the City with a fixture count (or other approved analysis) showing water flow demand assuming the trailer park is completely full to ensure that this flow is within the allowable operating range of a 2" master meter. This analysis includes outdoor flows in the analysis.
- The City is not assuming any responsibility to ensure that the 2" potable water line is adequately sized to distribute potable water at the State required flow rate and pressure.
- Locate 2" water meter in a location near a road for easy access by City staff to read the meter and maintain the meter.
- Construct improvements to 800 West per new City road design standards. This includes the pavement section for any road widening that may be necessary along frontage.
- Dedicate right of way as needed to ensure a 66' right of way for 800 West.
- All internal roads in development shall be signed as fire lanes/no parking (exception is the main access road from 800 West).

c. Water/Cross Connection—contact 716-9627

- The water main serving this whole project must have a RP (ASSE1013) installed and tested before any branch offs or possible connections. (Except fire hydrants)
- The building's water main needs to have its own RP (ASSE1013) installed and tested on the water main as it enters the building before any branch offs or connections. Properly sized drain required. This is for containment protection only (Cities protection only). Points of use protection will also be needed (occupants protection). Installation criteria of B/F assemblies must be as per 2018 IPC and Utah amendments.
- All landscape irrigation system's fed from Logan City water must have a high hazard backflow assembly installed and tested. All backflow assemblies must be tested within 10 days of turning in water to them and annually thereafter.
- Fire suppression systems connected to Logan City water (with no added chemicals) must have a minimum DC (ASSE1015) installed and tested. Fire risers and B/F assemblies must be installed as per Logan City standards.
- All points of use of water must comply with the 2018 IPC and State of Utah Amendments, during and after construction.

d. Environmental Dept. – contact 716-9760

- Dumpsters will need to be screened from the 800 West road.
- Minimum 60 ft. straight on access to dumpsters is required. Usually best to use an access driveway as the approach if possible as this helps eliminate parking in front of the dumpsters.

- If an enclosure is provided, minimum inside measurement is 12 ft. wide and 10 ft. deep for a single bin enclosure. Provide bollards to protect walls.
- Gates are not required, however if desired, they must be designed to stay open during the collection process. Barrel hinges suggested for the gates. We need the full 12 ft. clearance so gates must be designed to open completely.

RECOMMENDED FINDINGS FOR APPROVAL FOR THE DESIGN REVIEW AND CONDITIONAL USE PERMIT

The Planning Commission bases its decisions on the following findings supported in the administrative record for this project:

1. The site, as conditioned, conforms to the requirements of Title 17 of the Logan LDC for REC developments.
2. The conditioned land use will not negatively impact the surrounding properties because of the design and landscaping requirements.
3. The project met the minimum public noticing requirements of the Land Development Code and the Municipal Code.
4. Infrastructure and utilities are adequate in size to handle anticipated traffic and use.

Mr. Holley said the original applicants Stan Checketts and Danny MacFarlane handed the management of the RV Park over to McKay Winkle. Mr. Winkle did not realize that our current code does not allow for a long-term RV stay and only short-term stays are allowed. Mr. Winkle has subsequently submitted a code amendment for long term RV Parks that will go before the Planning Commission in approximately one month from now. The current maximum stay at an RV Park is 30 days.

On September 10, 2020, the Planning Commission recommended approval of the rezone (5-1).

Planner Russ Holley stated that the rezone was brought forward by property owner Stan Checketts property owner and potential property owner McKay Winkle. The request is to go to rezone to Recreation (REC), but the Planning Commission is waiting on the rezone to review the design.

Councilmembers Simmonds and A. Anderson asked if there were any concerns expressed by the Planning Commission.

Planner Russ Holley said that the main concerns are in regard to long-term occupancy and come from the Planning Commissions and the public. He referred to the complaint log in the City with the two existing long-term parks. Most of those are centered around long-term occupants that tend to collect objects, then complaints are registered, and enforcement action is taken.

Chair A. Anderson said that in regard to the Rezone, the Planning Commission voted 5-1 in favor of the Rezone.

Planner Russ Holley concurred with the Chair's statement and added that the Planning Commission was supportive of the Rezone in this location.

Chair A. Anderson opened the meeting to a public hearing.

McKay Winkle speaking on behalf of Stan Checketts, stated that they wanted to look at the Rezone only if the length of stay for the RV Park was approved. As it was not, he felt it would be best to table the Rezone for the time being until the code amendment regarding the length of stay is determined.

There were no further public comments and Chair A. Anderson closed the public hearing.

Councilmember Simmonds said that she did not believe the Council could continue with the motion based on use. She was uncertain on how to term this and asked for an opinion from Planner Russ Holley or any others.

Mr. Housley responded that the Council can continue the ordinance, but they are not required too as the actual applicant was not making the request.

Chair A. Anderson reminded the Council that the agenda was set in this manner with the Occupancy Code Amendment listed first as it was implied that the Rezone would not occur without it.

ACTION. Motion by Vice Chair Jensen seconded by Councilmember M. Anderson to continue Ordinance 20-25 to the February 2, 2021 Council meeting as presented. Motion carried unanimously.

WORKSHOP ITEMS:

Budget Adjustment 2020-2021 appropriating: \$4,053 additional funding Logan City will receive from the State of Utah to replace vehicles in the Water Department which are part of the Targeted Air Shed Grant – Resolution 20-48 – Richard Anderson, Finance Director

Finance Director Richard Anderson addressed the Council regarding the proposed budget adjustment. He said this was a simple grant extension as the grantor has given the City additional funds. He is requesting that the Council appropriate those funds.

The proposed resolution will be an action item and public hearing at the December 1, 2020 Council meeting.

Consideration of a proposed resolution adopting Fire Standby Fees and EMS Billing Rates – Resolution 20-49 – Chief Brad Hannig

Logan City Fire Chief Brad Hannig addressed the Council regarding the proposed resolution. The resolution is necessary for two reasons as it has been many years since they have adjusted the fire standby rate, which needs to be adjusted with the dissolution of the Cache County Emergency Medical Services (CCEMS) forcing Logan City to create our own billing rates. He has reviewed billing rates from the past and compared to similar emergency sized departments. The billing comparison of various cities to the proposed rate can be seen on the City website. He went on to clarify that the Initial Transport Fees are set by the State and the only ones we set are supplies related to procedures but comparable to like or other surrounding areas such as Brigham, Ogden, and Draper City.

Chair A. Anderson asked Chief Hannig if that was based on population.

Chief Brad Hannig responded that because they and Draper use the same billing company, their information was accessible. As for Brigham and Ogden, they were the closest sized cities. He feels they are where they should be, but they are different from CCEMS , but that is because they were billing for individual items, and now there are a lot of groupings making the system more automated and efficient.

Vice Chair Jensen asked for clarification on the Standby Billing Rate.

Chief Hannig explained that a Standby Billing Rate is for the fireworks show, they use EMS at the University for sporting events or large public gatherings. Universities are required to have EMS at football games as they cannot function without EMS coverage and they are billed separately. That amount is set, the City adopted those rates when CCEMS changed them. With the change of CCEMS billing, they must be added again, since the agreement with CCEMS will terminate on December 31, 2020.

Chair A. Anderson asked if the disposable items kit was combined with individual costs for billing.

Chief Hannig responded that in the past they were charged individual or at times not at all. He pointed out that EMS supplies are set by the State. Medicare, Medicaid, V.A., pay a base rate for the service, but do not pay for any EMS supplies that were used at the time of the service. As a result, what can be collected for EMS supplies, is less than 40%. Consequently, that is why they must set the rates that will at least allow them to cover those services. An example that he gave is that EMS is called to a home, the individual refuses transport, but care services are administered, and, in that instance, they can now bill.

The proposed resolution will be an action item and public hearing at the December 1, 2020 Council meeting.

OTHER CONSIDERATIONS:

Chair A. Anderson reminded the Council that a discussion regarding an extension to the implementation date of the Plastic Bag Ban will be on the December 1, 2020 Council agenda. They had postponed the implementation of which would go into effect on December 31, 2020. Mr. Housley confirmed this date.

City Recorder Teresa Harris asked if the December 1st meeting would be via Zoom as well.

Chair A. Anderson explained that she had based the Zoom meeting on the amount of Covid case numbers. She will continue to monitor the case numbers and see where they are at the end of November. But based on current rising numbers, she would likely take the same course for the upcoming meeting. She also gave a possible alternative option as in May, where the Council was present in the Council Chambers and streamed the Council Meeting without the public in attendance.

Councilmember Simmonds interjected that situation only occurred because there were no public hearings.

Ms. Harris added with Thanksgiving being next Thursday, the packet for the agenda will go out on Wednesday, November 25th.

Chair A. Anderson said that she preferred meeting in person if possible, and if it is most importantly safe. She said that Councilmember M. Anderson in a prior instance had expressed his preference on meeting in person. However, as always, she wanted to make sure that the Council and the public, if they are to speak at a public hearing that it be a safe environment for everyone.

Chair A. Anderson added most cheerfully that she was grateful to serve with everyone, the Mayor, the City Staff, and all those in the City that kept the City running 365 Days out of the year.

Vice Chair Jensen inquired about the outright Plastic Bag Ban and countywide action based on the refuse.

Councilmember Simmonds replied that Environmental Director Issa Hamud would speak more on the subject in December.

Chair A. Anderson added that the Council did act on the ban itself. They passed two items, two years ago. The one that they have yet to implement is the actual implementation of the ban, which if the Council does not extend the date could go into effect on January 1, 2021.

The councilmembers wished each other and the public a Happy Thanksgiving.

There were no further items to be considered by the Council.

ADJOURNED. There being no further business to come before the Council, the Logan Municipal Council meeting adjourned at 7:00 pm.

Esli Morales, Deputy City Recorder